

STATEMENT OF BASIS
RADIOACTIVE MATERIAL LICENSE (RML) NO. UT 1900481
AMENDMENT #7 LICENSE EXTENSION

SUMMARY OF LICENSE CHANGES

August 2021

The following is the change being made to the Radioactive Material License.

License Change Summary

License Condition ⁽¹⁾	Change Type ⁽²⁾	Description of Changes
4	Minor	Extended the Expiration Date to March 3, 2027

Explanation of Changes:

License Condition 4: In a letter dated July 29, 2021, Rio Algom Mining LLC requested that the current expiration date under Radioactive Material License (RML) UT 1900481 be extended an additional five years. After reviewing the request and the administrative record relating to this matter, the Division of Waste Management and Radiation Control (Division) finds that the requested extension is warranted based on the information that was previously provided in connection with the most recent renewal of the License. Therefore, the Division is granting the extension as a minor license amendment.

On March 3, 2017, the Division renewed the RML for Rio Algom Mining LLC's (Licensee) Lisbon Valley Uranium Mill site for the period of five years. At the time of the renewal, Utah Administrative Code Subsection R313-22-34(1) stated that specific licenses for a renewed license shall expire ten years after the expiration date of the previous version of the license. Division management decided to adopt a five-year renewal period because it was thought that the groundwater investigation at the mill site to re-establish the Alternate Cleanup Levels (ACLs) would be completed in that timeframe and the process to turn the mill site over to the U.S. Department of Energy (DOE) would be initiated. However, as of the date of this extension, the groundwater investigation is still ongoing, and more time is needed to complete it. Since RMLs are typically renewed for 10 years, the Division Director has decided to extend the Licensee's RML an additional five years before requiring the Licensee to submit a renewal

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- 1 License conditions not listed in the table are those that remain unchanged from the last License amendment.
 - 2 The Director deems minor changes as those that are insignificant in nature, or result in more protection of human health, safety, and/or the environment. Major changes are those found otherwise and are only made after exposure of the License to public comment and resolution thereof.

application. There were no public comments in connection with the 2017 License renewal, which the Division conducted pursuant to the procedures relating to major license amendments.

The Director may extend an RML as per Utah Administrative Code Subsection R313-22-36(6). R313-22-36(6) states: *“The Director may grant a request to extend the time periods established in Subsection R313-22-36(4) if the Director determines that this relief is not detrimental to the public health and safety and is otherwise in the public interest....”*

To determine if the Director should extend the Licensee’s RML, Division Staff assessed whether (1) extending the RML was not detrimental to public health and safety, and (2) extending the license is in the public interest.

1. Is extending the RML five years detrimental to public health and safety?

In Section 2.2 of the Licensee’s 2013 License Renewal Application the Licensee described the Lisbon Valley Uranium Mill site as follows

“The current facility is comprised of two reclaimed tailings impoundments, engineered storm water diversion channels and associated infrastructure, and reclaimed open space formerly occupied by the surface mine facilities and roads. The UTI covers approximately 50 acres, and the LTI covers approximately 50 acres. The mill and other surface structures and appurtenances have been decommissioned and buried and covered along with impacted soil at the toe of the UTI. The perimeter of the entire tailings impoundment and the historical mining area are fenced and posted with no trespassing signs.”

The Lisbon Valley Uranium Mill is not operational and has not been operational for many years. The Licensee is working with reasonable diligence to close the Mill so that the property may be transferred to DOE. Based on the Division’s annual inspections of the Lisbon Valley Uranium Mill site, this description is still accurate, and the mill site has not had any significant changes since the RML was renewed. Due to fact that no conditions or circumstances relating to the facility have changed since the renewal, and that the Licensee has maintained a good compliance record over the past five years since the RML was renewed, Division Staff is not aware of any reason that extending the RML another five years would be detrimental to public health and safety. The Director concurs with Division Staff’s recommendation in this regard.

2. Is extending the RML in the public interest?

The Licensee is still in the process of establishing ACLs and finishing other work in preparation of turning the Lisbon Valley Uranium Mill site over to the DOE for long term surveillance as required by the Atomic Energy Act. The Division has determined, since the Licensee is continuing their efforts to re-establish the ACLs and other necessary activities to turn the mill site over to the DOE, it is in the public interest to extend the RML for another

five years so that these activities can continue, and the Division can continue to work with the Licensee by providing regulatory oversight.

Based on the foregoing considerations, Division Staff sees no reason that extending the RML would be detrimental to public safety and that it is in the interest of the public. Division Staff recommends that the Director extend the RML another five years, as per R313-22-36(6).

The Director, after reviewing this matter, concurs with Division Staff's conclusions and recommendations and finds that extending the RML for an additional term of five years is not detrimental to public health and safety and that doing so is in the public interest. The Director further finds and concludes that it is appropriate to extend the term of the RML for an additional five years through informal licensing procedures because the Division could have, and under normal circumstances would have, adopted a ten-year term when renewing the RML on March 3, 2017. However, due to extenuating circumstances, the Division decided to renew the RML for only five years at that time. At this time, the reasons for the short RML term have not come to fruition and an additional five-year term under the previous renewal is warranted under the circumstances.