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 AUTH. NAME      AUTHOR AFFILIATION  
 BERNERO, R.M.      Office of Nuclear Material Safety & Safeguards  
 RECIP. NAME      RECIPIENT AFFILIATION

SUBJECT: Notice of Issuance of Director Decision, per 10CFR2.206.

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U.S. NUCLEAR REGULATORY COMMISSION

Docket No. 40-8681

(License No. 1358)

ENERGY FUELS NUCLEAR, INC.

**ISSUANCE OF DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206**

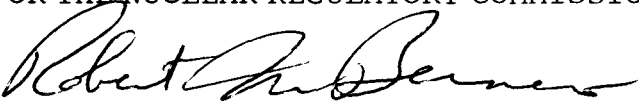
Notice is hereby give that the Director, Office of Nuclear Material Safety and Safeguards (Director), has issued a decision concerning a Petition dated May 2, 1994, submitted by the Honorable Michael O. Leavitt, Governor of the State of Utah, and the Utah State Legislature pursuant to 10 C.F.R. § 2.206.

The Petition requested that the U.S. Nuclear Regulatory Commission modify Source Material License No. SUA-1358 to limit authority of the Licensee, currently Energy Fuels Nuclear, Inc. (Umetco Minerals Corporation when the Petition was submitted), to dispose of Section 11.e.(2) material at the White Mesa Uranium Mill facility to 5,000 cubic yards per single source. The Petition also requested that the NRC confer with the State of Utah and provide opportunity for comment prior to the issuance of license amendments involving uranium mill tailings disposal in Utah. Finally, Petitioners requested that the NRC obtain the concurrence of the Governor and Legislature of the State of Utah before issuing license amendments involving disposal of uranium mill tailings in Utah.

After review of the Petition, the Director has determined to grant Petitioners' request to modify Source Material License No. SUA-1358. Petitioners' request to confer with the State of Utah was granted insofar as the NRC shall provide to the State of Utah direct and *Federal Register* notice of significant materials license applications concerning NRC-licensed activity in the State of Utah, and thereby provide an opportunity to comment. Petitioners' request that the NRC obtain the concurrence of the State of Utah before taking licensing actions involving mill tailing disposal in the State of Utah was denied. The reasons for this Decision are explained in a "Director's Decision Under 10 C.F.R. § 2.206" (DD-94-xx), which is available for public inspection in the Commission's Public Document Room located at 2120 L Street, N.W., Washington, D.C. 20555.

A copy of this Decision will be filed with the Secretary for the Commission's review in accordance with 10 C.F.R. § 2.206. As provided by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance of the Decision unless the Commission on its own motion institutes a review of the Decision within that time.

FOR THE NUCLEAR REGULATORY COMMISSION

  
Robert M. Bernero, Director  
Office of Nuclear Material Safety  
and Safeguards

Dated at Rockville, Maryland  
this 14 day of December, 1994

December 14, 1994

David L. Meyers, Chief  
Rules Review and Directives Branch  
Division of Freedom of Information  
and Publication Services  
Office of Administration, P-223

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- Notice of Issuance of Facility Operating License or Amendment \_\_\_\_\_
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- Other Issuance of Director's Decision Under 10 CFR 2.206 \_\_\_\_\_

Docket No.: 40-8681  
Enclosure: As stated

Robert M. Bernero, Director  
Office of Nuclear Material Safety  
and Safeguard

Contact: S. Wastler  
Phone: 415-6724

OFC	HLUR	E	HLUR	E	HLUR	E	OGC	DWM
NAME	SWastler		DGillen		JHolomien		RGoldberg	JGreaves
DATE	10/27/94	M	10/ /94	M	10/27/94	M	10/ /94	10/31/94
OFC	DWM	E	NMSS	E	NMSS			
NAME	MKnapp		Garlotto		RBernero			
DATE	10/ /94		10/1 /94	M	10/14/94	M		

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CPoland

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Central File

December 14, 1994

The Honorable Michael O. Leavitt  
Governor of Utah  
Salt Lake City, Utah 84114-0601

SUBJECT: RESPONSE TO THE STATE OF UTAH'S 2.206 PETITION

Dear Governor Leavitt:

By letter dated May 2, 1994, you and the Utah Legislature filed a petition pursuant to 10 CFR § 2.206, in regard to the Amendment 33 to Umetco Minerals Corporation's (Umetco) Source Material license authorizing disposal of up to 10,000 cubic yards (cy) of 11e.(2) byproduct material per in situ leach facility per year at the White Mesa Mill facility. This petition specifically requested that "...NRC reconsider the license amendment issued to Umetco and modify the amendment to reflect the original request of 5,000 cubic yards [cy]." Petitioners also request that the NRC confer with the State of Utah prior to action on future license amendments and that the NRC obtain concurrence of the Utah Governor and Legislature approving mill tailing disposal in Utah. On May 13, 1994, the State of Utah was notified by NRC that the 2.206 petition was under review and a response to the issues raised would be provided in a timely manner. The Chairman, by letter dated July 7, 1994, also reiterated that your request had been forwarded to my office for action.

The NRC has completed its review of your petition. By Director's Decision DD-94-10, dated December 14, 1994, your petition has been granted in part and denied in part. A copy of the Director's Decision is enclosed. As provided by 10 CFR 2.206(c), a copy of this decision will be filed with the Secretary for the Commission's review.

Sincerely,

Robert M. Bernero, Director  
Office of Nuclear Material Safety  
and Safeguards

Enclosure: As stated (1)

cc w/encl: Arnold Christensen, President  
of the Senate  
Rob W. Bishop, Speaker  
of the House  
W. Sinclair

\*SEE PREVIOUS CONCURRENCE

OFC	HLUR*		HLUR X		HLUR*		OGC*		DWM*	
NAME	SWastler		DGillen X		JHolonich		JGoldberg		JGreeves	
DATE	10/28/94		REMOVED		10/28/94		12/01/94		10/31/94	
OFC	NMSS		NMSS							
NAME	GArlotto		RBernewo							
DATE	12/ /94		12/ /94							

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November , 1994

The Honorable Michael O. Leavitt  
Governor of Utah  
Salt Lake City, Utah 84114-0601

SUBJECT: RESPONSE TO THE STATE OF UTAH'S 2.206 PETITION

Dear Governor Leavitt:

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The NRC has completed its review of your petition. By Director's Decision DD-94- , dated November , 1994, your petition has been granted in part and denied in part. A copy of the Director's Decision is enclosed. As provided by 10 CFR 2.206(c), a copy of this decision will be filed with the Secretary for the Commission's review.

Sincerely,

Robert M. Bernero, Director  
Office of Nuclear Material Safety  
and Safeguards

Enclosure: As stated (1)

cc w/encl: Arnold Christensen, President  
of the Senate  
Rob W. Bishop, Speaker  
of the House  
W. Sinclair

\*SEE PREVIOUS CONCURRENCE

OFC	HLUR* <i>[Signature]</i>	HLUR X	HLUR*	<i>[Signature]</i>	DWM*
NAME	SWastler <i>[Signature]</i>	DGillen X	JHolonich	<i>[Signature]</i>	JGreeves
DATE	10/28/94	REMOVED	10/28/94	12/1/94	10/31/94
OFC	NMSS*	NMSS			
NAME	Garlotto	RBernero			
DATE	11/1/94	11/ /94			

November , 1994

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Governor of Utah  
Salt Lake City, Utah 84114-0601

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Office of Nuclear Material Safety  
and Safeguards

Enclosure: As stated (1)

cc w/encl: Arnold Christensen, President  
of the Senate  
Rob W. Bishop, Speaker  
of the House  
W. Sinclair

CP  
11/1/94  
# 00024

\*SEE PREVIOUS CONCURRENCE

OFC	HLUR*		HLUR X		HLUR*		OGC		DWM*	
NAME	SWastler		D Gillen X		J Holonich		J Goldberg		J Greeves	
DATE	10/28/94		REMOVED		10/28/94		10/ 94		10/31/94	
OFC	NMSS		NMSS							
NAME	GAylotto		RBernero							
DATE	11/ /94		11/ /94							



November , 1994

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Salt Lake City, Utah 84114-0601

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The NRC has completed its review of your petition. By Director's Decision DD-94- , dated October , 1994, your petition has been granted in part and denied in part. A copy of the Director's Decision is enclosed. As provided by 10 CFR 2.206 (c), a copy of this decision will be filed with the Secretary for the Commission's review.

Sincerely,

Robert M. Bernero, Director  
Office of Nuclear Material Safety  
and Safeguards

Enclosure: As stated (1)

cc w/ encl: Arnold Christensen, President  
of the Senate  
Rob W. Bishop, Speaker  
of the House  
W. Sinclair

\*SEE PREVIOUS CONCURRENCE

OFC	HLUR*	HLUR X	HLUR*	OGC	DWM
NAME	SWastler <i>SW</i>	DGillen X	JHolonich	JGoldberg	JGreeves <i>JG</i>
DATE	10/28/94	REMOVED	10/28/94	10/ 94	10/31/94
OFC	DWM	NMSS	NMSS		
NAME	MKnapp	GArlotto	RBernero		
DATE	10/ /94	10/ /94	10/ /94		

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November , 1994

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Governor of Utah  
Salt Lake City, Utah 84114-0601

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The NRC has completed its review of your petition. By Director's Decision DD-94- , dated October , 1994, your petition has been granted. A copy of the Director's Decision is enclosed. As provided by 10 CFR 2.206 (c), a copy of this decision will be filed with the Secretary for the Commission's review.

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Office of Nuclear Material Safety  
and Safeguards

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Arnold Christensen, President of the Senate  
Rob W. Bishop, Speaker of the House  
W. Sinclair

OFC	HLUR	HLUR	HLUR	OGC	DWM
NAME	SWastler	DGillen	JHornich	JGoldberg	JGreeves
DATE	10/28/94	10/ /94	10/18/94	10/ 94	10/ /94
OFC	DWM	NMSS	NMSS		
NAME	MKnapp	GArlotto	RBernero		
DATE	10/ /94	10/ /94	10/ /94		

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Docket File 40-8681

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HLUR r/f

Dir r/f

JTaylor

HThompson

DMorris

RBangart,OSP

LCallen,RIV

MKnapp

JGreeves

MBell

JHolonich

JAustin

DGillen

SWastler

RFonner

STurk, OGC

JGoldberg, OGC

GLongo, OGC

CPoland t/f

KDattilo

TCombs, OCA

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS  
Robert M. Bernero, Director

In the Matter of	)	Docket No. 40-8681
	)	License No. SUA-1358
ENERGY FUELS NUCLEAR, INC.	)	
	)	(10 C.F.R. § 2.206)

**DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206**

I. INTRODUCTION

The Honorable Michael O. Leavitt, Governor of the State of Utah, and the Utah Legislature (Petitioners) submitted a letter dated May 2, 1994, and a copy of Utah Senate Concurrent Resolution No. 11, "RESOLUTION REGARDING NRC ACTION REGARDING DISPOSAL OF URANIUM BY-PRODUCT 1994 GENERAL SESSION" (Petition) pursuant to 10 C.F.R. § 2.206, in regard to Amendment No. 33 to Umetco Minerals Corporation (Umetco) Source Material License No. SUA-1348, which authorized disposal of up to 10,000 cubic yards (cy) of 11e.(2) byproduct material per in situ leach (ISL) facility per year at the White Mesa Uranium Mill facility. Petitioners request that the "...NRC reconsider the license amendment issued to Umetco and modify the amendment to reflect the original request of 5,000 cubic yards [cy] [per in situ facility]."

Petitioners assert as the basis for this request that the NRC in effect created the equivalent of a commercial waste disposal facility for in situ mining waste unlicensed by Utah, while ignoring Utah's waste policy and laws. Petitioners also urge the NRC to confer with the State of Utah and provide opportunity for comment prior to the issuance of license amendments involving uranium mill tailings disposal in Utah. Finally, Petitioners request that the NRC obtain the concurrence of the Utah Governor and Legislature before issuing

license amendments involving disposal of uranium mill tailings in Utah. By letter dated May 13, 1994, the State of Utah was notified that the Petition was under review and that a response would be provided in a timely manner.

The Petition has been reviewed on its merits, and as a result of this review, for the reasons stated below, Petitioners' request to modify Source Material License No. SUA-1358 is granted. Petitioners' request that the NRC confer with Petitioners before taking action on future license amendments involving disposal of uranium mill tailings in Utah is granted, insofar as the NRC shall provide notice of significant materials licensing actions in the State of Utah, such as for authorization to dispose of in situ leach facility 11e.(2) byproduct material or for approval of significant changes to an approved reclamation plan, and thereby provide an opportunity to comment. Petitioners' request that the NRC obtain the concurrence of the State of Utah before issuing license amendments involving mill tailing disposal in the State of Utah is denied.

## II. BACKGROUND

On February 6, 1978, Energy Fuels Nuclear, Inc. (EFN) submitted an application for a source material license for the proposed White Mesa Mill. The NRC issued an Environmental Impact Statement (EIS) for White Mesa Mill in May 1979. In August of 1979, NRC issued Source Material License SUA-1358 to EFN. The White Mesa Mill operated on a continuous basis from August 1979 through February 1983 when operations were suspended. In January of 1984 Umetco purchased a controlling interest in the White Mesa Mill from EFN. The

license was amended on December 5, 1984, to reflect the change in ownership and Umetco's status as the licensee. Production resumed in October 1985 and the White Mesa Mill has alternately operated and been on standby mode until the present time. EFN recently repurchased the controlling interest in the White Mesa Mill, and on May 25, 1994, the NRC staff issued License Amendment No. 35, authorizing the transfer of ownership to EFN, the current licensee.

By letter dated May 20, 1993, Umetco submitted an application for a license amendment to authorize the receipt and disposal of 11e.(2) byproduct material from NRC-licensed and Agreement State-licensed in situ leach facilities. Byproduct material, under Section 11e.(2) of the Atomic Energy Act of 1954, as amended, is defined as "the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content." Specifically, Umetco requested that Source Material License No. SUA-1358 be amended to authorize:

disposal of not more than 5,000 cubic yards of 11e.(2) byproduct material per generating [in situ] licensee. If Umetco received a request to dispose of more than 5,000 cubic yards of 11e.(2) byproduct material, Umetco would notify URFO [NRC's Uranium Recovery Field Office<sup>1</sup>] in writing so that the appropriate review and approval could be received from the URFO staff prior to executing a contract [contract].

The NRC staff reviewed Umetco's license amendment application and issued

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<sup>1</sup> The Uranium Recovery Field Office closed on August 3, 1994 and the responsibility for uranium recovery licensing was transferred to the NRC's Office of Nuclear Material Safety and Safeguards, Division of Waste Management.

License Amendment 33 on August 2, 1993<sup>2</sup>. License Amendment 33 authorized, through License Condition 55, the disposal of:

byproduct material generated at licensed in situ leach facilities, subject to the following condition that:

- A. Disposal of waste [11e.(2) byproduct material] in excess of 10,000 cubic yards per year from single sources shall require specific approval from NRC.

The NRC staff concluded that License Condition 55 would not result in significant impacts to the environment or to public health and safety. Further, the staff concluded that License Condition 55 was consistent with 10 CFR Part 40, Appendix A, Section I, Criterion 2, which is intended to avoid the proliferation of small waste disposal sites, which would result if disposal in large tailings systems were not authorized.

### III. DISCUSSION

#### A. License Condition 55

Petitioners contend that License Condition 55, which allows Umetco to dispose of up to 10,000 cy of in situ leach 11e.(2) byproduct material per year at the White Mesa facility annually from any source, in effect creates the equivalent of a commercial disposal facility for in situ leach 11e.(2) byproduct material in Utah. Petitioners, therefore, requested that License Condition 55 be modified "...to reflect the original request of 5,000 cubic yards [per in situ facility]."

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<sup>2</sup> Envirocare of Utah, Inc. requested a hearing on License Amendment 33 which was denied on the grounds of timeliness. *Umetco Minerals Corporation, Memorandum and Order, ASLBP No. 94-688-01-MLA-2 (March 4, 1994)*

The NRC Staff agrees with the Petitioners that the Licensee's authorization to dispose of 11 e.(2) byproduct material should be limited to the 5,000 cy per in situ leach facility requested by the Licensee. By way of background, however, it should be noted that License Amendment No. 33 authorized disposal of 11 e.(2) byproduct material consistent with NRC regulations, which require that 11 e.(2) byproduct material from in situ leach mines be disposed of at uranium mill tailings facilities. 10 C.F.R. Part 40, Appendix A, Section I, Criterion 2. Also, the byproduct material authorized for disposal at the White Mesa Mill represents only a subset of radioactive waste materials. Specifically, White Mesa Mill is authorized to dispose of only 11 e.(2) byproduct material (mill tailings), and 11 e.(2) byproduct material only from in situ leach facilities. Before EFN could dispose of 11e.(2) byproduct material other than that from its own operations or from in situ leach facilities, EFN would be required to seek licensing authority to do so. In addition, the 10,000 cubic yards per in situ leach facility per year authorized for disposal by License Amendment 33 at White Mesa Mill was insubstantial in comparison to the 2000 tons [1481 cy] per day for 15 years contemplated in the original licensing of White Mesa Mill. "Final Environmental Statement Related to Operation of White Mesa Uranium Project" (May 1979) NUREG 0556, p. iii.

Although License Amendment No. 33 would not have resulted in the disposal of byproduct waste material in amounts approaching that contemplated at the time of the original license grant for the White Mesa Mill facility, License Condition 55 did authorize disposal of more 11 e.(2) byproduct material than was requested by the Licensee. The NRC practice is, generally,



to grant only the disposal authority requested by the license amendment application, and no more. During an October 20, 1994 discussion with the NRC staff, the Licensee agreed to issuance of an order to modify the License to reflect the application for authority to dispose of 5,000 cy of 11 e.(2) byproduct material per in situ facility. Accordingly, for the reasons stated above, the License will be so modified by a "Confirmatory Order Modifying License Condition 55" to be issued concurrently with this Decision.

B. Requests to Confer with and to Obtain Concurrence of Petitioners

Petitioners request that the NRC confer with the State of Utah and provide opportunity to comment prior to the issuance of license amendments involving uranium mill tailings disposal in Utah. The same request was made previously by Mr. William J. Sinclair, Director of the Division Radiation Control, Utah Department of Environmental Quality, in his January 27, 1994, letter. In a February 25, 1994, response to Mr. Sinclair, the Director, Office of Nuclear Material Safety and Safeguards, made several commitments designed to foster better communication with the State of Utah concerning NRC regulation of uranium tail processing mills in Utah. Specifically, the NRC committed to notify the State directly, in addition to the issuance of a Federal Register Notice (FRN), upon the receipt of, and also upon the final resolution of license amendment applications for significant materials licensing actions in the State of Utah, such as for authorization to dispose of in situ leach facility 11e.(2) byproduct material or for approval of significant changes to an approved reclamation plan<sup>3</sup>. An FRN issued upon

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<sup>3</sup> Although the NRC is not legally required to provide such notice, *City of West Chicago v. NRC*, 701 F.2d 632 (7th Cir. 1983), such notice would enhance communication with the State of Utah and material licensing decisions.

receipt of a significant license amendment application serves notice, under 10 C.F.R. § 2.1205(c)(1), that interested parties have 30 days to file a petition for hearing, and thus provides interested parties, such as the State of Utah, an opportunity to comment upon the license amendment application. The FRN issued at the final resolution of the license amendment is informational. In addition, where the license amendment application raises significant or controversial issues, NRC would be willing to attend public meetings, as appropriate. Accordingly, Petitioners' request for an opportunity to confer with the NRC and to comment before issuance of license amendments involving uranium mill tailings disposal in Utah is granted, to the extent indicated above.

As explained above, the NRC will make every effort to obtain the views and comments of the State of Utah before taking action upon license applications for authority to dispose of uranium mill tailings in Utah. Although the NRC welcomes and will closely consider the State of Utah's comments, it would be inconsistent with Sections 63, 81 and 84 of the Atomic Energy Act of 1954, as amended, to grant Petitioners' request that the NRC obtain the concurrence of the Governor and the Legislature of the State of Utah before issuing license amendments authorizing disposal of uranium mill tailings in Utah.<sup>4</sup> Accordingly, this request is denied.

---


<sup>4</sup> Petitioners, nonetheless, may acquire authority to regulate Section 11e.(2) byproduct material, and thus to regulate the disposal of uranium mill tailings in Utah, through the agreement process pursuant to Section 274 of the Atomic Energy Act, as amended.

## IV. CONCLUSION

For the reasons discussed above, Petitioners' request to modify Source Material License No. SUA-1358 is granted, and will be effected by a "Confirmatory Order Modifying License Condition 55" to be issued concurrently with this Decision. Petitioners' request that the NRC confer with the State of Utah before issuing license amendments involving mill tailing disposal in Utah is granted to the extent that both direct and Federal Register notice of all applications for significant materials licensing actions in Utah will be given to the State of Utah, thus providing the State of Utah with an opportunity to comment. Petitioners' request that the NRC obtain the State of Utah's concurrence before issuing license amendments concerning uranium mill tailing disposal in Utah is denied for the reasons discussed above.

A copy of this Decision will be filed with the Secretary for the Commission to review as provided in 10 C.F.R. § 2.206(c). This Decision will become the final action of the Commission 25 days after issuance unless the Commission on its own motion, institutes review of the Decision in that time.

FOR THE NUCLEAR REGULATORY COMMISSION

  
Robert M. Bernero, Director  
Office of Nuclear Material Safety  
and Safeguards

Dated at Rockville, Maryland  
this 14 day of December, 1994.



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 14, 1994

Mr. D. Sparling, Site Manager  
Energy Fuels Nuclear, Inc.  
6425 S. Highway 191  
P.O. Box 789  
Blanding, Utah 84511

SUBJECT: CONFIRMATORY ORDER MODIFYING LICENSE CONDITION 55

Dear Mr. Sparling:

On May 2, 1994, the Honorable Michael O. Leavitt, Governor of the State of Utah, and the Utah Legislature filed a Petition pursuant to 10 CFR § 2.206, in regard to License Amendment 33 to Energy Fuels Nuclear, Inc (EFN) Source Material License No. SUA-1358. License Amendment had 33 added License Condition 55 which authorized disposal of up to 10,000 cubic yards (cy) of 11e.(2) byproduct material per in situ leach facility per year at the White Mesa Mill facility. The Petition requested that NRC reconsider the license amendment and modify it to reflect the original request for authority to dispose of 5,000 cubic yards per in situ leach facility at the White Mesa Uranium Mill. On December 14, 1994, Director's Decision DD-94-10 was issued granting the State's request (Enclosure 1).

Therefore, please find enclosed a "Confirmatory Order Modifying License Condition 55" (Enclosure 2). This Order modifies Source Material License No. SUA-1358 to restrict receipt of 11e.(2) byproduct material for disposal, from each in situ facility, to a total of 5,000 cubic yards, in accordance with the original License Amendment request dated May 20, 1993. This order is implemented by License Amendment 35 to Source Material License SUA-1358 (Enclosure 3).

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be placed in the Public Document Room.

**NRC FILE CENTER COPY**

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PDR ADOCK 04008681  
C PDR

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Questions regarding this Order may be directed to me or Joseph J. Holonich, Chief, High-Level Waste and Uranium Recovery Projects Branch. I can be reached at (301) 415-7800. Mr. Holonich can be reached at (301) 415-6643.

Sincerely,

*RS*

Robert M. Bernero, Director  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 40-8681  
License No. SUA-1358

Enclosures: As stated (3)

cc w/encl: Arnold Christensen, President  
of the Senate  
Rob W. Bishop, Speaker  
of the House  
W. Sinclair

\*SEE PREVIOUS CONCURRENCE

OFC	HLUR*	HLUR X	HLUR*	OGC*	DWM*
NAME	SWastler	DGillen	JHolonich	JGoldberg	JGreeves
DATE	10/28/94	REMOVED	10/28/94	12/01/94	10/31/94
OFC	NMSS	NMSS	NMSS		
NAME	GArlotto	RBernero <i>RS</i>			
DATE	12/ /94	12/14/94			

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OFC	HLUR*		HLUR X		HLUR*	OGC <i>Am Rep</i>	DWM*	
NAME	SWastler <i>[Signature]</i>		DGillen		JHolonich	<i>[Signature]</i> Goldberg	JGreeves	
DATE	10/28/94		REMOVED		10/28/94	<i>[Signature]</i> 10/28/94	10/31/94	
OFC	NMSS		NMSS		NMSS			
NAME	GArlotto		RBernero					
DATE	11/ /94		11/ /94					

Mr. D. Sparling, Site Manager  
 Energy Fuels Nuclear, Inc.  
 6425 S. Highway 191  
 P.O. Box 789  
 Blanding, Utah 84511

SUBJECT: CONFIRMATORY ORDER TO ENERGY FUELS NUCLEAR, INC.

Dear Mr. Sparling:

On May 2, 1994, the Honorable Michael O. Leavitt, Governor of the State of Utah, and the Utah Legislature filed a petition pursuant to 10 CFR § 2.206, in regard to the Amendment 33 to Energy Fuels Nuclear, Inc (EFN) Source Material license. Amendment 33 added License Condition 55 which authorized disposal of up to 10,000 cubic yards (cy) of 11e.(2) byproduct material per in situ leach facility per year at the White Mesa Mill facility. The State's petition requested that NRC reconsider the license amendment and modify it to reflect the original request of 5,000 cubic yards. On November , 1994, Director's Decision DD-94- was issued granting the State's request (Enclosure 1).

Therefore, please find enclosed the Confirmatory Order for the modification of License Condition 55 to Source Material License SUA-1358 (Enclosure 2). This Order confirms the modification of License Condition 55 to restrict receipt of 11e.(2) byproduct material for disposal, from each in situ facilities, to a total of 5,000 cubic yards, in accordance with the original amendment request dated May 20, 1993. This order is implemented by Amendment 35 to Source Material License SUA-1358 (Enclosure 3).

Questions regarding this Order may be directed to me or Joseph J. Holonich, Chief, High-Level Waste and Uranium Recovery Projects Branch. I can be reached at (301) 415-7800. Mr. Holonich can be reached at (301) 415-6643.

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Robert M. Bernero, Director  
 Office of Nuclear Material Safety  
 and Safeguards

Docket No. 40-8681  
 License No. SUA-1358  
 Enclosures: As stated (3)  
 cc w/encl: Arnold Christensen, President  
                   of the Senate  
                   Rob W. Bishop, Speaker  
                   of the House  
                   W. Sinclair

\*SEE PREVIOUS CONCURRENCE

OFC	HLUR*		HLUR X		HLUR*		OGC		DWM*	
NAME	SWastler		DGillen		JHolonich		JGoldberg		JGreeves	
DATE	10/28/94		REMOVED		10/28/94		10/ 94		10/31/94	
OFC	NMSS		NMSS		NMSS					
NAME	GAriotto		RBernero							
DATE	11/1/94		11/ /94							

Mr. D. Sparling, Site Manager  
 Energy Fuels Nuclear, Inc.  
 6425 S. Highway 191  
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Robert M. Bernero, Director  
 Office of Nuclear Material Safety  
 and Safeguards

Docket No. 40-8681  
 License No. SUA-1358  
 Enclosures: As stated (3)  
 cc w/encl: Arnold Christensen, President  
           of the Senate  
           Rob W. Bishop, Speaker  
           of the House  
           W. Sinclair

\*SEE PREVIOUS CONCURRENCE

OFC	HLUR*		HLUR X		HLUR*		OGC		DWM
NAME	SWastler		DGillen		JHolonich		JGoldberg		JGreeves
DATE	10/28/94		REMOVED		10/28/94		10/ 94		10/31/94
OFC	DWM		NMSS		NMSS				
NAME	MKnapp		GArlotto		RBernero				
DATE	10/ /94		10/ /94		10/ /94				

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Mr. D. Sparling, Site Manager  
 Energy Fuels Nuclear, Inc.  
 6425 S. Highway 191  
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Therefore, please find enclosed the Confirmatory Order for the modification of License Condition 55 to Source Material License SUA-1358 (Enclosure 2). This Order confirms the modification of License Condition 55 to restrict receipt of 11e.(2) byproduct material for disposal, from each in situ facilities, to a total of 5,000 cubic yards, in accordance with the original amendment request dated May 20, 1993. This order is implemented by Amendment 35 to Source Material License SUA-1358 (Enclosure 3).

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Robert M. Bernero, Director  
 Office of Nuclear Material Safety  
 and Safeguards

*Docket  
 and  
 cc*

OFC	HLUR		HLUR		HLUR	OGC		DWM	
NAME	SWastler		DGillen		JHolonich	JGoldberg		JGreeves	
DATE	10/26/94		10/ /94		10/18/94	10/ 94		10/ /94	
OFC	DWM		NMSS		NMSS				
NAME	MKnapp		GArlotto		RBernero				
DATE	10/ /94		10/ /94		10/ /94				

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JTaylor

HThompson

DMorris

RBangart,OSP

LCallen,RIV

MKnapp

JGreeves

MBell

JHolonich

JAustin

DGillen

SWastler

RFonner

STurk, OGC

JGoldberg, OGC

GLongo, OGC

CPoland t/f

KDattilo

TCombs, OCA

**ENCLOSURE 1**

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PDR ADOCK 04008681  
C PDR

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS  
Robert M. Bernero, Director

In the Matter of	)	Docket No. 40-8681
	)	License No. SUA-1358
ENERGY FUELS NUCLEAR, INC.	)	
	)	(10 C.F.R. § 2.206)

**DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206**

I. INTRODUCTION

The Honorable Michael O. Leavitt, Governor of the State of Utah, and the Utah Legislature (Petitioners) submitted a letter dated May 2, 1994, and a copy of Utah Senate Concurrent Resolution No. 11, "RESOLUTION REGARDING NRC ACTION REGARDING DISPOSAL OF URANIUM BY-PRODUCT 1994 GENERAL SESSION" (Petition) pursuant to 10 C.F.R. § 2.206, in regard to Amendment No. 33 to Umetco Minerals Corporation (Umetco) Source Material License No. SUA-1348, which authorized disposal of up to 10,000 cubic yards (cy) of 11e.(2) byproduct material per in situ leach (ISL) facility per year at the White Mesa Uranium Mill facility. Petitioners request that the "...NRC reconsider the license amendment issued to Umetco and modify the amendment to reflect the original request of 5,000 cubic yards [cy] [per in situ facility]."

Petitioners assert as the basis for this request that the NRC in effect created the equivalent of a commercial waste disposal facility for in situ mining waste unlicensed by Utah, while ignoring Utah's waste policy and laws. Petitioners also urge the NRC to confer with the State of Utah and provide opportunity for comment prior to the issuance of license amendments involving uranium mill tailings disposal in Utah. Finally, Petitioners request that the NRC obtain the concurrence of the Utah Governor and Legislature before issuing

license amendments involving disposal of uranium mill tailings in Utah. By letter dated May 13, 1994, the State of Utah was notified that the Petition was under review and that a response would be provided in a timely manner.

The Petition has been reviewed on its merits, and as a result of this review, for the reasons stated below, Petitioners' request to modify Source Material License No. SUA-1358 is granted. Petitioners' request that the NRC confer with Petitioners before taking action on future license amendments involving disposal of uranium mill tailings in Utah is granted, insofar as the NRC shall provide notice of significant materials licensing actions in the State of Utah, such as for authorization to dispose of in situ leach facility 11e.(2) byproduct material or for approval of significant changes to an approved reclamation plan, and thereby provide an opportunity to comment. Petitioners' request that the NRC obtain the concurrence of the State of Utah before issuing license amendments involving mill tailing disposal in the State of Utah is denied.

## II. BACKGROUND

On February 6, 1978, Energy Fuels Nuclear, Inc. (EFN) submitted an application for a source material license for the proposed White Mesa Mill. The NRC issued an Environmental Impact Statement (EIS) for White Mesa Mill in May 1979. In August of 1979, NRC issued Source Material License SUA-1358 to EFN. The White Mesa Mill operated on a continuous basis from August 1979 through February 1983 when operations were suspended. In January of 1984 Umetco purchased a controlling interest in the White Mesa Mill from EFN. The

license was amended on December 5, 1984, to reflect the change in ownership and Umetco's status as the licensee. Production resumed in October 1985 and the White Mesa Mill has alternately operated and been on standby mode until the present time. EFN recently repurchased the controlling interest in the White Mesa Mill, and on May 25, 1994, the NRC staff issued License Amendment No. 35, authorizing the transfer of ownership to EFN, the current licensee.

By letter dated May 20, 1993, Umetco submitted an application for a license amendment to authorize the receipt and disposal of 11e.(2) byproduct material from NRC-licensed and Agreement State-licensed in situ leach facilities. Byproduct material, under Section 11e.(2) of the Atomic Energy Act of 1954, as amended, is defined as "the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content." Specifically, Umetco requested that Source Material License No. SUA-1358 be amended to authorize:

disposal of not more than 5,000 cubic yards of 11e.(2) byproduct material per generating [in situ] licensee. If Umetco received a request to dispose of more than 5,000 cubic yards of 11e.(2) byproduct material, Umetco would notify URFO [NRC's Uranium Recovery Field Office<sup>1</sup>] in writing so that the appropriate review and approval could be received from the URFO staff prior to executing a contract [contract].

The NRC staff reviewed Umetco's license amendment application and issued

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<sup>1</sup> The Uranium Recovery Field Office closed on August 3, 1994 and the responsibility for uranium recovery licensing was transferred to the NRC's Office of Nuclear Material Safety and Safeguards, Division of Waste Management.

License Amendment 33 on August 2, 1993<sup>2</sup>. License Amendment 33 authorized, through License Condition 55, the disposal of:

byproduct material generated at licensed in situ leach facilities, subject to the following condition that:

- A. Disposal of waste [11e.(2) byproduct material] in excess of 10,000 cubic yards per year from single sources shall require specific approval from NRC.

The NRC staff concluded that License Condition 55 would not result in significant impacts to the environment or to public health and safety. Further, the staff concluded that License Condition 55 was consistent with 10 CFR Part 40, Appendix A, Section I, Criterion 2, which is intended to avoid the proliferation of small waste disposal sites, which would result if disposal in large tailings systems were not authorized.

### III. DISCUSSION

#### A. License Condition 55

Petitioners contend that License Condition 55, which allows Umetco to dispose of up to 10,000 cy of in situ leach 11e.(2) byproduct material per year at the White Mesa facility annually from any source, in effect creates the equivalent of a commercial disposal facility for in situ leach 11e.(2) byproduct material in Utah. Petitioners, therefore, requested that License Condition 55 be modified "...to reflect the original request of 5,000 cubic yards [per in situ facility]."

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<sup>2</sup> Envirocare of Utah, Inc. requested a hearing on License Amendment 33 which was denied on the grounds of timeliness. *Umetco Minerals Corporation, Memorandum and Order, ASLBP No. 94-688-01-MLA-2 (March 4, 1994)*

The NRC Staff agrees with the Petitioners that the Licensee's authorization to dispose of 11 e.(2) byproduct material should be limited to the 5,000 cy per in situ leach facility requested by the Licensee. By way of background, however, it should be noted that License Amendment No. 33 authorized disposal of 11 e.(2) byproduct material consistent with NRC regulations, which require that 11 e.(2) byproduct material from in situ leach mines be disposed of at uranium mill tailings facilities. 10 C.F.R. Part 40, Appendix A, Section I, Criterion 2. Also, the byproduct material authorized for disposal at the White Mesa Mill represents only a subset of radioactive waste materials. Specifically, White Mesa Mill is authorized to dispose of only 11 e.(2) byproduct material (mill tailings), and 11 e.(2) byproduct material only from in situ leach facilities. Before EFN could dispose of 11 e.(2) byproduct material other than that from its own operations or from in situ leach facilities, EFN would be required to seek licensing authority to do so. In addition, the 10,000 cubic yards per in situ leach facility per year authorized for disposal by License Amendment 33 at White Mesa Mill was insubstantial in comparison to the 2000 tons [1481 cy] per day for 15 years contemplated in the original licensing of White Mesa Mill. "Final Environmental Statement Related to Operation of White Mesa Uranium Project" (May 1979) NUREG 0556, p. iii.

Although License Amendment No. 33 would not have resulted in the disposal of byproduct waste material in amounts approaching that contemplated at the time of the original license grant for the White Mesa Mill facility, License Condition 55 did authorize disposal of more 11 e.(2) byproduct material than was requested by the Licensee. The NRC practice is, generally,



to grant only the disposal authority requested by the license amendment application, and no more. During an October 20, 1994 discussion with the NRC staff, the Licensee agreed to issuance of an order to modify the License to reflect the application for authority to dispose of 5,000 cy of 11 e.(2) byproduct material per in situ facility. Accordingly, for the reasons stated above, the License will be so modified by a "Confirmatory Order Modifying License Condition 55" to be issued concurrently with this Decision.

B. Requests to Confer with and to Obtain Concurrence of Petitioners

Petitioners request that the NRC confer with the State of Utah and provide opportunity to comment prior to the issuance of license amendments involving uranium mill tailings disposal in Utah. The same request was made previously by Mr. William J. Sinclair, Director of the Division Radiation Control, Utah Department of Environmental Quality, in his January 27, 1994, letter. In a February 25, 1994, response to Mr. Sinclair, the Director, Office of Nuclear Material Safety and Safeguards, made several commitments designed to foster better communication with the State of Utah concerning NRC regulation of uranium tail processing mills in Utah. Specifically, the NRC committed to notify the State directly, in addition to the issuance of a Federal Register Notice (FRN), upon the receipt of, and also upon the final resolution of license amendment applications for significant materials licensing actions in the State of Utah, such as for authorization to dispose of in situ leach facility 11e.(2) byproduct material or for approval of significant changes to an approved reclamation plan<sup>3</sup>. An FRN issued upon

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<sup>3</sup> Although the NRC is not legally required to provide such notice, *City of West Chicago v. NRC*, 701 F.2d 632 (7th Cir. 1983), such notice would enhance communication with the State of Utah and material licensing decisions.

receipt of a significant license amendment application serves notice, under 10 C.F.R. § 2.1205(c)(1), that interested parties have 30 days to file a petition for hearing, and thus provides interested parties, such as the State of Utah, an opportunity to comment upon the license amendment application. The FRN issued at the final resolution of the license amendment is informational. In addition, where the license amendment application raises significant or controversial issues, NRC would be willing to attend public meetings, as appropriate. Accordingly, Petitioners' request for an opportunity to confer with the NRC and to comment before issuance of license amendments involving uranium mill tailings disposal in Utah is granted, to the extent indicated above.

As explained above, the NRC will make every effort to obtain the views and comments of the State of Utah before taking action upon license applications for authority to dispose of uranium mill tailings in Utah. Although the NRC welcomes and will closely consider the State of Utah's comments, it would be inconsistent with Sections 63, 81 and 84 of the Atomic Energy Act of 1954, as amended, to grant Petitioners' request that the NRC obtain the concurrence of the Governor and the Legislature of the State of Utah before issuing license amendments authorizing disposal of uranium mill tailings in Utah.<sup>4</sup> Accordingly, this request is denied.

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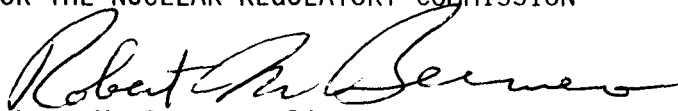
<sup>4</sup> Petitioners, nonetheless, may acquire authority to regulate Section 11e.(2) byproduct material, and thus to regulate the disposal of uranium mill tailings in Utah, through the agreement process pursuant to Section 274 of the Atomic Energy Act, as amended.

## IV. CONCLUSION

For the reasons discussed above, Petitioners' request to modify Source Material License No. SUA-1358 is granted, and will be effected by a "Confirmatory Order Modifying License Condition 55" to be issued concurrently with this Decision. Petitioners' request that the NRC confer with the State of Utah before issuing license amendments involving mill tailing disposal in Utah is granted to the extent that both direct and Federal Register notice of all applications for significant materials licensing actions in Utah will be given to the State of Utah, thus providing the State of Utah with an opportunity to comment. Petitioners' request that the NRC obtain the State of Utah's concurrence before issuing license amendments concerning uranium mill tailing disposal in Utah is denied for the reasons discussed above.

A copy of this Decision will be filed with the Secretary for the Commission to review as provided in 10 C.F.R. § 2.206(c). This Decision will become the final action of the Commission 25 days after issuance unless the Commission on its own motion, institutes review of the Decision in that time.

FOR THE NUCLEAR REGULATORY COMMISSION

  
Robert M. Bernero, Director  
Office of Nuclear Material Safety  
and Safeguards

Dated at Rockville, Maryland  
this 14 day of December, 1994.

**ENCLOSURE 2**

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PDR ADDCK 04008681  
C PDR

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of ) Docket No. 40-8681  
ENERGY FUELS NUCLEAR, INC. ) License No. SUA-1358

**CONFIRMATORY ORDER MODIFYING LICENSE CONDITION 55**

I.

Energy Fuels Nuclear, Inc. (EFN or the Licensee) holds NRC Source Material License No. SUA-1358 (License) issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 40. The License authorizes the Licensee to receive, acquire, possess, and transfer byproduct and source at the White Mesa Uranium Mill facility. The License was issued to EFN in August 1979, and is currently in timely license renewal. In January 1984 the Umetco Minerals Corporation (Umetco) purchased a controlling interest in the White Mesa Mill, and the License was amended on December 5, 1984, to reflect the change in ownership and Umetco's status as the new Licensee. EFN recently repurchased the controlling interest in the White Mesa Mill, and the License was amended on May 25, 1994, to reflect the change in ownership of the facility to EFN, the current Licensee.

II.

The Honorable Michael O. Leavitt, Governor of the State of Utah, and the

Utah Legislature (Petitioners), submitted a letter dated May 2, 1994, and a copy of Utah Senate Concurrent Resolution NO. 11, "RESOLUTION REGARDING NRC ACTION REGARDING DISPOSAL OF URANIUM BY-PRODUCT 1994 GENERAL SESSION" (Petition) pursuant to 10 C.F.R. § 2.206, in regard to Amendment No. 33 to Source Material License No. SUA-1358, which authorized disposal of up to 10,000 cubic yards (cy) of 11e.(2) byproduct material per in situ leach facility per year at the White Mesa Mill facility. Petitioners requested that the "...NRC reconsider the license amendment issued to Umetco [now EFN] and modify the amendment to reflect the original request of 5,000 cubic yards [cy] [per in situ facility]." Petitioners asserted as the basis for this request that the NRC in effect created the equivalent of a commercial waste disposal facility for in situ mining waste unlicensed by Utah, while ignoring Utah's waste policy and laws.

Petitioners' request for modification of Source Material License was granted by *Energy Fuels Nuclear, Inc.*, DD-94-10 (Decision), issued concurrently with this Order. That Decision concluded, as explained below, that License Condition 55 should be modified to limit the disposal authority of EFN to 5,000 cubic yards per in situ leach facility, as originally requested.

### III.

By letter dated May 20, 1993, Umetco submitted an application for a license amendment to authorize the receipt and disposal of 11e.(2) byproduct material from NRC-licensed and Agreement State-licensed in situ leach (ISL) facilities. Specifically, Umetco requested that Source Material License No.

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The NRC staff reviewed Umetco's license amendment application and issued License Amendment 33 on August 2, 1993. License Amendment 33 authorized, through License Condition 55, the disposal of:

byproduct material generated at licensed in situ leach facilities, subject to the following condition that:

- A. Disposal of waste [11e.(2) byproduct material] in excess of 10,000 cubic yards per year from single sources shall require specific approval from NRC.

Before issuance of License Amendment 33, the NRC staff concluded that License Condition 55 would not result in significant impacts to the environment or to public health and safety. Further, the staff concluded that License Condition 55 was consistent with 10 CFR Part 40, Appendix A, Section I, Criterion 2, which is intended to avoid the proliferation of small waste disposal sites, which would result if disposal in large tailings systems were not authorized.

The NRC Staff concluded in DD-94-10 that the Licensee's authorization to dispose of 11 e.(2) byproduct material should be limited to the 5,000 cy per

---

<sup>1</sup> The Uranium Recovery Field Office closed on August 3, 1994 and the responsibility for uranium recovery licensing was transferred to the NRC's Office of Nuclear Material Safety and Safeguards, Division of Waste Management.

in situ leach facility, as requested by the Licensee. By way of background, however, it should be noted that License Amendment No. 33 authorized disposal of 11e.(2) byproduct material consistent with NRC regulations, which require that 11 e.(2) byproduct material from in situ leach mines be disposed of at uranium mill tailings facilities. 10 C.F.R. Part 40, Appendix A, Section I, Criterion 2. Also, the byproduct material authorized for disposal at the White Mesa Mill represents only a subset of radioactive waste materials. Specifically, White Mesa Mill is authorized to dispose of only 11 e.(2) byproduct material (mill tailings), and 11 e.(2) byproduct material only from in situ leach facilities. Before EFN could dispose of 11 e.(2) byproduct material other than that from its own operations or from in situ leach facilities, EFN would be required to seek licensing authority to do so. In addition, the 10,000 cubic yards per in situ leach facility per year authorized for disposal by License Amendment 33 at White Mesa Mill was insubstantial in comparison to the 2000 tons [1481 cy] per day for 15 years contemplated in the original licensing of White Mesa Mill. "Final Environmental Statement Related to Operation of White Mesa Uranium Project" (May 1979) NUREG 0556, p. iii.

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Licensee to dispose of 10,000 cy of 11 e.(2) byproduct material per year from a single in situ source, rather than the Licensee's actual request for authorization to dispose of 5,000 cubic yards per generating in situ licensee. During an October 20, 1994 discussion with the NRC staff, the Licensee agreed to issuance of an order to modify the License to reflect the application for authority to dispose of 5,000 cy of 11 e.(2) byproduct material per in situ facility. Accordingly, for the reasons stated above, the staff granted the Petitioners' request to modify Source Material License No. SUA-1358.

#### IV.

The Licensee agreed to modification of License Condition 55 to limit disposal of 11e.(2) byproduct material at the White Mesa Mill facility to 5,000 cy per generating in situ licensee on October 20, 1994, in a telephone call between Sandra L. Wastler, Senior Project Manager of the Office of Nuclear Material Safety and Safeguards, and Ricard A. Van Horn, General Manager of Energy Fuels Nuclear, Inc. I find that the Licensee's agreement to limit 11e.(2) byproduct material at White Mesa Mill to 5,000 cy per single source is appropriate since the license amendment application requested authority for 5,000 cy per single source. In view of the foregoing, I have determined that the Licensee's agreement should be confirmed by this Order.

#### V.

Accordingly, pursuant to Sections 63, 81, 84, 161b, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended and the Commission's regulations in 10

C.F.R. § 2.202 and 10 CFR Part 40, IT IS HEREBY ORDERED THAT CONDITION 55A OF SOURCE MATERIAL LICENSE NO. SUA-1358 IS MODIFIED AS FOLLOWS:

55. In accordance with the licensee's submittal dated May 20, 1993, the licensee is hereby authorized to dispose of byproduct material generated at licensed in situ leach facilities, subject to the following conditions:

- A. Disposal of waste is limited to 5,000 cubic yards from a single source.

#### VI.

Any person adversely affected by this Confirmatory Order, other than EFN, may request a hearing within 20 days of its issuance. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Docketing and Service Section, Washington, D.C. 20555. Copies also shall be sent the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011-8064, and to the Licensee. If such a person requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, the requirements specified in Section V above shall be final 20 days from the date of this Order without further order or proceedings.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert M. Bernero, Director  
Office of Nuclear Material Safety  
and Safeguards

Dated at Rockville, Maryland  
this 14 day of December, 1994.

**ENCLOSURE 3**

**MATERIALS LICENSE**

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 39, 40 and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

Licensee		
1. Energy Fuels Nuclear, Inc.		3. License number
		SUA-1358, Amendment No. 37
2. 6425 S. Highway 191 P.O. Box 789 Blanding, Utah 84511 [Applicable Amendments: 10A, 35]		4. Expiration date September 23, 1991
		5. Docket or Reference No. 40-8681

6. Byproduct, source, and/or special nuclear material	7. Chemical and/or physical form	8. Maximum amount that licensee may possess at any one time under this license
Natural Uranium	Any	Unlimited

- 9. Authorized place of use: The licensee's uranium milling facilities located in San Juan County, Utah.
- 10. The licensee is hereby authorized to possess byproduct material in the form of uranium waste tailings and other uranium byproduct waste generated by the licensee's milling operations authorized by this license.
- 11. For use in accordance with statements, representations, and conditions contained in Sections 3.6.6, 5.1, 5.3, 5.4, 6.2, and 6.3, and Appendix E, Section 5, of the license renewal application dated January 1985, as revised May 1985, September 2, 1992, for the standby organizational structure, and May 10, 1994, for the Standby Trust Agreement. The licensee shall conduct operations, and statements referenced above, except where superseded by license conditions below.

Whenever the word "will" is used in the above referenced sections, it shall denote a requirement.

[Applicable Amendments: 28, 31, 35]

- 12. The mill production per calendar year shall not exceed 4,380 tons of U<sub>3</sub>O<sub>8</sub>.
- 13. Any changes in the mill circuit as illustrated and described in Plate 3.1-3 of the renewal application shall require approval by the U.S. Nuclear Regulatory Commission in the form of a license amendment.

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14. Release of equipment or packages from the restricted area shall be in accordance with the attachment to SUA-1358 entitled, "Guidelines for Decontamination of Facilities and Equipment Prior to Release for Unrestricted Use or Termination of Licenses for Byproduct or Source Materials," dated September, 1984.
15. The licensee shall avoid by project design, where feasible, the archeological sites designated "contributing" in the attachment to SUA-1358 entitled, "Archeological Sites Related to the White Mesa Project," submitted by letter dated July 28, 1988. When it is not feasible to avoid a site designated "contributing" in the attachment, the licensee shall institute a data recovery program for that site based on the research design submitted by letter from C. E. Baker of Energy Fuels Nuclear to Mr. Melvin T. Smith, Utah State Historic Preservation Officer, dated April 13, 1981.

The licensee shall recover through archeological excavation all "contributing" sites listed in the attachment which are located in or within 100 feet of borrow areas, stockpile areas, construction areas, or the perimeter of the reclaimed tailings impoundment. Data recovery fieldwork at each site meeting these criteria shall be completed prior to the start of any project related disturbance within 100 feet of the site, but analysis and report preparation need not be complete.

Additionally, the licensee shall conduct such testing as is required to enable the Commission to determine if those sites designated as "Undetermined" in the attachment and located within 100 feet of present or known future construction areas are of such significance to warrant their redesignation as "contributing." In all cases, such testing shall be completed before any aspect of the undertaking affects a site. [Applicable Amendments: 15]

16. Archeological contractors shall be approved in writing by the Commission. The Commission will consult with the SHPO regarding the qualifications of all archeological contractors and the quality of the laboratory facilities they will use. The Commission will approve an archeological contractor who meets the minimum standards for a principal investigator set forth in 36 CFR Part 66, Appendix C, and whose qualifications are found acceptable by the SHPO.
17. The licensee shall conduct an annual survey of land use (private residences, grazing areas, private and public potable water and agricultural wells, and non-residential structures and uses) in the area within five miles (8 km) of any portion of the restricted area boundary and submit a report of this survey to the NRC, Uranium Recovery Field Office. This report shall indicate any differences in land use from that described in the last report.
18. The results of all effluent and environmental monitoring required by this license shall be reported in accordance with 10 CFR 40, Section 40.65 with copies of the report sent to the NRC, Uranium Recovery Field Office. Monitoring data shall be reported in the format shown in the attachment to SUA-1358, entitled "Sample Format for Reporting Monitoring Data Regulatory Guide 4.14."

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19. Before engaging in any activity not previously assessed by the NRC, the licensee shall prepare and record an environmental evaluation of such activity. When the evaluation indicates that such activity may result in a significant adverse environmental impact that was not previously assessed or that is greater than that previously assessed, the licensee shall provide a written evaluation of such activities and obtain prior approval of the NRC in the form of a license amendment.
20. The licensee shall maintain an NRC-approved financial surety arrangement, consistent with 10 CFR 40, Appendix A, Criteria 9 and 10, adequate to cover the estimated costs, if accomplished by a third party, for decommissioning and decontamination of the mill and mill site, for reclamation of any tailings or waste disposal areas, ground-water restoration as warranted and the long-term surveillance fee. Within three months of NRC approval of a revised reclamation/decommissioning plan, the licensee shall submit, for NRC review and approval, a proposed revision to the financial surety arrangement if estimated costs in the newly approved plan exceed the amount covered in the existing financial surety. The revised surety shall then be in effect within 3 months of written NRC approval.

Annual updates to the surety amount, required by 10 CFR 40, Appendix A, Criteria 9 and 10, shall be submitted to the NRC at least 3 months prior to the anniversary date which is designated as June 4, of each year. If the NRC has not approved a proposed revision to the surety coverage 30 days prior to the expiration date of the existing surety arrangement, the licensee shall extend the existing surety arrangement for one year. Along with each proposed revision or annual update, the licensee shall submit supporting documentation showing a breakdown of the costs and the basis for the cost estimates with adjustments for inflation, maintenance of a minimum 15 percent contingency fee, changes in engineering plans, activities performed and any other conditions affecting estimated costs for site closure. The basis for the cost estimate is the NRC approved reclamation/decommissioning plan or NRC approved revisions to the plan. The previously provided guidance entitled "Recommended Outline for Site Specific Reclamation and Stabilization Cost Estimates," outlines the minimum considerations used by the NRC in the review of site closure estimates. Reclamation /decommissioning plans and annual updates should follow this outline.

UMETCO's currently approved surety instrument, Irrevocable Letter of Credit No. S00017012, issued by The Bank of New York in favor of the NRC, as amended, May 10, 1994, to include a Standby Trust Agreement, shall be continuously maintained in an amount not less than \$5,788,915 for the purpose of complying with 10 CFR 40, Appendix A, Criteria 9 and 10, until a replacement is authorized by the NRC.

[Applicable Amendments: 12, 21, 26, 29, 32, 35, 36]

21. Prior to termination of this license, the licensee shall provide for transfer of title to byproduct material and land, including any interests therein (other than

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land owned by the United States or the State of Utah), which is used for the disposal of such byproduct material or is essential to ensure the long term stability of such disposal site to the United States or the State of Utah, at the State's option.

22. The licensee shall not make any changes to the present tailings retention system without specific prior approval of the NRC, Uranium Recovery Field Office, in the form of a license amendment.
23. The licensee shall implement the interim stabilization program submitted to the NRC by letter dated December 18, 1985, for all tailings not covered by standing water. This program shall include written operating procedures and shall minimize dispersal of blowing tailings. The effectiveness of the control method used shall be evaluated weekly by means of a documented tailings area inspection. [Applicable Amendments: 1, 3]
24. The licensee shall implement the effluent and environmental monitoring program specified in Section 5.5 of the renewal application as revised with the following modifications or additions:
  - A. Stack sampling shall include a determination of flow rate.
  - B. TLD chips used for radon monitoring shall be exchanged and read quarterly.
  - C. Surface water samples shall also be analyzed semiannually for total and dissolved U-nat, Ra-226, and Th-230 with the exception of the Westwater Creek, which shall be sampled annually for water or sediments and analyzed as above. A sediment sample shall not be taken in place of a water sample unless a water sample was not available.
  - D. Ground-water samples from Monitoring wells 1, 2, 3, 4, 5, 11, 12, 14, 15, and the culinary water well, shall be analyzed quarterly for pH, specific conductance, chlorides, sulfates, TDS, and U-nat. Quarterly water level measurements shall also be made. Ground-water samples shall be analyzed semiannually for arsenic, selenium, sodium, Ra-226, Th-230, and Pb-210.
  - E. Data for the quarterly ground-water parameters shall be maintained in graphical form and copies of the graphs included with the environmental monitoring reports submitted in accordance with 10 CFR 40.65.
  - F. The licensee shall utilize lower limits of detection in accordance with Section 5 of Regulatory Guide 4.14, Revision 1, dated April 1980, for analysis of effluent and environmental samples.
  - G. The inspections performed semiannually of the critical orifice assembly committed to in the submittal dated March 15, 1986, shall be documented.



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The critical orifice assembly shall be calibrated at least every 2 years against a positive displacement Roots meter to obtain the required calibration curve.

[Applicable Amendments: 2, 15, 28, 31]

25. The licensee shall submit to the NRC, Uranium Recovery Field Office, by March 15, 1986 for review and approval in the form of a license amendment a detailed reclamation plan for the authorized tailings disposal area which includes the following:
- A. A post operations interim stabilization plan which details methods to prevent wind and water erosion and recharge of the tailings area.
  - B. A plan to determine the best methodology to dewater and/or consolidate the tailings cells prior to placement of the final reclamation cover.
  - C. Plan and cross-sectional views of a final reclamation cover which details the location and elevation of tailings. The plan shall include details on cover thickness, physical characteristics of cover materials, proposed testing of cover materials (specifications and QA), the estimated volumes of cover materials and their availability and location.
  - D. Detailed plans for placement of rock or vegetative cover on the final reclaimed tailings pile and mill site area.
  - E. A proposed implementation schedule for items A through D above which defines the sequence of events and expected time ranges.
  - F. An analysis to show that the proposed type and thickness of soil cover is adequate to provide attenuation of radon and is adequate to assure long term stability as well as an analysis and proposal on methodology and time required to restore ground water in conformance to regulatory requirements.
  - G. The licensee shall include a detailed cost analysis of each phase of the reclamation plan to include contractor costs, projected costs of inflation based upon the schedule proposed in item E, a proposed contingency cost, and the costs of long term maintenance and monitoring.
26. The licensee shall conduct a tailings retention system and liner inspection program in accordance with Section 5.5.7 and Appendix D, Section 3.0, of the renewal application. Notwithstanding any statements to the contrary, changes in inspection frequency shall require the approval of the NRC in the form of a license amendment. Further, copies of the report documenting the annual technical evaluation shall be submitted to the Uranium Recovery Field Office, NRC, within 1 month of the completion of the report.

During standby operations, when no effluent is being produced, appropriately trained shift foremen are authorized to conduct the daily tailings retention system and liner inspections. Training shall be properly documented. However, the Environmental Coordinator shall continue to conduct weekly, monthly and

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quarterly routine inspections during standby periods.

[Applicable Amendments: 28]

27. The licensee is hereby exempted from the requirements of Section 20.203(e)(2) of 10 CFR 20 for areas within the mill, provided that all entrances to the mill are conspicuously posted in accordance with Section 20.203(e)(2) and with the words, "Any area within this mill may contain radioactive material."
28. The results of sampling, analyses, surveys and monitoring, the results of calibration of equipment, reports on audits and inspections, all meetings and training courses required by this license and any subsequent reviews, investigations, and corrective actions, shall be documented. Unless otherwise specified in the NRC regulations all such documentation shall be maintained for a period of at least five (5) years.
29. Standard operating procedures (SOPs) shall be established for all operational process activities involving radioactive materials that are handled, processed, or stored. Standard operating procedures for operational activities shall enumerate pertinent radiation safety practices to be followed. Additionally, written procedures shall be established for nonoperational activities to include in-plant and environmental monitoring, bioassay analyses, and instrument calibrations. An up-to-date copy of each written procedure shall be kept in the mill area to which it applies.

All written procedures for both operational and nonoperational activities shall be reviewed and approved in writing by the RPO before implementation and whenever a change in procedure is proposed to ensure that proper radiation protection principles are being applied. In addition, the RPO shall perform a documented review of all existing operating procedures at least annually.

During extended periods of mill standby, eight-hour annual sampling for U-nat, Ra-226, Th-230 and Pb-210 may be eliminated if routine airborne sampling show levels below 10 percent of the MPC. Further, during periods of standby, sampling frequencies for area airborne uranium sampling within the mill may be reduced to quarterly, provided measured levels remain below 10 percent of the maximum permissible concentration (MPC). If these levels exceed 10 percent of the MPC, the sampling frequency should follow Regulatory Guide 8.30 recommendations.

[Applicable Amendments: 28]

30. The Radiation Protection Officer (RPO) shall have the following education, training and experience:
  - A. Education: A bachelor's degree in the physical sciences, industrial hygiene, or engineering from an accredited college or university or an equivalent combination of training and relevant experience in uranium mill radiation protection. Two (2) years of relevant experience are generally considered equivalent to one (1) year of academic study.

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- B. Health physics experience: At least 1 year of work experience relevant to uranium mill operation in applied health physics, radiation protection, industrial hygiene, or similar work. This experience should involve actually working with radiation detection and measurement equipment, not strictly administrative or "desk" work.
- C. Specialized training: At least 4 weeks of specialized classroom training in health physics specifically applicable to uranium milling. In addition, the RSO should attend refresher training on uranium mill health physics every two (2) years.
- D. Specialized knowledge: A thorough knowledge of the proper application and use of all health physics equipment used in the mill, the chemical and analytical procedures used for radiological sampling and monitoring, methodologies used to calculate personnel exposure to uranium and its daughters, and a thorough understanding of the uranium milling process and equipment used in the mill and how the hazards are generated and controlled during the milling process.
31. The license shall be required to use a Radiation Work Permit (RWP) for all work or nonroutine maintenance jobs where the potential for significant exposure to radioactive material exists and for which no standard written operating procedure already exists. The RWP shall be issued by the RPO or his designate, qualified by way of specialized radiation protection training, and shall at least describe the following:
- A. The scope of the work to be performed.
  - B. Any precautions necessary to reduce exposure to uranium and its daughters.
  - C. The supplemental radiological monitoring and sampling necessary prior to, during, and following completion of the work.
- In addition, the RPO's review of all non-routine activities, committed to in Section 5.3.1 of the renewal application, shall be documented.
32. The RPO and mill foreman, or qualified designees, shall perform weekly inspections of all mill areas to observe general radiation control practices. However, the RPO shall conduct a minimum of one weekly inspection per month during mill standby and two weekly inspections per month during production. A member of the radiation protection staff shall perform a daily walkthrough inspection during weekdays, with qualified supervisory personnel performing the inspection on weekends. In addition, the RPO shall prepare a monthly report which includes a review of daily and weekly inspections, and a summary of all monitoring and exposure data for the month. A copy of the monthly report shall be submitted to the Operations Manager. [Applicable Amendments: 28]
33. A copy of the annual ALARA report described in Section 5.3.2.2, of the renewal application as modified by letter dated January 20, 1987, shall be submitted to the NRC, Uranium Recovery Field Office, by April 1, 1987, and every year thereafter. [Applicable Amendments: 5]

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34. The licensee shall maintain effluent control systems as specified in Table 4.1-1 of the licensee's renewal application with the following additions:
- A. Operations shall be immediately suspended in the affected area of the mill if any of the emission control equipment for the yellowcake drying or packaging areas is not operating within specifications for design performance.
  - B. The licensee shall, during all period of yellowcake drying operations, assure that the scrubber is operating within the manufacturer's recommended ranges for water flow and air pressure differential necessary to achieve design performance. This shall be accomplished by either (1) performing and documenting checks of water flow and air pressure differential approximately every four hours during operation or (2) installing instrumentation which will signal an audible alarm if either water flow or air pressure differential fall below the manufacturer's recommended levels. If any audible alarm is used, its operation shall be checked and documented daily.
  - C. Air pressure differential gauges for other emission control equipment shall be read and the readings documented once per shift during operations.
35. Sample volume and analysis for all in-plant air monitoring shall be adequate to achieve an LLD of 10% of the MPC listed in Table 1, Appendix B of 10 CFR 20.
36. The licensee shall utilize the results of lapel sampling in calculating employee exposures when the lapel samplers are used.
37. Occupational exposure calculations shall be performed and documented within one week of the end of each regulatory compliance period as specified in 10 CFR 20.103(a)(2) and 10 CFR 20.103(b)(2). Routine airborne ore dust and yellowcake samples shall be analyzed in a timely manner to allow exposure calculations to be performed in accordance with this condition. Non-routine ore dust and yellowcake samples shall be analyzed and the results reviewed by the RSO within two working days after sample collection.
38. The licensee shall conduct a bioassay program in accordance with Section 5.4.2.4 of the renewal application with the following addition:
- A. A urinalysis program shall be conducted for mill personnel as specified in Section 1.4.1 of the "Radiation Protection Procedures Manual" as revised June, 1985.
  - B. Laboratory surfaces used for bioassay analyses shall be decontaminated to less than 25 dpm alpha-(removable)/100 cm<sup>2</sup> prior to analysis of samples.
  - C. Anytime an action level of 15 ug/l uranium for urinalysis or 9 nCi of natural uranium for in vivo measurement is reached or exceeded, the licensee shall document the corrective actions which have been performed in accordance with Revision 1 of Regulatory Guide 8.22, dated January 1987. This documentation shall be submitted to the NRC, Uranium Recovery Field Office, as part of the semiannual report required by 10 CFR 40.65.

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- D. Anytime an action level of 35 ug/l for two consecutive specimens or 130 ug/l uranium for one specimen for urinalysis or 16 nCi uranium for an in vivo measurement is reached or exceeded, the licensee shall document the corrective actions which have been performed in accordance with Revision 1 of Regulatory Guide 8.22. This documentation shall be submitted to the NRC, Uranium Recovery Field Office, within thirty (30) days of exceeding the action level.
- E. The licensee is released from the commitment in their license application dated January 29, 1985, for performing routine in vivo measurements of mill personnel. These measurements shall be performed in accordance with the recommendations contained in Revision 1 of Regulatory Guide 8.22.

[Applicable Amendments: 9, 10A]

39. Surveys for fixed and removable alpha contamination shall be conducted in accordance with Section 2.3.2.2 of the "Radiation Protection Procedures Manual" as revised June, 1985. Action levels shall be as specified in Section 2.3.4 of the procedures manual.
40. Calibration of in-plant air and radiation monitoring equipment shall be as specified in Section 3.0 of the "Radiation Protection Procedures Manual" as revised June, 1985, with the exception that in-plant air sampling equipment shall be calibrated at least quarterly and the Kurz meter will be calibrated at least annually. Air sampling equipment shall be checked prior to each use, and the checks documented. [Applicable Amendments: 28]
41. The licensee shall submit a detailed decommissioning plan to the NRC at least twelve (12) months prior to planned final shutdown of mill operations.
42. The licensee shall follow the proposal for the disposal of contaminated material and equipment generated at the mill site as described in their letter dated December 18, 1985, with the provision that any other mill equipment, not specifically addressed in the letter, which the licensee proposes to dispose of into the tailings impoundment shall require written approval by the NRC. [Applicable Amendments: 1, 3, 10A]
43. Mill tailings other than samples for research shall not be transferred from the site without specific prior approval of the NRC in the form of a license amendment. The licensee shall maintain a permanent record of all transfers made under the provisions of this condition.
44. All liquid effluents from mill process buildings, with the exception of sanitary wastes, shall be returned to the mill circuit or discharged to the tailings impoundment.
45. A decontamination and survey program for barrels containing yellowcake shall be conducted in accordance with Section 1.8 of Regulatory Guide 8.30, "Health Physics Programs in Uranium Mills," prior to shipment.

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46. The licensee shall implement the program to minimize dispersal of dust from the ore stockpile area(s) as described in their letter dated December 18, 1985. This program shall include written operating procedures. The effectiveness of the control method used shall be evaluated weekly by means of a documented inspection. [Applicable Amendments: 1, 4]
47. The licensee shall implement, by December 31, 1986, the program proposed in their letter dated October 31, 1986, for the prevention of the release of material due to an S-X line rupture. Thirty days prior to the final placement of the interim soil cover on Cell 2 the licensee shall propose a rupture detection program specific for Cell 3. [Applicable Amendments: 1, 3]
48. The licensee shall implement a ground-water detection monitoring program to ensure compliance to 10 CFR Part 40, Appendix A. The detection monitoring program shall be in accordance with the licensee's August 1, 1989 submittal and include the following:
- A. The leak detection system for all ponds will be checked weekly. If liquid is present, it shall be analyzed for chloride, sulfate, selenium and pH. The samples will be statistically analyzed to determine if significant linear trends exist and the results will be submitted to the NRC, Uranium Recovery Field Office for review.
  - B. If a significant trend is indicated, the licensee will submit a proposed corrective action for review and approval to the NRC, Uranium Recovery Field Office. The corrective action shall include a discussion on delineation of the areal extent and concentration of hazardous constituents.
  - C. To determine whether increases in the Pond 2 leak detection system are from tailings seepage or from sedimentation pond seepage, the licensee shall by April 1, 1991 implement the changes proposed in their submittal of April 3, 1990. In addition, the licensee shall collect a minimum of six samples characterizing the sedimentation pond material prior to construction and analyze for U-nat and Ra-226. A copy of the analysis shall be submitted to URFO by February 15, 1991.
  - D. The licensee shall sample monitoring wells 5, 11, 12, 14, and 15 for potential hazardous constituents and submit this data to the NRC, Uranium Recovery Field Office, so that background can be established and ground-water protection standards set.
- [Applicable Amendments: 6, 8, 10, 16, 22]
49. The licensee is authorized to receive, process, and dispose of byproduct material from Mobil's Crownpoint in-situ uranium recovery facility in accordance with letters from Landmark Reclamation dated June 9, 1987, April 25 and April 28, 1988. [Applicable Amendments: 7, 13]
50. A. The operation of the ion-exchange column at the Velvet Mine shall be in accordance with statements, representations and conditions contained in the licensee's submittal dated November 28, 1988.

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B. The licensee is authorized to transport eluate from the Velvet Mine to the White Mesa uranium mill in accordance with the submittal dated November 28, 1988, and Title 10, Code of Federal Regulations, Part 71.

[Applicable Amendments: 14]

51. The licensee is authorized to construct Cell 4A in accordance with the plans and specifications contained in the licensee's February 8, 1989, submittal as revised by the January 10, 1990, submittal. Additionally, the following conditions will also apply.

A. Effective with issuance of Amendment No. 20 and until April 30, 1990, the maximum operating elevation in Cell No. 1-I shall not exceed 5616.1 feet. Beginning on May 1, 1990, the maximum operating elevation in Cell No. 1-I shall not exceed 5615.4 feet, which will provide 2.8 feet of freeboard.

B. Effective with issuance of Amendment No. 20 and until April 30, 1990, the maximum operating elevation in Cell No. 3 shall not exceed 5605.4 feet. Beginning on May 1, 1990, the maximum operating elevation in Cell No. 3 shall not exceed 5603.0 feet which will provide 5.0 feet of freeboard. When the volume of tailings approaches 600,000 tons, considering all tailings placed since October 23, 1989, the licensee shall revise the maximum operating elevation for Cell No. 3 in accordance with the procedures specified in their January 10, 1990, submittal. The revised elevation shall be submitted for NRC review and approval in the form of a license amendment request. The amendment request shall be submitted to NRC by the time the total tonnage of dry tailings reaches the 600,000 ton limit.

C. The maximum operating elevation for Cell 4A shall not exceed 5596.4 feet, which will provide 1.6 feet of freeboard.

D. DELETED by Amendment No. 24.

E. DELETED by Amendment No. 24.

F. DELETED by Amendment No. 25.

[Applicable Amendments: 17, 18, 19, 20, 24, 25]

52. The licensee is authorized to construct a spillway between Cell 2 and Cell 3 in accordance with the plans contained in the licensee's October 9, 1990, submittal. Once the spillway has been constructed, storage of liquids and tailings will be permitted in Cell No. 2. [Applicable Amendments: 25]

53. The licensee is authorized to place interim cover over exposed tailings in the disposal cells. If the placement of material will impact flood routing for the disposal area, a request to modify the freeboard requirements must be submitted in the form of a license amendment. [Applicable Amendments: 27]

54. The licensee is authorized to conduct plant testing of source materials from the Teledyne Wah Chang Albany facility in accordance with the amendment request dated

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January 18, 1989.

55. In accordance with the licensee's submittal dated May 20, 1993, the licensee is hereby authorized to dispose of byproduct material generated at licensed in situ leach facilities, subject to the following conditions:

- A. Disposal of waste is limited to 5,000 cubic yards from a single source.
- B. All contaminated equipment shall be dismantled, crushed, or sectioned to minimize void spaces. Barrels containing waste other than soil or sludges shall be emptied into the disposal area and the barrels crushed. Barrels containing soil or sludges shall be verified to be full prior to disposal. Barrels not completely full shall be filled with tailings or soil.
- C. All waste shall be buried in Cell No. 3 unless prior written approval is obtained from the NRC for alternate burial locations.
- D. All disposal activities shall be documented. The documentation shall include descriptions of the waste and the disposal locations, as well as all actions required by this condition. An annual summary of the amounts of waste disposed of from off-site generators shall be sent to the NRC.

[Applicable Amendments: 33, 37]

56. The licensee is authorized to receive and process source materials from the Allied Signal Corporation's Metropolis, Illinois, facility in accordance with the amendment request dated June 15, 1993. [Applicable Amendments: 34]

FOR THE NUCLEAR REGULATORY COMMISSION



Date Dec 14, 1994

Joseph J. Holonich, Chief  
High-Level Waste and Uranium  
Recovery Projects Section  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguard