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December 15, 2001

Docketing and Service Branch  
Office of the Secretary  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852

Secretary U.S. Nuclear Regulatory Commission  
Washington, DC 20551-0001  
Attn: Rulemakings and Adjudication Staff

International Uranium (USA) Corporation  
Independence Plaza Suite 950  
1050 Seventeenth Street  
Denver, Colorado 80265  
Attn: Michelle Rehmann

Executive Director for Operations  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852

Michael Leser, Chief, Rules and Directive Branch  
Division of Administrative Services  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Subject: Hearing Request Pursuant to 10CFR part 2 subpart L and Pursuant to Sec 2.1205(a)(d) for Amendment to International Uranium Corporation License SUA1358

Dear Sir:

I am asking for a hearing in Moab, Utah, on the NRC Finding of No Significant Impact and approval of the license amendment submitted by International Uranium Corporation License SUA1358. Attachment A is copy of an email that gives detail on the amendment and instructions to request a hearing. I will be out of the USA until February 5, 2001.

I will show in Attachment B.

1. My interest in the amendment and how this amendment will affect me as a resident of Grand County and a user of the area in vicinity of the IUC mill.

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Branch

Template = ADDE-013

E-RFDS = ADM-03  
Add = W. Von Till (RWV)

2. How my interest may be affected by the results of the decision as set out in Sec 2.1205h as to the detriment of my health and recreational activities while in the area of the mill.

3. I will list my areas of concern about the licensing decision.

Thank you.

*William E. Love*

William E. Love

2871 E. Bench Road

Moab, Utah 84532

435-259-4626

sombra@lasal.net

cc: Moab City

dmetzler@moab.state.ut.us

NUCLEAR REGULATORY COMMISSION

*Attachment A*

[Docket No. 40-8681]

International Uranium (USA) Corporation; Notice of Opportunity for Hearing

AGENCY: Nuclear Regulatory Commission.

ACTION: Final finding of no significant impact; notice of opportunity for hearing.

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**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) proposes to accept the license amendment for the NRC Materials License SUA-1358 to authorize the licensee, International Uranium (USA) Corporation (IUSA), to allow for the and reclamation of the White Mesa uranium mill, located near Blanding, Utah. An Environmental Assessment was performed by the NRC staff in accordance with the requirements of 10 CFR part 51. The conclusion of the Environmental Assessment is a Finding of No Significant Impact (FONSI) for the proposed licensing action.

**FOR FURTHER INFORMATION CONTACT:** Mr. William von Till, Fuel Cycle Licensing Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Mail Stop T-8A33, Washington, DC 20555-0001. Telephone (301) 415-6251, e-mail

rwv@nrc.gov.

## SUPPLEMENTARY INFORMATION:

### Background

Materials License SUA-1358 was originally issued by NRC on August 7, 1979, Pursuant to Title 10, Code of Federal Regulations (10 CFR), part 40, "Domestic Licensing of Source Material." The IUC site is licensed by the U.S. Nuclear Regulatory Commission (NRC) under Materials License SUA-1358 to possess byproduct material in the form of uranium waste tailings and other uranium byproduct waste generated by the licensee's milling operations, as well as other source material from multiple locations. Some of these locations include material from Formerly Utilized Sites Remedial Action Program (FUSRAP) sites

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managed by the U.S. Army Corps of Engineers (USACE). These materials have similar chemical, physical, and radiological composition to conventional mill tailings. The mill is currently operating.

### Summary of the Environmental Assessment

The NRC staff performed an appraisal of the environmental impacts associated with the receipt and processing of materials from the Molycorp facility at the White Mesa mill, in accordance with 10 CFR Part 51, Licensing and Regulatory Policy Procedure for Environmental Protection. In conducting its appraisal, the NRC staff considered the following: (1) Information contained in the previous environmental evaluations of the White Mesa project; (2) information contained in the IUSA's amendment application dated December 19, 2000, and supplemented by letters dated January 29, February 2, March 20, August 15, October 17, and November 16, 2001; (3) information derived from NRC staff site visits and inspections of the White Mesa mill site, and (4) from comments and conversations from the State of Utah Department of Environmental Quality (DEQ), and the U.S. Environmental Protection Agency (EPA). The results of the staff's appraisal are documented in an Environmental Assessment.

### Conclusions

The NRC staff has examined the actual and potential environmental impacts associated with the receipt and processing of the proposed Molycorp material, and has determined that the action is (1) consistent with requirements of 10 CFR Part 40, (2) will not be inimical to the public

health and safety, and (3) will not have long-term detrimental impacts on the environment. The following statements support the FONSI and summarize the conclusions resulting from the staff's environmental assessment:

1. An acceptable environmental and effluent monitoring program is in place to monitor effluent releases and to detect whether applicable regulatory limits are exceeded. Radiological effluents from site operations have been and are expected to continue to remain below the regulatory limits. A groundwater monitoring program is in place to detect potential seepage of contaminants from the tailings cells. The Entrada/Navajo Sandstone Aquifer is separated by low permeability formations from the tailings cells further decreasing a potential impact to groundwater resources. The Molycorp material will be placed on bermed concrete to reduce groundwater contamination while stored on the ore pad and an existing dust suppression program will be implemented at the Mill to reduce the potential for airborne contamination.

2. Present and potential environmental impacts from the receipt and processing of the Molycorp material were assessed. No increase in impacts has been identified as a result of this action, therefore, the staff has determined that the risk factors for health and environmental hazards are insignificant.

#### Alternatives to the Proposed Action

The action that the NRC is considering is approval of an amendment request to a source material license issued pursuant to 10 CFR part 40. The alternatives available to the NRC are:

1. Approve the license amendment request as submitted; or
2. Amend the license with such additional conditions as are considered necessary or appropriate to protect public health and safety and the environment; or
3. Deny the request.

Based on its review, the NRC staff has concluded that the environmental impacts associated with the proposed action do not warrant either the limiting of IUSA's future operations or the denial of the license amendment. The NRC staff has concluded that there are no significant environmental impacts associated with the proposed action. Therefore, alternatives with equal or greater impacts need not be evaluated. Additionally, in the Technical Evaluation Report prepared for this action, the staff has reviewed the licensee's proposed action with respect to the criteria for reclamation,

specified in 10 CFR 40, Appendix A, and has no basis for denial of the proposed action. Therefore, the staff considers that Alternative 1 is the appropriate alternative for selection.

#### Finding of No Significant Impact

The NRC staff has prepared an Environmental Assessment for the proposed reclamation plan for NRC Source Material License SUA-1358. On the basis of this assessment, the NRC staff has concluded that the environmental impact that may result for the proposed action would not be significant, and therefore, preparation of an Environmental Impact Statement is not warranted.

The Environmental Assessment and other documents related to this proposed action amendment application are available for public inspection and copying at the NRC Public Document Room, US Nuclear Regulatory Commission Headquarters, Room 0-1F21, 11555 Rockville Pike, Rockville, MD 20852.

#### Notice of Opportunity for Hearing

The NRC hereby provides notice of an opportunity for a hearing on the license amendment under the provisions of 10 CFR part 2, subpart L, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings." Pursuant to Sec. 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing. In accordance with Sec. 2.1205(d), a request for hearing must be filed within 30 days of the publication of this notice in the Federal Register. The request for a hearing must be filed with the Office of the Secretary, either:

(1) By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff.

In accordance with 10 CFR 2.1205(f), each request for a hearing must also be served, by delivering it personally or by mail, to:

(1) The applicant, International Uranium (USA) Corporation, Independence Plaza, Suite 950, 1050 Seventeenth Street, Denver, Colorado 80265; Attention: Michelle Rehmann; and

(2) The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

In addition to meeting other applicable requirements of 10 CFR part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

- (1) The interest of the requestor in the proceeding;
- (2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in Sec. 2.1205(h);
- (3) The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

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- (4) The circumstances establishing that the request for a hearing is timely in accordance with Sec. 2.1205(d).

The request must also set forth the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes a hearing.

In addition, members of the public may provide comments on the subject application within 30 days of the publication of this notice in the Federal Register. The comments may be provided to Michael Lesar, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Dated at Rockville, Maryland, this 30th day of November 2001.

For the U.S. Nuclear Regulatory Commission.

Melvyn Leach,

Branch Chief, Fuel Cycle Licensing Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01-30610 Filed 12-10-01; 8:45 am]

David Orr, 11:47 AM 12/11/01, [SUEL] NRC: IUC's "Notice of O

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Attachment B: Interest, concerns and how I am affected by Amendment of License SUA-1358

I have hunted, hiked, drunk surface water below the Mill and visited the area around White Mesa Mill owned by International Uranium Corporation every year that I have resided in Utah and expect to do the same in future years.

I will show in the affidavit that my health, recreation activity, economic and psychological welfare will be affected by the shipment, storage and processing of the Molycorp waste from California. I will refer to the following references and analyses:

1. EPA analysis of the Molycorp waste to show that the waste material does contain high level lead (12%) concentrate and that the discharge of this material into the environment through ground and surface water will affect my health. This EPA data will show that material in the waste is completely different from prior material processed by the plant.
2. International Uranium Corporation's (IUC) own data that will show their monitoring of ground water, air and vegetation is inadequate to protect me from the chemicals that the EPA shows are in the waste, and I will show that IUC monitoring systems will not even detect that these chemicals are going into the environment, and the undetected material will affect my health when I use the area for hunting and hiking.
3. Utah State data that will show that IUC has already polluted approximately 3/4 mile of the ground water with chloroform below the facility and that IUC was not capable of detecting same for many years, and it was finally detected by the State of Utah. This pollution is close to contaminating the surface down gradient from the mill and will affect my health when I use the area.
4. International Uranium Corporation's data that will show that IUC does not have the capability to protect their own workers, me, or the surrounding area from lead contamination. This is a completely different material than normally processed by the mill.
5. Utah Department of Wildlife data that will show that the area I use and all areas adjacent to the plant is critical or high value winter range for deer and how any contamination of the surrounding area or deer herds will destroy use of the area for my recreation and for thousands of other hunters. The loss of hunting area and the loss of thousands of deer for hunting will be detrimental to my psychological well being. I rely on hunting to supplement my income by providing food for my family.

6. Utah State Water Rights Department data that will show that pollution in ground water from the plant has only to move 2-4 miles before the pollutants reach ground surface in springs and seeps, and contamination will endanger my health and recreation..

7. IUC data that shows the mill may be incapable of handling additional material in the future and that the Army Corps of Engineers has been notified of this deficiency. I will use IUC and Utah State data that shows the current practice at the plant is to dump the waste on the open ground for many months prior to processing and allow the rains and winter snows to wash the chemicals from the waste into surface streams and ground water. This new material is completely different in chemical content from previously processed material and will require new concrete pads for storage.

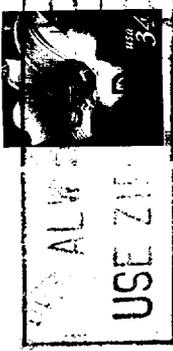
8. Army Corps of Engineers data that will show that the USACE past procedures have not been able to prevent hazardous waste from going to illegal locations and that the mis-shipments of waste will probably occur in the future unless the mill is required to test all shipments for all hazardous wastes. Accidental shipments of unauthorized waste to IUC will be detrimental to my health.

9. I will combine data from all of the above agencies to show that IUC has no experience with the new type of material they will receive from Molycorp and that they never did an EIS require by NEPA to review the hazards to be found in processing this new and different material. Their 1979 EIS for the White Mesa Mill never contemplated the processing and disposal of so-called "alternate feed material" and did not contemplate the disposal of lead byproducts.

What I have said is the truth to the best of my knowledge.



William E. Love  
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Moab, Utah 84532  
Sierra Club #13752974



W Lovel  
2871 E Beach  
Moral MT 594532

Michael Leser Chief  
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