

March 24, 2006

Ms. Joy Nicholopoulos
U.S. Fish and Wildlife Service
2105 Osuna Road NE
Albuquerque, NM 87113-1001

SUBJECT: REQUEST FOR CONCURRENCE ON THE U.S. NUCLEAR REGULATORY COMMISSION'S DETERMINATION OF "NO EFFECTS" ON FEDERALLY LISTED SPECIES AND THEIR CRITICAL HABITATS RESULTING FROM THE APPROVAL OF A SOIL DECOMMISSIONING PLAN FOR RIO ALGOM MINING LLC'S URANIUM MILL FACILITY AT AMBROSIA LAKE, NEW MEXICO (TAC LU0078)

Dear Ms. Nicholopoulos:

We are requesting your concurrence, with our determination, that the potential impacts resulting from the approval of Rio Algom's *Soil Decommissioning Plan*, will have no significant effect on federally listed species and/or their critical habitats, or that any adverse effects have been adequately mitigated by the licensee. The proposed action will be a modification to Rio Algom's Source Material License (SUA-1473), to approve their proposal to implement a *Soil Decommissioning Plan*. Their plan would remediate soil impacts attributable to licensed activities. The supporting basis for our conclusion is contained within the Draft Environmental Assessment for the proposed License Amendment (Enclosure 1).

If you have any comments regarding the NRC's review of the Rio Algom site, please provide them within 30 days so they may be fully considered.

If you require additional information, please contact the Ambrosia Lake project manager, Michael Raddatz, at (301) 415-6334 or by email at mgr@nrc.gov.

In accordance with 10 CFR 2.390 of NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

The NRC Public Document Room is located at NRC Headquarters in Rockville, MD, and can be contacted at (800) 397-4209 or (301) 415-4737 or pdr@nrc.gov.

Sincerely,

/RA/

Gary S. Janosko, Chief
Fuel Cycle Facilities Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No.: 40-8905
License No.: SUA-1473

Enclosure 1: Draft Environmental Assessment
Enclosure 2: Data Recovery Plan

cc: Art Kleinrath, DOE-GJ
Kevin Myers, NMED
Peter Luthiger, Rio Algom

Ms. Nicholopoulos

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