

December 12, 2012

Ms. Rhonda Smith, Chief
Office of Planning and Coordination
U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202

SUBJECT: REQUEST OF THE RECORD OF DECISION AND ADDITIONAL COMMENTS
ON THE ISSUANCE OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT
FOR THE PROPOSED INTERNATIONAL ISOTOPES FLUORINE PRODUCTS
FACILITY IN LEA COUNTY, NEW MEXICO

Dear Ms. Smith:

The U.S. Nuclear Regulatory Commission (NRC) issued the "Final Environmental Impact Statement (EIS) for the Proposed Fluorine Extraction Process and Depleted Uranium Deconversion Plant in Lea County, New Mexico" (NUREG-2113) in August 2012. On August 22, 2012, the NRC staff sent a letter to U.S. Environmental Protection Agency (EPA) Region 6 transmitting the Final EIS which responded to comments including comments from an EPA Region 6 letter dated February 27, 2012.

By letter dated September 27, 2012, the EPA Region 6 requested a copy of the Record of Decision to complete the National Environmental Policy Act of 1969, as amended, process and provided additional comments on air mitigation measures.

On October 2, 2012, the NRC staff issued Materials License SUB-1011 to International Isotopes Fluorine Products, Inc. (IIFP), a wholly-owned subsidiary of International Isotopes, Inc., to construct and operate the proposed fluorine extraction and depleted uranium deconversion facility in Lea County, New Mexico. The issuance of the license serves as the record of decision for the NRC to approve IIFP's license application. Enclosed, please, find a copy of the IIFP license.

With regards to the additional comments on air mitigation measures, the NRC staff has forwarded the EPA Region 6 recommendations to IIFP for consideration in their construction mitigation plans. IIFP plans to begin construction once they obtain adequate capital investment. The NRC staff would also like to clarify that NRC staff's action regarding the proposed IIFP facility is limited to granting a license, if all regulatory requirements are met, for the construction and operation of the proposed facility. Imposing additional requirements and environmental mitigation beyond those specified in the regulations are outside of the NRC's jurisdiction.

R. Smith

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Thank you for your comments. If you have any questions or require additional information, please contact Mr. Asimios Malliakos, Project Manager, by phone at 301-415-6458, or by e-mail at Asimios.Malliakos@nrc.gov.

Sincerely,

/RA/

Kevin Hsueh, Chief
Environmental Review Branch
Environmental Protection
and Performance Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 40-9086

Enclosure:
IIFP Materials License SUB-1011

cc w/enclosure:
Mr. Michael Jansky
NEPA Environmental Review Coordinator
Mail Code: 6ENXP
U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202

R. Smith

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Thank you for your comments. If you have any questions or require additional information, please contact Mr. Asimios Malliakos, Project Manager, by phone at 301-415-6458, or by e-mail at Asimios.Malliakos@nrc.gov.

Sincerely,

Kevin Hsueh, Chief
Environmental Review Branch
Environmental Protection
and Performance Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 40-9086

Enclosure:
IIFP Materials License SUB-1011

cc w/enclosure:
Mr. Michael Jansky
NEPA Environmental Review Coordinator
Mail Code: 6ENXP
U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
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