



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 14, 2018

Mr. Michael Sloane, Director
New Mexico Department
of Game and Fish
P.O. Box 25112
Santa Fe, NM 87504

SUBJECT: DETERMINATION OF NO EFFECTS REGARDING THE SECTION 7
REVIEW OF THE ENDANGERED SPECIES ACT FOR THE PROPOSED
LICENSE AMENDMENT TO RELEASE THE RIO ALGOM SECTION
4 PONDS IN GRANTS, NEW MEXICO (DOCKET NUMBER: 40-8905)

Dear Mr. Sloane:

By letter dated November 8, 2017, the U.S. Nuclear Regulatory Commission (NRC) received a request from Rio Algom Mining, LLC (RAML) to amend Source Materials License SUA-1473 to release the Section 4 Ponds of the Ambrosia Lake Mill Facility for unrestricted use. The application is available through the NRC's (Agencywide Documents Access and Management System (ADAMS) Accession Number ML17340A482) or at <https://www.nrc.gov/docs/ML1821/ML17340A482.pdf>. If this amendment request is approved, the Section 4 Ponds will be removed from RAML's license and made available for unrestricted use. The Ambrosia Lake site is in the Ambrosia Lake mining district of New Mexico, 25 miles north of Grants, New Mexico (site layout enclosed).

The Section 4 Ponds were constructed starting in 1979 for the purpose of evaporating liquid effluents from the RAML Facility, including ion-exchange plant waste water, process decant solutions, groundwater collected as part of the alluvial corrective action program, and other mill process solutions. The ponds were operational until April 2004 and pond reclamation began in late 2004.

The NRC's regulations in the Title 10 of the *Code of Federal Regulations* (10 CFR) Part 40, Appendix A "Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Wastes Produced by the Extraction or Concentration of Source Material From Ores Processed Primarily for their Source Material Content," govern the concentrations of radionuclides allowed in the byproduct materials. A partial site release indicates that the Section 4 Ponds would be removed from the RAML license. Unrestricted use indicates that that the site meets the radium benchmark dose criteria of 10 CFR 40, Appendix A, Criterion 6(6) and that the land can be used without restriction.

The NRC staff is preparing an environmental assessment (EA) for the proposed action in accordance with the NRC's regulation in 10 CFR Part 51, the NRC regulation that implements the National Environmental Policy Act of 1969, as amended. The purpose of the EA is to assess potential environmental impacts that may significantly affect the human environment. In accordance with Section 7 of the Endangered Species Act (ESA), the EA will include an analysis of potential impacts to endangered or threatened species or critical habitat in the action area.

RAML has stated in the Environmental Report (ER) that accompanied the license amendment request that “the former Section 4 Ponds are in a disturbed portion of the RAML Facility... the habitat of the former Section 4 Ponds area has been disturbed by construction and reclamation of the Section 4 Ponds...the region has documented degradation which has reduced productivity and species diversity in the area. The action proposed within this ER will not change the impact to habitat since the release of the former Section 4 Ponds area is a change in legal status.”

On October 30, 2018, an Official Species List was provided to NRC staff by the New Mexico Ecological Services Field Office of the Fish and Wildlife Service pursuant to Section 7 of the ESA, which listed a total of 15 threatened, endangered, or candidate species for the area of potential effect. Based on the nature of the licensing action, the NRC staff has determined that the proposed activities described in RAML’s license amendment will have “no effect” on the listed species or their respective critical habitat. In accordance with 36 CFR 800.3(a)(1), the NRC has preliminarily concluded that pursuant to Section 7 of the ESA, it has fulfilled the requirement to “request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action.” Although the NRC has no further obligations under Section 7 of the ESA, we respectfully request your input or concurrence with this determination.

Please submit any comments and/or information you may have regarding this matter within 30-days of receipt of this letter to the U.S. Nuclear Regulatory Commission, ATTN: Ms. Cinthya I. Román, Chief, 11555 Rockville Pike, Mail Stop T-4B16, Rockville, MD 20852. If you have any questions, please contact Ms. Monika Coflin of my staff by telephone at 301-415-5932 or via e-mail at: Monika.Coflin@nrc.gov.

In accordance with 10 CFR Section 2.390 of the NRC’s “Agency Rules and Practice and Procedure,” a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of the NRC’s ADAMS. ADAMS is accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html>. Thank you for your assistance.

Sincerely,

/RA/

Cinthya I. Román-Cuevas, Chief
Environmental Review Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

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

Enclosure:
Rio Algom Site Layout

cc: Mr. Ronald Kellermueller

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DATED: December 14, 2018

DISTRIBUTION: JWebb, NMSS

ADAMS Accession Number: ML18124A327

*** via email**

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DATE	1/20/2018	1/20/2018	1/20/2018	12/11/2018	12/14/2018

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