



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

October 31, 2018

Mr. Matthew Wunder, Chief
Conservation Services
New Mexico Department
of Game and Fish
P.O. Box 25112
Santa Fe, NM 87504

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION'S DETERMINATION OF NO EFFECTS REGARDING ENDANGERED OR THREATENED SPECIES OR THEIR CRITICAL HABITAT FOR THE LICENSE AMENDMENT TO ADD ZEOLITE WATER TREATMENT SYSTEMS TO HOMESTAKE MINING COMPANY OF CALIFORNIA IN GRANTS, NEW MEXICO (DOCKET NUMBER: 040-08903)

Dear Chief Wunder:

By letter, dated December 11, 2017, the U.S. Nuclear Regulatory Commission (NRC) received a license amendment request from the Homestake Mining Company of California (HMC) to add zeolite water treatment systems for its reclamation activities (Agencywide Documents Access and Management System (ADAMS) Accession Number ML17361A006). HMC operated a uranium mill north of the City of Grants in Cibola County, New Mexico. The mill operated between 1958 and 1990. Since 1990, the site has been in reclamation. Site reclamation includes facility decommissioning, tailings impoundment area restoration, groundwater restoration and monitoring, and post-closure care and monitoring. The site is licensed under Special Nuclear Materials (SNM) License Number 1471 (SNM-1471).

The NRC staff is preparing an Environmental Assessment (EA) for the proposed action in accordance with the NRC's regulations in Title 10 of the *Code of Federal Regulations* (10 CFR), Part 51, "Environmental Protection Regulations for Domestic Licensing and Regulatory Functions," which implement the National Environmental Policy Act of 1969, as amended (NEPA). In addition, consistent with Section 7 of the Endangered Species Act of 1973, the EA will include an analysis of potential impacts to endangered or threatened species or their critical habitat.

In their license amendment application, HMC is proposing to amend its license to add both a 300 gallon per minute (gpm) and a 1200 gpm zeolite water treatment systems to the existing groundwater restoration program (GRP). Enclosure 1 provides a site location map and Enclosure 2 is a photo of the new zeolite water treatment systems locations. These are labeled as the "300 gpm System" and "1200 gpm System" in Enclosure 2. These systems consist of a sequence of lined ponds containing zeolite crystals. Uranium contaminated groundwater flows through these crystals, which absorb the dissolved uranium through an ion exchange process. The two zeolite water treatments systems are already physically in place and in use under a pilot testing program. This pilot program was developed to evaluate the zeolite system for treating groundwater and to accelerate groundwater restoration. HMC wants to add the zeolite system to its GRP because use of the zeolite systems increases HMC's capacity to treat contaminated groundwater, reduce treatment costs, and accelerates the groundwater restoration schedule.

In their license amendment application, HMC indicated they do not anticipate new construction or ground breaking activities at the milling facility because the zeolite treatment systems have already been fully installed. Therefore, no large equipment is going to be used and no additional effluents or waste will be released if the license amendment is approved. Additionally, the zeolite systems are located in a highly disturbed area on a former mill tailing pond where there are no known endangered or threatened species or critical habitats. Therefore, the NRC staff has determined that the activities described in HMC's license amendment do not have the potential to cause effects to listed threatened or endangered species or their critical habitat, assuming they are present. This determination is further supported by the result "No Critical habitat at this Location" when using the U.S. Fish and Wildlife Service (FWS) online Endangered Species S7 Consultation Technical Assistance website (<https://www.fws.gov/midwest/endangered/section7/s7process/s7stepxstep.html>; ADAMS Accession Number ML18267A317). Also, the NRC prepared an EA in 2008 for the addition of a third evaporation pond (ADAMS Accession Number ML080920594). During development of the 2008 EA, the New Mexico Department of Game and Fish (NMDGF) and FWS were consulted, and it was determined that neither threatened nor endangered species were located at the Site. Although the third evaporation pond is located north of the Large Tailing Pond, the entire Site was considered in the 2008 EA. NRC is requesting concurrence from the NMDGF on our preliminary determination that the current undertaking does not have the potential to cause effects to listed threatened or endangered species or their critical habitat.

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 Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Please submit comments and information you may have regarding the NRC staff's preliminary determination that the current undertaking does not have the potential to cause effects to listed threatened or endangered species or their critical habitat 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, Maryland 20852. If you have any questions about this determination, please contact Ms. Jean Trefethen of my staff by telephone at (301) 415-0867 or via e-mail at Jean.Trefethen@nrc.gov.

Sincerely,

\RA

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

Docket No. 40-8903
License No. SNM-1471

Enclosure:
Site Map and Photo
of Zeolite System

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DATED: October 31, 2018

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*** via email**

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