

DOCKET NO. 40-8681

MEMORANDUM FOR: Files

FROM: William O. Miller, Chief, License Fee Management Branch, ADM

SUBJECT: AMENDMENT FEE

Licensee: Energy Fuels Nuclear

License No.: SUA-1358

Amendment No.: 7 Dated 8/20/81

Issued By:  Div. of Safeguards  Div. of Fuel Cycle & Materials Safety

For the subject amendment, no fee was required for the reason(s) checked below.

- (1)  Amendment initiated by the staff without the filing of an application by the licensee,
  - to correct previous licensing error;
  - to clarify existing license conditions;
  - to strengthen a weak or deficient operational procedure;
  - for the convenience of the Commission;
  - (other) issued in response to NRC "order" 3-26-81 to withdraw hearing request.

- (2)  Amendment ordered by Commission or issued pursuant to § 2.204.

Signed Day Klein 8/26/81  
 License Fee Management Branch  
 Office of Administration

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 1 - ASCabell, w/attach.

Approved: \_\_\_\_\_  
 William O. Miller, Chief  
 License Fee Management Branch  
 Office of Administration

Attachment:  
 Copy of subject amendment

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DGillen

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WMUR:GGE  
 Docket No. 40-8681  
 SUA-1358, Amendment No. 7

Mr. C. E. Baker  
 Licensing and Safety Director  
 Energy Fuels Nuclear, Inc.  
 Three Park Central - Suite 900  
 1515 Arapahoe  
 Denver, CO 80202

Dear Mr. Baker:

This is in response to your letter dated July 17, 1981, indicating your desire to withdraw your request for a hearing in the Order to Modify License, Amendment No. 5 for SUA-1358 (dated March 26, 1981), pending NRC concurrence to issues and clarifications as stated in the subject letter.

As stated in your letter, the staff agrees that no new or additional environmental monitoring requirements are needed at your facility. Your existing radiological environmental monitoring program as detailed in "Appendix G" should be adequate to determine compliance with the 40 CFR 190 Standard.

However, as described in the NRC document "Compliance Determination Procedures for Environmental Radiation Protection Standards for Uranium Recovery Facilities - 40 CFR 190" (dated December 1980), which was provided with Amendment No. 5, compliance with the 40 CFR 190 standard shall be based on dose estimates from the actual measurements obtained from the environmental sampling at the nearest residence. Since the inhalation of airborne particulate matter (e.g., radium-226, uranium, and thorium-230) from the milling operations is the primary internal exposure pathway, the existing air sampler at the nearest residence as required by Appendix G could be adequate to determine compliance with the 40 CFR 190 Standard. The dose Assessment (i.e., internal dose due to inhalation of material) shall be computed using the actual data measured at the nearest receptor and the dose conversion factors as given in Attachment A of the above referenced NRC document. The gamma radiation dosimeter (e.g., the TLD) at the nearest receptor provides additional information of the direct (or external) dose commitment but does not replace the need to evaluate the internal dose due to inhalation of material. Therefore, the sampling and analysis results of the existing environmental monitoring program as required by License Condition No. 38 shall be utilized for the purposes of determining compliance with the 40 CFR 190 Standard.

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Therefore pursuant to Title 10, Code of Federal Regulations, Part 40, Source Material License No. SUA-1358 is hereby amended by revising License Conditions Nos. 50, 51, 52, and 53 to read as follows:

- 50. For a period of four (4) calendar quarters from October 1, 1981, the sampling and analysis results of the Environmental Monitoring Program as required by License Condition 38, shall be reported to the Uranium Recovery Licensing Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the Director of Inspection and Enforcement, Region IV, U.S. Nuclear Regulatory Commission, 611 Ryan Plaza Drive, Texas 76011, within 60 days of the end of each calendar quarter in accordance with the format in the attached Table, "Sample Format for Reporting Monitoring Data." Dose evaluations based on this actual environmental monitoring program data and the dose conversion factors as given in Attachment A of "Compliance Determination Procedures for Environmental Radiation Protection Standards for Uranium Recovery Facilities - 40 CFR 190" shall be included in the report.
- 51. The requirement in 10 CFR 20.405(c) for notification of levels of radiation or releases of radioactive materials in excess of the limits specified in 40 CFR 190 shall be suspended during the period that the four quarterly environmental monitoring reports are being submitted as required in License Condition 50. above.
- 52. The licensee shall submit the following information to the Uranium Recovery Licensing Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, by October 1, 1981 for NRC review and approval prior to implementation:
  - A. Specifications for a quality assurance program. Regulatory Guide 4.15, "Quality Assurance for Radiological Monitoring Programs (Normal Operations) - Effluent Streams and the Environment" may be followed by the licensee in submitting its specifications; or the licensee may provide specifications for an equivalent quality assurance program.
  - B. A detailed topographic map(s) showing all environmental sample collection locations and all of the following within 2 miles (3.2 km) of any portion of the restricted area boundary: private residences, grazing areas, private and public potable water and agricultural wells, milk cattle, nonresidential structures and uses, mining areas, and ore storage pads.
- 53. The licensee shall follow the lower limits of detection (LLD) contained in the attached Table, "Lower Limits of Detection (LLD) for Sample Analysis" for the analysis of samples collected pursuant to the Environmental Monitoring Program of License Condition 38.

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If the licensee wishes to use other LLDs, such LLDs shall be submitted to the Uranium Recovery Licensing Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, by October 1, 1981 for NRC review and approval prior to implementation.

All other conditions of this license remain the same.

The above revised conditions are as agreed upon during a telephone conversation on August 11, 1981 between your Mr. C. E. Baker and Messrs. Pettengill, and Eadie of my staff.

As also agreed to during the August 11, 1981 telephone conversation and in accordance with your July 17, 1981 letter, the issuance of this Amendment No. 7 satisfies your concerns regarding Amendment No. 5, and thereby negates your request for a hearing on Amendment No. 5. I shall forward a copy of this letter and of your July 17, 1981 letter to the Secretary as evidence of your desire to withdraw your request for a hearing related to Amendment No. 5.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed by:  
R. A. Scarano

Ross A. Scarano, Chief  
Uranium Recovery Licensing Branch  
Division of Waste Management

CC: R. Fonner - ELD  
K. Cyr - ELD  
J. Rodriguez - OGC  
Secretary for the NRC

Case Closed: 04008681A09E

OFFICE	WMUR <i>HJ</i>	WMUR	WMUR <i>HJ</i>	WMUR <i>RAS</i>		
BY	GGEadie	DGillene	HJPettengill	RAScarano		
DATE	8/20/81	8/21/81	8/20/81	8/20/81		