

40-8681



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 14, 1994

Mr. D. Sparling, Site Manager  
Energy Fuels Nuclear, Inc.  
6425 S. Highway 191  
P.O. Box 789  
Blanding, Utah 84511

SUBJECT: CONFIRMATORY ORDER MODIFYING LICENSE CONDITION 55

Dear Mr. Sparling:

On May 2, 1994, the Honorable Michael O. Leavitt, Governor of the State of Utah, and the Utah Legislature filed a Petition pursuant to 10 CFR § 2.206, in regard to License Amendment 33 to Energy Fuels Nuclear, Inc (EFN) Source Material License No. SUA-1358. License Amendment had 33 added License Condition 55 which authorized disposal of up to 10,000 cubic yards (cy) of 11e.(2) byproduct material per in situ leach facility per year at the White Mesa Mill facility. The Petition requested that NRC reconsider the license amendment and modify it to reflect the original request for authority to dispose of 5,000 cubic yards per in situ leach facility at the White Mesa Uranium Mill. On December 14, 1994, Director's Decision DD-94-10 was issued granting the State's request (Enclosure 1).

Therefore, please find enclosed a "Confirmatory Order Modifying License Condition 55" (Enclosure 2). This Order modifies Source Material License No. SUA-1358 to restrict receipt of 11e.(2) byproduct material for disposal, from each in situ facility, to a total of 5,000 cubic yards, in accordance with the original License Amendment request dated May 20, 1993. This order is implemented by License Amendment 35 to Source Material License SUA-1358 (Enclosure 3).

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be placed in the Public Document Room.

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Questions regarding this Order may be directed to me or Joseph J. Holonich, Chief, High-Level Waste and Uranium Recovery Projects Branch. I can be reached at (301) 415-7800. Mr. Holonich can be reached at (301) 415-6643.

Sincerely,

RS/

Robert M. Bernero, Director  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 40-8681  
License No. SUA-1358

Enclosures: As stated (3)

cc w/encl: Arnold Christensen, President  
of the Senate  
Rob W. Bishop, Speaker  
of the House  
W. Sinclair

\*SEE PREVIOUS CONCURRENCE

OFC	HLUR*	HLUR X	HLUR*	OGC*	DWM*
NAME	SWastler	DGillen	JHolonich	JGoldberg	JGreeves
DATE	10/28/94	REMOVED	10/28/94	12/01/94	10/31/94
OFC	NMSS	NMSS	NMSS		
NAME	GArlotto	RBernero			
DATE	12/ /94	12/14/94			

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NAME	SWastler <i>[Signature]</i>		DGillen		JHolonich	<i>[Signature]</i> Goldberg	JGreeves	
DATE	10/28/94		REMOVED		10/28/94	<i>[Signature]</i> 10/28/94	10/31/94	
OFC	NMSS		NMSS		NMSS			
NAME	GArlotto		RBernero					
DATE	11/ /94		11/ /94					

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Therefore, please find enclosed the Confirmatory Order for the modification of License Condition 55 to Source Material License SUA-1358 (Enclosure 2). This Order confirms the modification of License Condition 55 to restrict receipt of 11e.(2) byproduct material for disposal, from each in situ facilities, to a total of 5,000 cubic yards, in accordance with the original amendment request dated May 20, 1993. This order is implemented by Amendment 35 to Source Material License SUA-1358 (Enclosure 3).

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OFC	NMSS		NMSS		NMSS					
NAME	Garotto		RBernero							
DATE	11/ /94		11/ /94							

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DATE	10/28/94		REMOVED		10/28/94		10/ 94		10/31/94
OFC	DWM		NMSS		NMSS				
NAME	MKnapp		GArlotto		RBernero				
DATE	10/ /94		10/ /94		10/ /94				

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