

For the Nuclear Regulatory Commission.
Sheri R. Peterson,
Chief, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.
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NUCLEAR REGULATORY COMMISSION

[Docket No. 40-648]

UMETCO Minerals Corp.; Final Finding of No Significant Impact; Notice of Opportunity for Hearing

AGENCY: Nuclear Regulatory Commission.

ACTION: Final Finding of No Significant Impact; Notice of Opportunity for Hearing.

SUMMARY: The Umetco Minerals Corporation (Umetco) requested that the U.S. Nuclear Regulatory Commission (NRC) amend its NRC Source Material License SUA-648 to authorize reclamation of the A-9 Repository (disposal cell), located in Natrona County, Wyoming, according to the 1998 Enhanced Reclamation Plan, as amended. The Umetco East Gas Hills site is located approximately 50 miles (80 kilometers) southeast of the town of Riverton, Wyoming. The A-9 cell is a former surface uranium mine that was lined with clay and used for mill tailings disposal. Cover construction was begun under a previously approved reclamation design and several changes have been proposed in the enhanced plan. An Environmental Assessment (EA) was performed by the NRC staff in support of its review of Umetco's license amendment request, in accordance with the requirements of 10 CFR part 51. The conclusion of the EA is a Finding of No Significant Impact (FONSI) for the proposed licensing action.

FOR FURTHER INFORMATION CONTACT: Ms. Elaine Brummett, Uranium Recovery and Low-Level Waste Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Mail Stop T7-J9, Washington, DC 20555. Telephone 301/415-6606.

SUPPLEMENTARY INFORMATION:

Background

The Umetco Mineral Corporation (Umetco) site is licensed by the U.S. Nuclear Regulatory Commission (NRC) under Materials License SUA-648 to possess byproduct material in the form of uranium waste tailings as well as other radioactive wastes generated by

past milling operations. The mill has been dismantled and current site activities include completion of reclamation of three disposal areas and continuation of the ground-water corrective action program.

The total volume of waste in the A-9 cell is approximately 3.5 million cubic yards (cyd) and up to 0.5 million cyd may be placed during final site decommissioning activities. An interim cover from 1 to 5 feet (30.5 to 152 cm) thick was placed over the entire A-9 area in 1988 and 1989. The final cover has not been constructed as additional waste and fill will be placed in the cell. Umetco submitted the enhanced reclamation plan by letter dated October 27, 1998. Additional information and revised pages to the plan were submitted December 10, 1998, and March 29, 1999. The plan provides designs to:

1. Reduce the planned frost protection soil layer to 4.5 feet (1.37 m) and increase the clay radon barrier to 1.5 feet (45 cm) for a total soil cover thickness of 7 feet (1.8 m) (previously 10 feet (3 m)) for the A-9 cell;
2. Change the vegetative cover to 6 to 12 inches (15 to 30 cm) of riprap (rock);
3. Grade the site for appropriate drainage, including east and west diversion ditches;
4. Reclaim the north and south evaporation ponds; and
5. Reclaim the C-18 pit.

The 35-acre A-9 disposal cell will need up to 23 feet (7 m) of fill in some areas to bring the surface to the proposed grade. The enhanced design increases the cell capacity and its footprint by approximately 16 acres. The change to a rock cover was proposed to improve the long-term erosion protection for the cover.

The site grading plan uses contours approved with the reclamation plans for the heap leach and above-grade impoundments, diverts an existing drainage channel to minimize potential erosion of the above-grade impoundment cover, raises the final elevation of the A-9 cell by approximately 10 feet (3 m) to accommodate additional material, grades the east side of the A-9 cell to a 3:1 or less slope, provides diversion ditches on the east and west side of the A-9 cell to direct runoff away from the cover, grades the area of the north and south evaporation ponds to 5:1 or less slope, and provides positive drainage for other areas on the site.

The north and south ponds (22 acres) were constructed in 1979 over mine overburden. In 1993, the ponds were dry and the upper portion of the clay liner was excavated and placed in the

A-9 cell. The enhanced plan indicates that the remaining clay liner also will be excavated and placed in the A-9 cell. Umetco provided data indicating that residual byproduct material was not detectable in the rocky material under the pond liners (Design Report Part 1, Section 6) so a cover for this area is not required.

The C-18 former uranium surface mining pit is about 80 feet (24.4 m) deep and 500 feet (152.4 m) wide at the surface (covers 5.3 acres). The pit may have some byproduct material at the bottom from site drainage, therefore, Umetco has proposed to treat this pit as a repository with the required engineered cover.

The cover design of the A-9 cell and the other aspects of the enhanced design have been evaluated by the NRC staff. This technical review will be documented as part of the agency licensing action.

Summary of the Environmental Assessment

The NRC staff performed an appraisal of the environmental impacts associated with the enhanced reclamation plan for the Impoundment, in accordance with the National Environmental Policy Act, 10 CFR part 51, and Licensing and Regulatory Policy Procedures for Environmental Protection. The license amendment would authorize Umetco to complete reclamation as proposed. In conducting its appraisal, the NRC staff considered the following information: (1) Umetco's 1998 license amendment request and proposed design, as amended; (2) previous environmental evaluations of the facility; (3) data contained in required semiannual environmental monitoring reports; (4) existing license conditions; (5) results of NRC staff site visits and inspections of the Umetco facility; and (6) consultations with the U.S. Fish and Wildlife Service, the U.S. Bureau of Land Management, the Wyoming Department of Environmental Quality, and the Wyoming State Historic Preservation Officer.

The results of the staff's appraisal are documented in an EA placed in the docket file. Based on its review, the NRC staff has concluded that there are no significant environmental impacts associated with the proposed action.

Conclusions

The NRC staff has examined actual and potential impacts associated with the enhanced reclamation plan, and has determined that the requested amendment of Source Material License SUA-648, authorizing implementation of the reclamation plan, will: (1) be

consistent with requirements of 10 CFR part 40, appendix A; (2) not be inimical to public health and safety; and (3) not have long-term detrimental impacts on the environment. The following statements summarize the conclusions resulting from the staff's environmental assessment, and support the FONSI:

1. An acceptable environmental and effluent monitoring program is in place to monitor effluent releases and to detect if applicable regulatory limits are exceeded. Radiological effluents from facility operations have been and are expected to remain below the regulatory limits;

2. Present and potential health risks to the public and risks of environmental damage from the proposed reclamation were assessed. Given the remote location, limited activities requested, small area of impact, and past activities on the site, the staff determined that the risk factors for health and environmental hazards are insignificant.

3. Because the staff has determined that there will be no significant impacts associated with approval of the license amendment, there can be no disproportionately high and adverse effects or impacts on minority and low-income populations. Consequently, further evaluation of Environmental Justice concerns, as outlined in Executive Order 12898 and NRC's Office of Nuclear Material Safety and Safeguards Policy and Procedures Letter 1-50, Revision 1, is not warranted.

Alternatives to the Proposed Action

The proposed action is to amend NRC Source Material License SUA-648, for reclamation of the A-9 and C-18 cells and site grading, as requested by Umetco. Therefore, the principal alternatives available to the NRC are to:

1. Approve the license amendment request as submitted; or
2. Amend the license with such additional conditions as are considered necessary or appropriate to protect public health and safety and the environment; or
3. Deny the amendment request.

Based on its review, the NRC staff has concluded that the environmental impacts associated with the proposed action do not warrant either the limiting of Umetco's future operations or the denial of the license amendment. Additionally, the staff has reviewed the licensee's proposed action with respect to the criteria for reclamation and has no basis for denial of the proposed action. Therefore, the staff considers that Alternative 1 is the appropriate alternative for selection.

Finding of No Significant Impact

The NRC staff has prepared an EA for the proposed amendment of NRC Source Material License SUA-648. On the basis of this assessment, the NRC staff has concluded that the environmental impacts that may result from the proposed action would not be significant, and therefore, preparation of an Environmental Impact Statement is not warranted.

The EA and other documents related to this proposed action are available for public inspection and copying at the NRC Public Document Room, in the Gelman Building, 2120 L Street NW, Washington, DC 20555.

Notice of Opportunity for Hearing

The Commission hereby provides notice that this is a proceeding on an application for a licensing action falling within the scope of Subpart L, "Informal Hearing Procedures for Adjudications in Materials and Operators Licensing Proceedings," of the Commission's Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders in 10 CFR part 2 (54 FR 8269). Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing. In accordance with § 2.1205(c), a request for a hearing must be filed within thirty (30) days from the date of publication of this **Federal Register** notice. The request for a hearing must be filed with the Office of the Secretary either:

- (1) By delivery to the Rulemakings and Adjudications Staff of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or
- (2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Rulemakings and Adjudications Staff.

Each request for a hearing must also be served, by delivering it personally or by mail to:

- (1) The applicant, Umetco Minerals Corporation, PO Box 1029, Grand Junction, CO 81502;
- (2) The NRC staff, by delivery to the Executive Director of Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or
- (3) By mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

In addition to meeting other applicable requirements of 10 CFR part 2 of the Commission's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

(1) The interest of the requestor in the proceeding;

(2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

(3) The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

(4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

Any hearing that is requested and granted will be held in accordance with the Commission's "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings" in 10 CFR part 2, subpart L.

Dated at Rockville, Maryland, this 17th day of November 1999.

For the Nuclear Regulatory Commission.

John J. Surmeier,

Chief, Uranium Recovery and Low-Level Waste Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

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NUCLEAR REGULATORY COMMISSION

Workshop Concerning the Revision of the Baseline Safety Inspection Program for Nuclear Fuel Cycle Facilities

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of public workshop.

SUMMARY: NRC will host a public workshop at the Doubletree Hotel in Rockville, Maryland for those regulated by the NRC and other stakeholders to provide and explain their views concerning NRC plans to revise its safety inspection program for nuclear fuel cycle facilities. This workshop follows the recent public stakeholder meetings held at NRC Headquarters on September 16 and October 20, 1999. Presentations given at each meeting together with a transcript of the meeting will be placed on the NRC INTERNET web page (<http://www.nrc.gov>). Similar to the revisions of the inspection and oversight program for commercial nuclear power plants, NRC initiated an effort to improve its inspection program for nuclear fuel cycle facilities. This is described in SECY-99-188 titled, EVALUATION AND PROPOSED REVISION OF THE NUCLEAR FUEL CYCLE FACILITY SAFETY