

Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner

must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to John F. Stolz: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW, Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendments after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public

comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendments dated February 11, 1997, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania.

Dated at Rockville, Maryland, this 28th day of February 1997.

For the Nuclear Regulatory Commission.
John F. Stolz,
Director, Project Directorate I-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 97-5399 Filed 3-4-97; 8:45 am]

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[Docket No. 40-8681]

Energy Fuels Nuclear, Inc.; Final Finding of No Significant Impact Notice of Opportunity for Hearing

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) proposes to renew NRC Source Material License SUA-1358 to authorize the licensee, Energy Fuels Nuclear, Inc. (EFN), for continued commercial operation of the White Mesa uranium mill, located near Blanding, Utah. An Environmental Assessment was performed by the NRC staff in accordance with the requirements of 10 CFR Part 51. The conclusion of the Environmental Assessment is a Finding of No Significant Impact (FONSI) for the proposed licensing action.

FOR FURTHER INFORMATION CONTACT: Mr. James R. Park, Uranium Recovery Branch, Mail Stop TWFN 7-J9, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone 301/415-6699.

SUPPLEMENTARY INFORMATION:

Background

Source Material License SUA-1358 was originally issued by NRC on August 7, 1979, pursuant to Title 10, Code of Federal Regulations (10 CFR), Part 40, Domestic Licensing of Source Material. This license currently authorizes EFN to (1) receive, acquire, possess, and transfer uranium at the White Mesa mill, (2) possess byproduct material in the form of uranium waste tailings and other uranium byproduct waste generated by operations at the mill, and

(3) accept, for disposal, limited amounts of byproduct material from in-situ leach (ISL) uranium mining facilities. The mill was operated on a continual basis from May 1980 until February 1983, and then intermittently from October 1985 to the present time. SUA-1358 was renewed last in 1985.

Summary of the Environmental Assessment

The NRC staff performed an appraisal of the environmental impacts associated with the continued operation of the White Mesa mill, in accordance with 10 CFR Part 51, Licensing and Regulatory Policy Procedures for Environmental Protection. In conducting its appraisal, the NRC staff considered the following: (1) information contained in previous environmental evaluations of the White Mesa project; (2) information contained in EFN's license renewal application; (3) information contained in EFN's license amendment requests submitted subsequent to its renewal application, and NRC staff approvals of such requests; (4) land use and environmental monitoring reports; and (5) information derived from NRC staff site visits and inspections of the White Mesa mill site and from communications with EFN and the State of Utah Department of Environmental Quality. The results of the staff's appraisal are documented in an Environmental Assessment. The safety aspects for the continued operation of the mill are discussed in a Safety Evaluation Report.

The license renewal would authorize EFN to continue operating the White Mesa mill, at a maximum production rate of 4380 tons of yellowcake per year. Additionally, EFN would continue to be authorized, by license condition, to (1) possess byproduct material in the form of uranium waste tailings and other uranium byproduct waste generated by its milling operations authorized by the renewal license, and (2) accept, for disposal, limited amounts of byproduct material from ISL uranium mining facilities.

All conditions in the renewal license and commitments presented in the licensee's license renewal application are subject to NRC inspection. Violation of the license may result in enforcement action.

Conclusions

The NRC staff has reexamined actual and potential environmental impacts associated with continued yellowcake production at the mill site, and has determined that renewal of the source material license (1) will be consistent with requirements of 10 CFR Part 40, (2)

will not be inimical to the public health and safety, and (3) will not have long-term detrimental impacts on the environment. The following statements support the FONSI and summarize the conclusions resulting from the staff's environmental assessment:

1. An acceptable environmental sampling program is in place to monitor effluent releases and to detect if appropriate limits are exceeded;

2. The licensee has implemented an intensive, routine inspection program of the mill process building, associated facilities, and tailings retention impoundments, and conducts an annual "as low as is reasonable achievable" (ALARA) audit program;

3. Standard operating procedures are in place for all operational process activities involving radioactive materials that are handled, processed, or stored;

4. Mill tailings and process liquid effluents from the mill circuit are discharged to partially below-grade, lined tailings impoundments, with leak detection systems;

5. The licensee will implement an acceptable groundwater detection monitoring program to ensure compliance with the requirements of 10 CFR Part 40, Appendix A;

6. The licensee will conduct site decommissioning and reclamation activities in accordance with NRC-approved plans; and

7. Because the staff has determined that there will be no significant impacts associated with approval of the license renewal, 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, Rev.1, is not warranted.

Alternatives to the Proposed Action

The proposed action is to renew NRC Source Material License SUA-1358, for continued operation of the White Mesa mill, as requested by EFN. Therefore, the principal alternatives available to NRC are to:

(1) Renew the license with such conditions as are considered necessary or appropriate to protect public health and safety and the environment; or

(2) Deny renewal of the license.

Based on its review, the NRC staff has concluded that there are no significant environmental impacts associated with the proposed action; therefore, any alternatives with equal or greater environmental impacts need not be

evaluated. Since the environmental impacts of the proposed action and the no-action alternative (i.e., denial of the renewal) are similar, there is no need to further evaluate alternatives to the proposed action.

Finding of No Significant Impact

The NRC staff has prepared an Environmental Assessment for the proposed renewal of NRC Source Material License SUA-1358. 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 Environmental Assessment 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 N.W., 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 Licensing Proceedings, of the Commission's Rules of Practice for Domestic Licensing Proceedings 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 Docketing and Service Branch 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: Docketing and Service Branch.

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

(1) The applicant, Energy Fuels Nuclear, Inc., 1515 Arapahoe Street, Suite 900, Denver, CO 80202;

(2) The NRC staff, by delivery to the Executive Director of Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or 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 Licensing Proceedings in 10 CFR Part 2, Subpart L.

Dated at Rockville, Maryland, this 26th day of February 1997.

For the Nuclear Regulatory Commission.
Joseph J. Holonich,

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

[FR Doc. 97-5388 Filed 3-4-97; 8:45 am]

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**[Licenses SMB-179 and SUB-1452—
Dockets 40-672 and 40-8866]**

**Nuclear Metals, Inc.—Concord,
Massachusetts: Renewal of Source
Material Licenses; Finding of No
Significant Impact and Notice of
Opportunity for a Hearing (NUREG/CR-
6528)**

The U.S. Nuclear Regulatory Commission is considering the renewal of Source Material Licenses SMB-179 and SUB-1452 for the continued operation of Nuclear Metals, Inc. (NMI), located in Concord, Massachusetts.

**Summary of the Environmental
Assessment**

Identification of the Proposed Action

The proposed action is the renewal of NMI's Source Material Licenses SMB-179 and SUB-1452 for at least 5 years. With these renewals, the NMI facility will continue to conduct ongoing operations including the development and manufacture of castings, extrusions, machined parts, and metal powders comprised of depleted uranium and natural uranium metal. The proposed action would permit NMI to possess, under License SMB-179, natural

uranium metal, alloy, or oxide; depleted uranium metal, alloy, oxide, or fluoride; natural thorium metal, alloy, or oxide; and depleted uranium slab. The licensed uranium may be an element of any compound except uranium hexafluoride (UF₆). The proposed action would also permit NMI to possess, under License SUB-1452, depleted uranium as contamination in sand; depleted uranium as contamination on metallic components, packaging materials or equipment, or as waste solids; and natural thorium as contamination on metallic components, packaging materials or equipment, or as waste solids.

Prior to September 1985, liquid and sludge wastes from the processes were stabilized and emptied into an unlined holding basin and adjacent bog located on site property. The holding basin was covered by a special membrane in 1986 to reduce infiltration of rain water and discharge of contaminants to surface and ground waters. Remediation of the holding basin and contaminated groundwater is being planned as a separate decommissioning action; therefore, this action and subsequent environmental impacts are outside the scope of this EA.

The Need for the Proposed Action

The action is to determine if the licenses should be renewed or denied. NMI manufactures products composed of depleted uranium and natural uranium that have military, aerospace, industrial, and medical applications. Depleted uranium metal is processed to form armor penetrators, aircraft counterweights and radiation shielding devices. Denial of the license renewals for NMI is an alternative available to NRC, but since approximately half of the U.S. demand for these products is being met by operations at NMI facilities, denying the licenses would not be in the nation's best interest.

Environmental Impacts of the Proposed Action

Both radiological and nonradiological atmospheric emissions occur and were assessed during normal (incident-free) operations at NMI. The radiological impacts of the continued operation of the NMI facility were assessed using atmospheric dispersion modeling to estimate ambient annual dose to the public resulting from emissions at the NMI facility. To assess the impact of uranium emissions on atmospheric resources, the COMPLY computer code was used to determine the maximum annual dose equivalent received from uranium concentrations in the ambient air (at or beyond the site boundary).

These estimated annual doses were compared to NRC requirements and EPA standards to gauge impacts to public health and safety.

Ambient air concentrations (at or beyond the site boundary) resulting from the primary sources of nonradiological air emissions were estimated using the Industrial Source Complex—Version 2 (ISC2) air dispersion model (EPA 1992a). Total predicted concentrations were compared to the National Ambient Air Quality Standards (NAAQS) in order to gauge impacts on air quality.

Doses From Routine Airborne Releases

Small amounts of uranium are emitted from 33 stacks at NMI. The town of Concord permits depleted uranium emissions of up to 280 µCi per calendar quarter for operations associated with License Nos. SMB-179 and SUB-1452. NRC's regulations (10 CFR 20.1301) require licensees to limit doses to members of the public to 100mrem per year. Emission rates of depleted uranium in 1994 were less than 60 percent of the 280 µCi per calendar quarter limit. For the modeling, annual emissions were assumed to be at maximum permitted levels (i.e., 1,120 µCi/y as by the town of Concord). The assumptions are conservative in that they result in higher predicted doses than are expected to occur. The maximum annual committed effective dose equivalent predicted was 2.5 mrem. This dose was estimated to occur to a person located 150 m (492 ft) from the nearest building. This is about one-half the distance to the nearest resident. Therefore, 150 m (492 ft) is considered a sufficiently conservative distance to form an upper bound of doses that could be received by the public annually. The predicted annual dose is 2.5 percent of the NRC limit.

The primary sources of nonradiological air emissions at NMI are two boilers, which burn #4 fuel oil, and which emit the following criteria pollutants: SO₂, NO₂, PM-10, and CO. Short-term emission rates, calculated using the maximum monthly fuel usage rates, were used in ISC2 for periods of 24 hr or less. Long-term emission rates, calculated using the maximum annual fuel usage rates, were used in ISC2 for the annual time period. Both site specific data and conservative assumptions were used in the modeling analysis. Total predicted concentrations were compared to the NAAQS in order to gauge impacts on air quality. The results of the analysis show that maximum 3-hr and 24-hr average SO₂ concentrations are about twice their respective NAAQS. For all other criteria