

# UNITED STATES NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

August 06, 1999

Mr. Lawrence J. Corte, Manager Western Nuclear, Inc. Union Plaza Suite 300 200 Union Boulevard Lakewood, CO 80228

# SUBJECT: GROUNDWATER CORRECTIVE ACTION MONITORING AND SURFACE WATER SAMPLING REQUIREMENTS - AMENDMENT 89

Dear Mr. Corte:

The U.S. Nuclear Regulatory Commission (NRC) staff, based on its review of the amendment request submitted by Western Nuclear, Inc. (WNI) by letters dated May 20, 1998, and July 2, 1999, hereby amends License Condition (LC) No. 74C of Source Material License SUA-56. The amendment modifies the monitoring requirements for groundwater. In our meeting of June 10, 1999, WNI presented Corrective Action alternatives, results of site characterization efforts, and indicated that a comprehensive Corrective Action Program (CAP) would be submitted to the NRC by October 31, 1999.

Based on its review of the amendment request submitted by WNI in letters dated September 15, 1998, and July 2, 1999, the NRC staff hereby amends License Condition 24 of Source Material License SUA-56. This amendment modifies the monitoring requirements for surface water sampling to be consistent with groundwater monitoring parameters and frequencies as required by LC No. 74.

The details of the amendment requests are discussed in the staff's Technical Evaluation Reports (Enclosures 1 and 2). The enclosed license (Enclosure 3) is being reissued to incorporate the above modifications. An environmental review of this amendment request was not performed since this action is categorically excluded under 10 CFR 51.22(c)(11). Also, an environmental report was not required by the licensee pursuant to 10 CFR 51.60(b)(2). All other conditions of this license shall remain in effect and are unchanged.

#### L. Corte

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If you have any questions concerning this subject, please contact Mr. Robert Carlson of my staff at (301) 415-8165.

Sincerely,

Original Signed By

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

CASE CLOSED: TAC No.'s L51831 AND L51668

Docket No. 40-1162 License No. SUA-56

Enclosures: As stated

cc: R. Chancellor, WDEQ

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L. Corte

If you have any questions concerning this subject, please contact Mr. Robert Carlson of my staff at (301) 415-8165.

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Sincerely,

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

Docket No. 40-1162 License No. SUA-56

Enclosures: As stated

cc: R. Chancellor, WDEQ

## **TECHNICAL EVALUATION REPORT**

DATE:	July 20, 1999
DOCKET NO.	40-1162
LICENSE NO.	SUA-56
LICENSEE:	Western Nuclear, Incorporated (WNI)
FACILITY:	Split Rock Uranium Mill
PROJECT MANAGER:	Robert Carlson
TECHNICAL REVIEWER:	William von Till

#### SUMMARY AND CONCLUSIONS:

Western Nuclear Inc. (WNI) has proposed to amend License Condition (LC) No. 74C requesting changes in the monitoring requirements for the groundwater Corrective Action Program. This amendment request was contained in WNI's letter of May 20, 1998. Based on a review of the submittal, the U.S. Nuclear Regulatory Commission (NRC) required additional information regarding the characterization of the contaminant plumes in a June 2, 1999, letter request for additional information (RAI). On June 10, 1999, NRC staff met on-site with WNI and its contractor, Shepard Miller Inc., to discuss the preliminary site characterization and Corrective Action Program (CAP) preparations and to observe site conditions. WNI responded to the RAI by letter dated July 2, 1999, which included site characterization information necessary for NRC to conduct its review. Based on the submittals, the NRC staff finds WNI's proposed amendment to be acceptable.

#### DESCRIPTION OF THE LICENSEE'S AMENDMENT REQUEST:

Pursuant to Source Materials License SUA-56, LC No. 74, by letter dated May 20, 1998, WNI requested that the NRC amend LC No. 74C to authorize quarterly monitoring of indicator parameters and semiannual monitoring for the full suite of constituents and to not implement a contingency plan for the CAP. WNI is currently conducting monthly-monitoring due to an exceedance in groundwater concentrations and was required to develop an appropriate contingency action [as contained in WNI's April 18, 1997, submittal]. Monthly sampling was initiated in February 1998 based on requirements of LC No. 74C and following NRC's denial (February 6, 1998) of WNI's request (August 14, 1997) to amend this condition.

WNI proposes a reduction in the monitoring and to focus efforts on the development of a comprehensive CAP based on the following:

- 1) Site characterization efforts have indicated that there are no current impacts to human health and the environment.
- 2) Years of data have documented trends in groundwater quality and that no incremental benefits will be gained from more frequent sampling.
- 3) The spread of the constituents is slow enough such that alternatives which might be feasible would not be precluded by waiting for the development of the final CAP.

Therefore, WNI requests that LC No. 74C be amended to authorize quarterly monitoring for indicator parameters and semiannual monitoring for the full suite of constituents, and to delay additional corrective action measures until NRC staff completes its review of WNI's final CAP.

#### **BACKGROUND:**

WNI has been implementing a groundwater pumping system to retard the movement of the contaminant plumes from the tailings seepage. Most of the pumped groundwater was sprayed onto the tailings pile until reclamation activities closed the pile in April 1997. Since that time, WNI was only able to pump water into two evaporation ponds, which caused a reduction in pumping from 47.3-66 million gallons per year to (gal/yr) to 6-15 gal/yr. Due to this reduction in pumping, contaminant concentrations increased in monitoring wells downgradient from the tailings pile. Based on these circumstances, WNI proposed in its April 18, 1997, submittal, that monthly sampling be conducted if indicator parameters exceeded the maximum values between January 1, 1990, and December 31, 1996, and that an appropriate contingency action be developed based on site conditions and discussions with the NRC. This was accepted by NRC in a letter dated April 28, 1997.

### **TECHNICAL EVALUATION:**

The technical review was based on the following information:

- 1) WNI's May 20, 1998, submittal.
- 2) WNI's July 2, 1999, submittal in response to the NRC staff's June 2, 1999, RAI. This submittal contained maps and figures that illustrate groundwater and contaminant plume conditions, as well as fate and transport model predictions for uranium.
- 3) Information gathered during the NRC staff June 10, 1999, site visit with WNI and its contractor, Shepard Miller, Inc.
- 4) Monthly and quarterly groundwater monitoring results for 14 years.

WNI is in the process of developing a comprehensive CAP for the site to address groundwater contamination which has migrated from the tailings\_pile.\_ In the process of completing this report, WNI has preformed a comprehensive site characterization of the site that has included:

• 221 borings with a total of 15,000 feet drilled.

- 216 wells that included 114 conventional wells and 102 drive point piezometers.
- 333 well tests to determine hydraulic properties.
- Two tracer tests to determine aquifer properties.
- 225 chemical analysis on aquifer solids to determine aquifer properties.
- 1470 chemical analyses to determine groundwater quality and to characterize the contamination.
- Fate and transport groundwater modeling to estimate contaminant flow times and potential impacts to water wells and streams.
- Geochemical analysis to determine mechanisms that control contaminants of concern fate and transport.

Local groundwater flow at the site flows from the tailings pile and then splits off in two directions, to the northwest and to the southwest (Figure 1). WNI has estimated that approximately 70 percent of the flow is directed toward the east from the Southwest Valley and approximately 30 percent of the flow moves to the north towards Sweetwater River. Groundwater exists in two principal hydro-stratigraphic units: (1) the Spilt Rock Formation aquifer; and (2) the floodplain alluvial aquifer (Figure 2). The flow system is bounded by Precambrian granite that acts as a boundary to groundwater flow.

WNI has identified six Contaminants of Concern (COCs) in the groundwater beyond the edge of the tailings reclamation cover at concentrations above background, Maximum Concentration Levels (MCLs), or Risk Based Concentrations (RBCs). These contaminants are uranium, combined radium-226-228, manganese, molybdenum, nitrate, and ammonia. Sulfate, which is a good conservative indicator parameter, has also been identified at elevated levels but has been determined to not pose a current or future risk. Of the six COCs, uranium is the most abundant and travels with the least retardation due to complexation with carbonate. Therefore, WNI has used uranium as the key parameter for predictive fate and transport modeling.

Based on the modeling, WNI has determined that the main future risk is contamination migrating towards the cluster of water supply wells at the southern boundary of the NRC license and bond area (vic. Red Mule), located southeast of the tailings site. Figure 3 illustrates the uranium concentration distribution in groundwater. WNI has predicted that 0.1 mg/L uranium will not reach this location for at least 100 years. Contamination flowing to the north has been migrating towards the Sweetwater River and is assumed to be flushing into the river, however, surface water sampling has not detected elevated levels. Model predictions indicate that natural flushing will cause the 0.1 mg/L uranium contour to retreat over the next 100 years with levels of COCs to be well below values that are protective of public health and the environment.

Groundwater pumping has been variable over the years and is presently at a rate of 6-15 million gal/yr. Prior to reclamation, groundwater pumping was as high as 66 million gal/yr. When the reclamation cover was added, WNI could no longer spray pumped groundwater on the tailings pile and was limited to an evaporation pond system. Due to the reduction in

pumping, contamination levels have risen in certain CAP monitoring wells, most notably WN-18 and WN-25. WNI proposes that rather than attempting to design a interim corrective action, work efforts should be focused on the CAP. Furthermore, WNI states increased monitoring frequencies would not give any additional valuable information that has not already been obtained through years of groundwater sampling and site characterization activities.

It is the NRC staff's conclusion that the proposed changes are satisfactory based on the following:

- 1) Protection of human health and the environment would not be compromised.
- 2) Groundwater trends are already known and increased monitoring (monthly) would not give incremental benefits.
- 3) Completed site characterization efforts by WNI have adequately answered NRC's questions regarding the movement of the contaminant plumes, groundwater conditions, and fate and transport of COCs as they relate to this license amendment.

#### **PROPOSED LICENSE CHANGES:**

LC No. 74C does not explicitly detail the groundwater monitoring requirements, but instead references several previous WNI submittals. Therefore, the new language for LC No. 74C is as follows:

Implement a corrective action plan program that shall recover and evaporate between 6 and 15 million gallons of contaminated water based upon minimizing recharge to the tailings. This program shall be constructed as described in the August 31, and September 28, 1989, submittals as modified by the licensee's April 3, 1990, January 13, 1992, September 23, 1993, April 18, 1997, May 20, 1998, and July 2, 1999, submittals. The objective of the program shall be to return the concentrations of beryllium, cadmium, nickel, radium-226 and 228, selenium, thorium-230, and uranium to the concentration limits specified in Subsection 74B above. A final Corrective Action Program Plan, which includes a complete site characterization, must be received by NRC by October 31, 1999.

[Applicable Amendments: 25, 27, 36, 39, 40, 44, 48, 51, 56, 58, 61, 62, 67, 69A, 79,

89]

#### **ENVIRONMENTAL IMPACT EVALUATION:**

An environmental assessment (EA) is not required for this licensing action in accordance with the categorical exclusion contained in 10 CFR § 51.22 (c)(11). This paragraph states that the categorical exclusion applies to issuing license amendments for uranium mill operators licensed under 10 CFR § 40 provided that:.. (1) there is no significant change in the types or significant increase in the amounts of any effluent that may be released off site; (2) there is no significant increase in individual or cumulative occupational radiation exposure; (3) there is no significant



FIGURE 1 GROUNDWATER CONTOURS





		Date	9: JUNE 1999
	FIGURE 2 SCHEMATIC OF SITE CONCEPTIAL GROUNDWATER FLOW	Proje	ect: 03-347\1999PRES
INCORFORATED	SCHEMATIC OF SITE CONCEPTOAL GROONDWATERT LOW	File:	CON-FLOW.dwg



construction impact; and (4) there is no significant increase in the potential for, or consequences from, radiological accidents. The licensing action discussed herein meets all of the above listed criteria for an EA categorical exclusion.

Additionally, this license amendment application does not meet any of the subsequently listed criteria of 10 CFR 51.60(b)(2), regarding the requirement for licensee's to submit environmental reports with amendment requests. This paragraph states that an environmental report shall be prepared by uranium mill operators licensed under 10 CFR Part 40 if one of the following criteria applies: (1) a significant expansion of the site; (2) a significant change in the types of effluents; (3) a significant increase in the amounts of effluents; (4) a significant increase in individual or cumulative occupational radiation exposures; (5) a significant increase in the potential for or consequences from radiological accidents; or (6) a significant increase in spent fuel storage capacity, in a license or other form of permission to conduct an activity listed in paragraph (b)(1) of this section. The licensing action discussed herein does not meet any of the aforementioned criteria. Consequently, an environmental report is not required from the licensee for this action.

#### **REFERENCES:**

U.S. Nuclear Regulatory Commission (NRC), letter to WNI request for additional information (RAI), June 2, 1999.

NRC, Letter to WNI, Denial of amendment request for LC No. 74C, February 6, 1998.

NRC, Letter to WNI, Approval of amendment request dealing with the groundwater Corrective Action Plan, April 28, 1997.

Western Nuclear Incorporated (WNI), letter to NRC addressing NRC's Request for Additional Information (RAI) of June 2, 1999, July 2, 1999.

WNI, Letter to NRC, requesting an amendment to LC No. 74C, May 20, 1999.

WNI, Letter to NRC regarding groundwater Corrective Action Plan, April 18, 1997.

#### TECHNICAL EVALUATION REPORT

DATE:	July 20, 1999
DOCKET NO.	40-1162
LICENSE NO.	SUA-56
LICENSEE:	Western Nuclear, Incorporated (WNI)
FACILITY:	Split Rock Uranium Mill
PROJECT MANAGER:	Robert Carlson
TECHNICAL REVIEWER:	William von Till

#### SUMMARY AND CONCLUSIONS:

Western Nuclear, Inc. (WNI) has proposed to amend License Condition (LC) No. 24 requesting changes in the surface water sampling requirements. This amendment request was contained in WNI's letter of September 15, 1998. Based on a review of the submittal, NRC requested additional information (RAI) regarding the characterization of groundwater contamination in a June 2, 1999, letter. On June 10, 1999, NRC staff met on-site with WNI and its contractor, Shepard Miller Inc., to discuss the preliminary site characterization and Corrective Action Plan (CAP) preparations, and to observe site conditions. WNI responded to the RAI by letter dated July 2, 1999, which included site characterization information necessary for NRC to conduct its review. Based on the submittals, the NRC staff finds WNI's proposed amendment to be acceptable.

#### DESCRIPTION OF THE LICENSEE'S AMENDMENT REQUEST:

Pursuant to Source Materials License SUA-56, LC No. 24, by letter dated September 15, 1998, WNI requested that the NRC amend LC No. 24 to modify the surface water sampling requirements to be consistent with the current groundwater monitoring program parameters and frequencies as outlined in LC No. 74A.

#### TECHNICAL EVALUATION:

The technical review was based on the following information:

- 1) WNI's September 15, 1998, submittal.
- 2) WNI's July 2, 1999, submittal in response to the NRC staff's June 2, 1999, RAI. This submittal contained maps and figures that illustrate groundwater conditions, extent of groundwater contamination, and fate and transport model predictions for uranium.

Enclosure 2

- 3) Information gathered during our June 10, 1999, site visit with WNI and its contractor, Shepard Miller, Inc.
- 4) Monthly and quarterly monitoring results for 14 years.

The main purpose of WNI's surface water sampling program is to monitor the potential effects of groundwater contamination flushing into the Sweetwater River. Surface water sampling locations are shown in Figure 1. Since groundwater interacts with surface water, it is important to look at groundwater conditions at the site. WNI is in the process of developing a comprehensive CAP to address groundwater contamination that has migrated from the tailings pile. In the process of completing this report, WNI has preformed a comprehensive site characterization of the site. In its July 2, 1999, submittal, WNI provided maps and figures that illustrate groundwater flow and delineation of groundwater contamination.

Local groundwater at the site flows from the tailings pile and then splits off to the northwest and to the southwest (Figure 2). WNI has estimated that approximately 70 percent of the flow is directed toward the east from the Southwest Valley and approximately 30 percent of the flow moves to north towards Sweetwater River. Based on fate and transport modeling, WNI has determined that the main future risk is contamination migrating towards the cluster of water supply wells at the southern boundary of the NRC license and bond area (vic. Red Mule) located southeast of the tailings site, and that there will be no risk to Sweetwater River. Based on these predictions, uranium concentrations of 0.1 mg/L will not impact water wells for at least 100 years. Contamination flowing to the north has been migrating towards the Sweetwater River and is assumed to be flushing into the river; however, surface water sampling has not detected elevated levels. Figure 3 illustrates the distribution of uranium in groundwater. Model predictions indicate that natural flushing will cause the 0.1 mg/L uranium contour to retreat over the next 100 years with levels of constituents to be well below values that are protective of public health and the environment.

LC No. 24 states that the licensee shall implement the environmental monitoring program outlined in Table 2 of its guidance titled, "Current Environmental Monitoring Program," dated ... November 14, 1988. Current surface water sampling (per Table 2) consists of the following:

Sample Location	Frequency	Parameter
S-1 (Tailings Pond) S-2 (Acid Plant Cooling Pond) S-5 (Sweetwater Below Mill) S 6 (Sweetwater Across from Mill)	Quarterly	<u>chloride, nitrate, sulfate, pH, TDS</u>
S-7 (Sweetwater Above Mill)	Semiannually	<b>arsenic</b> , <b>barium</b> , beryllium, cadmium, chromium, lead, <b>molybdenum</b> , nickel, radium-226 and -228, selenium, <b>silver</b> , thorium- 230, uranium

WNI proposes sampling frequency changes that would occur for parameters underlined in the table above. These parameters would be sampled semiannually rather than quarterly. Parameters highlighted in bold in the above table would be removed from the sampling list. Site characterization data demonstrate that the constituents silver, arsenic, and barium are not present in the site groundwater beyond the edge of the tailings reclamation cover above the larger of background or Maximum Concentration Limits (MCLs). Molybdenum is present in the groundwater at concentrations only slightly above the MCL in a very limited area and is not predicted to be a risk to the river.

It is the NRC staff's conclusion that the proposed changes are satisfactory based on the following:

- 1) Protection of human health and the environment would not be compromised.
- 2) Groundwater and surface water trends are already known, and quarterly monitoring for chloride, nitrate, sulfate, pH, and Total Dissolved Solids (TDS) would not give incremental benefits over semiannual monitoring. The parameters arsenic, barium, silver, and molybdenum have not been detected in concentrations in groundwater at levels that would be detected in Sweetwater River when groundwater discharges into the river, and therefore should be deleted.
- 3) Site characterization efforts by WNI have adequately answered NRC's questions regarding the movement of the contaminant plumes, groundwater conditions, and fate and transport of constituents as they relate to this license amendment. Groundwater contamination will be addressed in the final CAP.

#### **PROPOSED LICENSE CHANGES:**

The new language for LC No. 24 should read as follows:

The licensee shall implement the environmental monitoring program outlined in Table 2 of its guidance titled. "Current Environmental Monitoring Program," dated November 14, 1988. The licensee shall sample three surface water locations, S-5 [Sweetwater Below Mill], S-6 [Sweetwater Across from Mill], and S-7 [Sweetwater Above Mill], at the same sampling frequency and for the same constituents [excluding static water level] as required under LC No. No. 74A. The data obtained from this monitoring program shall be reported semiannually to the NRC in accordance with requirements of 10 CFR 40.65.

[Applicable Amendments: 26, 28, 30, 44, 49, 56A, 84, 89]





FIGURE 2 GROUNDWATER CONTOURS ഹ



### ENVIRONMENTAL IMPACT EVALUATION:

An environmental assessment (EA) is not required for this licensing action in accordance with the categorical exclusion contained in 10 CFR § 51.22 (c)(11). This paragraph states that the categorical exclusion applies to issuing license amendments for uranium mill operators licensed under 10 CFR § 40 provided that: (1) there is no significant change in the types or significant increase in the amounts of any effluent that may be released off site; (2) there is no significant increase in individual or cumulative occupational radiation exposure; (3) there is no significant construction impact; and (4) there is no significant increase in the potential for, or consequences from, radiological accidents. The licensing action discussed herein meets all of the above listed criteria for an EA categorical exclusion.

Additionally, this license amendment application does not meet any of the subsequently listed criteria of 10 CFR 51.60(b)(2), regarding the requirement for licensee's to submit environmental reports with amendment requests. This paragraph states that an environmental report shall be prepared by uranium mill operators licensed under 10 CFR Part 40 if one of the following criteria applies: (1) a significant expansion of the site; (2) a significant change in the types of effluents; (3) a significant increase in the amounts of effluents; (4) a significant increase in individual or cumulative occupational radiation exposures; (5) a significant increase in the potential for or consequences from radiological accidents; or (6) a significant increase in spent fuel storage capacity, in a license or other form of permission to conduct an activity listed in paragraph (b)(1) of this section. The licensing action discussed herein does not meet any of the aforementioned criteria. Consequently, an environmental report is not required from the licensee for this action.

### **REFERENCES:**

U.S. Nuclear Regulatory Commission (NRC), letter to WNI request for additional information (RAI), June 2, 1999.

Western Nuclear Incorporated (WNI), letter to NRC addressing NRC's Request for Additional Information of June 2, 1999, July 2, 1999

WNI, Letter to NRC, requesting an amendment to LC No. 24, September 15, 1998.

WNI, Letter to NRC, regarding groundwater Corrective Action Plan, April 18, 1997.

WNI, Letter to NRC, including Current Environmental Monitoring Program, November 14, 1988.

# ENCLOSURE 3

(7-94)		U.S. NUCLEAR RE	GULATORY COMMISSION	
		MATERI	IALS LICENSE	
Pursua Federa by the materia person specifi Nuclea	nt to the Atomic Energy Act of 195- l Regulations. Chapter I, Parts 30, 31, licensee, a license is hereby issued au Il designated below: to use such mat s authorized to receive it in accordanc ed in Section 183 of the Atomic Ene r Regulatory Commission now or her	as amended, the Energ 32, 33, 34, 35, 36, 39, 4 thorizing the licensee to erial for the purpose(s), e with the regulations of rgy Act of 1954, as am reafter in effect and to an	gy Reorganization Act of 1 (0, and 70, and in reliance c receive, acquire, possess, a and at the place(s) designa the applicable Part(s). This ended, and is subject to al ny conditions specified bel	974 (Public Law 93-438), and Title 10. Cod on statements and representations heretofore in nd transfer hyproduct, source, and special nuc ted below: to deliver or transfer such materia license shall be deemed to contain the conditi I applicable rules, regulations, and orders of ow.
1.	Western Nuclear, Inc.		3. License Number	SUA-56, Amendment No. 89
2. <b>200</b> Lake	200 Union Boulevard, Sui Lakewood, Colorado 802	te 300 28	4. Expiration Date	Until Terminated (Applicable Amendments: 31, 32, 38, 41]
	[Applicable Amendments:	34, 52]	5. Docket or Reference No.	40-1162
Bypi Spec	oduct, Source, and/or ial Nuclear Material	7. Chemical a Form	nd/or Physical	8. Maximum Amount that Licensee May Possess at Any One Time Unden This License
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<ol> <li>9.</li> <li>10.</li> <li>11.</li> <li>12.</li> <li>13.</li> <li>14.</li> <li>15.</li> <li>16.</li> <li>17.</li> <li>18.</li> <li>19.</li> <li>20.</li> </ol>	The licensee is hereby aut tailings generated by the li Amendments: 32, 46, 58] Authorized Places of Use: miles north of Jeffrey City, [Applicable Amendments 4 DELETED by Amendment DELETED by Amendment	horized to possess censee's past milli The licensee's un Wyoming. 6, 50, 60, 82] No. 49. No. 49. No. 49. No. 49. No. 49. No. 54. No. 54. No. 33. No: 49. No. 56. No. 49.	s byproduct material ng operations author anium milling facilitie	in the form of uranium waste rized under SUA-56. [Applicable s located approximately two

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-			License Number SUA-56, Amendment No. 8
		MATERIALS LICENSE SUPPLEMENTARY SHEET	Docket or Reference Number 40-1162
		·	
21.	DELET	ED by Amendment No. 56.	
22.	DELET	ED by Amendment No. 54.	
23.	DELET	ED by Amendment No. 33.	
24.	The lice guidane license Across same c obtaine with rec	ensee shall implement the environmental monitorin ce titled "Current Environmental Monitoring Progra e shall sample three surface water locations, S-5   from Mill], and S-7 [Sweetwater Above Mill], at the onstituents [excluding static water level] as require ad from this monitoring program shall be reported s guirements of 10 CFR 40.65.	ng program outlined in Table 2 of its im," dated November 14, 1988. The Sweetwater Below Mill], S-6 [Sweetwater e same sampling frequency and for the ed under LC No. No. 74A. The data semiannually to the NRC in accordance
	[Applic	cable Amendments: 26, 28, 30, 44, 49, 56A, 84, 8	9]
25.	The line March recomin change letters ameno	censee shall conduct a quality assurance progra 25, 1981. In addition, the licensee shall be mendations of each annual audit of the environme es to the "Environmental Monitoring Manual" sub dated March 27, 1991, January 28 and March 1 Iment.	am as contained in their submittal dated required to document the results and ental monitoring program. Any requested mitted on March 23, 1981, as revised by 1, 1992, shall be in the form of a license
·	[Applic	able Amendments: 49, 63]	
26.	DELET	ED by Amendment No. 49.	
27.	The lice Section Split Ro Reclan	ensee shall reclaim the tailings disposal areas in ac ns 1 through 5 and Section 7 of their February 7, ock Mill, Addendum A (February 7, 1994) to Revisio nation Plan," with the following exceptions:	cordance with the Tables and Figures, and 1994, report titled, "Western Nuclear, Inc. n 5 to the June 30, 1987, Uranium Tailings
	A.	If a rock source other than the on-site source is u and the results submitted to the NRC for review ar from the alternate source.	sed, durability testing must be performed nd approval prior to placement of materials
	Β.	The preliminary radon attenuation barrier design Figure 4, Drawing No. 91-225-E53 (Addendum A t Shale and 12 inches of Soil Borrow. This design is surety amount. However, once the storage ponds the design and obtain NRC approval prior to plac	for the Winter Storage Ponds (Area 2C, to Revision 5) consists of 6 inches of Cody s considered acceptable for estimating the are dismantled, the Licensee shall confirm ing the radon cover on the ponds.
	C.	A completion report including as-built drawings, ver performed according to the approved reclamation completion of construction. The report shall also i assurance and control testing to demonstrate that	rifying that reclamation of the site has been blan shall be provided within 6 months after nclude summaries of results of the quality t approved specifications were met.
	D.	One-point Proctor tests shall not be required duri	ng placement of the Cody shale.

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(* <del>34</del> )			License Number	SUA-56	, Amendment No.	8
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	E.	The soil component of the erosion protection layor. This erosion protection layer, to be placed over t consist of a minimum 4-inch thickness of rock with	er, consisting c he final surfac ith a minimum	of soil/rock e reclamat D <sub>50</sub> of 2-ind	matrix, is deleted. ion soil cover, will ches.	
	F.	For rock durability tests, the frequency, specified placement and one test series for every 20,000 c	l in Table 5, sh ubic yards of m	all be one t naterial from	est series prior to n the rock source.	
	G.	For rock gradation tests, the frequency, specif placement and one test for every 10,000 cubic ya a minimum of 3 tests for each material size. Thes material is being produced and prior to placemer	ied in Table 5 ards of each siz e gradation tes nt of material.	i, shall be te of materi sts shall be	one test prior to ial produced, with performed as the	
•	H.	The radon barrier for the northern portions of constructed in accordance with material types, th described in the license amendment request, Lic Surface Reclamation Design - License Conditio Verification Program, dated March 31, 1997; and the May 12, 1997, and May 30, 1997.	Area 1A an hicknesses, ar cense Conditio n #33: Adden he supplement	d Area 1B nd placeme on #27: Re dum to Ra al informat	shall be nt criteria visions to diological ion, dated	
	l.	The thickness of the radon barrier in the 0.8 accordance with the Western Nuclear, Inc. Wast Redesign of Final Cover Thickness 0.8 Acre Are to the NRC on July 25, 1997.	acre Area 2A ern Nuclear Si a in Area 2A,	shall be blit Rock Si transmmitte	in ite ed	
[	Applic	able Amendments: 22, 56, 68, 71, 74, 75, 80, 81	]			
28. C	DELET	ED by Amendment No. 87.				
29. 1 1 5 5 1 1 2 5 5 1 1 2 5 5 1 1 2 9 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	The lic IO CFF by a th of any surveill he lice arrange existing approv	censee shall maintain an NRC-approved finance R 40, Appendix A, Criteria 9 and 10, adequate to c ird party, for decommissioning and decontaminati tailings or waste disposal areas, ground-water re ance fee. Within 3 months of NRC approval of a re ensee shall submit, for NRC review and approval, ement if estimated costs in the newly approved g financial surety. The revised surety shall then b al.	tial surety array over the estim on of the mill a storation as w vised reclama a proposed re- plan exceed e in effect with	angement, lated costs and mill site arranted a lition/decon vision to the the amour hin 3 month	consistent with , if accomplished e, for reclamation nd the long-term nmissioning plan, e financial surety at covered in the as of written NRC	
A b C 3 e li t f c c s	Annual Decem 30 day: existing cense he cos ee, cha osts orresp urety a	updates to the surety amount, required by 10 CF mitted to the NRC at least 3 months prior to the ber 30 of each year. If the NRC has not approved a s prior to the expiration date of the existing surety a g surety arrangement for 1 year. Along with each e shall submit supporting documentation showing t estimates with adjustments for inflation, maintena anges in engineering plans, activities performed an for site closure. The licensee shall also pro- bondence submitted to the State, a copy of the State arrangement. The licensee shall also ensure that the	R 40, Appendi anniversary d a proposed rev arrangement, t proposed rev a breakdown o ance of a minim id any other co ovide the NR ate's surety rev the surety, who	ix A, Criteri ate which ision to the he licensee ision or an if the costs num 15 per nditions aff C with al iew, and the iew authori	a 9 and 10, shall is designated as surety coverage shall extend the nual update, the and the basis for cent contingency fecting estimated I surety related he final approved zed to be held by	
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NRC	C FORM 374A U.S. NUCLEAR REGULATORY C	OMMISSION	PAGE 4	OF	9	PAGES
	·)	License Nun	<sup>nber</sup> SUA-56	, Amenc	Iment	No. 89
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				*	<u></u>	

the State, expressly identifies the NRC portion of the surety. The basis for the cost estimate is the NRC approved reclamation/decommissioning plan or NRC approved revisions to the plan. The previously provided guidance entitled "Recommended Outline for Site Specific Reclamation and Stabilization Cost Estimates" outlines the minimum considerations used by the NRC in the review of site closure cost estimates. Reclamation/ decommissioning plans and annual updates should follow this outline.

Western Nuclear's currently approved surety, issued by American Home Assurance Company on October 26, 1998, in favor of the U. S. Nuclear Regulatory Commission, shall be continuously maintained in an amount no less than \$11,439,100 for the purpose of complying with 10 CFR 40, Appendix A, Criterion 9 and 10, until a replacement is authorized by the NRC.

[Applicable Amendments: 24, 45, 53, 64, 66, 70, 72, 76, 85P]

- 30. DELETED by Amendment No. 69.
- 31. DELETED by Amendment No. 46.
- 32. A. DELETED by Amendment No. 56.
  - B. DELETED by Amendment No. 50.
- 33. DELETED By Amendment No. 88

34. In order to ensure that no disturbance of cultural resources occurs in the future, the licensee shall have an archeological and historical artifact survey of areas of its property, not previously surveyed, performed prior to their disturbance, including borrow areas to be used for reclamation cover. These surveys must be submitted to the NRC and no such disturbance shall occur until the licensee has received authorization from the NRC to proceed.

The licensee is authorized to excavate material from the proposed reclamation borrow areas as designated in the licensee's approved reclamation plan, provided that protection of the cultural resources is managed in accordance with statements and representation contained in the licensee's letter dated March 30, 1992.

[Applicable Amendment: 71]

- 35. Before engaging in any project-related activity not evaluated by the NRC, the licensee shall prepare and record an environmental evaluation of such activity. When the evaluation indicates such activity may result in a significant adverse environmental impact that was not evaluated, or an impact greater than that evaluated in the environmental statement, the licensee shall provide a written evaluation of such activity and obtain prior approval of the NRC for the activity.
- 36. DELETED by Amendment No. 49.
- 37. The licensee is hereby exempted from the requirements of Section 20.203(e)(2) of 10 CFR Part 20, provided that all entrances to the restricted area are conspicuously posted in accordance with Section 20.203(e)(2) and with words, "Any area within this facility may contain radioactive material."

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	[Applicable Amendment: 49]	
38.	Mill tailings other than samples for research s prior approval of the NRC obtained through ap shall maintain a permanent record of all transf	hall not be transferred from the site without specific plication for amendment of this license. The licensee iers made under the provisions of this condition.
39.	DELETED by Amendment No. 50.	
40.	DELETED by Amendment No. 49.	
<b>41</b> .	Release of equipment or packages from the previously provided guidance entitled, "Guideli Prior to Release for Unrestricted Use or Termin dated September, 1984.	e restricted area shall be in accordance with the nes for Decontamination of Facilities and Equipment ation of Licenses for Byproduct or Source Materials,"
42.	The Radiation Safety Officer (RSO) shall per program for content and implementation. A cor site and shall be available for NRC review.	form an annual review of the radiation protection by of the annual eview report shall be retained at the
	[Applicable Amendments: 49, 87]	
43.	The results of sampling, analysis surveys and inspections, and the additional conditions to investigations, and corrective actions, shall be regulations, all such documentation shall be m	monitoring, the calibration of equipment, reports on this license, as well as any subsequent reviews, documented. Unless otherwise specified in NRC aintained for a period of at least 5 years.
	[Applicable Amendment: 49, 87]	
44.	Written procedures shall be established for si personnel and environmental monitoring, and su be reviewed and approved in writing by the Ra- and whenever a change in procedure is pro- principles are being applied. In addition, the RS site procedures at least annually. An up-to-date site facility.	te reclamation and monitoring activities to include rvey instrument calibrations. These procedures shall diation Safety Officer (RSO) before implementation posed to ensure that proper radiation protection SO shall perform a documented review of all existing a copy of each written procedure shall be kept at the
	[Applicable Amendments: 49, 56, 87]	
45.	DELETED by Amendment No. 49.	
46.	DELETED by Amendment No. 87.	
47.	DELETED by Amendment No. 49.	
48.	The Radiation Safety Office (RSO), who is redecommissioning, shall possess the minimu Regulatory Guide 8.31, "Information Relevant to at Uranium Mills Will Be As Low As Reasonably	esponsible for the radiation safety aspects of the m qualifications as specified in Section 2.4.1 of to Ensuring That Occupational Radiation Exposure y Achievable," until license termination.
	[Applicable Amendments: 49, 50, 56, 87]	

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· • •		License Number SUA-	56, Amendment No. 8
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50.	DELETED by Amendment No. 49.		
51.	DELETED by Amendment No. 49.		
52.	DELETED by Amendment No. 49.		
53.	Radiation detection instruments shall be calib manufacturer or at intervals not to exceed six m	prated after repair and as reconnected after repair and as reconnected at the second sec	commended by the
54.	DELETED by Amendment No. 49.		
55.	DELETED by Amendment No. 49.		
56.	DELETED by Amendment No. 49.		
57.	DELETED by Amendment No. 33.		
58.	DELETED by Amendment No. 37.		
59.	DELETED by Amendment No. 49.		
60.	DELETED by Amendment No. 49.		
61.	DELETED by Amendment No. 49.		
62.	DELETED by Amendment No. 49.		
63.	DELETED by Amendment No. 56.		
64.	The licensee shall control grazing to the N and cattle guards at each end of the rock outcrops a indicated on map A, submitted by letter dated A	NNE of the tailings impoundn long the north side of the restri ugust 18, 1978 from G. Fletche	nent by maintaining cted area fence, as er to J. Linehan.
65.	DELETED by Amendment No. 49.		
66.	DELETED by Amendment No. 33.		
67.	DELETED by Amendment No. 33.		
68.	DELETED by Amendment No. 46.		
<b>69</b> .	DELETED by Amendment No. 46.		·
70.	DELETED by Amendment No. 49.		
71.	DELETED by Amendment No. 49.		
72.	DELETED by Amendment No. 49.		
73.	DELETED by Amendment No. 54.		· · ·
74	The licensee shall implement a compliance mon	nitoring program containing the	followina:

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<b>,</b> 541							License Number	SI IA-F	6 Amon	Iment	No	R
		M/ SU	ATERI PPLEM	ALS LIC	ENSE Sheet	· .	Docket or Reference	Number	40-	1162		
	Α.	Samp 19, 23 berylli uraniu	le Sou , and 2 um, ca im.	thwest Va 27, on a se dmium, cl	illey Wells 1, emiannual fre nromium, lea	B, 21, 24, 25, equency for ch d, nickel, radiu	16, 15, and No Ioride, nitrate, Im-226 and 228	rthwest V sulfate, pl 3, seleniur	'alley Wel H, TDS, w m, thorium	ls 4, 5, vater le n-230,	17, vel, and	
	Β.	Comp No. 4	ly with and 21	the follo 1, with ba	wing ground- ckground bei	water protecting recognize	tion standards d in Well No. 1	at point ( 5:	of complia	ance V	Veil	
		beryllin = 0.05 and ur	um = 0 mg/l, i anium	).05 mg/l, radium-22 = 0.16 m	cadmium = 0 26 and 228 = 1g/l.	).01 mg/l, chr 5 pCi/l, selen	omium = 0.05 r ium = 0.013 m	ng/l, lead g/l, thoriu	= 0.05 m m-230 = (	ig/l, nic 0.95 pi	ckel Ci/I,	
	С	Implen 15 milli progra submit 1993, progra 228, se 74B al charac	nent a ion gal m sha tals as April 1 m shal eleniur bove. terizat	corrective lons of co ill be cor s modified 8, 1997, ll be to ret n, thoriun A final ion, must	e action plan ntaminated v istructed as d by the licer May 20, 199 urn the conc n-230, and ur Corrective <i>A</i> be received	program that vater based up described in nsee's April 3 98, and July entrations of I anium to the Action Progra by NRC by C	shall recover a con minimizing the August 31 , 1990, Januar 2, 1999, subm congentration l concentration l m Plan, which october 31, 199	nd evapor recharge , and Se ny 13, 19 nittals. Th nium, nick imits spec h include 99.	rate betweet to the tail ptember 1 92, Septe he object el, radiun cified in S s a com	een 6 a ings. 1 28, 19 ember ive of 1-226 a ubsect plete	and This 189, 23, the and tion site	
		[Applic	able A	mendme	nts: 25, 27, 3	36, 39, 40, 44	, 48, 51, 56, 58	8, 61, 62,	67, 69A,	79, 89	9]	
·	D.	The lic progra	ensee m and	shall sub its effect	omit by Dece on the aquif	mber 15 of e er.	ach year, a rev	view of th	e correcti	ve act	lion	
		[Applic	able A	mendme	nts: 25, 27, 3	36, 39, 40, 44	I, 48, 51, 56, 5	8, 61, 62	, 67, 69A,	79]		
	75.	The lic plan ar 74, res	ensee nd grou pective	shall con Indwater ely, in acc	nplete site re corrective act cordance wit	clamation in tion plan, as a h the followin	accordance wi uthorized by Li g schedules.	th the app cense Co	proved re ndition No	clama os. 27 a	tion and	
		Α.	To en Memo (56 Ff radon in acc	nsure tim prandum R 55432, emission cordance	nely complia of Underst October 25, is as expedition with the follo	nce with tar anding with 1991), the lice ously as pract wing schedul	get completion the Environ ensee shall cor icable, conside e:	n dates mental F nplete rec ering techi	establishe Protection clamation nological	ed in Age to cor feasibi	the ncy ntrol ility,	
			(1)	Windble	own tailings r	etrieval and p	placement on t	he pile - c	complete.			
			(2)	Placem and ero	ent of the inte sion - comple	erim cover to ete.	decrease the p	otential f	or tailings	dispe	rsal	
			(3)	Placem emissio as desc	ent of final ns to an aver ribed in WNI	radon barrier rage flux of no 's submittal o	designed and more than 20 f June 14, 199	d constru pCi/m²/s i4.	cted to li above ba	mit rad Ickgroi	don und	
				(a)	For areas 3A	and 3B - De	cember 31, 19	94 (comp	lete).			

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		ľ	MATER	IALS L	ICENSE		Docket or Reference	e Number	-50,			<u></u>
		S	SUPPLE	MENTAR	Y SHEET					40-	1162	
				(C)	For area 10	C - December 3	31, 1996.		·	<u></u>		
				(d)	For areas ?	IA, 1B, 2A, and	I 2C - Decemi	oer 31, 1	998			
		В.	Rec prote acco subr	lamatior ection, s ordance mittal of	n, to ensure re shall be comp with the follow June 14, 1994	equired longevi pleted as expe ving target date 4:	ty of the cove ditiously as i s for completi	red tailir s reason on and a	ngs a nably is de	and gro y achi scribe	oundwa evable, d in WN	ter in II's
·			(1)	Place Criter	ement of ero ion 6 of Appe	sion protection endix A of 10 C	as part of FR Part 40.	reclama	tion	to co	mply w	ith
				(a)	For areas 3	A and 3B - Jun	ie 30, 1995 (c	omplete	).			
		•	,	(b)	For area 2E	8 - June 30, 199	96.					
				(c)	For area 10	2 - June 30, 199	97.					
				(d)	For areas 1	A, 1B, 2A, and	2C - June 30	, 1999.				
			(2)	Proje 31, 19	cted submitta 999	l of revised gro	undwater cor	rective a	ctior	n plan	- Octob	er ·
		C.	Any l must inclei beyo	icense a demon ment we nd the c	mendment re strate that c ather, litigation ontrol of the l	quest to revise f ompliance was on which comp icensee).	the completion s not techno els delay to r	n dates s logically reclamat	peci fea ion,	fied in sible or oth	Section (includir er facto	A ng rs
		D.	Any li addre consi such facto	icense a ess adde ideration as delay rs beyor	mendment re ed risk to the to the econo ys caused by i ad the control	quest to change public health a mic costs involv inclement weat of the licensee	e the target da and safety an ved and other her, regulator	ites in Se d the en factors j y delays	ection viror ustif , litig	n B abo nment, ying th ation, a	ove, mu with du e reque and oth	st st er
		[Appli	icable A	Amendm	ents: 73, 77,	86]						
7	6.	Notifi shoul	cation t d be m	o NRC ( ade as f	under 10 CFF follows:	20.2202, 10 C	CFR 40.60, ar	nd specif	ic lic	ense o	conditio	ns
		Requi Recov Mater 2055	ired wr very an ial Saf 5.	itten no d Low-L ety and	tice to NRC evel Waste B Safeguards,	under this lice ranch, Division U.S. Nuclear F	nse should t of Waste Ma Regulatory Co	oe given nageme ommissio	to: nt, C on, V	Chief, Office c Vashin	Uraniu of Nucle igton, D	m ar )C
		[Appli	cable A	mendm	ent: 73]	·						
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	ata B-	6-99		Topp Surme	eier Chief	un		
		· · · · · · · · · · · · · · · · · · ·		Uranium Re	ecovery and Lo	w-Level		
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