



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 26, 1999

Mr. William Paul Goranson
Quivira Mining Company
6305 Waterford Bldg., Suite 325
Oklahoma City, OK 73118

SUBJECT: DELAY OF COMPLETION OF WINDBLOWN CLEANUP AT THE AMBROSIA
LAKE SITE, AMENDMENT NO. 42 TO LICENSE SUA-1473

Dear Mr. Goranson:

Quivira Mining Company (QMC) requested by letter dated December 4, 1998, an amendment to Source Material License SUA-1473 to extend for the second time the date for completion of windblown tailings retrieval and placement at its Ambrosia Lake uranium mill and tailings site near Grants, New Mexico. QMC stated in its first request dated June 3, 1997, that the final radon cover was completed in September 1996, and radon flux tests had established that the average flux for both tailings impoundments was less than 2 pCi/m²-sec. The initial request for a one year delay was granted by the U.S. Nuclear Regulatory Commission (NRC) in Amendment No. 38, dated July 9, 1997. The basis for QMC's second request is to provide time for resolution of variations in data obtained as part of the cleanup verification process.

NRC staff has evaluated QMC's request, as discussed in the enclosed Technical Evaluation Report (TER). The staff has agreed to a one year delay, rather than the two years requested by QMC, and having discussed this change with QMC, has approved the following revision to License Condition 40. A. (1):

"Windblown tailings retrieval and placement on the pile - December 31, 1999. Areas inaccessible due to activities authorized by this license will be addressed during final mill decommissioning." [Applicable Amendments: 38, 42]

The license is being reissued to incorporate the revised License Condition (Enclosure 2). All other conditions of the license shall remain the same.

The action requested by QMC will result in no significant change in the types or significant increase in the amounts of any radiological effluent that may be released offsite. An environmental report is not required from QMC since the amendment does not meet the criteria of 10 CFR 51.60(b)(2). An NRC staff environmental assessment was not performed, since this action is categorically excluded under 10 CFR 51.22(c)(11).

W. Goranson

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At this time, NRC staff formally requests that QMC identify the written communication from NRC which accepted the background value of 3 pCi/g noted in its December 3, 1998, letter. In addition, staff requests that QMC either identify the document in which the data justifying this background value was submitted to NRC, or provide such data for NRC review.

If you have any questions concerning this letter or the enclosures, please contact Ken Hooks, the NRC Project Manager for the Ambrosia Lake site, at (301) 415-7777.

Sincerely,



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

Docket No. 40-8905
License No. SUA-1473
Amendment No. 42

Enclosures: As stated

cc: T. Fletcher, QMC NM
P. Luthiger, QMC NM
R. Edge, DOE GJPO
K. Yuhas, NMED Santa Fe

**TECHNICAL EVALUATION REPORT
DELAY OF COMPLETION OF WINDBLOWN CLEANUP**

DATE: February 18, 1999

DOCKET NO.: 40-8905

LICENSE NO.: SUA-1473

LICENSEE: Quivira Mining Company (QMC)

FACILITY: Ambrosia Lake Uranium Mill and Tailings Site

PROJECT MANAGER: Kenneth R. Hooks

TECHNICAL REVIEWER: Kenneth R. Hooks

BACKGROUND: By letter dated December 4, 1998, QMC requested an amendment to its license to extend, for the second time, the date for completion of windblown tailings retrieval and placement at its Ambrosia Lake site near Grants, New Mexico. In its previous amendment request, QMC stated that the final radon barriers on Ponds #1 and #2 were completed in September 1996, and radon flux test data submitted to the Nuclear Regulatory Commission (NRC) by QMC letter dated November 30, 1996, showed average radon flux from both ponds of less than 2 pCi/m²-sec. This initial request to delay the completion date from July 31, 1997, to December 31, 1998, was approved by Amendment No. 38 to License SUA-1472, dated July 9, 1997.

DESCRIPTION OF AMENDMENT REQUEST: QMC's current request is to extend the date for completion of windblown cleanup from December, 1998, to December 31, 2000. The basis for the request is that QMC is having problems resolving the results of the cleanup verification surveys, and needs time to conduct further analyses. Since QMC has completed most, if not all, of the cleanup, except for those areas inaccessible due to authorized activities, the effect of the delay on public health and safety is negligible.

TECHNICAL EVALUATION: NRC staff agrees with QMC that windblown cleanup cannot, for the reasons stated in the amendment request, be completed by the license date of December 31, 1998. Failure to grant the amendment request will simply place QMC in violation of its license, without any commensurate benefit to public health and safety. However, NRC staff does not believe that an extension of the date past December 31, 1999, should be required to resolve the problems identified, or that a further delay would be consistent with the intent of 10 CFR 40.42 for timeliness of reclamation activities. The staff has discussed this change in the length of the delay with QMC, and received its concurrence. Therefore, extension of the cleanup date to December 31, 1999, is approved.

ENVIRONMENTAL IMPACT EVALUATION: In accordance with the categorical exclusion contained in paragraph (c)(11) of 10 CFR 51.22, an NRC environmental assessment is not required for this licensing action since (1) there is no significant change in the types or significant increase in the amounts of any effluents 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. An environmental report is not required from QMC since the amendment does not meet the criteria of 10 CFR 51.60 (b)(2).

W. Goranson

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February 26, 1999

At this time, NRC staff formally requests that QMC identify the written communication from NRC which accepted the background value of 3 pCi/g noted in its December 3, 1998, letter. In addition, staff requests that QMC either identify the document in which the data justifying this background value was submitted to NRC, or provide such data for NRC review.

If you have any questions concerning this letter or the enclosures, please contact Ken Hooks, the NRC Project Manager for the Ambrosia Lake site, at (301) 415-7777.

Sincerely,

[Signed by]

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

Docket No. 40-8905
License No. SUA-1473
Amendment No. 42

Enclosures: As stated

cc: T. Fletcher, QMC NM
P. Luthiger, QMC NM
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