

## Garrett, Betty

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**From:** Oxenberg, Tanya  
**Sent:** Monday, January 31, 2011 11:41 AM  
**To:** Garrett, Betty  
**Subject:** Place in ADAMS  
**Attachments:** Draft License Comments

Betty,

Please place attached correspondence in ADAMS available to the public.

Regards,  
Tanya

Tanya Palmateer Oxenberg, Ph.D.  
Health Physicist

US Nuclear Regulatory Commission  
FSME/DWMEP  
Uranium Recovery Licensing Branch  
Mail Stop T8F5  
11545 Rockville Pike  
Rockville, MD 20852-2738  
(301)415-6142  
fax (301)415-5369

**Garrett, Betty**

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**From:** Cash, John [John.Cash@ur-energyusa.com]  
**Sent:** Friday, January 21, 2011 4:07 PM  
**To:** Oxenberg, Tanya  
**Subject:** Draft License Comments  
**Attachments:** Proposed changes to draft license.doc

Tanya,

We have had a chance to review the draft license and have put together a document (attached) tracking the changes we would like to propose during the public meeting next week. Many of these items are just matters of clarification. We are hoping you can use the document to ensure the proper NRC reviewers are at the meeting to participate in the discussion.

We would like to bring a few drawings along to assist with the discussion. Would it be appropriate to bring hard copies or can we rely on having a projector and screen in the room?

Regards,  
John

## Proposed Changes to the Draft License SUA-1598 for the Lost Creek Project

Proposed changes to the draft language are tracked in Microsoft Word. An explanation for the proposed changes is given below each license condition (underlined and in italics).

9.2. The licensee shall conduct operations in accordance with the commitments, representations, and statements contained in the license application dated March 31, 2008 (Agency wide Documents Access and Management System (ADAMS) package ML091060525, as updated), ~~which is supplemented by the submittals dated December 12, 2008, January 16, 2009, February 27, 2009, August 5, 2009, April 22, 2010, May 14, 2010, June 17, 2010, and June 24, 2010.~~ The approved application and supplements are hereby incorporated by reference, except where superseded by specific conditions in this license.

Whenever the word "will" or "shall" is used in the above referenced documents, it shall denote a requirement.

*LC Comment: The list of document dates was deleted and replaced with "as updated" because it is only possible to comply with the final approved application document. The language of the draft license condition was revised to reflect the language used for this condition in the Moore Ranch license.*

9.5 Last paragraph only: The licensee shall continuously maintain an approved surety instrument for the Lost Creek Project, in favor of the State of Wyoming. The initial surety estimate shall be submitted for NRC review and approval within 90 days of license issuance, and the surety instrument shall be submitted for NRC review and approval 90 days prior to commencing operations.

The initial surety estimate will include a revised decommissioning, decontamination, and reclamation plan which will include soil cleanup criteria for radionuclides other than radium based on the radium benchmark dose method. The soil cleanup criteria, based on the radium benchmark dose methodology for U and other radionuclides, will demonstrate that residual radioactivity in soil meet the criteria in 10 CFR 40, Appendix A, Criterion 6(6).

*LC Comment: This condition requires a continuously maintained surety instrument submitted at intervals described in the condition, including a revision within 90 days of license issuance. The surety instrument must be based upon a current revised decommissioning plan incorporating application of the Radium Bench Mark Standard as committed to in TR Section 6.5.1 Determination of Site Soil Cleanup Criteria (TR Section 6 Ground water Quality Restoration, Surface Reclamation and Facility Decommissioning "comprises the initial Decommissioning Plan for the Project".) Therefore, Condition 12.13 & Condition 12.14 are redundant with this Condition and with other conditions in the license, but to make this condition more specific to Condition 12.14 add the wording from Condition 12.14 as above. The wording in Condition 12.14 regarding beta/gamma monitoring procedures is redundant with Condition 9.6 below and we request be stricken.*

9.6 Release of surficially contaminated equipment, materials, or packages from restricted areas shall be in accordance with the NRC guidance document "Guidelines for Decontamination of Facilities and Equipment Prior to Release for Unrestricted Use or Termination of Licenses for Byproduct, Source or Special Nuclear Material, dated April 1993 (ADAMS Accession No. ML003745526) or suitable alternative procedures approved by NRC prior to any such release.

Where surface contamination by both alpha- and beta-gamma-emitting nuclides exists, the limits established for alpha- beta-gamma-emitting nuclides shall apply independently.

LC Comment: This license condition is redundant with commitments made in the TR and the guidance document (with exception of the date of the guidance document). It seems unnecessary to insert a license condition that simply restates our commitments.

- 9.7 The licensee shall follow guidance set forth in NRC, Regulatory Guides (as revised) 8.22, "Bioassay at Uranium Recovery Facilities," and 8.30, "Health Physics Surveys in Uranium Recovery Facilities," or NRC-approved equivalent.

The licensee shall follow guidance set forth in Regulatory Guide 8.31 (as revised), "Information Relevant to Ensuring that Occupational Radiation Exposure at Uranium Recovery Facilities will be As Low As Is Reasonably Achievable (ALARA)." With the following exception:

- A. The licensee will identify a qualified designee(s) to perform daily inspections in the absence of the RSO or HPT. The qualified designee(s) will have qualifications and health physics training as specified by the licensee in Sections 5.3.1.1, 5.4.3.2 and 5.5 of the Technical Report. Furthermore, the qualified designee(s) may perform daily inspections no more than three days per week, and the resulting inspection reports will be reviewed by health physics staff within 24 hours of the return of the health physics staff. The licensee will also have a health physics staff member available by telephone while the qualified designee(s) is performing the daily inspection.

Exceptions are subject to review and approval by the NRC.

*LC Comment: Language revised to reflect the Moore Ranch license and to verify our ability to use a designee to perform inspections on a limited basis.*

- 10.2 Facility Throughput. The Lost Creek processing facility throughput shall not exceed a maximum average annual flow rate of 6,000 gallons per minute, excluding restoration flow. The annual production of yellowcake slurry shall not exceed 24 million pounds equivalent of dried yellowcake product.

LC Comment: Section 3.2 of the Technical Report describes the plant flow as "nominal flow rate of 6,000 gpm." LC ISR intended the term "nominal" to mean an approximation. An average annual flow rate of 6,000 gpm is consistent with the Mildos calculation and is protective of the public. Also, it is much easier to maintain compliance based on an average than on an instantaneous flow rate. An instantaneous spike in the flow rate, common during startups or other operational changes, will result in a violation even though it would create no potential for harm to employees or the public. The metrics used by the NRC to measure compliance should be consistent with the metrics used to analyze public and employee safety.

With regard to the annual yellowcake production rate, Section 3.3 of the Technical Report states the plant is designed to elute and precipitate up to 2 million pounds of yellowcake per year. The Technical Report also discusses toll milling materials from other operators so the total plant production per year could be a nominal 1 million pounds from the wellfield and 1 million pounds from other facilities. Since the application considers a production rate of 2 million pounds per year the NRC should have based their review on this rate and issue the license with a limit of 2 million pounds per year.

- 10.3 Equipment Calibration. All radiation monitoring, sampling, and detection equipment shall be recalibrated after each repair and as recommended by the manufacturer, or at least annually, whichever is more frequent. In addition, all radiation survey instruments shall be operationally checked and documented with a radiation source each day when in use.

LC Comment: Can trained operators complete the operational check and documentation on weekends and holidays as per past standard practice in the industry?

10.5 The licensee shall develop and implement written standard operating procedures (SOPs) prior to operation for: (1) all operational activities involving radioactive and non-radioactive materials associated with licensed activities that are handled, processed, stored, or transported by employees; (2) all non-operational activities involving radioactive materials including in-plant radiation protection and environmental monitoring; and (3) emergency procedures for potential accident/unusual occurrences including significant equipment or facility damage, pipe breaks and spills, loss or theft of yellowcake or sealed sources, significant fires, and other natural disasters. The SOPs shall include appropriate radiation safety practices to be followed in accordance with 10 CFR Part 20. SOPs for operational activities shall enumerate pertinent radiation safety practices to be followed. A copy of the current written procedures shall be kept in the areas(s) of the production facility where they are utilized

LC Comment: Please clarify what is meant by item (2) "non-operational activities involving radioactive materials".

The term "sealed sources" was removed because this part 40 license does not include oversight of sealed sources. If sealed sources are utilized at the facility the radiation safety program mandated by the associated regulations and license will be utilized.

This condition provides for the requirement of the first part of Condition 12.11 and supports our request to have that part of Condition 12.11 stricken.

10.6 Mechanical Integrity Tests. The licensee shall construct all wells in accordance with methods described in Sections 3.2.4 and 3.2.5 of the approved license application. Mechanical integrity tests shall be performed on each injection and production well before the wells are utilized and on wells that have been serviced with equipment or procedures that could damage the well casing. Additionally, each injection well shall be retested at least once each five (5) years it is in use. ~~The initial integrity test will be conducted at an initial pressure of 150 psi and any subsequent integrity test shall pressurize the well to 125 percent of the maximum operating pressure. The well will pass the test if 95 percent of the initial pressure is maintained for 10 minutes. A single point resistance test may be used only in conjunction with another approved well integrity testing method. If any well casing failing the integrity test cannot be repaired, the well shall be plugged and abandoned.~~

LC Comment: The detailed test procedures were deleted because it is inappropriate for a performance based license to mandate such fine detail. The licensee should be allowed to adjust procedures as changes to materials of construction and engineering dictate. State regulations will ensure that test procedures are adequate to ensure protection. This approach is consistent with both the Moore Ranch Final License and Nichols Ranch draft license.

This license condition is inconsistent with both EPA and State UIC regulations, which have direct authority over this matter, as well as the language presented in section 3.2.5 of the Technical Report. The UIC program rules implemented by the state are directed at Class III injection wells and not at production wells. The language presented in the Technical Report is more protective than required by law because it requires initial MITs of all injection, production, and monitor wells before use. The application language does not require 5 year MITs of production wells because there is a lack of legal or environmental reasoning for doing so since production wells maintain a hydrologic sink and therefore cannot leak into another horizon. It is also noteworthy that the State of Wyoming Permit to Mine Application contains the same language as the Technical Report and the language is acceptable to the State who regulates Class III UIC wells.

10.7 Ground Water Restoration. The licensee shall conduct ground water restoration activities in accordance with the approved license application. Permanent cessation of lixiviant injection in a well field would signify the licensee's intent to shift from the principal activity of uranium production to the initiation of ground water restoration. ~~Prior to initiation of ground water restoration activities, the licensee shall determine the restoration schedule. If the licensee determines that these activities are expected to exceed 24 months, then the licensee shall submit an alternate schedule request that meets the requirements of 10 CFR 40.42~~The alternate restoration schedule presented in Figure 1.7-2 represents the approved alternate restoration schedule pursuant to 10 CFR 40.42. If the licensee determines that the approved schedule will be exceeded, the licensee shall submit a revised schedule request for NRC approval.

Hazardous constituents in the ground water shall be restored to the numerical ground water protection standards as required by 10 CFR 40, Appendix A, Criterion 5(B)(5). In submitting any license amendment application requesting review of proposed alternate concentration limits (ACLs) pursuant to Criterion 5(B)(6), the licensee must also show that it has first made reasonable effort to restore the specified hazardous constituents to the background or maximum contaminant levels (whichever is greater).

Changes to ground water restoration or post-restoration monitoring plans shall be submitted to the NRC for review and approval at least 60 days prior to ground water restoration in a well field.

LC Comment: Lost Creek ISR, LLC discussed the issue of an alternate restoration schedule pursuant to 10 CFR 40.42 with the NRC during the RAI process. As a result of that discussion, Section 6.0 of the Technical Report was revised to state in part that, "Figure 1.7-2 includes a schedule of activities for the Project, including the restoration and reclamation activities. This schedule is an alternate schedule pursuant to 10 CFR 40.42." If the NRC approves the alternate schedule presented in the TR then the license condition language should be amended to reflect the acceptance of the alternate schedule.

10.8 The licensee shall maintain an inward hydraulic gradient in each individual well field starting when lixiviant is first injected into the production zone and continuing until the ~~restoration target values (RTVs) have been achieved~~initiation of stabilization.

LC Comment: It may be unclear when the RTVs have been achieved. Therefore, the more clearly defined standard of "initiation of stabilization" is being proposed.

#### Facility Specific Conditions

10.9 Prior to the injection of lixiviant into a production unit, the licensee will ensure that ~~any abandoned~~attempt to locate and abandon all historic (pre year 2005) boreholes/wells located within 500 feet of the production unit ~~the perimeter monitor well ring is properly abandoned~~ such that the boreholes/wells will not provide a conduit for the migration of production fluids. The licensee will document their efforts to identify and properly abandon all abandoned boreholes/wells within the area of influence of a wellfield in a report submitted to NRC prior to the start of operations at the production unit. If a vertical excursion is detected during operations, then injection of lixiviant into the area surrounding the monitor wellthat production unit will cease until the licensee demonstrates to the satisfaction of NRC staff that the vertical excursion is not attributed to leakage through any abandoned borehole/well.

LC Comment: Generally, we find this condition is unnecessary as all facilities have historic holes that they must deal with yet this condition does not exist in other licenses. However, if the NRC wishes that the license address this subject then we propose that the NRC's language be consistent with the state Permit to Mine Application. It is likely that a few historic holes will not be locatable. Therefore, the

language should be modified to address this concern. Also recommend that "production unit" be replaced with "the area surrounding the monitor well" since applying the restriction over such a large area is not supported by hydrologic conditions at the site.

- 10.10 For mine units that abut (located within 100 feet of) the Lost Creek Fault, the licensee shall install additional monitoring wells in the upper and lower aquifers on the opposite side, and within 100 feet of the fault, to monitor potential excursions through the fault. The monitoring wells will be on 500 foot spacing for the entire length that the mine unit abuts the fault. The additional wells will be included in the routine excursion monitoring program. The monitoring parameters will include the depth to water measurements and corresponding ground water elevations.

LC Comment: This license condition will require substantial revision since the proposed placement of monitor wells would be ineffective at detecting excursions. The state of Wyoming has completed a significant review of cross fault monitoring and subsequently agreed to a detailed monitoring plan that considers all possible excursion scenarios along the fault. Lost Creek ISR, LLC would like to discuss this plan with the NRC and ask that they incorporate the state monitoring plan for the sake of consistency and because it is effective. Lost Creek will come prepared to discuss the monitoring plan that has been reviewed and accepted by the WDEQ-LQD. Part of this discussion will need to revolve around definitions as it appears we are not using the same terminology.

- 10.12 Well Field Packages. Prior to principal activities in a new well field, the licensee shall submit a hydrologic test data package to the NRC for review and approval. A hydrologic test package shall be submitted at least 60 days prior to the planned start date of lixiviant injection. In each well field data package, the licensee will document and attest that all perimeter monitoring wells are screened in all sub-horizons within the HJ Horizon that are subject to production fluid injection and will provide timely detection of an excursion.

LC Comment: The language in this license condition requiring perimeter monitor wells to be screened in all sub-horizons is unique to the Lost Creek License. Does the NRC feel that unique hydrologic conditions exist at Lost Creek that require such a condition?

Further, completion of perimeter monitor wells in all sub-horizons will likely result in substantial dilution of excursion fluids that could delay the timely detection of an excursion. The best practice, as historically applied by both the NRC and the State of Wyoming, for completing perimeter monitor wells is to have the completion interval reflect that of injection wells in the area. It is inappropriate to monitor production sub-horizons that are a significant distance away from the perimeter monitor well ring. Lost Creek ISR, LLC proposes that the completion of each perimeter monitor well reflect all the production sub-horizons within 800 feet of said monitor well. This completion method will minimize the potential for dilution thereby allowing for timely recognition of excursions.

The state of Wyoming, after significant review, has approved a completion method for perimeter monitor wells which Lost Creek ISR, LLC would like to discuss.

- 10.13 Wellfield Daily Inspections. Injection manifold pressures and flow rates shall be measured and recorded daily by the computer system or Well Field Operator....

LC Comment: Will electronic data recordings suffice in lieu of data recorded by the Well Field Operator? If so, we propose the language be amended as shown to indicate that such readings are acceptable.

- 10.14 The licensee will ensure that calibrated radiation instrumentation will be available that can detect radiation exposure readings that span from the LLD, as described in Regulatory Guide 8.30, to dose

~~rates above those that can be measured in an ISR facility. The licensee will ensure that calibrated radiation instrumentation will be available that can: (1) detect radiation exposure readings that span from the LLD, as described in Regulatory Guide 8.30, to dose rates above those that can be measured in an ISR facility; and (2) perform equipment release, personnel contamination and area surveys as described in Regulatory Guide 8.30.~~

LC Comment: This wording is added to condition 10-14 to include the similar requirement of the second part of Condition 12.11 so that that requirement of 12.11 can be stricken as a separate Condition.

11.1C Quarterly report summarizing daily flow rates for each injection and production well and pressures for each injection manifold pressures on the entire system. This report shall be made available for inspection upon request.

LC Comment: Language clarified to indicate that pressure data must be summarized for each injection manifold and not the system as a whole.

11.3(A) Ore Zone. Samples shall be collected from production and injection wells at a minimum density of one production or injection well per 4 acres; however, the licensee will have to provide rationale for densities less than one well per one acre of production area in the well field data package. A minimum of six (6) wells will be required for the baseline data per ~~production pattern~~ mine unit; the data for subhorizons may be combined if the licensee demonstrates that the quality of each subhorizon is equal. Wells selected for the baseline data will be those used to measure restoration success and stabilization.

LC Comment: This appears to be a difference in terminology that needs clarified.

11.3(B) Perimeter Monitoring Wells. Samples shall be collected from all perimeter monitoring wells that will be used for excursion monitoring in the HJ Horizon. Perimeter wells will be installed a maximum of 500 feet from the production pattern with a maximum spacing of 500 feet. The spacing and distance to the perimeter wells will be such that the angular distance from any injection well to the two nearest perimeter wells is less than 70 degrees. In no case will the perimeter monitoring wells be installed outside of the ~~exempted-reclassified~~ aquifer as defined by the UIC permit. ~~If the production patterns include multiple subhorizons within the HJ Horizon, the above requirements will be applicable to all subhorizons.~~

LC Comment: The term "exempted" was struck and replaced with "reclassified" because the EPA approved state program allows for water to be reclassified so it is not a USDW that requires an exemption. The last sentence was stricken because it is redundant with license condition 10.12.

11.5 ...The Licensee shall notify the NRC Project Manager (PM) by telephone or email within 24 hrs of confirming lixiviant excursion...

LC Comment: As written, this condition will require that the Project Manager be reachable by telephone at all times and they give the licensee the telephone number where they can be reached. Such a license condition unnecessarily overstates the risk of an excursion. Excursions, which generally move only a few inches per day, are not a violation of any regulations and the PM has no responsibility in developing a solution to the problem. Therefore, adding the ability to notify the Project Manager by email is appropriate and would be consistent with the reporting methodology described in license condition 11.6.

Section 12.0: Preoperational Conditions

Standard Conditions

- 12.1 Prior to commencement of operations in any well field, the licensee shall obtain all necessary permits and licenses from the appropriate regulatory authorities. The licensee shall submit a copy of all permits for its Class I and Class III underground injection wells, as well as documents clearly delineating the approved aquifer exemption areas water reclassification and boundaries to the NRC.

LC Comment: Per the EPA approved program, the state of Wyoming will re-classify the water so that it is not a USDW. Therefore, an aquifer exemption will not be necessary.

#### Facility Specific Conditions

Prior to the commencement of operations, the licensee shall request an amendment to remove the following items in LC 12.7 to LC 12.15.

- 12.7 The licensee shall install two monitoring wells (MW-2 and MW-3) in the southwestern and southeastern corner of the storage pond area in accordance with Section 4.2.5.4 of the approved license application. The wells along with existing wells MW-1 and MW-4, will be included in the quarterly monitoring program as described in Section 5.3.2.3 of the approved license application.

LC Comment: Propose striking this condition since the TR already commits to the installation of required monitor wells at the holding ponds. The NRC can verify the installation of these wells during the pre-operational inspection. Seeking a license amendment for such an item will be costly and is unwarranted.

If the condition is left in then propose adjusting the language to require the installation of one (1) additional monitoring well since three of the four required wells are already installed (a description of the three installed monitor wells can be found in both Section 4.2.5.4 of the TR and on Page 4 of the Subsurface Exploration and Geotechnical Engineering Report of Attachment 4.2-1 of the TR).

- 12.8 The licensee will collect additional meteorological data on a continuous basis at a data recovery rate of 90 percent until the data collected is determined to be representative of long-term conditions. Justification of the similarity or validity of the data will include analysis of the statistical data presented to illustrate confidence in the representativeness of the data. The data collected shall include, at a minimum, temperature, precipitation, wind speed, wind direction, and an annual wind rose. The submittal shall include a summary of the stability classification.

LC Comment: Data to address this condition was previously submitted on November 22, 2010. Lost Creek ISR, LLC requests that the previously submitted data be reviewed and this condition be struck upon completion of the review. Requiring a costly license amendment for such a simple item is unwarranted.

- 12.9 The licensee shall submit a preoperational radiological environmental monitoring program report for NRC approval that will include all environmental results for all media, as described in Regulatory Guide 4.14

LC Comment: Section 2.9 of the TR was meticulously prepared to be the preoperational radiological environmental monitoring report. What is missing from the TR that NRC feels needs to be addressed? Please point to what additional information is required.

- 12.10 The licensee shall provide for the following information for the airborne effluent and environmental monitoring program in which it shall:

A) Discuss how, in accordance with 10 CRF 40.65, the quantity of the principal radionuclides from all point and diffuse sources will be accounted for, and verified by, surveys and/or monitoring.

LC Comment: TR Section 5.7.7 Airborne Effluent and Environmental Monitoring Programs is a thorough discussion of the LC ISR, LLC methods for complying with 10 CFR 40.65. Please clarify if additional information is needed? Please strike this condition if all information has been provided in the TR.

B) Evaluate the member(s) of the public likely to receive the highest exposures from licensed operations consistent with 10 CFR 20.1302.

LC Comment: TR Section 7.2.1 Exposure Pathways is a thorough analysis of pathways of exposure and contains maximum exposure estimates for a potential resident living at the boundary location estimated to be most impacted by radiological effluents from LC ISR, LLC licensed operations. As well the Section analyzes possible dose to a casual member of the public spending time in the permit area. Please strike this condition if all data has been provided.

C) Discuss and identify how radon (radon-222) progeny will be factored into analyzing potential public dose from operations consistent with 10 CFR Part 20, Appendix B, Table 2.

LC Comment: TR Section 7.2.1 Exposure Pathways discusses utilization of MILDOS modeling to analyze potential public dose from radon and its progeny. The modeled dose estimates are essentially totally due to the radon progeny. TR Section 5.7.7 Airborne Effluent and Environmental Monitoring Programs contains a thorough discussion of the effluent monitoring program which monitors the LC ISR, LLC operational environment for radon and its progeny. Please strike this condition if all data has been provided.

D) Discuss how, in accordance with 10 CFR 20.1501, the occupational dose (gaseous and particulate) received throughout the entire License Area from licensed operations will be accounted for, and verified by, surveys and/or monitoring.

LC Comment: TR Section 5.7 Radiation Safety Controls and Monitoring and TR Section 7.2.1 Exposure Pathways provide a detailed discussion of all aspects of external and internal dose control, surveying and monitoring within the LC ISR, LLC License Area. Section 5.7.2 specifies that the monitoring commitments are intended to be minimum practices and the "RSO retains the authority to increase sampling and monitoring frequency and locations as necessary to ensure adequate protection of all workers and the public." The Section provides for the RSO to "determine that increased sampling and monitoring may be needed at the beginning of operations to quickly develop an understanding of baseline values and to help anticipate where additional engineering or administrative controls may be required."

TR Section 5.2 Management Control Program specifies the development of an Environmental Health and Safety Management System which will utilize tools such a SOPs, and RWPs in conjunction with programs such as the RPP and QAP to incorporate the control, survey and monitoring measures necessary to protect the workers and the public.

Additionally, this Condition is redundant with the requirements of Conditions 9.7 and 10.5 of this DL. In lieu of further guidance, please strike the condition.

12.11 The licensee shall develop a survey program for beta/gamma contamination for personnel contamination from restricted areas, and beta/gamma contamination in unrestricted and restricted areas that will meet the requirements of 10 CFR Part 20, Subpart F.

The licensee shall provide for NRC review and approval the surface contamination detection capability (scan MDC) for radiation surveys meters used for contamination surveys to release equipment and materials for unrestricted use and for personnel contamination surveys. The detection capability in the scanning mode for the alpha and beta radiation expected shall be provided in terms of dpm per 100 cm<sup>2</sup>.

LC Comment: The first paragraph is redundant with condition 10.5 and should be struck.

Propose striking the second paragraph due to the revision of license condition 10.14.

- 12.12 The licensee shall submit to the NRC the procedures by which it will ensure that unmonitored employees will not exceed 10 percent of the dose limit.

LC Comment: This condition is redundant with condition 10.5 and should be stricken.

- 12.13 The licensee shall submit an updated decommissioning cost estimate upon which the financial assurance instrument will be established. The licensee shall also provide a copy of the financial assurance instrument.

LC Comment: Propose striking this license condition because it is redundant with license condition 9.5 which has proposed wording to include this condition more specifically.

- 12.14 The applicant will provide a revised decommissioning, decontamination, and reclamation plan within 90 days of receipt of license. The revised plan will include soil cleanup criteria for radionuclides other than radium based on the radium benchmark dose method, as well as procedures to monitor for beta-gamma contamination on equipment, structures, and material released for unrestricted use. The soil cleanup criteria, based on the radium benchmark dose methodology for U and other radionuclides, will demonstrate that residual radioactivity in soil meet the criteria in 10 CFR 40, Appendix A, Criterion 6(6).

LC Comment: Propose striking this license condition because it is redundant with license condition 9.5 which has proposed wording to include this condition more specifically.

- 12.15 Prior to operations, the licensee shall submit a completed Quality Assurance Project Plan in accordance with the Table of Contents presented in Attachment 5.2-1 of the approved application.

LC Comment: Lost Creek ISR, LLC proposes that this license condition be struck and NRC verify the completion of the QA Project Plan during the preoperational inspection.

Received: from HQCLSTR02.nrc.gov ([148.184.44.80]) by TWMS01.nrc.gov  
([148.184.200.145]) with mapi; Mon, 31 Jan 2011 11:41:24 -0500

Content-Type: application/ms-tnef; name="winmail.dat"

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To: "Garrett, Betty" <Betty.Garrett@nrc.gov>

Date: Mon, 31 Jan 2011 11:41:25 -0500

Subject: Place in ADAMS

Thread-Topic: Place in ADAMS

Thread-Index: AcvBZbMlSttqw2kiT9qxBFTRiATN/g==

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