

February 22, 1999

Mr. Gary Chase, Radiation Safety Officer
Union Pacific Resources
Bear Creek Uranium Company
P.O. Box 366
Casper, WY 82602

SUBJECT: 1999 ANNUAL SURETY UPDATE FOR BEAR CREEK URANIUM FACILITY
AMENDMENT NO. 40 TO LICENSE SUA-1310

Dear Mr. Chase:

The U.S. Nuclear Regulatory Commission (NRC) staff has completed its review of the annual surety update for the Bear Creek Uranium Company (BCUC) facility as submitted in your letter of October 27, 1998. The review found the proposed surety to be acceptable.

BCUC requested that the current surety arrangement, whereby a bond is held by the State of Wyoming, be reduced to reflect work completed at the Bear Creek site. The NRC portion of the reclamation performance bond is currently \$5,964,983. BCUC has requested a reduction to \$3,937,303. Based on costs of work completed and cost estimates of work to be completed, the NRC staff concluded that the surety amount required by BCUC is adequately provided for by the proposed bond amount. In its calculation of the revised surety amount, Bear Creek also considered the effects of inflation from September 1997 to September 1998 and applied a 1.5 percent increase to the proposed surety amount.

Therefore, based on the staff's review, the surety amount in License Condition 27 of Source Material License SUA-1310 is modified to \$3,937,303. A copy of the staff's Technical Evaluation Report for this action is Enclosure 1. The amended license is Enclosure 2.

If you have any questions concerning this letter, please contact the NRC Project Manager, Mr. Kenneth Hooks 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. 40-8452
License No. SUA-1310
Enclosures: As stated

cc: R. Chancellor, WDEQ

Case closed: L51774

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555-0001

February 22, 1999

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Bear Creek Uranium Company
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Therefore, based on the staff's review, the surety amount in License Condition 27 of Source Material License SUA-1310 is modified to \$3,937,303. A copy of the staff's Technical Evaluation Report for this action is Enclosure 1. The amended license is Enclosure 2.

If you have any questions concerning this letter, please contact the NRC Project Manager, Mr. Kenneth Hooks at (301) 415-7777.

Sincerely,

A handwritten signature in cursive script that reads "King Stablein".

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

Docket No. 40-8452
License No. SUA-1310

Enclosures: As stated

cc: R. Chancellor, WDEQ

ENCLOSURE 1

TECHNICAL EVALUATION REPORT

DATE: February 16, 1999

DOCKET NO.: 40-8452 License No. SUA-1310

LICENSEE: Bear Creek Uranium Company (BCUC)

FACILITY: Bear Creek

PROJECT MGRS: Ken Hooks and Jill Caverly

TECHNICAL
REVIEWERS: Daniel Rom and Richard Turtill

SUMMARY AND CONCLUSIONS:

The licensee provided the annual surety update by letter of October 27, 1998. The licensee's current bond with the Wyoming Department of Environmental Quality (WQED) includes \$5,964,983 for the NRC portion of the reclamation work. The licensee proposed to reduce that amount by \$2,027,680 to account for work already completed at the site. Based on its review of information provided by the licensee, the staff considers the new cost estimate of \$3,937,303 proposed by the licensee for the remaining NRC portion of the reclamation work to be acceptable.

DESCRIPTION OF LICENSEE'S REQUEST:

In its October 27, 1998, submittal, the licensee provided cost summaries of monies spent for work completed and cost of remaining work related to tailings reclamation. The licensee's cost summary supports a revised surety amount of \$3,937,303 for the NRC portion of the reclamation performance bond held by the WDEQ. The licensee's surety figure represents a decrease of \$2,027,680 from last year's approved value.

The reductions for work completed have been documented in the Licensee's submittal. The cost items for which individual reductions are sought include: 1) Mobilization, 2) Tailings Relocation, 3) Radon Barrier, 4) Topsoil, 5) Channel Cut, 6) Rock Structures, 7) Revegetation, and 8) Engineering/Management/Well Abandonment. For items where the estimated bond amount exceeded the bid amount, a conservative approach to estimate the tailings reclamation cost was used. In such cases, the cost to date was subtracted from the estimated bond amount. Conversely, where the bond estimate was lower than the actual cost, the adjustment was based on the percentage of work completed. Adjustments to the remaining cost were made to reflect a 1.5 percent increase in the Consumer Price Index for the preceding 12 months. Applicable contingencies remain in effect.

Enclosure

TECHNICAL EVALUATION:

The staff considers the revised surety estimate of \$3,937,303 to be acceptable based on the information provided by the licensee. BCUC requested that the current surety arrangement, whereby the bond is held by the State of Wyoming, be reduced to reflect work completed at the Bear Creek site. NRC staff considers that the revised surety amount to complete NRC reclamation requirements should be adequately provided for by the proposed amount of \$3,937,303. In its calculation of the revised surety amount, Bear Creek considered the effects of inflation from September 1997 through September 1998 and applied a 1.5 percent increase to the proposed surety amount.

RECOMMENDED LICENSE CHANGE:

The staff concluded that the proposed NRC surety amount of \$3,937,303 is acceptable. Pursuant to Title 10 of the Code of Federal Regulations, Part 40, Source Material License SUA-1310 is amended by revising License Condition 27 as follows:

27. The licensee shall maintain an NRC-approved financial surety arrangement, consistent with 10 CFR 40, Appendix A, Criteria 9 and 10, adequate to cover the estimated costs, if accomplished by a third party, for decommissioning and decontamination of the mill site, for reclamation of any tailings or waste disposal areas, ground-water restoration as warranted and the long-term surveillance fee. Within 3 months of NRC approval of a revised reclamation/decommissioning plan, the licensee shall submit, for NRC review and approval, a proposed revision to the financial surety arrangement if estimated costs in the newly approved plan exceed the amount covered in the existing financial surety. The revised surety shall then be in effect within 3 months of written NRC approval.

Annual updates to the surety amount, required by 10 CFR 40, Appendix A, Criteria 9 and 10, shall be submitted to the NRC at least 3 months prior to the anniversary date which is designated as January 30. If the NRC has not approved a proposed revision to the surety coverage 30 days prior to the expiration date of the existing surety arrangement, the licensee shall extend the existing surety arrangement for 1 year. Along with each proposed revision or annual update, the licensee shall submit supporting documentation showing a breakdown of the costs and the basis for the cost estimates with adjustments for inflation, maintenance of a minimum 15 percent contingency fee, changes in engineering plans, activities performed and any other conditions affecting estimated costs for site closure. The licensee shall also provide the NRC with all surety related correspondence submitted to the State, a copy of the State's surety review and the final approved surety arrangement. The licensee shall also ensure that the surety, where authorized to be held by the State, expressly identifies the NRC portion of the surety and covers the decommissioning and decontamination of the mill site, reclamation of the tailings and waste disposal areas, soil and water sample analyses to confirm decontamination, ground-water restoration as warranted and the transfer of the long-term surveillance fee to the U.S. General Treasury. The basis for the cost estimate is the NRC-approved reclamation/decommissioning plan or NRC-approved revisions to the plan. The NRC report, "Recommended Outline for Site Specific Reclamation and Stabilization Cost Estimates," outlines the minimum considerations used by the NRC in the review of site closure estimates. Reclamation/decommissioning plans and annual updates should follow this outline.

Bear Creek's currently approved surety, a Corporate Guarantee (Union Pacific Resources Group, Inc.) with the State of Wyoming, shall be continuously maintained in an amount no less than \$3,937,303 for the purpose of complying with 10 CFR 40, Appendix A, Criteria 9 and 10, until a replacement is authorized by both the State of Wyoming and the NRC.

[Applicable Amendments: 10, 19, 30, 31, 38, 40]

All other conditions of the license shall remain the same.

ENVIRONMENTAL IMPACT EVALUATION:

An environmental review was not performed since this action is categorically excluded under 10 CFR 51.22(c)(10).

ENCLOSURE 2

MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

<p>Licensee</p> <p>1. Bear Creek Uranium Company</p> <p>2. Post Office Box 366 Casper, Wyoming 82602 [Applicable Amendments: 25]</p> <p>16]</p>	<p>3. License Number SUA-1310, Amendment No.40</p> <p>4. Expiration Date Until NRC determines site reclamation is adequate [Applicable Amendments:]</p> <p>5. Docket or Reference No. 40-8452</p>
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6. Byproduct, Source, and/or Special Nuclear Material	7. Chemical and/or Physical Form	8. Maximum Amount that Licensee May Possess at Any One Time Under This License
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Natural Uranium

Any

Residual contamination from previously licensed activities.
[Applicable Amendments: 21]

- 9. Authorized place of use: The licensee's facilities located in Converse County, Wyoming. [Applicable Amendments: 21]
- 10. The licensee is hereby authorized to possess byproduct material in the form of uranium waste tailings and other byproduct wastes generated from past operations at the site. [Applicable Amendments: 14]
- 11. For use in accordance with statements, representations, and conditions contained in the licensee's submittal dated August 15, 1988, except where superseded by license conditions below.

Whenever the word "will" is used in the above referenced document, it shall denote a requirement.
[Applicable Amendments: 12, 21]
- 12. DELETED by Amendment No. 14.
- 13. DELETED by Amendment No. 14.
- 14. The licensee is hereby exempted from the requirements of Section 20.203(e)(2) of 10 CFR 20, provided that the restricted area is conspicuously posted.
[Applicable Amendments: 21]
- 15. The results of sampling, analyses, surveys and monitoring; the results of calibration of equipment; reports on audits and inspections; all meetings and training courses required by this license; and any subsequent reviews, investigations, and corrective actions, shall be documented. Unless otherwise

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License Number SUA-1310, Amendment 40

Docket or Reference Number 40-8452

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

specified in NRC regulations, all such documentation shall be maintained for a period of at least 5 years.

16. DELETED by Amendment No. 14.
17. DELETED by Amendment No. 21.
18. Release of equipment or packages from the restricted area shall be in accordance with the NRC report, "Guidelines for Decontamination of Facilities and Equipment Prior to Release for Unrestricted Use or Termination of Licenses for Byproduct or Source Materials," dated September 1984. [Applicable Amendments: 31]
19. DELETED by Amendment No. 24.
20. DELETED by Amendment No. 24.
21. The licensee shall conduct an annual survey of land use (private residences, grazing areas, private and public potable water and agricultural wells, and non-residential structures and uses) in the area within two kilometers of any portion of the restricted area boundary and submit a report of this survey to the Chief, Uranium Recovery Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. This report shall indicate any differences in land use from that described in the last report. [Applicable Amendments: 24, 31]
22. DELETED by Amendment No. 24.
23. DELETED by Amendment No. 14.
24. The licensee shall immediately notify the NRC, Operations Center (301-816-5100), by telephone, of any failure to the tailings dam or tailings discharge and solution return system which results in a release of radioactive material and/or of any unusual conditions which if not corrected could lead to such a failure. This requirement is in addition to the requirements of 10 CFR 20. [Applicable Amendments: 31]
25. Before engaging in any activity not previously assessed by the NRC, the licensee shall prepare and record an environmental evaluation of such activity. When the evaluation indicates that such activity may result in a significant adverse environmental impact that was not assessed or that is greater than that assessed, the licensee shall provide a written evaluation of such activities and obtain prior approval of the NRC in the form of a license amendment.
26. DELETED by Amendment No. 14.
27. The licensee shall maintain an NRC-approved financial surety arrangement, consistent with 10 CFR 40, Appendix A, Criteria 9 and 10, adequate to cover the estimated costs, if accomplished by a third party, for decommissioning and decontamination of the mill site, for reclamation of any tailings or waste disposal areas, ground-water restoration as warranted and the long-term surveillance fee. Within 3 months of NRC approval of a revised reclamation/decommissioning plan, the licensee shall submit, for NRC review and approval, a proposed revision to the financial surety

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number
SUA-1310, Amendment 40

Docket or Reference Number
40-8452

arrangement if estimated costs in the newly approved plan exceed the amount covered in the existing financial surety. The revised surety shall then be in effect within 3 months of written NRC approval.

Annual updates to the surety amount, required by 10 CFR 40, Appendix A, Criteria 9 and 10, shall be submitted to the NRC at least 3 months prior to the anniversary date which is designated as January 30. If the NRC has not approved a proposed revision to the surety coverage 30 days prior to the expiration date of the existing surety arrangement, the licensee shall extend the existing surety arrangement for 1 year. Along with each proposed revision or annual update, the licensee shall submit supporting documentation showing a breakdown of the costs and the basis for the cost estimates with adjustments for inflation, maintenance of a minimum 15 percent contingency fee, changes in engineering plans, activities performed and any other conditions affecting estimated costs for site closure. The licensee shall also provide the NRC with all surety related correspondence submitted to the State, a copy of the State's surety review and the final approved surety arrangement. The licensee shall also ensure that the surety, where authorized to be held by the State, expressly identifies the NRC portion of the surety and covers the decommissioning and decontamination of the mill site, reclamation of the tailings and waste disposal areas, soil and water sample analyses to confirm decontamination, groundwater restoration as warranted and the transfer of the long-term surveillance fee to the U.S. General Treasury. The basis for the cost estimate is the NRC approved reclamation/decommissioning plan or NRC approved revisions to the plan. The NRC report, "Recommended Outline for Site Specific Reclamation and Stabilization Cost Estimates," outlines the minimum considerations used by the NRC in the review of site closure estimates. Reclamation/decommissioning plans and annual updates should follow this outline.

Bear Creek's currently approved surety, a Corporate Guarantee (Union Pacific Resources Group, Inc.) with the State of Wyoming, shall be continuously maintained in an amount no less than \$3,937,303 for the purpose of complying with 10 CFR 40, Appendix A, Criterion 9 and 10, until a replacement is authorized by both the State of Wyoming and the NRC.

[Applicable Amendments: 10, 19, 30, 31, 38, 40]

28. Prior to termination of this license, the licensee shall provide for transfer of title to byproduct material and land, including any interests therein (other than land owned by the United States or the State of Wyoming), which is used for the disposal of such byproduct material or is essential to ensure the long term stability of such disposal site to the United States or the State of Wyoming, at the state's option.
29. DELETED by Amendment No. 21.
30. DELETED by Amendment No. 21.
31. DELETED by Amendment No. 25.
32. DELETED by Amendment No. 34.
33. Written procedures shall be established for site reclamation activities to include personnel and environmental monitoring, and survey instrument calibrations. These procedures shall be reviewed and approved in writing by the RSO/EC before implementation and whenever a change in procedure

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number
SUA-1310, Amendment 40

Docket or Reference Number
40-8452

is proposed to ensure that proper radiation protection principles are being applied. In addition, the RSO/EC shall perform a documented review of all existing site procedures at least annually. An up-to-date copy of each written procedure shall be kept at the facility site.

[Applicable Amendments: 21]

34. DELETED by Amendment No. 21.

35. DELETED by Amendment No. 12.

[Applicable Amendments: 4, 23, 24]

36. A monthly documented inspection of the down-slope area of the tailings impoundment shall be performed by an individual familiar with the engineering aspects of the disposal area until construction is complete. Documentation of the inspection shall be maintained on file at the licensed site. [Applicable Amendments: 4, 23, 24, 34]

37. The RSO/EC shall have the following education, training, and experience:

- A. Education: A bachelor's degree in the physical sciences or engineering from an accredited college or university.
- B. General Experience: One (1) year of supervisory experience and one (1) year of experience in a uranium mill or related industry.
- C. Health Physics Experience: One (1) year of work experience in applied health physics, radiation protection, industrial hygiene, or similar work. This experience shall involve actually working with radiation detection measurement equipment rather than only administrative or "desk" work.
- D. DELETED by Amendment No. 21.
- E. Specialized knowledge: A thorough knowledge of the proper application and use of all health physics equipment used in the uranium milling industry, the chemical and analytical procedures used for radiological sampling and monitoring, and the methods used to calculate personnel exposure to uranium and its daughters.

If the individual selected for the RSO position does not meet the educational requirements specified above, but possesses prior work experience in radiation safety, the licensee may consider two (2) years of radiation safety work experience as a substitute for each year of the college level educational requirements. If the RSO possesses a graduate level degree, with major emphasis in the area of radiation safety, the above specialized training requirement may be waived.

[Applicable Amendments: 21]

38. DELETED by Amendment No. 14.

39. DELETED by Amendment No. 12.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number
SUA-1310, Amendment 40

Docket or Reference Number
40-8452

40. In the event of an emergency, the licensee shall implement the emergency action plan outlined in the licensee's submittal of July 13, 1990. In addition, the licensee shall perform a documented review of the plan at least annually, updating it if necessary. [Applicable Amendments: 5, 24]
41. DELETED by Amendment No. 21.
42. DELETED by Amendment No. 21.
43. The licensee shall follow the lower limits of detection (LLD) contained in the NRC report, "Lower Limits of Detection (LLD) for Sample Analysis," for the analysis of samples collected pursuant to the Environmental Monitoring Program of this license. [Applicable Amendments: 31]
44. The licensee shall reclaim the tailings disposal area as stated in its November 26, 1991, submittal of specification and drawings, as modified by its March 20, 1992; April 8, 1997; and October 22, 1997, submittals.
 - A. DELETED by Amendment 34. Settlement is complete.
 - B. DELETED by Amendment 26.
 - C. DELETED by Amendment 36.
 - D. DELETED by Amendment 36.[Applicable Amendments: 2, 3, 25, 26, 34, 36, 37]
45. DELETED by Amendment No. 21.
46. DELETED by Amendment No. 21.
47. The licensee shall implement a groundwater compliance monitoring program containing the following:
 - A. Sample Well Nos. MW-9, MW-12, MW-14, MW-43, and MW-74 on a semi-annual frequency for nickel, combined radium-226 and -228, selenium, thorium-230, and uranium.

Monitor the following contaminant indicator parameters on a semi-annual frequency in Well Nos. MW-9, MW-12, MW-14, MW-43, and MW-74: chloride, nitrate, sulfate, pH, total dissolved solids, and water level. Monitor Well No. MW-2 on a semi-annual frequency for the following contaminant indicator parameters: chloride, sulfate, pH; conductivity, total dissolved solids, and water level; and the following compliance parameters: uranium and radium-226.

Monitor Well Nos. GW8, GW10, and GW15 on an annual frequency for the following contaminant indicator parameters: chloride, sulfate, pH, conductivity, and total dissolved solids as part of the environmental monitoring program.
 - B. Comply with the following groundwater protection standards at point of compliance Well Nos. MW-12 and MW-74, with the background water quality established in Well Number MW-9:

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number
SUA-1310, Amendment 40

Docket or Reference Number
40-8452

beryllium = 0.01 mg/L, cadmium = 0.01 mg/L, chromium = 0.05 mg/L, molybdenum = 0.02 mg/L, selenium = 0.025 mg/L, and thorium-230 = 2.6 pCi/L. And the alternate concentration limits of nickel = 3.8 mg/L, combined radium-226 and -228 = 46 pCi/L, and uranium = 2038 pCi/L.

Additionally, the following concentrations must be met at the POE locations of Lang Draw and the property boundary, and the Northern Flow Path and the property boundary:
nickel = 0.055 mg/L and, combined radium-226 and -228 = 13 pCi/L. The background concentration for uranium of 98.7 pCi/L must also be met at these two points.

- C. In the event the limits for the constituents in Subsection (B) are exceeded, the licensee will propose a new corrective action program with the objective of returning concentrations of those constituents to the concentration limits specified in Subsection (B).

The licensee shall, on a semiannual frequency, submit a groundwater monitoring report. Should a new corrective action program be required under Subsection (C), the licensee also shall submit a corrective action program review, by December 31 of each year, that describes the progress towards attaining groundwater protection standards."

[Applicable Amendment: 39]

48. DELETED by Amendments 13 and 39.

49. The licensee shall complete site reclamation in accordance with the approved reclamation plan and the groundwater corrective action plan as authorized by License Conditions 44 and 47, respectively, in accordance with the following schedules:

- A. To ensure timely compliance with target completion dates established in the Memorandum of Understanding with the Environmental Protection Agency (56FR 55432, October 25, 1991), the licensee shall complete reclamation to control radon emissions as expeditiously as practicable, considering technological feasibility, in accordance with the following schedule:

- (1) Windblown tailings retrieval and placement on the pile - complete.
- (2) Placement of the interim cover to decrease the potential for tailings dispersal and erosion - complete.
- (3) Placement of the final radon barrier designed and constructed to limit radon emissions to an average flux of no more than 20 pCi/m²/s above background:

For tailings pile surface areas not covered by evaporation ponds constructed as part of the groundwater corrective action program - December 31, 1998.

For the total tailings pile surface after evaporation pond removal - December 31, 1998.

- B. Reclamation, to ensure required longevity of the covered tailings and groundwater protection, shall be completed as expeditiously as is reasonably achievable, in accordance with the following target dates for completion.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

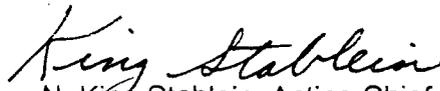
License Number
SUA-1310, Amendment 40

Docket or Reference Number
40-8452

- (1) Placement of erosion protection as part of reclamation to comply with Criterion 6 of appendix A of 10 CFR Part 40 - December 31, 1998.
 - (2) Projected completion of groundwater corrective actions to meet performance objectives specified in the groundwater corrective action plan - December 31, 1998.
- C. Any license amendment request to revise the completion dates specified in Section A must demonstrate that compliance was not technologically feasible (including inclement weather, litigation which compels delay to reclamation, or other factors beyond the control of the licensee).
- D.. Any license amendment request to change the target dates in Section B above must address added risk to the public health and safety and the environment, with due consideration to the economic costs involved and other factors justifying the request such as delays caused by inclement weather, regulatory delays, litigation, and other factors beyond the control of the licensee.

[Applicable Amendments: 34, 39]

FOR THE NUCLEAR REGULATORY COMMISSION



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

Dated: 2/22/99