

June 24, 1996

Ms. Stephanie J. Baker
Manager of Environmental Services
Western Nuclear, Inc.
Union Plaza Suite 300
200 Union Boulevard
Lakewood, Colorado 80228

40-1162

SUBJECT: AMENDMENT 78 - RADIOLOGICAL VERIFICATION PROGRAM FOR THE WESTERN NUCLEAR, INC., SPLIT ROCK, WYOMING URANIUM MILL TAILINGS SITE

Dear Ms. Baker:

The U.S. Nuclear Regulatory Commission staff has completed its review of the Western Nuclear, Inc.'s (WNI's) proposed radiological verification program. The program was submitted by WNI's letter dated December 15, 1995, and was revised by letters dated February 23, March 20, April 25, May 1, and May 29, 1996. Based on review of these submittals, the staff concludes that the proposed radiological verification program for soil cleanup is acceptable.

The enclosed Technical Evaluation Report contains the staff's assessment of the licensing action. The license is being reissued to incorporate the requested change in Condition 33 of Source Material License SUA-56, and is enclosed. All other conditions of this license shall remain the same.

If you have any questions, please contact the NRC Project Manager, Mohammad Haque at (301) 415-6640.

Sincerely,

(Original signed by)

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

Docket No.: 40-1162
TAC No.: L51344 (closed)

Enclosures: As stated

cc: D. Finley, DEQ, WY
J. Hough, RCPD, WY
WDEQ-LQD, WY

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TECHNICAL EVALUATION REPORT

RADIOLOGICAL VERIFICATION PROGRAM

DATE: June 17, 1996

DOCKET NO. 40-1162 LICENSE NO. SUA-56

LICENSEE: Western Nuclear, Inc.

FACILITY: Split Rock, Wyoming

PROJECT MANAGER: Mohammad Haque

TECHNICAL REVIEWER: Elaine Brummett

SUMMARY AND CONCLUSIONS:

By letter dated December 15, 1995, Western Nuclear Inc. (WNI) submitted its proposed Radiological Verification Program for soil cleanup, and requested an amendment to Condition 33 of Source Material License SUA-56 for the Split Rock, Wyoming uranium mill site to reflect NRC approval of the program. The radiological data supporting the verification program, and additional information were submitted to NRC by WNI's letters dated February 23, March 20, May 1, and May 29, 1996. Based on review of these submittals, the NRC staff concludes that the proposed soil cleanup verification program is acceptable.

DESCRIPTION OF LICENSEE'S AMENDMENT REQUEST:

WNI requested an amendment to its Source Material License SUA-56, by adding Condition 33E to reflect NRC approval of the December 15, 1995, proposed radiological verification program, as revised.

TECHNICAL EVALUATION:

License Condition (LC) 33A requires WNI to complete cleanup of all areas of windblown tailings as defined in the survey submitted March 1, 1988. In its December 15, 1995, letter, WNI has indicated that the March 1988 protocol was not sufficient to demonstrate compliance with the NRC requirements of soil cleanup. The soil Ra-226 standards are in criterion 6(6) of Appendix A to 10 CFR Part 40. In the proposed Radiological Verification Program, WNI proposes soil cleanup guidelines for natural uranium (yellowcake) and thorium (Th-230). The staff finds these values acceptable based on guidance in the 1981 Branch Technical Position Paper on uranium and thorium disposal. In addition, cleanup of thorium would be comparable to levels done by the U.S. Department of Energy under its Uranium Mill Tailings Remedial Action Project thorium policy, which is used in the cleanup of abandoned mill tailings sites.

WNI proposes to demonstrate compliance with the soil Ra-226 criteria by a gamma survey of each 100 m² area (verification grid) supported by soil sampling (11 samples composited per grid) in 10 percent of the grids. For areas where elevated Th-230 or U-nat might remain after cleanup of Ra-226, 100 percent of the grids will be sampled. For areas not believed to be contaminated, gamma surveys will be conducted in all grids. The gamma survey action levels chosen for verification were based on the lower 90 percent prediction limit of gamma-Ra-226 correlations. WNI also provided data to support a soil background value of 1.0 pCi/g for Ra-226 (previously approved value was 1.4 pCi/g), 1.3 for Th-230, and 2.1 for U-nat. The NRC staff finds the proposed soil cleanup verification program acceptable. Acceptable implementation of the program and actual cleanup will be verified as part of routine NRC inspections of this site.

RECOMMENDED LICENSE CHANGE:

The staff recommends that Condition 33A of Source Material License SUA-56 be revised to read as follows to reflect acceptance of the proposed Radiological Verification Program.

33. A. The licensee shall complete cleanup of all areas of windblown tailings as defined in the survey submitted March 1, 1988. Cleanup of radionuclide soil contamination (Ra-226, Th-230, U-238 and U-234) will be verified as meeting the applicable standards and guidelines according to the Radiological Verification Program submitted by letter dated December 15, 1995, as supplemented and revised by letters dated February 23, March 20, May 1, and May 29, 1996.

The staff, further, recommends that Condition 33C be deleted, as was recommended in NRC's letter dated December 10, 1991, on acceptance of WNI's required submittal.

ENVIRONMENTAL IMPACT EVALUATION:

In accordance with the categorical exclusion contained in paragraph (c)(11) of 10 CFR 51.22, an environmental assessment is not required for this licensing action. Therefore, an environmental report as required by 10 CFR 51.60(b)(2) is not necessary.

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, 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.

Licensee			
1.	Western Nuclear, Inc.	3. License number	SUA-56, Amendment No. 78
2.	200 Union Boulevard, Suite 300 Lakewood, Colorado 80228 [Applicable Amendments: 34, 52]	4. Expiration date	Until terminated [Applicable Amendments: 31, 32, 38, 41]
		5. Docket or Reference No	40-1162

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
Natural Uranium	Any	Unlimited

9. The licensee is hereby authorized to possess byproduct material in the form of uranium waste tailings generated by the licensee's past milling operations authorized under SUA-56. [Applicable Amendments: 32, 46, 58]

10. Authorized Places of Use: The licensee's uranium milling facilities located approximately two miles north of Jeffrey City, Wyoming.

Authorized For Possession Only: The licensee's Day Loma site, located approximately 25 miles northeast of Jeffrey City, Wyoming.

[Applicable Amendments: 46, 50, 60]

- 11. DELETED by Amendment No. 49.
- 12. DELETED by Amendment No. 49.
- 13. DELETED by Amendment No. 49.
- 14. DELETED by Amendment No. 49.
- 15. DELETED by Amendment No. 49.
- 16. DELETED by Amendment No. 54.
- 17. DELETED by Amendment No. 33.
- 18. DELETED by Amendment No. 49.
- 19. DELETED by Amendment No. 56.

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- 20. DELETED by Amendment No. 49.
- 21. DELETED by Amendment No. 56.
- 22. DELETED by Amendment No. 54.
- 23. DELETED by Amendment No. 33.
- 24. The licensee shall implement the environmental monitoring program outlined in Tables 1 and 2 of the previously provided guidance entitled "Current Environmental Monitoring Program." 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]

- 25. The licensee shall conduct a quality assurance program as contained in their submittal dated March 25, 1981. In addition, the licensee shall be required to document the results and recommendations of each annual audit of the environmental monitoring program. Any requested changes to the "Environmental Monitoring Manual" submitted on March 23, 1981, as revised by letters dated March 27, 1991, January 28 and March 11, 1992, shall be in the form of a license amendment.

[Applicable Amendments: 49, 63]

- 26. DELETED by Amendment No. 49.
- 27. The licensee shall reclaim the tailings disposal areas in accordance with the Tables and Figures, and Sections 1 through 5 and Section 7 of their February 7, 1994, report titled, "Western Nuclear, Inc. Split Rock Mill, Addendum A (February 7, 1994) to Revision 5 to the June 30, 1987, Uranium Tailings Reclamation Plan," with the following exceptions:
 - A. If a rock source other than the on-site source is used, durability testing must be performed and the results submitted to the NRC for review and approval prior to placement of materials from the alternate source.
 - B. The preliminary radon attenuation barrier design for the Winter Storage Ponds (Area 2C, Figure 4, Drawing No. 91-225-E53 (Addendum A to Revision 5) consists of 6 inches of Cody Shale and 12 inches of Soil Borrow. This design is considered acceptable for estimating the surety amount. However, once the storage ponds are dismantled, the Licensee shall confirm the design and obtain NRC approval prior to placing the radon cover on the ponds.
 - C. A completion report including as-built drawings, verifying that reclamation of the site has been performed according to the approved reclamation plan shall be provided within 6 months after completion of construction. The

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report shall also include summaries of results of the quality assurance and control testing to demonstrate that approved specifications were met.

- D. One-point Proctor tests shall not be required during placement of the Cody shale.
- E. The soil component of the erosion protection layer, consisting of soil/rock matrix, is deleted. This erosion protection layer, to be placed over the final surface reclamation soil cover, will consist of a minimum 4-inch thickness of rock with a minimum D_{50} of 2-inches.
- F. For rock durability tests, the frequency, specified in Table 5, shall be one test series prior to placement and one test series for every 20,000 cubic yards of material from the rock source.
- G. For rock gradation tests, the frequency, specified in Table 5, shall be one test prior to placement and one test for every 10,000 cubic yards of each size of material produced, with a minimum of 3 tests for each material size. These gradation tests shall be performed as the material is being produced and prior to placement of material.

[Applicable Amendments: 22, 56, 68, 71, 74, 75]

28. The licensee shall decommission the Western Nuclear, Inc. Split Rock Mill in accordance with their submittal dated November 30, 1987. Notwithstanding any statements to the contrary in the document cited above the licensee shall:
- A. Perform pre-surveys of all equipment and facilities being decommissioned to assure that appropriate protective measures are applied to protect workers from undue exposure to radioactive materials and any associated toxic materials.
 - B. All decommissioning wastes which are placed in the millsite "burial" area as described in the November 30, 1987, submittal shall be covered by a minimum 1 foot of soil cover no later than September 30, 1989.
 - C. A final mill site decommissioning report shall be submitted for NRC review by January 1, 1990. The final decommissioning report shall include pre-survey data, post-survey data, and other radiation protection data collected during the decommissioning activities. The report shall also provide a summary of the major decommissioning activities.

[Applicable Amendments: 42, 47]

29. 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 and mill site, for reclamation of any tailings or waste disposal areas, ground-water restoration as warranted and the long-term

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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 December 30 of each year. 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. 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, Performance Bond No. 500811204, issued by American Casualty Company in favor of the State of Wyoming, shall be continuously maintained in an amount no less than \$11,439,098 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: 24, 45, 53, 64, 66, 70, 72, 76]

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. The licensee is authorized to regrade the disposal area to preclude ponding and to proceed with the interim stabilization cover placement described in its March 31, 1989, submittal of Revision No. 2 to the June 1987 Tailings Reclamation Plan as modified by Table A of the October 21, 1991, submittal with the additions listed below.

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- A. The licensee shall complete cleanup of all areas of windblown tailings as defined in the survey submitted March 1, 1988. Cleanup of radionuclide soil contamination (Ra-226, Th-230, U-238 and U-234) will be verified as meeting the applicable standards and guidelines according to the Radiological Verification Program submitted by letter dated December 15, 1995, as supplemented and revised by letters dated February 23, March 20, May 1, and May 29, 1996.
- B. DELETED by Amendment No. 55.
- C. DELETED by Amendment No. 78.
- D. DELETED by Amendment No. 55.

[Applicable Amendments: 43, 57, 59, 78]

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."

[Applicable Amendment: 49]

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38. Mill tailings other than samples for research shall not be transferred from the site without specific prior approval of the NRC obtained through application for amendment of this license. The licensee shall maintain a permanent record of all transfers made under the provisions of this condition.

39. DELETED by Amendment No. 50.

40. DELETED by Amendment No. 49.

41. Release of equipment or packages from the restricted area shall be in accordance with the previously provided guidance entitled, "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.

42. The annual report and recommendations by the ALARA Committee to the Resident Manager shall include a determination of the following: (1) if exposures and effluents might be lowered under the concept of as low as reasonably achievable, and (2) if equipment for effluent and exposure control is being properly used, maintained, and inspected. The Audit Committee will consist of at least one individual representing radiation health and environmental issues.

In addition, a copy of the annual ALARA report containing results of the annual audit and recommendations by the ALARA committee shall be submitted to the NRC.

[Applicable Amendment: 49]

43. The results of sampling, analysis, surveys and monitoring, the calibration of equipment, reports on audits and inspections, and all meetings and training courses committed in the licensee's renewal application dated March 1, 1980, and in the additional conditions to this license, as well as any subsequent reviews, investigations, and corrective actions, shall be documented. Unless otherwise specified in NRC regulations, all such documentation shall be maintained for a period of at least 5 years.

[Applicable Amendment: 49]

44. 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 Site Radiation Safety Officer (RSO) before implementation and whenever a change in procedure is proposed to ensure that proper radiation protection principles are being applied. In addition, the Site RSO 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: 49, 56]

45. DELETED by Amendment No. 49.

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46. All monitoring and exposure data shall be reviewed quarterly and any trends or deviations from the "as low as reasonably achievable" (ALARA) philosophy shall be addressed. A formal report shall be prepared by the Resident Manager. The report shall address any upward trends, unusual discharges, problem areas, monitoring data, items of regulatory non-compliance, and recommendations for necessary corrective actions. The report shall also include an evaluation of the adequacy of the implementation of license conditions.

[Applicable Amendment: 49]

47. DELETED by Amendment No. 49.

48. In addition to the qualifications specified in Section 5 of the licensee's revised renewal application, the Site RSO must have specialized training of at least 4 weeks of specialized classroom training in health physics specifically applicable to uranium milling. In addition, the RSO should attend refresher training on uranium mill health physics every 2 years.

[Applicable Amendments: 49, 50, 56]

49. DELETED by Amendment No. 49.

50. DELETED by Amendment No. 49.

51. DELETED by Amendment No. 49.

52. DELETED by Amendment No. 49.

53. Radiation detection instruments shall be calibrated after repair and as recommended by the manufacturer or at intervals not to exceed six months, whichever is sooner.

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.

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63. DELETED by Amendment No. 56.
64. The licensee shall control grazing to the N and NNE of the tailings impoundment by maintaining cattle guards at each end of the rock outcrops along the north side of the restricted area fence, as indicated on map A, submitted by letter dated August 18, 1978 from G. Fletcher 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.
69. 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 monitoring program containing the following:
- A. Sample Southwest Valley Wells 1, B, 21, 24, 25, 16, 15, and Northwest Valley Wells 4, 5, 17, 19, 23, and 27, on a semiannual frequency for chloride, nitrate, sulfate, pH, TDS, water level, beryllium, cadmium, chromium, lead, nickel, radium-226 and 228, selenium, thorium-230, and uranium.
- B. Comply with the following ground-water protection standards at point of compliance Well No. 4 and 21, with background being recognized in Well No. 15:
- beryllium = 0.05 mg/l, cadmium = 0.11 mg/l, chromium = 0.05 mg/l, lead = 0.05 mg/l, nickel = 0.05 mg/l, radium-226 and 228 = 5 pCi/l, selenium = 0.013 mg/l, thorium-230 = 0.95 pCi/l, and uranium = 0.16 mg/l.
- C. Implement a corrective action program that shall annually recover and evaporate between 47.3 and 66 million gallons of contaminated water based upon minimizing recharge to the tailings. The 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, and September 23, 1993, submittals. The objective of the program shall be to return the concentrations of beryllium, cadmium, nickel, radium-226 and 228,

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selenium, thorium-230, and uranium to the concentration limits specified in Subsection (B).

- D. The licensee shall submit by December 15 of each year, a review of the corrective action program and its effect on the aquifer.

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

75. The licensee shall complete site reclamation in accordance with the approved reclamation plan and groundwater corrective action plan, as authorized by License Condition Nos. 27 and 74, 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 (56 FR 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 final radon barrier designed and constructed to limit radon emissions to an average flux of no more than 20 pCi/m²/s above background as described in WNI's submittal of June 14, 1994.
 - (a) For areas 3A and 3B - December 31, 1994 (complete).
 - (b) For area 2B - December 31, 1995 (complete).
 - (c) For area 1C - December 31, 1996.
 - (d) For areas 1A, 1B, 2A, and 2C - 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 and as described in WNI's submittal of June 14, 1994:
- (1) Placement of erosion protection as part of reclamation to comply with Criterion 6 of Appendix A of 10 CFR Part 40.
 - (a) For areas 3A and 3B - June 30, 1995 (complete).
 - (b) For area 2B - June 30, 1996.
 - (c) For area 1C - June 30, 1997.

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(d) For areas 1A, 1B, 2A, and 2C - June 30, 1999.

(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 Amendment: 73, 77]

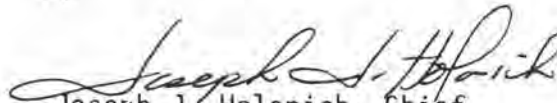
76. Notification to NRC under 10 CFR 20.2202, 10 CFR 40.60, and specific license conditions should be made as follows:

Required written notice to NRC under this license should be given to: Chief, High-Level Waste and Uranium Recovery Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

[Applicable Amendment: 73]

FOR THE NUCLEAR REGULATORY COMMISSION

Date June 24, 1996


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