



- (1) PHL
- (2) JS
- (3) DMS
- (4) KPH/AS-PO
- (5) WA Jlu/PR

STATE OF WASHINGTON
 DEPARTMENT OF HEALTH
 DIVISION OF RADIATION PROTECTION

7171 Cleanwater Lane, Bldg. 5 • P.O. Box 47827 • Olympia, Washington 98504-7827
 TDD Relay 1-800-833-6388

01 MAR 29 PM 12:14

OSP

March 9, 2001

Larry J. Corte, Manager
 Western Nuclear, Inc.
 2600 N. Central Avenue
 Phoenix, Arizona 85004

SUBJECT: TERMINATION OF RADIOACTIVE MATERIALS LICENSE WN-I0133-1 FOR THE WESTERN NUCLEAR, INC. SHERWOOD URANIUM MILLSITE

Dear Mr. Corte:

This letter is to advise you that the Washington State Department of Health has found that all applicable criteria found in WAC 246-252 for termination of the radioactive materials license WN-I0133-1 for the Western Nuclear, Inc. Sherwood uranium mill have been met.

In a letter dated December 27, 2000, the U.S. Nuclear Regulatory Commission gave final concurrence on the department's Completeness Review Report for the termination of the Sherwood mill. The Perpetual Care and Maintenance amount has been agreed upon by the U.S. Department of Energy, and the funds were received by U.S. DOE on March 8, 2001. In a letter dated March 9, 2001, the U.S. NRC officially accepted U.S. DOE's long-term surveillance plan (LTSP) for custody of the Sherwood site.

This completes all actions for closure of the Sherwood site under Title II of the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978, as amended. By the U.S. NRC's acceptance of U.S. DOE's LTSP, and the Department of Health's termination of radioactive materials license WN-I0133-1, the Sherwood site is now placed under the general license provisions of the U.S. NRC's 10 CFR Part 40.28, with U.S. DOE as the long-term custodian.

STP-006 Template
 RIOS dist. SPO8



Larry J. Corte, Manager
Page Two

The amendment terminating your license, also dated March 9, 2001, is enclosed. WNI is now free to terminate the surety bond for reclamation of the Sherwood site.

Sincerely,

A handwritten signature in black ink that reads "John Erickson". The signature is written in a cursive style with a large initial "J" and a long horizontal flourish at the end.

John Erickson, Director
Division of Radiation Protection

Enclosure

cc: Alfred Peone
Rudy Peone
Sharon Yepa
Stanley Speaks
Lou Miller
Harley Shaver
Art Kleinrath
✓Kevin Hsueh

State of Washington
Radioactive Materials License



Page 1 of 1 Page

License Number WN-I0133-1

Amendment No. 34

Western Nuclear, Inc.
P.O. Box 398
Wellpinit, Washington 99049

Attention: Brad DeWaard
Radiation Safety Officer

In accordance with letter and enclosures dated November 15, 1999 from Western Nuclear, Inc., requesting license termination; letter dated December 27, 2000 from the U.S. Nuclear Regulatory Commission giving final concurrence on the department's Completeness Review Report for the termination of the Sherwood mill; notification dated March 9, 2001 from the U.S. Department of Energy confirming receipt of funds for the Perpetual Care and Maintenance; and letter dated March 9, 2001 from U.S. Nuclear Regulatory Commission, officially accepting the U.S. Department of Energy's long-term surveillance plan (LTSP) for custody of the Sherwood site, Washington State Radioactive Materials License WN-I0133-1 is hereby TERMINATED.

FOR THE STATE OF WASHINGTON DEPARTMENT OF HEALTH

Date March 9, 2001

By 
John L. Erickson, Director
Division of Radiation Protection





**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001

March 9, 2001

Mr. Arthur Kleinrath, Project Manager
U. S. Department of Energy
Grand Junction Office
2597 B 3/4 Road
Grand Junction, CO 81503

SUBJECT: REVIEW OF SHERWOOD LONG-TERM SURVEILLANCE PLAN

Dear Mr. Kleinrath:

The U. S. Nuclear Regulatory Commission staff has reviewed "Long-Term Surveillance Plan for the DOE Sherwood Project (UMTRCA Title II) Reclamation Cell Wellpinit, Washington", dated February, 2001. Based on this review, we conclude that the Long-Term Surveillance Plan (LTSP) meets the requirements of 10 CFR 40.28. The staff, therefore, concludes that the LTSP is acceptable.

In a letter dated December 27, 2000, the NRC staff provided final concurrence on the Completeness Review Report (CRR) that had been submitted by the Washington Department of Health (WDOH) for the Sherwood Mill. In that letter, NRC concurred that all applicable standards and requirements have been met for termination of the Sherwood license. In addition, by letter dated March 9, 2001, WDOH informed Western Nuclear Incorporated (WNI) that its license had been terminated and stated that all actions for closure of the site have been completed. Also, on March 9, 2001, DOE confirmed to NRC by facsimile that WDOH and WNI had completed the transfer of \$666,030.61 to the DOE for long-term care of the Sherwood site.

The NRC staff concludes that all actions required for the termination of the Sherwood license have been completed. Therefore, this letter accepts the LTSP for the Sherwood site and establishes the site in the custody and long-term care of DOE under the general license in 10 CFR 40.28.

An NRC staff environmental assessment is not required for this action. It is categorically excluded under 10 CFR 51.22(c)(11).

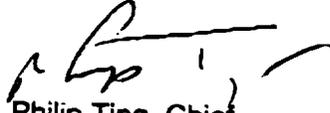
This review was performed by Ted Johnson. If you have any questions, please contact Mr. Johnson at (301) 415-6658.

Mr. A. Kleinrath

-2-

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Sincerely,



Philip Ting, Chief
Fuel Cycle Licensing Branch
Division of Fuel Cycle Safety and Safeguards
Office of Nuclear Material Safety and Safeguards

cc: Gary Robertson, Washington Dept. of Health
Harley Shaver, Western Nuclear, Inc.

Pages: 2 (including cover sheet)



FAX COVER SHEET

To: Gary Robertson
Ted Johnson

From: Herman Smith
Phone: 505 845 6183
Fax: 505 284 4170

Cover Message:
Attached is the check receipt you requested.
Notice that the total amount of the
two checks is \$ 666,030.61.

WASHINGTON STATE
DEPARTMENT OF HEALTH
DIVISION OF RADIATION PROTECTION

RECEIPT

The United States Department of Energy (U.S. DOE) acknowledges receipt of \$ 666,030.61, the correct amount pursuant to Statute and Regulation for the Long-Term Care and Maintenance sum for the Western Nuclear, Inc. Sherwood uranium mill site.

The amount received by U.S. DOE is the total of two checks:

\$ 603,210.74 from the state of Washington, and \$ 62,819.87 from Western Nuclear, Inc.

For the U.S. Department of Energy

Dated: 03/09/01

Name: Herman Smith

Title: Director, AFSC/AI/DOE