

January 07, 2005

Mr. Lawrence J. Corte, President
Western Nuclear, Inc.
2801 Youngfield Street, Suite 340
Golden, CO 80401

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION FOR CESSATION OF ACTIVE
GROUNDWATER CORRECTIVE ACTION PROGRAM FOR SOURCE
MATERIALS LICENSE SUA-56 (TAC NO. LU0058)

Dear Mr. Corte:

In a letter from the Law Offices of Anthony J. Thompson, P.C., dated August 13, 2004, Western Nuclear Incorporated (WNI) requested an amendment to cease the Nuclear Regulatory Commission (NRC) approved groundwater corrective action plan at the Split Rock site and reclaim the two evaporation ponds.

The NRC staff reviewed the request and has determined that 10 CFR Part 40, Appendix A, Criterion 5D requires that if the groundwater protection standards established under Criterion 5B(1) are exceeded at a licensed site, a Groundwater Corrective Action Program (GWCAP) must be put into operation. The objective of the program is to return hazardous constituent concentration levels in groundwater to concentration limits set as standards. At the present time, groundwater standards have not been achieved.

WNI has not proposed an alternative to replace the present GWCAP. Without an alternative, the staff is unable to proceed with its review of WNI's proposal to terminate the current GWCAP. If WNI wishes the staff to review its proposal, WNI should provide an alternative that complies with 10 CFR part 40, Appendix A, Criterion 5D or with the alternate proposal provision in the Introduction to Appendix A. By this letter, staff is closing TAC No. LU0058 and will open a new TAC number when WNI submits the necessary information for the staff to proceed with a review.

If you have any questions concerning this letter, please contact Bill von Till, the NRC Project Manager for your facility, at (301) 415-6251 or via e-mail to rvv@nrc.gov.

In accordance with 10 CFR 2.390 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/reading-rm/adams.html>.

Please note that on October 25, 2004, the NRC suspended public access to ADAMS, and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's web site. Interested members of the public may obtain copies of the referenced documents for review and/or copying by contacting the Public Document Room pending resumption of public access to ADAMS. The NRC Public Document Room is located at NRC Headquarters in Rockville, MD, and can be contacted at (800) 397-4209 or (301) 415-4737 or pdr@nrc.gov.

Sincerely,

/RA/

Gary S. Janosko, Chief
Fuel Cycle Facilities Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No.: 40-1162

License No.: SUA-56

cc: Anthony J. Thompson, P.C.
J. Wagner, WDEQ
Art Klienrath, DOE
Nicol M. Thompson, Esq.
Earl and Wallace Jamerman

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Fuel Cycle Facilities Branch
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CLOSES TAC LU0058

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*See previous concurrence ML050070211

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OFC	FCFB		FCFB		FCFB		OGC		FCFB	
NAME	B. von Till*		B. Garrett*		R. Nelson*		S. Treby*		G. Janosko	
DATE	12/13/04		12/ 08 /04		12/10 /04		1/ 05/05		01/07/05	

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