December 28, 2010

Joseph P. Desormeau, Site Manager
United States Department of Energy
Office of Legacy Management
2597 B 3/4 Road,
Grand Junction, CO 81503

SUBJECT: FEE FOR THE LONG TERM SURVEILLANCE PLAN FOR THE WESTERN NUCLEAR SPLIT ROCK SITE NEAR JEFFREY, WYOMING

Dear Mr. Desormeau:

On October 20, 2010, there was a public meeting between the United States Nuclear Regulatory Commission (NRC) and Western Nuclear, Inc. about the transfer of the Split Rock site to the United States Department of Energy Office of Legacy Management (DOE/LM) for long-term surveillance. Following that meeting, DOE/LM staff contacted NRC staff and stated that they believe the cost to conduct long term care as the institutional control custodian at the Split Rock site will be greater than the minimum Long-Term Surveillance Charge (LTSC) set forth in 10 CFR 40, Appendix A, Criterion 10. In a letter dated June 17, 2010, to Mr. Raymond Plieness (ML100670337), NRC stated that only those measures relied on for the performance of the tailings impoundment (i.e., those measures having a nexus with the radiological safety of the facility) would be considered long-term care activities that would merit an increase in the LTSC.

In order to justify a higher amount for the Split Rock site, DOE/LM should submit details of site-specific measures it believes would justify an increase in the LTSC above the minimum set forth in 10 CFR 40, Appendix A, Criterion 10. This should include a description and a detailed basis (e.g. resources needed, frequency, cost) of each activity. As stated in NRC's June 17, 2010 letter, NRC staff will work with DOE and the licensee to address the LTSC; however, consistent with 10 CFR 40, Appendix A, Criterion 10, any final variances in the funding requirements will be determined solely by the NRC.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html.

If you have any questions concerning the above, please contact me at (301) 415-6712 or via email at James.Shepherd@nrc.gov.

Sincerely,

/RA/

James C. Shepherd, Project Engineer
Reactor Decommissioning Branch
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

cc:
L. Corte, WNI
M. Thiesse, WDEQ

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