



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

August 15, 2016

Mr. Christopher Pugsley
Thompson and Pugsley, PLLC
1225 19th Street, N.W. Suite 300
Washington, D.C. 20036

SUBJECT: LETTER DATED MAY 9, 2016 REGARDING WESTERN NUCLEAR
INCORPORATED'S RESPONSE TO U.S. NUCLEAR REGULATORY
COMMISSION LETTER DATED FEBRUARY 4, 2016
(DOCKET NUMBER: 040-01162)

Dear Mr. Pugsley:

I am writing in response to your letter, dated May 9, 2016, regarding two issues associated with the decommissioning of Western Nuclear Incorporated's (WNI's) Split Rock, Wyoming site (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16137A116). Specifically, the letter discusses WNI's position regarding the Alternate Concentration Limit (ACL) for nitrate at the site and the requests by the U.S. Nuclear Regulatory Commission (NRC) staff to validate the groundwater model for the Split Rock site.

With respect to the ACL for nitrate, you reiterated WNI's position that the ACL for nitrate was not established in accordance with NRC's requirements. The NRC staff concluded that the ACL for nitrate was established in accordance with Criterion 5 and Criterion 13 of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 40, Appendix A, in that the NRC staff evaluated WNI's own analysis of the potential hazard from nitrate, documented the staff's review in the Environmental Assessment and Technical Evaluation Report, and incorporated the ACL for nitrate into WNI's radioactive materials license through a license amendment in 2006. This was communicated to WNI on May 2, 2016 (ADAMS Accession No. ML16088A356). The NRC staff met with WNI to discuss a resolution to this issue on June 8 and August 11 2016, and we look forward resolving this issue in the near future.

With respect to the groundwater model for the site, you suggest that NRC "provide WNI with the original modeling files submitted to NRC staff in 2003 upon which NRC based its approval of the groundwater model and ACL so a new model run can demonstrate its compatibility with the most current data." Enclosed please find several copies of the compact disk that was provided in WNI's letter of March 7, 2003, which provided a supplemental groundwater modeling report for the Split Rock site (ADAMS Accession No. ML030760336).

C. Pugsley

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In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS. ADAMS is accessible from the NRC Web site at: <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions please contact me at (301) 415-6749 or by e-mail at: Dominick.Orlando@nrc.gov.

Sincerely,

/RA/

Dominick A. Orlando, Senior Project Manager
Materials Decommissioning Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Enclosure: Groundwater model information
on Compact disk

C. Pugsley

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Dominick A. Orlando, Senior Project Manager
Materials Decommissioning Branch
Division of Decommissioning, Uranium Recovery
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Office of Nuclear Material Safety
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Enclosure: Groundwater model information
on Compact disk

DISTRIBUTION: R. Evans, R-I J. Whitten, R-IV

ADAMS Accession No.: **ML16208A464** ***concurrence by email**

OFC	NMSS:PM	NMSS:LA	NMSS:BC	OGC*	NMSS:PM
NAME	D. Orlando	C. Holston	M. Meyer	A. Gendelman	D. Orlando
DATE	7/28 /16	7 / 28 /16	8/ 9 /16	8/ 12 /16	8/15/16

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