



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

October 30, 2020

Mike Faith, Chairman
Standing Rock Sioux Tribe
of North & South Dakota
P.O. Box D
North Standing Rock Avenue Building 1
Fort Yates, ND 58538

SUBJECT: WESTERN NUCLEAR INC. LICENSE TERMINATION AND TRANSFER OF
SITE TO THE U.S. DEPARTMENT OF ENERGY FOR LONG-TERM CARE AND
MAINTENANCE

Dear Chairman Faith:

We are sending you this letter, because we identified your tribe as being potentially interested in the license termination of the Split Rock uranium mill that was owned and operated by Western Nuclear Inc. (WNI) located in Fremont County, Wyoming. The Split Rock disposal site is located approximately 2 miles northeast of Jeffrey City and about 58 miles southeast of Lander Wyoming. The northern site boundary is along the Sweetwater River. Due to the site's proximity to your current reservation or ancestral lands, the U.S. Nuclear Regulatory Commission (NRC) believes that you may have an interest in the process associated with the change in license status of the facility and ultimate transfer of the site to the U.S. Department of Energy (DOE) for long-term care and maintenance.

Uranium milling started at the site in 1957 and continued until 1981. The mill then went on standby status until 1986 when the license was converted to possession only and amended to allow WNI to complete the disposal of the tailings at the site. Recently, the State of Wyoming, the regulatory authority having jurisdiction at the site, determined that the remediation at the site was sufficiently complete so that the site license could be terminated. This decision triggered the license termination process described below.

License Termination Process

The license termination process triggers the following activities by the State of Wyoming, DOE and NRC.

- 1) The State of Wyoming's preparation of the Completion Review Report (CRR) documenting the State's basis for its conclusion that the licensee acceptably completed the decommissioning and reclamation activities at the site
- 2) The NRC's review of the State's CRR to ensure the State meets the applicable standards and requirements for uranium mill reclamation and decommissioning
- 3) The DOE's preparation of the Long-Term Surveillance Plan (LTSP) describing how the DOE will monitor the site to ensure adequate protection of public health and safety

- 4) The NRC's evaluation of the LTSP and completion of a safety and environmental review
- 5) Upon NRC's acceptance of the CRR and LTSP, the State of Wyoming's termination of the WNI license
- 6) WNI transfer funds to DOE to ensure adequate financing for the LTSP implementation and the property rights affecting the site to DOE
- 7) The NRC's issuance of a general license to DOE for implementation of the LTSP at the former WNI site

Current Status

On September 1, 2020, the NRC received the State of Wyoming's final CRR documenting the State of Wyoming's conclusion that decommissioning and reclamation has been acceptably completed at the Split Rock Site (Agencywide Document Access and Management System ADAMS Accession No. [ML20246G382](#)). The NRC is currently evaluating the applicable standards and requirements in Title 10 *Code of Federal Regulations* (CFR) Part 40 *Appendix A* which has been incorporated by reference in Uranium Recovery Regulations (Rules of Wyoming Department of Environmental Quality, Uranium Recovery, Ch. 4 Licensing Requirements for Source and Byproduct Material).¹ The NRC's guidance for reviewing CRR's is contained in SA-900, "Termination of Uranium Milling Licenses in the Agreement States" (ADAMS Accession No. [ML101130527](#)).

The NRC also received the DOE's LTSP on April 29, 2020 ([ML20140A363](#)). The NRC is currently preparing a safety review and an environmental review of the LTSP. The NRC's guidance for reviewing LTSP's is contained in NUREG-1620, Rev. 1 (ADAMS Accession No. [ML032250190](#)).

Opportunities for Tribal Review

The NRC is informing your tribe of these actions in accordance with our Tribal Policy Statement at <https://www.nrc.gov/about-nrc/state-tribal/tps.html>.

There are two potential points of tribal interest the Agreement State's 11e.(2) license termination process. The first is the NRC's review of the CRR. The second is the NRC's review of the LTSP. Currently, the NRC has determined that NRC's CRR review is an administrative action that will not affect any historic or cultural properties even if they existed at the site. The activities related to the site's remediation and closure have already occurred. The NRC's CRR review is only to ensure that the State met all applicable standards and requirements before the State terminates the 11e.(2) license. We will notify you of the final results of the NRC's CRR evaluation.

The NRC will complete both an environmental and a safety review of the DOE's LTSP. The NRC plans to send your tribe information on the National Historic Preservation Act (NHPA) Section 106 consultation for the LTSP later this fall. The results of the NHPA Section 106 process will be contained in the LTSP's environmental review.

If the NRC determines the CRR meets the applicable standards and requirements, and accepts the DOE's LTSP, the State of Wyoming will terminate the WNI license. Property ownership and

¹ Wyoming's regulations are consistent with and compatible with NRC regulations as required by the State's Agreement State status with the NRC that began in 2018.

the surety funds from the licensee will be transferred to DOE for long-term care and maintenance. DOE will then become subject to NRC's general license for implementation of the LTSP.

If you have questions or comments concerning this letter or the WNI license termination process, please contact Mr. Stephen Poy in the State Agreements and Liaison Programs Branch at 301-415-7135, or by email at Stephen.Poy@nrc.gov.

Sincerely,

Kevin Williams, Director
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

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SITE TO THE U.S. DEPARTMENT OF ENERGY FOR LONG-TERM CARE AND
MAINTENANCE DATED October 30, 2020

Identical Letters sent to:

Shoshone-Bannock Tribes of the Fort Hall Reservation
Crow Tribe of Montana
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
Santee Sioux Nation, Nebraska
Apache Tribe of Oklahoma
Cheyenne and Arapaho Tribes, Oklahoma
Comanche Nation, Oklahoma
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
Oglala Sioux Tribe
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
Confederated Tribes of the Goshute Reservation, Nevada and Utah
Arapaho Tribe of the Wind River Reservation, Wyoming
Eastern Shoshone Tribe of the Wind River Reservation, Wyoming

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***via email**

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