



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

March 25, 2021

Teanna Limpy
Tribal Historic Preservation Officer
Northern Cheyenne Tribe
P.O. Box 128
Lame Deer, Montana 59043

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

Dear Ms. Limpy:

This letter is in response to your December 4, 2020, email. The U.S. Nuclear Regulatory Commission (NRC) staff reviewed your questions and provided the following responses.

- 1) How will the transfer of this license impact tribal consultation efforts on behalf of the U.S. Department of Energy (DOE)?

Response: We encourage you to contact DOE to get further information about how the license transfer will impact DOE's tribal consultation efforts.

- 2) Will the current Tribal Policy Statement from your agency be enforced prior to issuing the license to DOE? (i.e. If there are sites that may exist within the mining area that have not been formally evaluated by tribes, will any potential ground disturbance still require consultation with tribes?)

Response: The Western Nuclear Incorporated Split Rock site (WNI site) is not a mining site, but a uranium milling site regulated under the Atomic Energy Act. The NRC's Tribal Policy Statement provides staff guidance for tribal interactions during all of NRC's regulatory activities, which include the license termination and transfer of the WNI site to DOE for long term care and maintenance. The NRC staff is conducting an environmental review under the National Environmental Policy Act, which includes a historic and cultural resources analysis (Section 106 of the National Historic Preservation Act) that will provide information for the NRC's determination on whether to accept the DOE's long-term surveillance plan for the WNI site.

- 3) As it is the DOE, another federal agency, these same tribal consultation requirements may not exist within their agency such as yours. Therefore, I wanted to know if there will be any stipulation requirements for the continued reclamation and administrative duties at this mine prior to the license being transferred?

Response: The NRC will determine whether there are reclamation requirements or administrative duties that WNI needs to perform before its Wyoming license can be terminated and the site can be transferred to DOE. If so, these activities would be conducted under the Wyoming Department of Environmental Quality's (WDEQ) regulatory authority.

Wyoming became an Agreement State in 2018, and as such, the WDEQ is the regulatory authority for the Split Rock site until the site is transferred to the DOE. If it is determined that there are reclamation requirements or administrative duties that are necessary to be completed to ensure the site will be protective of the public health and safety and the environment prior to the license being transferred, those actions will be agreed upon by NRC, DOE and WDEQ. The WDEQ will oversee those actions since Wyoming has regulatory authority over the site prior to the site's transfer to the DOE. As an Agreement State, the WDEQ is not required to follow the NRC's Tribal Policy Statement, the National Historic Preservation Act or National Environmental Policy Act provisions. Instead, the WDEQ complies with the State's tribal consultation, historic preservation and environmental requirements.

If you have any additional questions or if you need clarification on any of the responses, please contact me at Brian.Anderson@nrc.gov.

Sincerely,



Signed by Anderson, Brian
on 03/25/21

Brian Anderson, Chief
State Agreement and Liaison Programs Branch
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

NRC acknowledgement response letter to submittal from Northern Cheyenne Tribe dated December 4, 2020 re WNI license termination DATE March 25, 2021

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