



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

August 3, 2021

Mr. David Adams  
Program Manager of Natural Resources  
Wyoming Department of  
Environmental Quality  
Land Quality Division  
200 West 17th Street, Suite 10  
Cheyenne, WY 82002

Dear Mr. Adams:

The U.S. Nuclear Regulatory Commission (NRC) staff has completed its review of the Wyoming Department of Environmental Quality (WYDEQ) Completion Review Report (CRR) submittal regarding the proposed license termination of Wyoming Source Material License No. WYSUA-0056 issued to Western Nuclear Incorporated. The license covers Western Nuclear Incorporated's Split Rock site, a conventional uranium facility located in Jeffrey City, Fremont County in Wyoming. It was requested in the submittal that the U.S. Nuclear Regulatory Commission (NRC) make a determination that all applicable standards and requirements have been met for termination of the Split Rock site license.

The NRC identified the factors necessary for a determination that all applicable standards and requirements have been met prior to terminating a license. As summarized below, this review of the final CRR is based on two factors:

1. the NRC staff's evaluation of WYDEQ's conclusion that all standards and requirements have been met;
2. the performance of WYDEQ's uranium recovery program as evaluated under the Integrated Materials Performance Evaluation Program, which evaluates NRC and Agreement State materials programs<sup>1</sup>; and

First, the final CRR, dated September 1, 2020, and the subsequent addendum dated November 20, 2020, documents that the WYDEQ has performed a review of the Split Rock site for applicable standards and requirements. The WYDEQ's review covered all necessary technical areas and regulatory requirements relating to geotechnical engineering, surface water hydrology and erosion protection, and radiation cleanup and control at the Split Rock site; and also the ground water monitoring program. The WYDEQ conducted appropriate inspections of site reclamation activities at the Split Rock site. Based on the review findings documented in the final CRR, the WYDEQ concluded that the Split Rock site has met all regulatory and license

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<sup>1</sup> The results of the IMPEP reviews provide a basis for confidence on the determinations and conclusions reached by the Agreement State, as set out in the CRR, and also a basis of confidence that the States reviews, licensing actions, and inspections associated with license termination have been conducted appropriately. The periodic reviews of selected technical areas, conducted under IMPEP, which also include training and qualifications of staff and adherence to necessary program procedures, e.g., license termination process for uranium milling licenses or equivalent procedures, will also serve as a basis that all applicable standards and requirements have been met.

requirements. Based upon its review of the CRR, the NRC finds that WYDEQ's evaluation is consistent with the guidance in SA-900.

Second, the WYDEQ's overall program rating under Integrated Materials Performance Evaluation Program (IMPEP) has been determined to be adequate. The overall program rating to date indicates that the WYDEQ program is adequate to protect public health and safety, and compatible with the NRC's program. The IMPEP review of the WYDEQ's uranium recovery program has resulted in a satisfactory rating (the highest performance rating possible). These consistent satisfactory ratings provide a basis for confidence on the determinations and conclusions reached by WYDEQ, as set out in the CRR, and also a basis for confidence that the WYDEQ's reviews, licensing actions, and inspections associated with the Split Rock site license termination have been conducted appropriately.

Based on our review of the above information and in accordance with the provisions at Title 10 of the *Code of Federal Regulations* Part 150.15a(a) and Section 274c of the Atomic Energy Act of 1954, as amended, NRC staff have determined that all applicable standards and requirements for the protection of the public health, safety and the environment have been met for the termination of the Wyoming Source Material License No. WYSUA-0056. This finding is a necessary step toward the termination of the Split Rock license. Upon acceptance of the U.S. Department of Energy's Long-Term Surveillance Plan, conveyance of needed property rights, and the setting and payment of the Long-Term Care Fee, the NRC will concur on the CRR and Wyoming may proceed to terminate the license for the Split Rock site, including any final site configuration (such as plugging and abandoning wells) not necessary for DOE's long-term ground water monitoring program.

A copy of our draft evaluation report, entitled "Documentation of NRC Review of the Termination Findings for the Western Nuclear Incorporated's Uranium Milling License Submitted by the WYDEQ," is enclosed. This report will be updated and finalized in the future to document the completion of the items noted above that are needed for CRR concurrence.

If you have any questions, or if we can be of further assistance, please contact me or Stephen Poy of my staff at (301) 415-7135 or [stephen.poy@nrc.gov](mailto:stephen.poy@nrc.gov).

Sincerely,



Signed by Williams, Kevin  
on 08/03/21

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

Enclosure:  
As stated

Draft Documentation of U.S. Nuclear Regulatory Commission Review of WYDEQ Findings for the Western Nuclear Incorporated's Split Rock Site in Jeffrey City, Wyoming

Licensee: Western Nuclear Incorporated  
Licensee No.: WYSUA-0056  
Location: Jeffrey City, Fremont County, Wyoming  
Area: 5,428.34 Acres  
Type of License: Conventional Uranium Mill Facility  
Full / Partial License Termination: Full License Termination

**A. Documentation of major events/activities related to the review of the Completion Review Report (CRR) for the Split Rock Site**

1. On March 24, 2020, U.S. Nuclear Regulatory Commission (NRC) staff received a letter from the Wyoming Department of Environmental Quality (WYDEQ) with the draft Completion Review Report (CRR) for the Western Nuclear, Incorporated Split Rock site. The WYDEQ letter and draft CRR can be found in Attachment A (ADAMS Accession Number [ML20093A729](#)).
2. On April 29, 2020, NRC staff received a letter from the U.S. Department of Energy (DOE) with the draft Long-Term Surveillance Plan (LTSP) for the Western Nuclear, Incorporated Split Rock site. The DOE letter and draft LTSP can be found in Attachment B and Attachment C (Letter: ADAMS Accession Number [ML20140A363](#) and LTSP: ADAMS Accession Number [ML20140A364](#)).
3. On September 1, 2020, The NRC staff received a letter from the WYDEQ with the final CRR for the Western Nuclear, Incorporated Split Rock site. The WYDEQ letter and final CRR can be found in Attachment D (ADAMS Accession Number [ML20246G382](#)).
4. On November 20, 2020, the NRC staff received a letter from the WYDEQ with an addendum to the the final CRR for the Western Nuclear, Incorporated Split Rock site. The WYDEQ letter and final CRR can be found in Attachment E (ADAMS Accession Number [ML20332A117](#)).
5. On March 26, 2021, The NRC staff received revisions to the draft LTSP from DOE, including a response to NRC comments dated March 4, 2021, for the Western Nuclear, Incorporated Split Rock site. The DOE's e-mail and revisions to the draft LTSP can be found in Attachment E, Attachment F, and Attachment G (e-mail: ADAMS Accession Number [ML21095A336](#), revisions to the draft LTSP: ADAMS Accession Number [ML21095A335](#), and response to NRC comments: ADAMS Accession Number [ML21095A337](#)).
6. On May 4, 2021, The NRC staff received the final LTSP from DOE for the Western Nuclear, Incorporated Split Rock site. The DOE's response and revisions to the draft LTSP can be found in Attachment C (e-mail: ADAMS Accession Number [ML21125A621](#) and final LTSP: ADAMS Accession Number [ML21125A623](#)).

Enclosure

**B. Documentation of review on items specified in the NMSS Procedure SA-900, “Termination of Uranium Milling Licenses in Agreement States.”**

1. A brief description of licensee’s activities associated with decommissioning, tailings remediation and ground water cleanup, if necessary.

This information is provided in Section 2 of the final CRR. The submitted information was found to be complete.

2. Documentation that the completed surface remedial actions were performed in accordance with applicable standards and requirements.

This information is provided in Sections 2, 3, and 6 of the final CRR. The WYDEQ staff reviewed geotechnical stability, surface water hydrology and erosion protection, and radon emanation aspects of the reclamation of the Western Nuclear Split Rock site. Based on its evaluation, WYDEQ concluded that reclamation of the site has met all applicable standards and conformed with design specifications. The submitted information was found to be acceptable.

3. Documentation that the completed site decommissioning actions were performed in accordance with applicable standards and requirements.

This information is provided in Section 2, 3, 4, and 5 of the final CRR. The NRC completed a site inspection on May 14, 1998 (ADAMS Accession Number [ML20093A749](#)). Following a series of questions by the NRC regarding details of the completion report, the NRC approved on September 20, 2020 the report submitted by letter dated April 21, 1999 (ADAMS Accession Number [ML010160187](#)). The NRC deleted License Condition No. 33 which related to all requirements regarding soil clean up and radiological verification, and released relevant site areas for unrestricted surface use. In accordance with the February 12, 2013 Memorandum of Understanding regarding the assumption of regulatory responsibility for some sites in Wyoming (ADAMS Accession Number [ML13072A778](#)), WYDEQ relied on NRC’s conclusions that residual radioactive material in all the areas potentially impacted by the mill operation was cleaned up to the State standards. WYDEQ reviewed the NRC staff’s conclusions regarding the licensee’s decommissioning actions and agreed with the NRC staff’s findings. The submitted information was found to be acceptable.

4. Documentation that the completed ground water corrective actions, if necessary, were performed in accordance with applicable standards and requirements.

This information is provided in Sections 1, 2, and 4 of the final CRR. Based on an evaluation of ground water data and institutional controls for the site, WYDEQ has determined that the activities at the Western Nuclear Split Rock site have not resulted in an adverse impact the underlying ground water that would pose a hazard to human health or the environment. WYDEQ’s evaluation concluded that the closure of the Western Nuclear Split Rock site is in compliance with requirements in Title 10 of the *Code of Federal Regulations* Part 40, Appendix A. The submitted information was found to be acceptable.

5. Discussion of results of WYDEQ’s site closure inspection(s).

This information is provided in Section 5 of the final CRR. WYDEQ staff performed a final site closure inspection. WYDEQ staff site inspections were conducted to ensure that site

reclamation activities were performed as required by regulations and license conditions. The submitted information was found to be acceptable.

6. For partial terminations, documentation that release of a portion of the site will not negatively impact the remainder of the site to be closed at a later date.

Not applicable. This is a full license termination.

7. Integrated Materials Performance Evaluation Program (IMPEP) review of the WYDEQ's uranium recovery regulatory program

Based on the most recent IMPEP report, the WYDEQ's uranium recovery program was found to be satisfactory (the highest performance rating possible). This rating was the first for the program since becoming an Agreement State in 2018.

NRC Letter to Wyoming DEQ re NRC concurrence on the Western Nuclear Split Rock site final CRR DATE  
August 3, 2021

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DATE	Jul 30, 2021	Aug 3, 2021		

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