



Department of Energy

Washington, DC 20585

May 3, 2021

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Deputy Director
Mail Stop T8-F5
Washington, DC 20555-0001

Subject: U.S. Department of Energy Office of Legacy Management Preliminary
Final *Long-Term Surveillance Plan for the Split Rock, Wyoming, UMTRCA
Title II Disposal Site, Jeffrey City, Wyoming*

To Whom It May Concern:

Enclosed for U.S. Nuclear Regulatory Commission (NRC) review is the preliminary final *Long-Term Surveillance Plan (LTSP) for the Split Rock (UMTRCA Title II) Disposal Site, Jeffrey City, Wyoming*. This LTSP captures information provided in site documents and demonstrates how the U.S. Department of Energy (DOE), as the future long-term custodian of the Split Rock, Wyoming, Disposal Site, will fulfill the requirements of the general license of Title 10 *Code of Federal Regulations* Part 40.28 (10 CFR 40.28). In accordance with these regulations, this LTSP is submitted to NRC as one of the final steps in transitioning the site to DOE for custody and long-term care.

The preliminary final LTSP is complete, except for the following “placeholders” that were left in Appendix A for the following site real property instruments (that are in process): (1) the warranty deed for the licensee’s fee land at the site and (2) the Public Land Order Notice of Permanent Withdrawal for the federally-owned land within the site’s long-term care boundary. There is no expectation that NRC will provide final acceptance to this LTSP until the warranty deed is inserted into the document. Once the warranty deed has been completed and a copy inserted into the document, the final LTSP will be resubmitted to NRC for acceptance.

The permanent withdrawal of the U.S. Bureau of Land Management (BLM)-managed federal land within the Long-Term Surveillance Boundary (LTSB) will not be completed prior to transition. In addition, the withdrawal is not mandatory because the subject federal land is already owned by the federal government, as required by 10 CFR 40 Appendix A Criterion 11C. Nevertheless, DOE is working with the BLM on the permanent withdrawal of the BLM-managed federal land (as it views this transfer of jurisdiction more protective). A right-of-way (ROW) grant is currently in place to provide protection from third party entry on those federal lands that lie within the original LTSB. The LTSB was subsequently expanded in response to a nitrate alternate concentration limit (ACL) exceedance issue. The ROW was renewed in 2016 (prior to the LTSB expansion) and is current through 2025. DOE has reached out formally to BLM about the federal lands that lie within the current LTSB (including the expansion) to verify the accuracy of DOE’s search of BLM’s LR2000 database. The search did not find any third party incumbrances within those federal lands, and only DOE’s BLM-issued ROW was noted.



DOE evaluated the licensee's (Western Nuclear Incorporated) groundwater and surface water monitoring program, as well as historical monitoring results, and application for ACL. This evaluation, which is summarized in Appendix E of the preliminary final LTSP, provides the basis for the long-term monitoring program presented under Section 3.7. The evaluation resulted in the following recommended modifications to the licensee's current monitoring program:

1. Reduce groundwater monitoring locations from 16 wells to 11 wells within the site's long-term care boundary.
2. Reduce surface water monitoring locations on the Sweetwater River from five sampling points to four sampling points.
3. Reduce the constituents monitored for both groundwater and surface water from 22 to 4 analytes.
4. Reduce the monitoring frequency for both groundwater and surface water from semi-annual to annual for the first 5 years, reduced to every 3 years thereafter.
5. Following the establishment of a post-transition baseline (5 years), the long-term monitoring program will be reevaluated after four monitoring events (12 years).

The long-term surveillance and maintenance (LTS&M) program presented in the preliminary final LTSP entails performing the following LTS&M activities at the site: annual site inspection and reporting, annual groundwater and surface water monitoring and reporting, and minor maintenance. DOE will finalize its estimated annual cost for conducting these LTS&M activities and provide it to NRC for consideration in their "sole" determination of the long-term surveillance charge (in accordance with NRC's regulatory issue summary [RIS] 2011-11). DOE will transmit its annual LTS&M cost estimate once the preliminary final LTSP is submitted to NRC.

Please contact me at (970) 240-3305 or Ken.Kreie@lm.doe.gov if you have any questions. Please address any correspondence to:

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Sincerely,



Digitally signed by
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Ken Kreie
Split Rock Site Manager

Enclosure

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File: E/20/1533 F/20/624