



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

August 24, 2021

The Honorable John Barrasso
United States Senate
Washington, DC 20510

Dear Senator Barrasso:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am writing in response to the e-mail from your staff, dated July 21, 2021, forwarding a letter, dated June 17, 2021, concerning the status of the NRC's review of actions associated with license termination for the Western Nuclear Incorporated (WNI) Split Rock former uranium mill in Jeffery City, WY. The June 17, 2021, letter expressed concern that the NRC was delaying the termination of the WNI radioactive materials license by conducting a review under the National Environmental Policy Act (NEPA) of 1969, as amended, of potential environmental impacts from the U.S. Department of Energy's (DOE) Long-Term Surveillance Plan (LTSP) for the Split Rock site.

As required by NEPA, the National Historic Preservation Act (NHPA), and the NRC's regulations¹, the NRC staff must complete an environmental assessment to address its obligations under NEPA and NHPA as part of its review and acceptance of the LTSP. Work on the environmental assessment is largely complete and is not expected to delay the NRC's final decision on the LTSP.

In addition to the environmental assessment, there are other actions that need to be completed prior to license termination.² Specifically, before the license can be terminated and the site transferred to the long-term custodian (in this case DOE), the NRC must: (1) review the State of Wyoming's determination that the site has been decommissioned in accordance with Wyoming regulations (which, in turn, must be compatible with the NRC's regulations) as documented in the State's Completion Review Report (CRR); (2) accept the LTSP developed by the DOE that details the actions the DOE will undertake as the long-term care custodian for the site; and, (3) establish the Long-Term Care Fee for the site, which is a one-time payment that WNI would make to the U.S. Treasury to provide the funds for the DOE to carry out the LTSP activities in perpetuity.³

The NRC has been interacting with the State of Wyoming and concluded its CRR review on August 3, 2021. The NRC will provide final concurrence on the CRR once the Long-Term Surveillance Plan is accepted and the Long-Term Care Fee is approved. The

¹ 10 CFR § 51.21 criteria for and identification of licensing and regulatory actions requiring environmental assessments.

² The State of Wyoming is an Agreement State pursuant to Section 274 of the Atomic Energy Act of 1954, as amended, and regulatory authority for WNI has been transferred to the State of Wyoming. Under the Uranium Mill Tailings Radiation Control Act of 1978, however, the NRC retains some responsibility for the termination of the radioactive materials license for the site.

³ The LTCF requirements are contained in criterion 10 in Appendix A, "Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Wastes Produced by the Extraction or Concentration of Source Material from Ores Processed Primarily for Their Source Material Content," to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 40, "Domestic licensing of source material," specified by the Commission.

J. Barrasso

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NRC expects the final LTSP from DOE in November 2021 and expects to complete its review during the first quarter of 2022. The NRC is continuing to interact with DOE on the Long-Term Care Fee for the site.

If you have any additional questions or need additional information concerning the NRC staff's review of the WNI license termination, please contact me or have your staff contact Eugene Dacus, Director, Office of Congressional Affairs at 301-415-1776 or Eugene.Dacus@nrc.gov.

Sincerely,



Signed by Doane, Margaret
on 08/24/21

Margaret M. Doane
Executive Director
for Operations

SUBJECT: RESPONSE LETTER TO SENATOR JOHN BARRASSO REGARDING
 REQUEST FOR INFORMATION ON WESTERN NUCLEAR, INC. REGARDING
 SPLIT ROCK URANIUM MINE IN WYOMING. Date: August 24, 2021

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