



Department of Energy

Washington, DC 20585

November 16, 2021

U.S. Nuclear Regulatory Commission
Document Control Desk
Attn: Mr. Dominick Orlando
Mail Stop T8F5
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* (Docket No. 40-1162)

Dear Mr. Orlando:

Enclosed for U.S. Nuclear Regulatory Commission (NRC) review is the preliminary final *Long-Term Surveillance Plan for the Split Rock, Wyoming, UMTRCA Title II Disposal Site, Jeffrey City, Wyoming*. The preliminary final Long-Term Surveillance Plan (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* Section 40.28 (10 CFR 40.28). In accordance with these regulations, the preliminary final LTSP is submitted to NRC as one of the last steps in transitioning the site to DOE for custody and long-term care.

The initial draft LTSP was transmitted to NRC on April 29, 2020. NRC notified DOE on July 2, 2020, that its acceptance review had been concluded and the draft LTSP was sufficiently complete to initiate the detailed technical review process. NRC provided initial informal comments on the DOE draft LTSP beginning in September 2020 that resulted in two revised draft LTSPs, which were transmitted to NRC on September 21, 2020 and October 31, 2020.

On November 24, 2020, NRC provided DOE with draft comments on the draft LTSP, to which DOE responded with the December 16, 2020 response to draft comment and the January 11, 2021 revised draft LTSP. NRC formally commented on the draft LTSP on March 4, 2021, to which DOE replied with responses to NRC comments and a revised draft LTSP on March 26, 2021. On April 1, 2021, NRC informed DOE the revised draft LTSP and response to NRC comments were adequate and requested DOE transmit the preliminary final LTSP to NRC, which was done on May 4, 2021. On October 25, 2021, NRC informed DOE in writing that two NRC comments on the draft LTSP remained unresolved. This preliminary final LTSP addresses NRC's final two comments on the draft LTSP.

The preliminary final LTSP is complete, except for "placeholders" that were left in Appendix A for the following site real property instruments (which 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 NRC will provide final acceptance of the 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 complete for at least two years. DOE submitted a final land withdrawal application requesting administrative jurisdictional withdrawal of the BLM-managed federal land at the Split Rock site on June 30, 2020. DOE continues to work with BLM on the land withdrawal. 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 ROW was renewed in 2016 (before the LTSB expansion) and is current through 2025. The LTSB was subsequently expanded in 2019 in response to a nitrate alternate concentration limit exceedance issue.

DOE has formally reached out 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.

Please contact me at (970) 712-2424 or Nicole.Keller@lm.doe.gov if you have any questions. Please address any correspondence to:

U.S. Department of Energy
Office of Legacy Management
2597 Legacy Way
Grand Junction, CO 81503

Sincerely,

**Nicole
R. Keller** Digitally signed
by Nicole R.
Keller
Date: 2021.11.16
08:46:50 -07'00'

Nicole Keller
Split Rock Site Manager

Enclosures

cc w/enclosures via email:

Tom Lancaster, NRC

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DOE Read File

File: E/19/618 F/20/2440