



WESTERN NUCLEAR, INC.

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October 29, 1999

John J. Surmeier, Chief
Uranium Recovery and Low-Level Waste Branch
Division of Waste Management
Office of Nuclear Material Safety and Safeguards
Washington, D.C. 20555-0001

Attn: Mr. Robert Carlson, Project Manager

RE: DOCKET NO. 40-1162, LICENSE NO. SUA-56

Dear Mr. Surmeier,

As part of the closure process and in preparation of license termination, Western Nuclear Inc. (WNI) has developed a Site Closure Plan ("Plan") that consists of a comprehensive approach for the long-term protection of public health, safety and the environment according to the requirements of 10 CFR Part 40, Appendix A, promulgated pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA). This closure approach includes the fundamental site closure tasks for active Title II sites including: 1) decommissioning the Split Rock Mill, 2) cleaning up soil and radiological verification thereof, 3) providing for the long-term stability of tailings byproduct material, and 4) reducing risks from potential exposure to byproduct material in ground water to protective levels that are also as low as reasonably achievable (ALARA). This Plan documents the site-wide approach to closure and the steps toward fulfilling all license requirements necessary for eventual license termination. Attached is a table summarizing key portions of the administrative history regarding site operation and reclamation.

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Prior to license termination, NRC will need to have approved a Long-Term Surveillance Plan (LTSP) submitted by the long-term custodian of the site. WNI proposes to transfer all land and appurtenances thereto (including equitable servitudes and restrictive covenants on non-fee lands) that are or will be necessary for the disposal of by-product material to the long-term custodian. WNI had preliminary discussions with both Wyoming and the US Department of Energy (DOE) regarding long-term custody of the site. WNI will continue this dialogue with both potential long-term custodians to facilitate site transfer upon license termination. This letter also transmits the comprehensive Site Ground Water Characterization and Evaluation Report that satisfies License SUA-56, Condition 74C that requires a final ground water plan with complete site characterization be submitted to the NRC by October 31, 1999.

This Plan summarizes the approach and measures taken to satisfy all necessary license and regulatory requirements in preparation for license termination at the Split Rock Site. In addition, a summary of the pertinent administrative record associated with site activities is provided. First, this Plan summarizes the decommissioning and reclamation of the Split Rock Mill, itself. All mill decommissioning activities have been completed and the relevant License Conditions have been removed from the license. Second, this Plan summarizes the Radiological Verification Program for the Split Rock Site. Clean up and disposal of all windblown tailing and impacted site soils was completed in 1997 (Radiological Verification Program) and all License Conditions regarding radiological verification were deleted from the license in 1999. Third, this plan summarizes the reclamation activities for the tailings impoundment at the Split Rock Site. Tailings reclamation was completed in 1998 and a construction completion report was submitted to the NRC in 1999. This completion report passed initial completeness review and final approval is pending. Fourth, this plan presents a comprehensive strategy for protection of public health, safety and the environment from potential impacts related to byproduct material in ground water, attached hereto. Long-term protection of public health, safety and the environment from by-product constituents in ground water is *the* primary closure task remaining prior to license termination and transfer to the long-term custodian. Fifth,

this Plan summarizes the requisite environmental reports and evaluations performed for each significant licensing action over the course of the Site reclamation and closure process and demonstrates how the cumulative process satisfies all relevant 10 CFR Part 51 environmental reporting requirements and accompanying guidance¹. Finally, this Plan requests specific modifications to the existing license via license amendment.

The Split Rock Mill was built in 1957 and began operating as a toll mill in 1958 under AEC license No. R-205 (which became Source Material License No. SUA-56). Ore was processed from uranium mines in both the Gas Hills to the north and the Green Mountains to the south. The mill went on standby status in 1981 following the drop in worldwide uranium prices. In 1986 reclamation activities commenced at the site according to the requirements of 10 CFR Part 40, Appendix A for Title II active licensed sites. As noted above, reclamation and closure activities performed to date include mill decommissioning, clean up and verification of all areas potentially impacted by windblown tailings, and final surface reclamation of the mill site and tailings impoundment with the exception of the ground water Corrective Action Program evaporation ponds. Finally, comprehensive site characterization studies and the evaluation of potential alternatives have been conducted to address ground water compliance issues.

MILL DECOMMISSIONING

Following the decision to place the mill on standby in 1981, in 1986 WNI decided to terminate its "active" status and to begin reclamation activities by developing a comprehensive and integrated Tailings Reclamation Plan (TRP) and a Mill

¹ Table 1 summarizes important milestones of the administrative record regarding Site reclamation and closure including mill decommissioning, radiological verification of windblown tailings and soils clean up, tailings surface reclamation, environmental evaluations and groundwater compliance issues.

Decommissioning Plan (MDP). On August 8, 1986 WNI's license was amended (Amendment No. 32) for possession only and active tailings disposal was terminated. In June of 1987 WNI submitted the TRP to the NRC and then, in November of 1987, WNI submitted the MDP. The MDP was approved and incorporated into the license via Amendment No. 47 on August 18, 1988. Mill decommissioning began on September 14, 1989 with the unsalvageable materials buried in approved burial sites within the tailings area. Mill decommissioning was completed in 1989 when WNI submitted the Mill Decommissioning Completion Report to the NRC in October, 1989. Review and approval of the Mill Decommissioning Completion Report was documented in a memorandum for NRC Docket File No. 40-1162 dated July 26, 1990. In May of 1999, the NRC deleted all License Conditions relating to mill decommissioning from WNI's license.

RADIOLOGICAL VERIFICATION

As part of the site reclamation activities and in compliance with the requirements of 10 CFR Part 40, Appendix A, WNI undertook scoping surveys to identify the extent of potentially impacted site soils from operations and windblown tailings. The initial plan to address soils clean up issues was included in the original TRP, submitted to the NRC in 1987. This program was later modified and in December of 1995 WNI submitted a proposed final Radiological Verification Program to the NRC. The proposed program included detailed methods and procedures to ensure data completeness and accuracy and to provide for scoping surveys and clean up criteria for all radionuclides. In addition, the program called for by-product impacted soils to be disposed of in the tailings impoundment.

The NRC approved the Radiological Verification Program and it was incorporated into WNI License via Amendment No. 78 on June 24, 1996. Site soil scoping surveys began in late 1995 and WNI submitted the scoping survey results to the NRC in February of 1996. Due to larger volumes of soil clean up than initially anticipated, revisions to the

TRP surface cover design were submitted on several occasions to accommodate the additional volumes requiring disposal. The modifications were minor in technical detail and did not change the overall performance of or impacts from the approved reclamation design.

Clean up of site soils was completed in 1997 and on November 19, 1997 the NRC approved WNI's request to terminate soil clean up via license Amendment No. 83. WNI submitted a Radiological Verification Program Completion Report to the NRC on December of 1997. WNI was notified by the NRC in April of 1998 that the completion report had passed initial completeness review. The NRC performed a site inspection of the Radiological Verification Program clean up and performed confirmatory testing of site soils on May 12 through 14, 1998. Following a series of questions by the NRC regarding details of the completion report, the NRC approved the completion report and, on May 21, 1999, the NRC deleted License Condition No. 33, which related to all requirements regarding soils clean up and radiological verification, and released relevant site areas for unrestricted surface use.

TAILING RECLAMATION

Amendment No. 33 to License SUA-56, dated August 15, 1986 required WNI to submit a TRP. By a letter dated June 30, 1987, WNI submitted to the NRC a detailed TRP. Following review and comment from the NRC, WNI submitted Revision No. 2 to the TRP on March 31, 1989. Additional review and comments by the NRC resulted in WNI submitting Revision No. 3 to the TRP on April 21, 1992. Review by NRC found this plan acceptable and approval of this plan was documented in a Memorandum to NRC Docket File No. 40-1162 dated June 12, 1992. A Notice of Intent to Amend Source Material License SUA-56 was published in the Federal Register on June 19, 1992. No public comment was received. WNI submitted an Environmental Report, required by 10 CFR Part 40, Appendix A, Criterion 9, evaluating the potential for environmental impacts associated with the TRP and on June 4, 1993, the NRC published an Environmental

Assessment of the TRP. On June 16, 1993, the NRC issued a Finding of No Significant Impact (FONSI) for Revision No. 3 to the TRP via publication in the Federal Register (58 FR 33285). After publication of the "Final Staff Technical Position: Design of Erosion Protection Covers for Stabilization of Uranium Mill Tailings Sites" (August 1990; Stabilization STP), in 1992 the NRC requested that its licensees reevaluate their tailings disposal plans to assure compliance with the design standards set forth in the stabilization STP. As a result of such reevaluations, revisions were made to most existing tailings disposal plans to satisfy the extremely conservative design guidance contained in the stabilization STP. Such revisions were deemed to make tailings disposal plans even more protective of public health and the environment, hence NRC issued a series of FONSI's.

Via Amendment No. 68, the NRC approved and incorporated into License SUA-56 Revision No. 3 to the TRP on June 17, 1993; however, the NRC added stipulations regarding erosion protection components of the TRP design. Between approval of Revision No. 3 (6/12/92) and submittal of the Environmental Report (6/4/93), WNI proposed further modifications to the TRP via submittal of Revision No. 4 to the TRP on September 9, 1992. However, since Revision No. 3 had already been approved and had been found acceptable and since the EA for Revision No. 3 was in the process of being developed, Revision No. 4 was not reviewed prior to approval of Revision No. 3 via Amendment No 68. Revision No. 4 consisted of a few replacement pages to Revision No. 3 with no significant change in approach or scope of reclamation.

A final revision, Revision No. 5 to the 1987 TRP, was submitted to the NRC on October 29, 1993. This revision superceded all previous revisions and incorporated modifications to erosion protection design, radon barrier design, areas to be reclaimed and sources for construction materials (e.g., Cody Shale borrow area for radon barrier materials). Revision No. 5 was essentially a re-printing of Revision No. 3 with subsequent technical updates incorporated into the text. This was done in order to ensure that the NRC had a complete up-to-date copy of the TRP as the numerous, though minor, technical

modifications submitted to the NRC since the original 1987 TRP had made tracking the current reclamation design difficult.

Also in November of 1993 WNI submitted to the NRC a Bureau of Land Management (BLM) Decision of Record (ROD) and a FONSI for excavation of borrow materials (e.g., Cody Shale; 9/29/93) as well as the Wyoming Department of Environmental Quality (WDEQ) Small Mining Permit (No. 694; 10/28/93) for excavation of these materials. Review and comments by the NRC resulted in submittal of Addendum A to Revision No.5 of the 1987 TRP on February 7, 1994. Again, Addendum A incorporated minor technical revisions to the TRP with no changes in scope or potential impacts to the environment.

Between 1994 and 1998, several minor modifications to the tailings cover design were submitted and approved to accommodate the disposal of windblown tailings and site soils in the tailings impoundment. Tailings reclamation construction was completed in 1998 and the Tailings Reclamation Plan Completion Report was submitted to the NRC on April 21, 1999. On September 22, 1999, the NRC notified WNI that confirmatory testing of the radon barrier flux passed acceptance criteria and was approved. Approval of the TRP and subsequent elimination of associated License Conditions are pending NRC review of the Completion Report.

GROUND WATER

Under UMTRCA, EPA was designated by Congress to develop generally applicable environmental standards for the protection of public health and the environment from potential radiological and *non*-radiological hazards associated with constituents from byproduct material at uranium mill tailings sites. EPA did not issue final standards (including those for ground water protection) for active Title II uranium mill tailings sites until September of 1983. NRC's incorporation of EPA's standards into Appendix A was not finalized until November of 1987. As a result, NRC and licensee implementation

of final Appendix A ground water requirements (including specifically the provisions of Criterion 5 regarding ACLs) did not really get underway until 1988.

On March 26, 1981 the NRC incorporated into License SUA-56 the first environmental reporting requirements for ground water (Amendment No. 1 to 12/4/80 renewed License SUA-56). A ground water detection monitoring plan was added to the license on May 6, 1985 (Amendment No. 25) though no site specific background concentrations had been established. Background water quality standards and specific license standards for ground water compliance were incorporated into the license on April 15, 1987 (Amendment No. 36). On May 15, 1987 WNI notified the NRC that a statistically significant change in ground water quality from background conditions had been detected. Subsequently WNI proposed a compliance monitoring program to delineate the extent and concentration of constituents. This monitoring program and specific compliance standards were incorporated into the license on August 4, 1987 (Amendment No. 39).

Subsequently, WNI initiated development of a corrective action plan and on April 8, 1988 WNI submitted a plan for accelerated dissipation of tailings pond water and proposed Alternate Concentration Limits (ACLs). The NRC approved the plan for accelerated tailings dewatering but deferred review of the proposed ACLs until publication of draft ACL guidance in May of 1988.

On August 4, 1988, the NRC notified WNI that a Corrective Action Plan (CAP) would be required and that it must be functional by January 31, 1990. On March 31, 1989, WNI re-submitted an application for ACLs and Revision No. 2 to the 1987 TRP as an integral part of the CAP. On June 15, 1989 the NRC stated that they could not approve WNI's ACL application at that time. Subsequently, WNI submitted a CAP on August 31, 1989, and the NRC incorporated this CAP into the License on September, 29, 1989, as Amendment No. 51 (License Condition No. 74). This plan called for pumping water from wells in the Northwest and Southwest Valley to lined ponds constructed in the

Southwest Valley which water subsequently was to spray evaporate the fluids produced by the pumping over the reclaimed tailings. Pumping began in the spring of 1990. As surface reclamation of the tailings progressed, the surface area available for spray evaporation decreased. As a result of the decreasing area available for spray evaporation, the total volume of ground water pumped annually was decreased. The decreased volume being pumped was approved by the NRC and authorized by subsequent license amendments. At the present time, the NRC mandated CAP continues to operate with 6 million gallons to 15 million gallons of ground water being pumped and evaporated annually.

Comprehensive and detailed site investigation studies have been performed over the past several years to more fully characterize the site source terms, site hydrogeologic conditions, and geochemical effects on constituent transport. In addition, potential corrective action alternatives for ground water compliance were rigorously screened, and an ALARA evaluation was performed with respect to the potential impacts to public health, safety and the environment for each alternative. The results of the site investigation and characterization studies, including screening potential corrective action alternatives were presented to the public in public meetings for review and comment. Except for this transmittal and Sections 1.5, Chapter 4.0 and Appendix K of the Site Characterization and Evaluation Report, all material now being submitted to the NRC was made available for public review and comment.

Following a 30 day comment period from the date of the first public meeting on June 10, 1999, during which comments were received only from the State of Wyoming, a preferred alternative was selected and discussed at the second public meeting on August 5, 1999. This proposed preferred alternative satisfies all relevant requirements for the protection of public health, safety and the environment while satisfying the ALARA analysis process. WNI's proposed ground water compliance plan is herewith submitted to the NRC for approval. It proposes approval of either of two alternatives, each of

which conform to the regulatory guidelines of Criterion 5B of 10 CFR Part 40, Appendix A.

The first alternative follows an ACL format where concentrations that will maintain protective conditions at the points of exposure (POEs) are developed for the POC wells. Standards are proposed for all 17 identified constituents with the standard for 11 of these constituents set at the higher of background or the protective standards (maximum contaminant levels [MCLs] or risk based concentrations [RBCs]). The proposed standards for the other six constituents are the ACLs developed in the attached Site Ground water Characterization and Evaluation Report. This approach is consistent with Criterion 5B(6) of 10 CFR Part 40, Appendix A.

The second proposed alternative illustrates that, for reasons of site specific conditions, under Criterion 5B(3) of 10 CFR Part 40, Appendix A, none of the identified constituents pose a significant present or potential future hazard. Therefore, there are no hazardous constituents and there are no applicable or necessary ground water standards and no monitoring is required. This approach is supported by the regulations. Once the proposed alternative is implemented, no site constituents will be "capable of posing a substantial present or potential future hazard to human health or the environment" [10 CFR Part 40, Appendix A, Criterion 5B(3)]. Both of these alternatives are presented in much greater detail in the Site Characterization and Evaluation Report and associated Appendixes included with this Site Closure Plan.

ENVIRONMENTAL EVALUATIONS

Historical Environmental Evaluations

The NRC review of license renewals and license amendments associated with Site reclamation for Source Materials License SUA-56 determined that most of the licensing actions over the course of the Plan implementation were eligible for categorical exclusion from environmental review requirements. These exclusions were justified pursuant to the

criteria for categorical exclusion in 10 CFR Part 51.22(c)(11). Most of these licensing actions were eligible for categorical exclusion because the NRC determined that: (i) there was no significant change in the types or significant increase in the amounts of any effluent that may be released offsite; (ii) there was no significant increase in the individual or cumulative occupational radiation exposure; (iii) there was no significant construction impact, and (iv) there was no significant increase in the potential for, or consequences from, radiological accidents.

In addition, for most of the Site reclamation activities incorporated as requirements into the license via specific amendment, the NRC determined that environmental reports (ER), as required by 10 CFR Part 51.60(b)(2) were not required. This is consistent with the role of reclamation and closure activities in reducing site discharges, effluents and exposures and providing increased levels of protection of public health, safety and the environment. The major environmental documents developed to date are:

- Final Environmental Statement Related to Operation of the Split Rock Uranium Mill, Western Nuclear, Inc. February, 1980. (NUREG-0639)
- Final Generic Environmental Impact Statement on Uranium Milling. Project M-25. September, 1980. Vols. I, II, III (NUREG-0706)
- WNI Environmental Report Supplement²
- Environmental Assessment³

Through WNI's submittals and subsequent NRC review, approval and incorporation of detailed reclamation plans into Source Materials License SUA-56, WNI has fulfilled all environmental reporting requirements under 10 CFR Part 40 Appendix A, Criterion 9 and 10 CFR Parts 51.22 and 51.60 associated with mill decommissioning, surface reclamation and ground water compliance to date.

² Submitted to NRC in part on 3/5/93 and in total on 3/17/93 in accordance with 10 CFR Part 40 Appendix A, Criterion 9, pursuant to NRC Uranium Field Recovery Office letter of 8/12/92. Supplemented 1980 Final Environmental Statement, February, 1980.

Current Environmental Evaluation

The sole remaining aspect of site reclamation and closure involves long-term protection of public health, safety and the environment from byproduct constituents in ground water. The Site Ground Water Characterization and Evaluation Report, submitted as a component of the Plan, evaluates the proposed ground water compliance alternative, (the Pathway Elimination Alternative with alternate drinking water supply and institutional controls, Alternative No. 1 from Appendix H), along with three other potential alternatives. The evaluation demonstrates that the proposed alternative results in the least adverse impacts to the environment while accomplishing the goal of protecting public health, safety and the environment. These alternatives were presented to the public for review and comment via a noticed public meeting on June 10, 1999. The only comments received were from the Wyoming Department of Environmental Quality (WDEQ). These comments were addressed both in written response to the WDEQ and in a noticed public meeting on August 5, 1999.

An Environmental Assessment (EA) is not required for this licensing action in accordance with the categorical exclusion contained in 10 CFR Part 51.22(c)(11). This paragraph states the categorical exclusion applies to issuing license amendments for uranium mill operators licensed under 10 CFR Part 40 provided that: (1) there is no significant change in the types or significant increase in the amounts of any effluent that may be released off site; (2) there is no significant increase in individual or cumulative occupational radiation exposure; (3) there is no significant construction impact; and (4) there is no significant increase in the potential for, or consequence from, radiological accidents. The proposed ground water compliance strategy discussed herein meets all of the above listed criteria for an EA categorical exclusion.

³ Developed by the NRC, June 4, 1993. Noticed in Federal Register, Vol. 58, No. 114, June 16, 1993.

Additionally, this license amendment application does not trigger any of the requirements for licensee's to submit ERs with amendment requests as set forth in 10 CFR Part 51.60(b)(2). This provision states that an ER shall be prepared by uranium mill operators licensed under 10 CFR Part 40 if one of the following criteria applies: (i) a significant expansion of the site; (ii) a significant change in the types of effluents; (iii) a significant increase in the amounts of effluents; (iv) a significant increase in individual or cumulative occupational radiation exposure; (v) a significant increase in the potential for or consequences from radiological accidents; or (vi) a significant increase in spent fuel storage capacity, in a license or other form of permission to conduct an activity listed in paragraph (b)(1) of 10 CFR Part 51.60. The licensing action sought by WNI does not fit any of the aforementioned criteria, consequently, an ER is not required for this action.

However, substantial compliance with the information that would be required in an ER can be found in the body of the Site Ground Water Characterization and Evaluation Report and Appendixes, submitted as a component of this Plan. Specifically, Appendix I (Environmental Impacts Assessment) and Appendix H (Corrective Action Alternatives Evaluation) develop and evaluate all aspects of the identified potential alternatives for long-term site ground water compliance. Appendix I includes an ecological risk assessment including analysis of surface water, aquatic life, plants and soils, detailed development of the constituents that could potentially be hazardous, and an evaluation of human health risks associated with current and potential future exposure to site byproduct constituents. Appendix H develops and screens a full range of potential ground water remediation technologies and alternatives and evaluates the potential alternatives with respect to protection of human health and the environment. Appendix H also incorporates an ALARA analysis, including a comprehensive evaluation of each alternative. From the screening process, potential alternatives were presented to the public for review and comment and, subsequently, the alternative proposed in this submittal was identified. These documents were developed in a manner consistent with regulatory guidance and the existing regulatory scheme.

This information can be considered supplemented by the historical site environmental reporting, discussed in Section 6.1, above. This evaluation demonstrates that all other alternatives would result in greater adverse environmental impacts on natural resources and greater risks to human health. In addition, the economic costs and expenditures of resources in terms of human effort, fossil fuels, and tangible goods would not realize a *net benefit*. The International Commission on Radiation Protection (ICRP) has stated that “it is a fundamental premise that any proposed reclamation should do more good than harm”. In other words, the form, scale and duration of any intervention should be optimized so that the *net benefit*, the reduction in risk to public health or the environment less the detriment associated with intervention, should be maximized (ICRP, 1990). Therefore, the proposed Pathway Elimination Alternative (Alternative No. 1 from Appendix H) is the best option and is most effective in reducing environmental degradation, preventing exposure and maintaining net resource effectiveness. Further, no additional environmental reporting or evaluation is needed for approval of the proposed ground water compliance plan and subsequent license termination.

AMENDMENT REQUESTS

In compliance with existing Source Material License SUA-56, Condition No. 74C, WNI submits the attached Site Ground Water Characterization and Evaluation Report, which includes a complete site characterization, screening of potential alternatives, documentation of public review and comment, and proposed ground water compliance program. This Report is submitted as an integral part of WNI’s comprehensive Site Closure Plan, described in the preceding portions of this transmittal letter.

The following is a review of WNI’s existing Source Material License (SUA-56) and specific requests regarding specific Conditions:

License Conditions No. 1 through No. 10: (No Change)

License Condition No. 11 through 23:

These license conditions have been previously deleted.

License Condition No. 24: **REQUEST DELETION**

Once the proposed ground water compliance program (10/31/99) is approved, no further environmental monitoring of the Sweetwater River is required.

License Condition No. 25: **REQUEST DELETION**

Once the proposed ground water compliance program (10/31/99) is approved, no further environmental monitoring is required. Therefore no quality assurance program, other than that specified in the proposed ground water compliance program (10/31/99), is required. That program will be administered by the long-term custodian.

License Condition No. 26

This Condition was previously deleted.

License Condition No. 27: **REQUEST MODIFICATION**

Tailings reclamation is complete and WNI has filed with the NRC the Tailings Reclamation Construction Completion Report. However, final reclamation design and reclamation construction for the ground water Corrective Action Program ponds (also referred to as the Winter Storage Ponds – Area 2C) and the disposal of soil samples remaining from the soil clean-up and Radiological Verification Program are still pending. Therefore, WNI requests that this condition be modified to read as:

27. The licensee shall reclaim the ground water Corrective Action Program (CAP) ponds and dispose of soil samples as follows:
 - A. **Delete** (no longer relevant)
 - B. **Modify:** The preliminary radon barrier design for the ground water Corrective Action Program (CAP) ponds [Winter Storage Ponds (Area 2C, Figure 4, Drawing No. 19-225-E53; Addendum A to Revision 5 of the

1987 TRP)] is considered acceptable for estimating the surety amount. However, once decommissioning of the CAP ponds is approved, the Licensee shall confirm the design and obtain NRC approval prior to constructing the final reclamation cover on the ponds.

- C. **Modify:** A completion report including as-built drawings, verifying that the reclamation of the CAP ponds has been performed according to the approved reclamation plan shall be provided within 6 months after completion of construction. This report shall also include summaries of results of the quality assurance and control testing, to be specified in the confirmed design as per Condition C above, to demonstrate that approved specifications were met.
- D. **Delete** (no longer relevant)
- E. **Delete** (no longer relevant)
- F. **Delete** (no longer relevant)
- G. **Delete** (no longer relevant)
- H. **Delete** (no longer relevant)
- I. **Delete** (no longer relevant)
- J. **No Change**

License Condition No. 28

This Condition was previously deleted.

License Condition No. 29: **No Change**

Western Nuclear, Inc.'s surety is reviewed on an annual basis. Modifications to the surety will be addressed on this basis or through specific requests following approval of the proposed ground water compliance program.

License Conditions No. 30 through 33

These License Conditions were previously deleted.

License Condition No. 34: **REQUEST DELETION**

All site reclamation activities are complete, therefore no potential for the future disturbance of cultural resources, not previously surveyed, exists and no survey submittals to the NRC are required.

License Condition No. 35: **REQUEST DELETION**

All site reclamation activities are complete, therefore no potential for the future environmental impacts exists. Therefore, this License Condition is no longer relevant.

License Conditions No. 36

This Condition was previously deleted.

License Conditions No. 37: **REQUEST DELETION**

This license condition is no longer relevant.

License Conditions No. 38: **REQUEST DELETION**

Tailings reclamation has been completed and all tailings have been permanently buried and stabilized. No tailings samples can or will be shipped in the future. Therefore, this License Condition is no longer relevant.

License Conditions No. 39 and No. 40

These License Conditions were previously deleted.

License Condition No. 41: **REQUEST DELETION**

Tailings reclamation has been completed. In addition, there are no equipment or packages from the previously restricted area that would need to be handled in accordance with NRC guidance. Therefore, no condition regarding the release of equipment or packages is required.

License Condition No. 42. **REQUEST DELETION**

Following approval of the ground water compliance program, no radiation protection program is required and, accordingly, no annual review of a radiation protection program.

License Condition No. 43: **REQUEST MODIFICATION**

Unless otherwise specified in NRC regulations, all existing results of sampling, analysis surveys and monitoring, the calibration of equipment, reports on inspections, and the additional conditions to this license, shall be maintained for a period of at least 5 years.

License Condition No. 44. **REQUEST DELETION**

Following approval of the ground water compliance program, there will be no site reclamation or environmental monitoring. Therefore, this License Condition is no longer relevant.

License Conditions No. 35 through No. 47

These License Conditions were previously deleted.

License Condition No. 48: **No Change**

License Conditions No. 49 through No. 52

These License Conditions were previously deleted.

License Condition No. 53: **REQUEST DELETION.**

No radiation protection equipment is required.

License Conditions No. 54 through No. 63

These License Conditions were previously deleted.

License Condition No. 64: **REQUEST DELETION**

Clean-up of all soils and wind blown tailings have been completed and all areas have been released for unrestricted use. Therefore, this License Condition is no longer relevant.

License Conditions No. 65 through No. 73

These License Conditions were previously deleted.

License Condition No. 74: **REQUEST MODIFICATION**

Following approval of the proposed ground water component of the Site Closure Plan, WNI requests that License Condition No. 74 be modified as proposed below:

74. The licensee shall implement the ground water compliance program presented in its submittal of October 31, 1999 as authorized in 10 CFR Part 40, Appendix A, Criterion 5B(either 3 or 6). This program will contain the following:
- A. **Delete** (No longer relevant)
 - B. **Delete** (No longer relevant)
 - C. **Delete** (No longer relevant)
 - D. **Delete** (No longer relevant)
 - E. **Modify:** Establishment and implementation of the appropriate institutional controls on land(s) owned by private third parties to run in favor of current and future owners of the site and current and future site licensees to prevent access to ground water for use as a domestic drinking water supply within the area identified in the October 31, 1999 submittal (Chapter 4.0) and transfer of all fee land to the long-term custodian following approval of the Long-Term Surveillance Program by the NRC.
 - F. **Modify:** The licensee shall make appropriate provisions to ensure that the alternate drinking water supply, as defined in the 10/31/99 submittal, will be implemented if and when it is required.

License Condition No. 75: **REQUEST MODIFICATION**

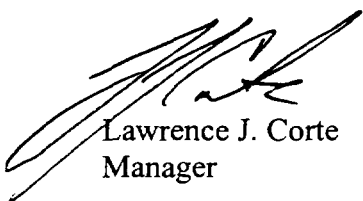
- A. **Delete** (All completed, no longer relevant)
- B. **Modify:** Reclamation of area 2C will be completed as expeditiously as is reasonably achievable in accordance with WNI's submittal of June 14, 1994 as amended by NRC approved redesign discussed in License Condition No. 27.
- C. **Delete** (no longer relevant)
- D. **Delete** (no longer relevant)

License Condition No. 76: (No Change)

Based on the data, documents reasoning and analysis transmitted herewith, it is requested that WNI's Site Closure Plan be approved by the NRC and that Source Materials License SUA-56 be amended to conform to the proposed modified conditions.

Very truly yours,

WESTERN NUCLEAR, INC.



Lawrence J. Corte
Manager

LJC:eks
enclosures

cc:

Lou Miller, SMI (w/out enclosure)
file

Date: October 19, 1999

Docket No.: 40-1162

License No.: SUA-56

Licensee: Western Nuclear, Inc.

Facility: Split Rock Uranium Mill Site

NRC Project Manager: Robert Carlson

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Box 5: SGWC&ER, main document
Transmittal Letter
App.A, Vol.s 1 thru 6 of 6)

Box 6: App. B, Vol.s 1 & 2 of 2;
App C, Vol.s 1 & 2 of 2;
App. D, Vol 1 of 1;
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Box 7: App. F, Vol.s 3 thru 5 of 5
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