



# **License Termination of Uranium Mill Tailings sites and transfer to DOE Panel Discussion June 13, 2023**

**Bill von Till, Branch Chief**

**Division of Decommissioning, Uranium  
Recovery, and Waste Programs**

# License Termination/Site Transfer Process

- Goal to make process more efficient, consistent, and predictable
- Collaborative effort with the DOE, BLM, Agreement States, and licensees
- Most sites in Agreement States
- NRC roles
  - Review Completion Reports for non-Agreement State sites
  - Review Completion Review Report from Agreement States
  - Long term surveillance plan (includes land ownership transfer documentation)
  - Long term care fee
  - Oversight through general license of DOE after license termination
- Collaboration with DOE Legacy Management
  - DOE collaboration with BLM
- Collaboration with Agreement States
  - Workshops
  - Early involvement with challenging issues and coordination with DOE
- Additional 20 sites down the road

# Key NRC Guidance for License Termination/Site Transfer

- NUREG-1620 – APPENDICES D and E
  - D - GUIDANCE TO THE U.S. NUCLEAR REGULATORY COMMISSION STAFF FOR REVIEWING LONG-TERM SURVEILLANCE PLANS
  - E - GUIDANCE TO THE U.S. NUCLEAR REGULATORY COMMISSION STAFF ON THE LICENSE TERMINATION PROCESS FOR LICENSEES OF CONVENTIONAL URANIUM MILLS
- SA-900 - Termination of Uranium Milling Licenses in Agreement States
- NRC Regulatory Issues Summary 2011-11 - Long-term Surveillance Charge for Conventional or Heap Leach Uranium Recovery Facilities Licensed under 10 CFR Part 40
- NUREG-0706 - Generic Environmental Impact Statement for Uranium Milling
- The NRC staff plans to develop specific up to date guidance in this area with collaboration with Agreement States then a chance for comment from industry and the public. Lack of resources and other priorities have delayed this effort.

# Major Steps for License Termination and Site Transfer

## Non-Agreement State License Termination

- Licensees are required by license conditions to complete and document decommissioning, reclamation, and any necessary surface and ground-water remedial actions consistent with decommissioning, reclamation, and ground-water corrective action plans. NRC's review of completed facility closure actions includes the Licensee's construction completion report, decommissioning report, ground-water completion report, or alternate concentration limit application(s).

## Agreement State's Completion Review Report

- Upon the Agreement State's determination that the facility's decommissioning, reclamation and/or groundwater restoration has met the license requirements and State standards for License Termination, the Agreement State prepares and submits a Completion Review Report (CRR) to the NRC for review and concurrence. The CRR documents that all applicable standards and requirements have been met prior to termination of a license.



# Major Steps for License Termination and Site Transfer (cont.)

## Long-Term Surveillance Plan

- The long-term care custodian for the site (general licensee which is typically DOE) prepares and submits a Long-Term Surveillance Plan (LTSP) to the NRC for their review and acceptance. The LTSP documents the general licensee's plan for long-term care of the site, including periodic site inspections, monitoring (e.g., ground water), maintenance (e.g., fences, vegetation control), emergency measures, and NRC oversight necessary to protect public health and safety in perpetuity.
- The LTSP also includes documentation of the transfer of public land (e.g., BLM land) and private land ownership to the DOE for their long-term care of the site.

## Long-Term Care Fee

- NRC determines the Long-Term Care Fee (LTCF) for the site from activities described in the LTSP that have a nexus to radiological health and safety, standard cost rates, and input from the DOE, the Licensee, and the State.
- The fee is paid by the Licensee to the U.S. Treasury.

# BLM Land Withdraw Process

**Purpose:** For the custodial agency (typically DOE) to take the uranium mill tailings site into long-term care, any BLM land located within the long-term care boundary must be transferred to the custodial agency. This is known as a public land withdrawal process.

**Process:** The public land withdrawal process is required by 43 CFR 2300.

BLM's process will generally require:

- BLM EA/EIS, which includes a mineral resources analysis
- DOI/BLM Federal Register Notice of Public Land Withdrawal
- DOI/BLM Public Land Order

The citations below contain more details:

- 43 CFR 2310-2 – Development and Processing of the Case File for the Submission to the [DOI] Secretary
- 43 CFR 2310.3-1 - Publication and Public Meeting Requirements.
- 43 CFR 2310.3-3 - Action by the Secretary: Public Land Orders

Note – this is the NRC's depiction of BLM's process

# Best Practices from Current Experience

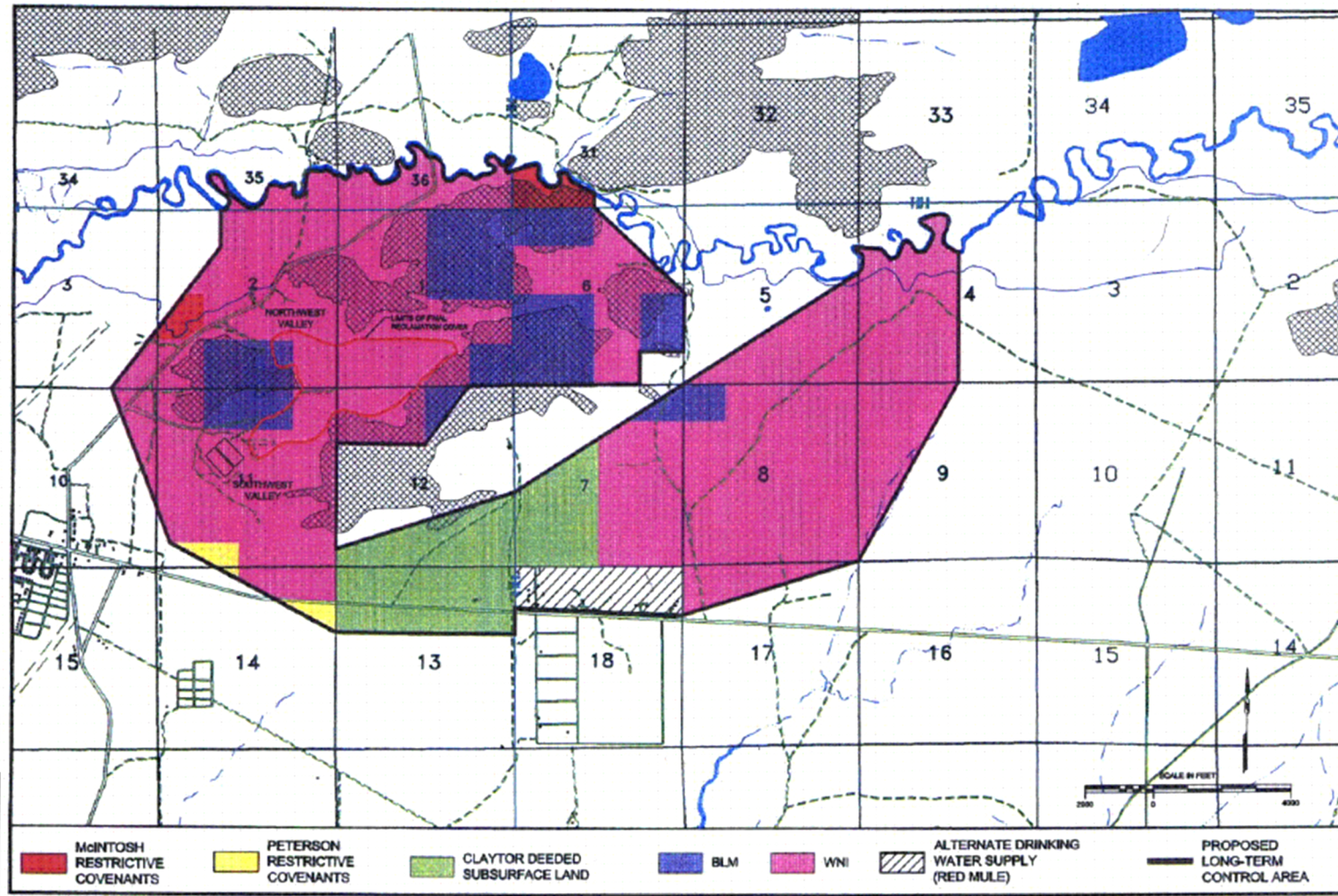
- To address situations where the Agreement State's Completion Review Report (CRR) and the long-term custodian's (typically DOE) long-term surveillance plan (LTSP) are not in total agreement, the CRR and the LTSP should be submitted to the NRC at the same time. This is especially true for sites that require significant site surveillance and control for long-term care (e.g., groundwater monitoring).
- Considering that the transfer of public land (BLM Land) to the DOE may take significant amount of time to complete, payment of the long-term care fee (LTCF) by the Licensee should occur after public land is transferred.
- Frequent communications between NRC project staff and the stakeholders (DOE project staff, the State, the Licensee, and other entities) concerning the project schedule and technical information should occur to maintain transparency of the status of the termination/transfer and to gather input for NRC's determination concerning the CRR, the LTSP, and the LTCF.



More complex cases

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# WNI Land Ownership

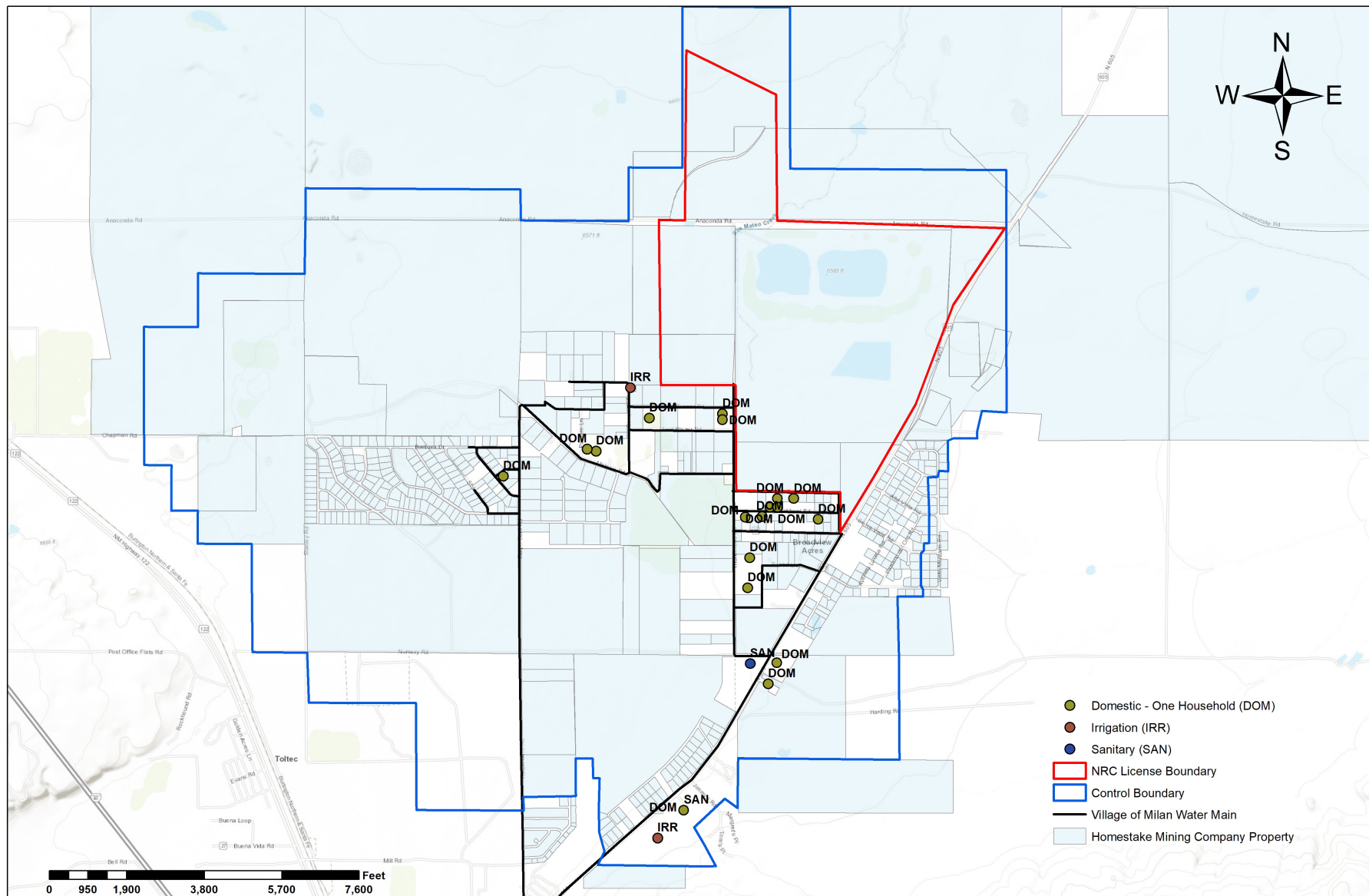


WESTERN NUCLEAR, INC. SPLIT ROCK SITE  
LAND OWNERSHIP

COI  
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# Homestake Proposed Long-Term Control Boundary



# Complex Cases – EPA CERCLA Sites

- Homestake – current active groundwater corrective action, ACL application submitted but not accepted, needs final radon barrier
- UNC Church Rock – groundwater remediation and monitoring, erosion control engineering
- Uravan – closest of the four to license termination, questions remain on EPA CERCLA actions post license termination. Collaboration between Colorado, EPA, DOE, and NRC.
- Cotter –insolvent, years away from license termination

# Future Termination/Long-Term Care Sites

1. Ambrosia Lake West, NM
2. Bear Creek, WY
3. UNC Church Rock, NM
4. Cotter Mill, CO
5. Conquista/Conoco-Phillips, TX
6. Durita, CO
7. Ford/Dawn Mining, WA
8. Gas Hills East, WY (Umetco)
9. Gas Hills North, WY (Lucky Mc)
10. Gas Hills West, WY (ANC)
11. ExxonMobil Highland, WY
12. Homestake, Grants NM
13. Intercontinental Energy Corp, TX
14. Lisbon Valley, UT
15. Panna Maria/Rio Grande Resources, TX
16. Ray Point/ExxonMobil, TX
17. Sequoyah Fuels, OK
18. Shirley Basin North, WY
19. Split Rock, WY
20. Uravan, CO



# Questions?



Photo: Death Valley, 2023