



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

January 24, 2017

Mr. Kyle Wendtland  
Land Quality Administrator  
Land Quality Division  
Wyoming Department  
of Environmental Quality  
200 West 17<sup>th</sup> Street  
Cheyenne, WY 82001

**SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION STAFF RESPONSE TO  
WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY LETTER  
REGARDING THE CONFIRMATORY ORDER FOR THE AMERICAN NUCLEAR  
CORPORATION SITE AND TASK ORDER 3 FOR THE ANC RECLAMATION  
PROJECT (DOCKET NUMBER: 040-04492)**

Dear Mr. Wendtland:

I am writing in response to your letter dated November 4, 2016, regarding the Confirmatory Order for the American Nuclear Corporation (ANC) site (Agencywide Document Access Management System (ADAMS) Accession No. ML16326A262) and a request by the Wyoming Department of Environmental Quality (WDEQ) staff regarding Task Order 3 of the ANC Reclamation Project. In your November 4, 2016, letter you accepted the revised Confirmatory Order and requested that the U.S. Nuclear Regulatory Commission (NRC) staff promptly review the engineering and reclamation plans and surface diversion activities so as to allow the WDEQ to maximize the limited funds available for the stabilization of the site.

Paragraph 11 of the revised Confirmatory Order states:

Using the funds remaining from the forfeited reclamation bond, the WDEQ shall perform engineering and reclamation activities to temporarily stabilize the tailings ponds and provide surface diversions. The WDEQ shall provide the NRC with the plans for the engineering and reclamation and surface diversion activities before the WDEQ undertakes the activities. The WDEQ shall not undertake these activities until the NRC reviews and approves the plans, in writing. The WDEQ shall sample existing wells and surface water stations with any remaining funds from the forfeited bond after the completion of engineering and reclamation activities as described above. Those parts of the Order that were suspended by the NRC's letter dated June 12, 2014, ML14106A328) shall continue to be suspended.

Regarding your request that the NRC staff promptly review the engineering and reclamation plans and surface diversion activities, while the NRC staff will review the WDEQ's plans as promptly as possible, these reviews may require significant effort by the NRC staff and, therefore, it will be important for our staffs to work together to coordinate the submission and

review of the plans. We look forward to working with your staff to coordinate the effort and complete the stabilization of the site in a timely manner.

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390, a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, please contact Dominick A. Orlando by telephone at: 301-415-6749 or via e-mail at: [Dominick.Orlando@nrc.gov](mailto:Dominick.Orlando@nrc.gov).

Sincerely,

**/RA/**

John Tappert, Director  
Division of Decommissioning, Uranium Recovery  
and Waste Programs  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 040-04492

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If you have any questions, please contact Dominick A. Orlando by telephone at: 301-415-6749 or via e-mail at: [Dominick.Orlando@nrc.gov](mailto:Dominick.Orlando@nrc.gov).

Sincerely,

**/RA/**

John Tappert, Director  
Division of Decommissioning, Uranium Recovery  
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Office of Nuclear Material Safety  
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Docket No. 040-04492

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