



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

March 15, 2018

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 REVIEW OF THE  
"DESIGN MEMORANDUM FOR THE ANC TAILING POND #1 INTERIM  
STABILIZATION PLAN" FOR THE AMERICAN NUCLEAR CORPORATION  
RECLAMATION PROJECT (DOCKET NUMBER: 040-04492)**

Dear Mr. Wendtland:

On January 24, 2017, the Nuclear Regulatory Commission (NRC) revised Paragraph 11 of the Confirmatory Order for the American Nuclear Corporation (ANC) site to focus the funds remaining from ANC's forfeited reclamation bond on further stabilizing the site. Specifically, the revised Confirmatory Order states, in part, that:

[u]sing the funds remaining from the forfeited reclamation bond, the [Wyoming Department of Environmental Quality (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." (Agencywide Documents Access and Management System (ADAMS) Accession Number ML16354B554).

On October 2, 2017, WDEQ through its contractor, Lidstone and Associates, submitted a stabilization plan for the ANC site, entitled "Design Memorandum for the ANC Tailing Pond #1 Interim Stabilization Plan" (Plan) to the NRC for review and approval (ADAMS Accession Number ML17278A068). After discussions with NRC staff on October 19, 2017, and November 8, 2017 (summaries at ADAMS Accession Numbers ML17297A853 and ML17319A178, respectively), the Plan was revised and an updated plan was submitted on November 27, 2017 (ADAMS Accession Number ML17333B156). On January 10, 2018, WDEQ submitted Task Order 4 for the project, which included, among other items, a description of the final radiation survey that would be performed at the completion of the stabilization activities (ADAMS Accession Number ML18023A379).

The NRC staff has reviewed the stabilization plan, and the final radiation survey in Task Order 4, and has concluded that they are adequate to protect workers and the public during the stabilization project and that geotechnical stabilization of Tailing Pond # 1 (TP-1) can be accomplished if the proposed plans, including reclamation, grading, drainage and hydrology, are carefully followed and implemented. The plan states that contamination surveys of workers and equipment will be undertaken at specific times during stabilization activities. The results of these surveys will be maintained for review by NRC and WDEQ staff. The maintenance of these survey records is important for demonstrating that workers and the public were not adversely impacted by stabilization activities. In addition, if elevated levels of radiation are detected on workers, WDEQ will notify the NRC, and provide a revised health and safety plan for NRC review and approval before work resumes. Therefore, with these provisions, the plan is approved. The NRC staff's Safety Evaluation Report documenting our review of the plan is enclosed.

The NRC staff is currently exploring options for obtaining funds to complete the decommissioning of the ANC site in accordance with all applicable NRC requirements. As we move forward with the stabilization project, I suggest that our staffs determine what activities should be conducted at the site until these funds are obtained and the site is decommissioned and what assistance WDEQ may be able to provide, such as periodic visits to check on the condition of the site.

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

Enclosure: Safety Evaluation Report  
Docket No. 040-04492

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DATED MARCH 15, 2018**

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**ADAMS Accession No.: ML17312A596 (Pkg) ML17312A597 (Ltr)  
ML17312A641 (Safety Evaluation)**

**\*by email**

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