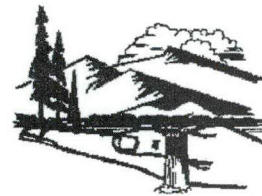




# Department of Environmental Quality

*To protect, conserve and enhance the quality of Wyoming's  
environment for the benefit of current and future generations.*



Matthew H. Mead, Governor

Todd Parfitt, Director

Dominick Orlando  
Division of Decommissioning  
Office of Nuclear Material Safety and Safeguards  
Two White Flint North  
11545 Rockville Pike  
Rockville Maryland 20852-2738

July 27, 2018

Dear Mr. Orlando

The Wyoming Department of Environmental Quality is requesting approval to construct the fence around TP-1 in the location it was originally located. Constructing the fence close to the original location will allow the Abandon Mines Lands Division (AML) more accessible lands to reclaim and stabilize as part of the mine spoils in the area. The mine spoils area can be seen in the Attachment 1, an aerial photograph from 1971. The fence line would act as a physical barrier between what AML considers to be eligible for reclamation and what is in the NRC Restricted area. By approving this boundary the following benefits will occur:

- The area southwest of TP-1 will be reclaimed to AML standards with AML funds, which will stabilize the area and minimize the surface drainage that is flowing towards TP-1. This additional reclamation will help protect much of the reclamation work that has already occurred to stabilize TP-1. The mine spoils themselves also need to be reclaimed to minimize acid mine drainage in the area.
- AML funds will be used to construct a fence enclosing TP-1. This would prevent cows from grazing on TP-1 and help protect the seeding efforts that will occur this fall. The remaining budget from ANC's forfeited funds that were to be spent on the fence around TP-1 could be used to repair the existing fence around TP-2, thus fully enclosing both tailing cells.
- Once funding to finish the reclamation of ANC has been secured, the party performing the reclamation is free to re-disturb the AML reclamation, provided that the regional reclamation is not affected and the party that re-disturbs the area is obligated to reclaim the area re-disturbed. This allows for the restricted area to be increased as needed to meet NRC requirements.

For the NRC to make this type of decision it is important to understand how the restricted area around the tailing cells was developed. In reviewing the available historical records there exists no depiction of the restricted area prior to the site undergoing forfeiture. The first depiction of



the ANC restricted area was on a map provided by a consultant to the WDEQ in 1996. The map is included as Attachment 2 and shows a clear restricted area fence. However, the fence line as it appears on the consultant's map does not reflect the original fence line. In Attachment 3 the blue line represents the deviation from the fence line shown in Attachment 2. The WDEQ suggests that the fence line that was in existence should be used as the new fence line not the map provided by the consultant. If, in the pursuit of meeting NRC surface reclamation standards, the fence line needs to be adjusted, the reclaiming party is free to so.

Additionally, AML has taken soil samples in the area and analyzed them for radionuclide content. We are waiting for the results, but these could be used to demonstrate that these are mine spoils and not 11e.(2) byproduct material (tailings). The locations of these samples are illustrated on Attachment 3. The decision regarding where to place the fence line is urgent as we will begin seeding this fall. The fence line is necessary to keep cows out and therefore we would appreciate an expedited response. If the NRC needs any additional data or items the state can provide to assist in this decision please let us know. We appreciate the NRC's attention to this pressing matter. Please contact Ryan Schierman at (307)777-7757 if there are further questions.

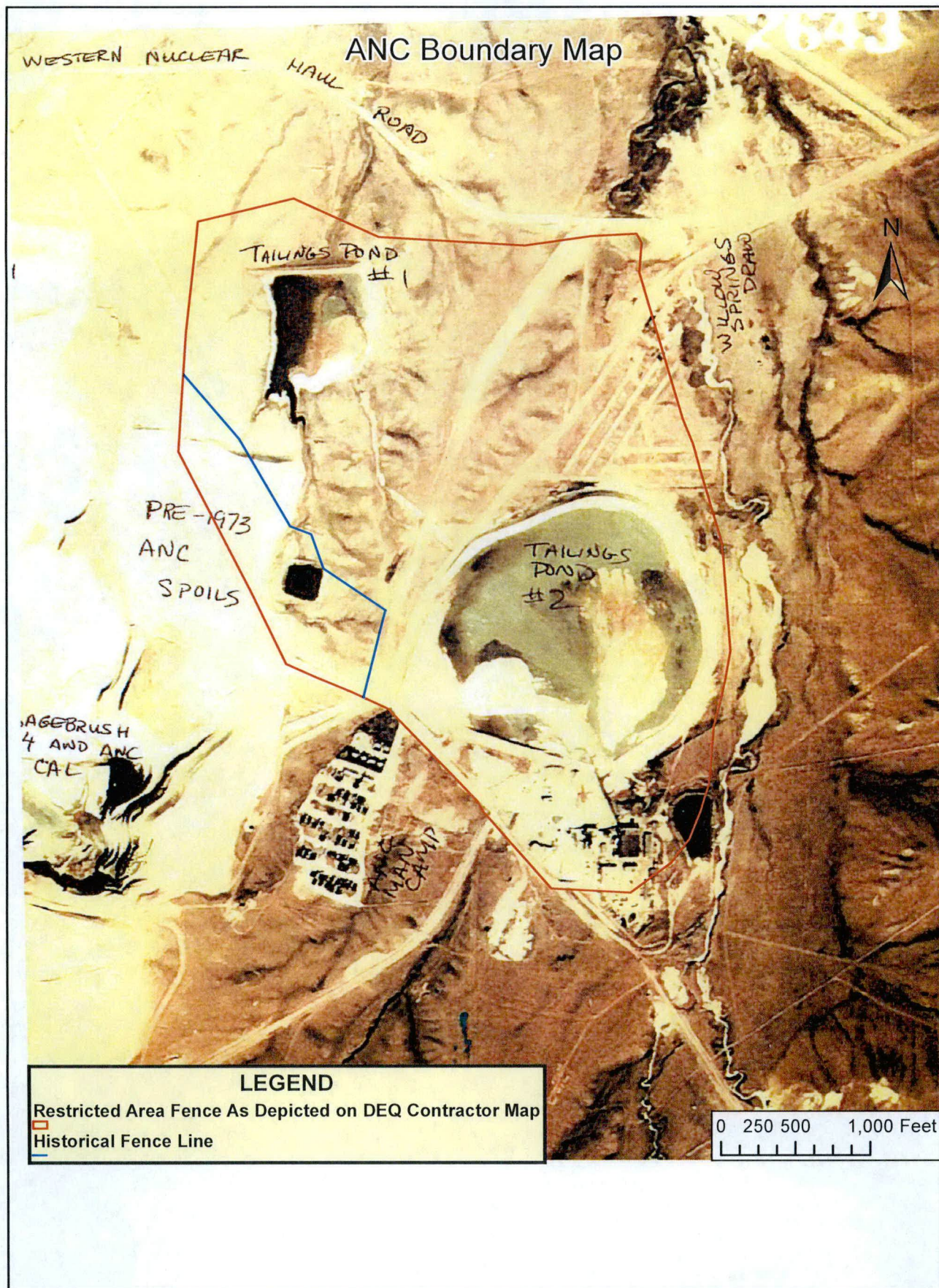
Sincerely

A handwritten signature in blue ink, appearing to read 'Kyle Wendtland', with a long horizontal flourish extending to the right.

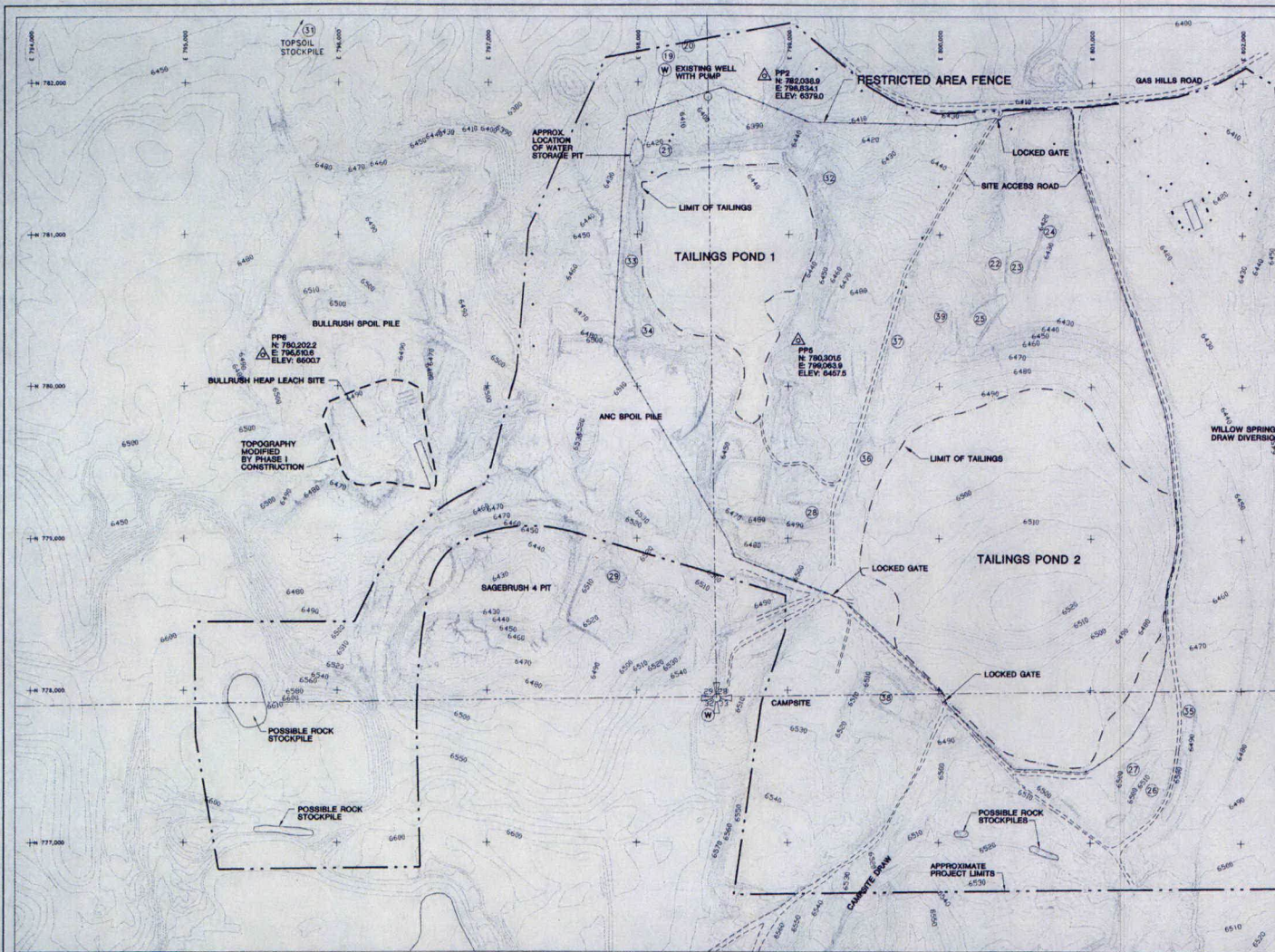
Kyle Wendtland  
Land Quality Administrator

## Attachment 1 Aerial Photo of ANC (1971)





Attachment 2 WDEQ Contractor's Map Depicting  
Restricted Area



# LEGEND:

- POWER POLE  
COVERHEAD ELECTRICAL
- PROJECT LIMITS
- ACCESS/HAUL ROAD
- PROJECT COORDINATES
- RESTRICTED AREA FENCE
- SECTION CORNER
- TAILINGS LIMITS
- EXISTING WELL
- SURVEY CONTROL POINT

## NOTES:

1. TOPSOIL STOCKPILES ARE DENOTED BY 23. TOPSOIL STOCKPILE VOLUME ESTIMATES ARE AS FOLLOWS:

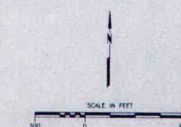
PILE #	VOLUME (CY)
19 AND 20	11778
21	1967
22	8,851
23	3,440
24	28,300
25	28,301
26	45,850
27	8,298
28	8,000
29	3,750
30	16,217
31	1,577
32	648
33	488
34	200
35	38,840
36	800
37	2,200
38	44,170
39	7,720

2. TOPSOIL STOCKPILES 26, 27 AND 35 WILL BE REMOVED UNDER SEPARATE CONTRACT.

3. ALL OR PORTIONS OF TOPSOIL STOCKPILES 25, 35, 37, 38, 28, 32 AND 34 WILL BE DIRECT HAULED AND PLACED.

BASE MAPPING PROVIDED BY HORIZONS, INC., RAPID CITY, S.D. (1995) AND SUPPLEMENTED WITH HORIZONS (1997).  
CONTOUR INTERVAL = 2'

CALL BEFORE YOU DIG  
1-800-489-8023



NO.	DESCRIPTION	BY	CHKD.	APPROVED	DATE	DRAWING NO.	DRAWING TITLE	ENGINEERING RECORD	BY	DATE	PREPARED BY	PREPARED FOR	TITLE
1	PRELIMINARY DESIGN	BDP			11/00						Shepherd Miller	WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY LAND QUALITY DIVISION	EXISTING TOPOGRAPHY AND PROJECT LIMITS
2	SUBSTANTIAL DESIGN	BDP			5/98								
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PROJECT: 04-428 DATE: MAR 20, 1998  
SCALE: 1" = 300' SHEET NO.: EQ-PH1  
4

# Attachment 3 Location of existing fence line compared to WDEQ Contractor's Map

# ANC Boundary Map



TP 1

TP 2

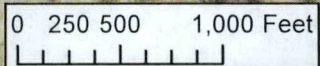
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BH12X  
BH14X  
BH16X  
BH22X

## LEGEND

Historical Fence Line

Restricted Area Fence As Depicted by a WDEQ Consultant

Map X - Soil Sample Locations



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community