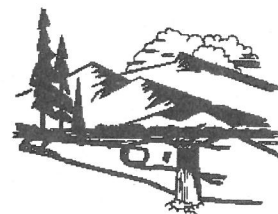




Department of Environmental Quality

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



Mark Gordon, Governor

Todd Parfitt, Director

Michael Layton
U.S. Nuclear Regulatory Commission
Division of Material Safety, State, Tribal, and Rulemaking Programs
Office of Nuclear Material Safety and Safeguards

Two White Flint North
11545 Rockville Pike
Rockville, Maryland 20852-2738

RE: Termination of Confirmatory Order for American Nuclear Corporation (ANC) Gas Hills Site.

Dear Mr. Layton,

On May 9, 1994 the American Nuclear Corporation (ANC) announced its intention to discontinue operations at its Gas Hills Site and to go out of business. ANC forfeited its \$3.2 million dollar reclamation bond to the Wyoming Department of Environmental Quality (WDEQ) and subsequently the WDEQ undertook reclamation activities at the site under a Confirmatory Order (ML071520354) between the NRC and the WDEQ in October 1996. The Confirmatory Order provided specific conditions that the WDEQ needed to fulfill as part of site reclamation. The WDEQ voluntarily agreed to complete the reclamation in accordance with the NRC's Confirmatory Order, but Wyoming did not admit any fact, responsibility, fault or liability in connection with the ANC site. Since the original Order was signed, the NRC and WDEQ have maintained a shared interest and dialog on the financial and technical issues regarding site reclamation and have modified the Order as necessary to reflect those discussions.

As detailed in other correspondence to the NRC, and in NRC Commission Paper SEC-17-0081, the forfeited funds were never sufficient to cover the reclamation costs as directed by the NRC. Reclamation efforts have stabilized the site; however, the site does not meet current NRC standards for decommissioning under 10 CFR 40 Appendix A. Forfeited bonds and Title X funds to perform the reclamation have been exhausted to less than \$2,000 and, as is directed by the original order, the WDEQ is requesting termination of the Order by NRC. The original Order states the following;

Notwithstanding any of the foregoing requirements, the NRC shall not require the WDEQ to perform or pay for any reclamation, remediation, monitoring, or surveillance, the cost of which would exceed the amount of money available to the WDEQ from ANC's forfeited

reclamation performance bond and any subsequent reimbursements from the Department of Energy pursuant to Title X of the Energy Policy Act unless agreed to by the WDEQ. The WDEQ shall use reasonable efforts to secure all Title X reimbursements to which it is legally entitled. When notified in writing that all bond money and Title X money has been exhausted, the NRC will terminate this order.

Despite the request to terminate the Order, the State retains interest in the final decommissioning of the ANC Gas Hills site. The WDEQ requests the NRC to seek out a funding mechanism to reclaim the site to the standards in 10 CFR 40 Appendix A. With no viable licensee and no funding mechanism, the current scenario causes concern to WDEQ and a funding solution must be found in the near future. The WDEQ is willing to assist the NRC as directed and will continue to be a partner in ensuring the site is reclaimed to NRC standards.

Sincerely,



Todd Parfitt

Director of Wyoming Department of Environmental Quality

Date 1/6/2020

Cc: Patricia Holahan, NRC, Director of Decommissioning, Uranium Recovery, and Waste
Bo Pham, NRC, Deputy Director of Decommissioning, Uranium Recovery, and Waste
Kyle Wendtland, Administrator Land Quality Division
Ryan Schierman, Uranium Recovery Program Manager
Emily Werner, LQD/URP Administrative Assistant

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