



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

March 13, 2017

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

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION STAFF REVIEW OF TASK
ORDER 3 FOR THE ANC RECLAMATION PROJECT (DOCKET NUMBER: 040-
04492)

Dear Mr. Wendtland:

On November 3, 2016, Wyoming Department of Environmental Quality (WDEQ) staff requested that the U.S. Nuclear Regulatory Commission (NRC) staff review and approve Task Order 3 of the American Nuclear Corporation (ANC) Reclamation Project and approve the expenditure of approximately \$167,000 of the remaining funds to allow WDEQ's contractor to develop the engineering and reclamation plans that are required by the Confirmatory Order that was finalized on January 24, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML16354B554).

Task Order 3 describes two subtasks: 1) investigation of the suitability of on-site materials for use in the reclamation project, including limited soil sampling, and 2) the development of the final design and specifications for the Tailings Pile One (TP-1) cover and surface water diversions around TP-1 (Accession Number ML17044A334). Based on discussions with the NRC staff, on December 21, 2016, your staff provided additional information about the Task Order (Accession Numbers ML17044A336, ML17044A335, and ML17044A333). In subsequent discussions with your staff, the NRC staff indicated that we did not have concerns with the adequacy of the proposed Task Order 3. However, in order to ensure that WDEQ is in compliance with the requirements of the January 2017 Confirmatory Order, in February 2017 your staff requested that we provide our approval of Task Order 3 in writing. We have reviewed Task Order 3 and by this letter approve it.

Your staff also requested approval of the expenditure of approximately \$167,000 of the remaining funds to allow WDEQ's contractor to develop the engineering and reclamation plans for the ANC Reclamation Project. The NRC staff does not have the authority to approve the expenditure of the funds from the surety bond that was forfeited to the State of Wyoming and, as such, the WDEQ will need to ensure that the funds are expended in a responsible 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.

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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ADAMS Accession No.: ML17053B802 ***by email**

OFC	NMSS-PM	NMSS-LA	NMSS:BC	OGC	NMSS:Dir
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