



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

August 16, 2007

EA-07-207

Mark Moxley, District Supervisor
State of Wyoming
Department of Environmental Quality
Land Quality Division - District II
510 Meadowview Drive
Lander, WY 82520

SUBJECT: RESPONSE TO DISPUTED NOTICE OF VIOLATION

Dear Mr. Moxley:

This refers to your letter dated July 12, 2007, submitted in response to our letter and Notice of Violation 040-04492/07-001 dated June 22, 2007. In your letter, you denied the two violations cited in the Notice. The violations involved the State of Wyoming, Department of Environmental Quality's failure to implement the groundwater and the settlement monitoring programs in accordance with the requirements of the October 8, 1996, Confirmatory Order (Order). In your letter, you disputed the violations because of costs that will exceed available funds and because of a provision in the Order that precludes you from performing or paying for reclamation.

NRC Region IV staff is currently working with other NRC offices to address the disputed violations. You will be notified in writing when the final determination is made.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response (if any) will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Should you have any questions concerning this letter, please contact Dr. D. Blair Spitzberg, Chief, Fuel Cycle and Decommissioning Branch, at (817) 860-8191 or Mr. Robert J. Evans, Senior Health Physicist, at (817) 860-8234.

Sincerely,

/RA/

Leonard D. Wert, Director
Division of Nuclear Materials Safety

Docket No.: 040-04492
License No.: SUA-667

State of Wyoming
Dept Environmental Quality

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cc w/letter licensee dated July 12, 2007:
Thomas C. Pauling, Team Leader
U.S. Department of Energy
Office of Legacy Management
2597 B 3/4 Rd.
Grand Junction, CO 81503

Scott W. Ramsay
Wyoming Radiation Control Program Director
Radiological Services Supervisor
Wyoming Office of Homeland Security
2421 E 7th Street
Cheyenne, WY 82001

State of Wyoming
Dept Environmental Quality

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bcc w/enclosure (via ADAMS e-mail distribution):

LDWert

MFliegel, FSME/DWMEP

Bill vonTill, FSME/DWMEP

DBSpitzberg

LMGersey

MVasquez

RJEvans

RITS Coordinator

FCDB

OE Mail

RIV Nuclear Materials File - 5th Floor

SUNSI Review Completed: LMG ADAMS: ☒ Yes ☐ No Initials: LMG
☒ Publicly Available ☐ Non-Publicly Available ☐ Sensitive ☒ Non-Sensitive

DOCUMENT NAME: C:\FileNet\ML072290320.wpd

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RIV:DNMS:FCDB	C:FCDB	ACES	D:DNMS
RJEvans &LMG	DBSpitzberg	CMaier	LDWert
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