



## Department of Energy

Washington, DC 20585

December 21, 2018

Mr. Mark Watson, Oil and Gas Supervisor  
Wyoming Oil and Gas Conservation Commission  
2211 King Blvd  
Casper, Wyoming 82602

Subject: Request to Deny Applications for Permit to Drill within Section 16 of the U.S  
Department of Energy Title II Uranium Tailings Radiation Control Act Bear Creek,  
WY Disposal Site

Dear Mr. Watson:

The U.S. Department of Energy (DOE), Office of Legacy Management is the owner of the Bear Creek, Wyoming, Disposal Site in a portion of Section 9 and all of Section 16, T38N, R73W 6<sup>th</sup> Prime Meridian, Converse County, Wyoming. DOE retains all subsurface ownership within Section 16 (see enclosure). DOE has recently been asked to review Applications for Permits to Drill (APD) horizontal wells for development adjacent to the site, and during these reviews it was identified that twenty-four pending APDs are in existence within Section 16. Copies of the pending APDs are also attached for your reference.

Following Wyoming Oil and Gas Conservation Commission recommendations made during a December 10, 2018 communication, DOE reviewed Converse County clerk records to determine subsurface ownership information. It was determined the County does not retain records of subsurface ownership. Review of Wyoming State Land Office and Bureau of Land Management's Legacy Re-host System (LR2000) records identified they contain inaccurate and out of date information. DOE is working with both of these offices to correct this information in their records.

While DOE retains ownership of both the surface and sub-surface of Section 16, the Bear Creek site is regulated under a Wyoming Department of Environmental Quality specific radioactive material license issued to Anadarko Petroleum, Inc. The site is the location of a former uranium mill in which Anadarko Petroleum reclaimed the site and encapsulated radioactive material in an onsite disposal cell in accordance with the Uranium Mill Tailings Radiation Control Act (UMTRCA). Additionally, residual contamination exists within the groundwater and is classified as Class IV, (Industrial).

After license closure with Anadarko, the Bear Creek site's regulatory responsibilities will be transferred to DOE for long-term care and protection of human health and the environment, and regulated under the Nuclear Regulatory Commission (NRC) general license per Title 10 *Code of Federal Regulations*, Section 40.28. Both the surface and subsurface of Section 16 were sold to Bear Creek Uranium Company (now Anadarko) for the purposes of long-term protection of the site.



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DOE is requesting these pending applications be denied based upon the lack of an agreement or lease with DOE, notice was not provided to DOE of the September 2017 and May 2018 APDs as is required per the Wyoming Conservation Act, and because DOE is not able to lease or enter into any agreements for subsurface activities at the site.

Please contact me at (970) 248-6378 or Tashina.Jasso@lm.doe.gov, if you have any questions. Please address any correspondence to:

Tashina Jasso, Site Manager  
U.S. Department of Energy  
Office of Legacy Management  
2597 Legacy Way  
Grand Junction, CO 81503

Sincerely,



TASHINA JASSO  
2018.12.20  
16:05:20 -07'00'

Tashina Jasso, Site Manager  
Office of Legacy Management

Enclosure

cc w/enclosure:  
R. Shierman, WDEQ (e)  
Samson Resources Inc.  
World Resources Inc.  
K. Cary, BLM  
N. Orlando, NRC  
T. Aug, DOE-LM (e)  
P. Robinson, DOE-LM (e)  
D. Shafer, DOE-LM (e)  
D. Traub, Navarro (e)  
S. Herrera, Navarro (e)  
DOE Read File  
File: BRC 0030.10 (records)