

From: [Orlando, Dominick](#)
To: [NMSS DUWP Admin Resource](#)
Subject: RE: Please upload this email to ADAMS
Date: Thursday, March 12, 2020 1:48:28 PM

From: Chris Pugsley <cpugsley@athompsonlaw.com>
Sent: Thursday, March 12, 2020 10:52 AM
To: Orlando, Dominick <Dominick.Orlando@nrc.gov>; Pham, Bo <Bo.Pham@nrc.gov>
Cc: Anthony Thompson <ajthompson@athompsonlaw.com>; Terry_Gage@oxy.com;
Roger_Knight@oxy.com; Joe_Evers@oxy.com
Subject: [External_Sender] REQUEST FOR TERMINATION OF NRC FINANCIAL ASSURANCE PACKAGE FOR BEAR CREEK SITE

Dear Mr. Orlando:

Per your request, this electronic transmission serves as Anadarko Petroleum Corporation's (Anadarko) formal request that the United States Nuclear Regulatory Commission (NRC) Staff cancel Anadarko's existing financial assurance package for its former Bear Creek uranium mill site consisting of an NRC-approved surety bond and standby trust agreement submitted and approved under 10 CFR Part 40, Appendix A, Criterion 9. Given that Anadarko now is in possession of a State of Wyoming-approved financial assurance instrument in the form of a surety bond, NRC Staff should proceed to cancel Anadarko's NRC-based financial assurance package so as to avoid "double-bonding."

Until October 1, 2018, Anadarko maintained an NRC-approved financial assurance package in compliance with Criterion 9. However, on October 1, 2018, the State of Wyoming assumed the regulatory authority discontinued by the Commission over uranium milling pursuant to an Atomic Energy Act (AEA) Section 274 Agreement executed by Wyoming's Governor and NRC Chairman Svinicki. At that time, the financial assurance package in place with NRC Staff became unnecessary upon formal approval of a Wyoming-based package. On January 27, 2020, Anadarko received approval from the State's Agreement State program through the Wyoming Department of Environmental Quality (WDEQ), a copy of which is attached to this transmission. This approval renders the need for a financial assurance mechanism with NRC Staff unnecessary, and Anadarko respectfully requests that NRC Staff rescind the bond.

In addition, the need for a standby trust has been rendered moot. Typically, NRC requires that its licensees that are required to post financial assurance for a specific license to submit a compliant standby trust that can receive funds from the approved financial assurance instrument in the event of licensee bankruptcy so that a standby trustee can manage site-specific decommissioning and achieve site closure and license termination. The need for a standby trust at NRC is made necessary by federal statute known as the Miscellaneous Receipts Act that requires that all monies received by federal agencies be deposited in the federal Treasury for appropriation by Congress. To alleviate the risk of the custodian of the site after licensee bankruptcy, NRC created standby trusts to ensure that adequate resources would be available for site-specific closure activities. However, with respect to the State of Wyoming, no such requirement exists. The State may allocate money for site-specific activities based on the approved decommissioning plan and cost estimates without the fear of the

money being appropriated by the State legislature for other purposes. Thus, Anadarko respectfully requests that NRC rescind the current standby trust agreement and allow Anadarko to pursue any other necessary mechanisms for financial assurance directly with the State.

This request being made of NRC Staff is merely administrative in nature as there is an approved financial assurance mechanism currently standing in the shoes of the NRC-approved package and is fully compliant with WDEQ Agreement State regulations. There is no need for detailed technical review under 10 CFR Part 40 and other applicable safety regulations for uranium mills as the authority for that rests squarely with the State at this time. There is also no need for detailed environmental review under 10 CFR Part 51 as that authority also rests squarely with the State. Therefore, pursuant to this transmission, Anadarko respectfully requests that NRC Staff rescind all NRC-related financial assurance mechanisms and instruments related to the Bear Creek site and issue formal documentation to the licensee upon approval of this request. Thank you for your time and consideration in this matter and, if you have any questions, please do not hesitate to contact me at your convenience.

Respectfully Submitted:

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