

November 17, 2004

Ms. Katie Sweeney  
Associate General Counsel  
National Mining Association  
101 Constitution Avenue, Suite 500 East  
Washington DC 20001

SUBJECT: DEVELOPMENT OF MEMORANDA OF UNDERSTANDING WITH NEBRASKA  
AND WYOMING FOR U.S. NUCLEAR REGULATORY COMMISSION  
DEFERRAL OF ACTIVE REGULATION OF GROUNDWATER PROTECTION  
AT *IN SITU* LEACH URANIUM RECOVERY FACILITIES

Dear Ms. Sweeney:

I am writing to acknowledge receipt of your November 2, 2004, letter regarding the U.S. Nuclear Regulatory Commission (NRC) staff's ongoing effort to develop memoranda of understanding (MOUs) with Nebraska and Wyoming for the deferral of active NRC regulation of groundwater protection at *in situ* leach (ISL) uranium recovery facilities in those States. As you are aware, the staff has completed its detailed evaluations of the Nebraska and Wyoming groundwater protection programs for comparison with the NRC's groundwater protection program, as provided in NUREG-1569, "Standard Review Plan for *In Situ* Leach Uranium Extraction License Applications," June 2003. Having completed these "comparability" reviews, the staff is in the process of seeking additional guidance from the Commission on the further development of the MOUs. The information and viewpoints of the National Mining Association (NMA), as provided in your November 2, 2004, letter, will be considered in the furtherance of the MOU development effort.

The NRC appreciates the continuing support of the NMA for this initiative as we both recognize the benefits of eliminating or reducing the overlapping regulation of groundwater protection of ISL facilities by the NRC and the States of interest.

If you have any questions regarding this letter, please contact Richard Weller of my staff at (301) 415-7287 or via e-mail to [rmw2@nrc.gov](mailto:rmw2@nrc.gov).

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Please note that on October 25, 2004, the NRC suspended public access to ADAMS, and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's web site. Interested members of the public may obtain copies of the referenced documents for review and/or copying by contacting the Public Document Room pending resumption of public access to ADAMS. The NRC Public Document Room is located at NRC Headquarters in Rockville, MD, and can be contacted at (800) 397-4209 or (301) 415-4737 or [pdr@nrc.gov](mailto:pdr@nrc.gov).

Sincerely,

**/RA/**

Gary S. Janosko, Chief  
Fuel Cycle Facilities Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

cc: M. Salazar, EPA  
M. Linder, NDEQ  
R. Chancellor, WDEQ-LQD

K. Sweeney

2

November 17, 2004

Please note that on October 25, 2004, the NRC suspended public access to ADAMS, and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's web site. Interested members of the public may obtain copies of the referenced documents for review and/or copying by contacting the Public Document Room pending resumption of public access to ADAMS. The NRC Public Document Room is located at NRC Headquarters in Rockville, MD, and can be contacted at (800) 397-4209 or (301) 415-4737 or [pdr@nrc.gov](mailto:pdr@nrc.gov).

Sincerely,

**/RA/**

Gary S. Janosko, Chief  
Fuel Cycle Facilities Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

cc: M. Salazar, EPA  
M. Linder, NDEQ  
R. Chancellor, WDEQ-LQD

DISTRIBUTION:  
FCFB r/f

E:\Filenet\ML043240610.wpd

**ML043240610**

<b>OFC</b>	FCFB		FCFB		FCFB		FCFB	
<b>NAME</b>	R. Weller		B. Garrett		R. Nelson		G. Janosko	
<b>DATE</b>	11/17/04		11/17/04		11/17/04		11/17/04	

**OFFICIAL RECORD COPY**