

February 24, 2006

Mr. John Corra, Director  
Wyoming Department of Environmental Quality  
Herschler Building  
122 West 25<sup>th</sup> Street  
Cheyenne, Wyoming 82002

Dear Mr. Corra:

I am responding to your letter to Chairman Diaz dated June 13, 2005, in which you requested clarification of the NRC criteria for restoration of contaminated groundwater at ISL uranium recovery facilities, as provided in NUREG-1569, "Standard Review Plan for *In Situ* Leach Uranium Extraction License Applications." You have requested this information in relation to the NRC staff's ongoing effort to develop memoranda of understanding (MOUs) with Wyoming and Nebraska regarding the deferral of active regulation of groundwater protection at the ISL facilities in those States.

As you are aware, the NRC staff completed its evaluation of the Wyoming Department of Environmental Quality (WDEQ) groundwater protection program in August 2004. The purpose of this review was to determine if the WDEQ program was at least equivalent to the NRC's program, as described in NUREG-1569. The staff evaluation identified a variance in the WDEQ groundwater protection program with respect to the groundwater restoration standards specified in WDEQ regulations and the underlying Wyoming statute. In essence, WDEQ's primary restoration standard is equivalent to the secondary restoration standard (i.e., restoration to pre-operational class of use water quality) in the NRC's groundwater protection program. A similar finding of non-equivalency was made with respect to the Nebraska groundwater protection program.

Given the variances in the Wyoming and Nebraska groundwater protection programs, the staff would like to meet with the States, the U.S. Environmental Protection Agency, the National Mining Association, and other interested stakeholders to discuss how to move forward to reduce the overlapping regulation that exists between NRC and State groundwater protection programs. My staff will contact you in the near future to discuss the schedule for this planned meeting. At the meeting we will be happy to discuss the issues raised in your letter of June 13, 2005.

The NRC appreciates the continuing support of the State of Wyoming for this initiative.

If you have any questions regarding this letter, please contact Myron Fliegel, of my staff at (301) 415-6629 or by e-mail to [MHF1@nrc.gov](mailto:MHF1@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> (the Public Electronic Reading Room).

Sincerely,

/RA/

Jack R. Strosnider, Director  
Office of Nuclear Material Safety  
and Safeguards

cc: R. Hoy, WDEQ  
M. Linder, NDEQ  
D. Miesbach, NDEQ  
L. Whitehurst, EPA

J. Corra

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cc: R. Hoy, WDEQ  
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