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Certified Mail – Return Receipt Requested

March 23, 2004

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555-0001

Re: Support of NRC Regulatory Issue Summary 2004-02 Dated 2/23/04

The New Mexico Environment Department (NMED) completed a cursory review of the document entitled NRC Regulatory Issue Summary (RIS) 2004-02 Deferral of Active Regulation of Ground-Water Protection at In Situ Leach (ISL) Uranium Extraction Facilities. NMED received the document on March 11, 2004.

NMED supports the proposal outlined in the RIS 2004-02. In principle, the process would be protective of ground water through the establishment of a memorandum of understanding (MOU) between the NRC and an individual state. The MOU provides a solution that protects ground water pursuant to underground injection control (UIC) regulations administered by the state and overseen by NRC. Moreover, the UIC permit holder would not have to duplicate the requirements or approvals necessary to operate an ISL facility.

NMED completed a preliminary review of the Attachment 1, which is an example MOU that the RIS 2004-02 cited. A detailed review would be required by NMED and likely the state Attorney General prior to entering into any agreement.

If you have any questions regarding this matter, please contact Kevin Myers at 505-476-3506 with any questions.

Sincerely,

Jerry Schoeppner, Chief
Ground Water Quality Bureau

MAM:clm/kcm

cc: Mary Ann Menetrey, Program Manager, MECS, GWQB
Maura Hanning, Program Manager, PPS, GWQB

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