

June 2, 2005

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

SUBJECT: GROUNDWATER PROTECTION AT *IN SITU* LEACH URANIUM EXTRACTION FACILITIES

Dear Ms. Sweeney:

I am responding to your letter to Chairman Diaz dated May 9, 2005, in which you requested information concerning the status of the U.S. Nuclear Regulatory Commission's (NRC's) efforts to develop Memoranda of Understanding (MOU) between NRC and the States of Nebraska and Wyoming that would defer active NRC regulation of groundwater protection at *in situ* leach (ISL) uranium extraction facilities to those States. As you are aware, the NRC has completed its evaluations of the Nebraska and Wyoming groundwater protection programs for comparison with the NRC's program as provided in NUREG-1569, "Standard Review Plan for *In Situ* Leach Uranium Extraction License Applications." The purpose of these reviews was to determine if the States' programs were at least equivalent to the NRC's programs. The staff is concluding its analysis of these reviews and is preparing its findings for consideration by the Commission. The information and viewpoints of the National Mining Association (NMA) as provided in your letter of May 9, 2005, as well as your letter of November 2, 2004, will be considered by the staff as it finalizes its analysis. My staff will contact you shortly to schedule a meeting to discuss your concerns.

The NRC appreciates the continuing support of the NMA for this initiative.

If you have any questions regarding this response, please contact Richard Weller of my staff at (301) 415-7287 or via e-mail to 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 component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

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

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Jack R. Strosnider, Director
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