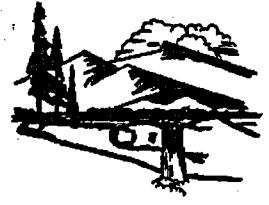




Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Dave Freudenthal, Governor

John Corra, Director

Email followed by U.S. Mail

December 16, 2005

Mr. Gary Janosko, Branch Chief
 Fuel Cycle Facilities Branch
 Division of Fuel Cycle Safety and Safeguards
 Office of Nuclear Material Safety and Safeguards
 U.S. Nuclear Regulatory Commission
 11545 Rockville Pike
 Rockville, MD 20852

Re: Pathfinder Mines Lucky MC site
 Steven Cohen's 11/28/05 email

Dear Mr. Janosko:

The Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) is writing in response to the above referenced email that Mr. Cohen, of your staff, sent to us on November 28, 2005. The email included four questions for us that concerned the license amendment request from Pathfinder Mines Corporation (PMC). PMC has asked that two wells (AL-8 and AL-9) be removed from the groundwater monitoring suite. The questions and our responses are provided below:

1. Please provide WDEQ's opinion regarding the necessity of these wells.

The wells of interest (AL-8 and AL-9) are monitoring wells installed down gradient of the site to track the potential for contaminant migration and the concentrations of any contaminants that may have migrated this far down gradient. Both of these wells show evidence of mill tailing constituents above background and risk based concentrations. We believe that is extremely important to continue to track this contamination, to ensure that it does not migrate any further down gradient, that it is properly remediated, and that it does not impact any down gradient receptors. The NRC has the authority and the responsibility to regulate any releases of site derived contaminants. It appears to us that corrective action for the area around the impacted wells is a straightforward requirement

2. Please provide information regarding the regulations that govern potable water well installation in Wyoming, including the need to permit wells or notify WDEQ of a well installation.

The only agency that regulates the appropriation of surface water and groundwater in Wyoming, is the State Engineers Office. They have a permitting requirement prior to using any water in the state. There are no State requirements for testing, or otherwise ensuring that the water is suitable for any particular type of use.



3. WDEQ's assessment of the need for offsite institutional control of ground water to restrict its future use.

If the area surrounding the two wells is not included in the Long Term Surveillance Boundary (LTSB), we believe that it is imperative that the NRC require institutional controls for the groundwater so that its use is restricted. Without appropriate institutional controls, there are no legal restrictions to prevent the use of groundwater for any purpose.

4. Whether or not Wyoming's Class of Use categories provide a sufficiently rigorous restriction on ground water use.

The classification of a specific aquifer does not impose any restrictions on the use of that groundwater. The classification process is used by the WDEQ to determine the suitability of groundwater for different types of use (e.g., domestic, irrigation, livestock, etc.).

Please contact me at 307/335-6959 or at the address above if you have any questions concerning our responses to your questions.

Sincerely,



Mark Thiesse
West District Supervisor
GPC Program, Water Quality Division

cc: Mr. Steven Cohen, Mail Stop T8-A33, 11545 Rockville Pike, Rockville, MD 20852-2738.
Mr. Tom Hardgrove, Pathfinder Mines, P.O. Box 730, Mills, WY 82644
Mr. Thomas C Pauling, Site Manager, Department of Energy, Office of Legacy Management, 2597 B
¾ Road, Grand Junction, CO 81503
Mr. Kevin Frederick, DEQ/WQD
Ms. Roberta Hoy, DEQ/LQD
File (2) Pathfinder Lucky Mc, Fremont Co. / Chronologic