



STATE OF NEBRASKA

Dave Heineman
Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

Michael J. Linder

Director

Suite 400, The Atrium

1200 'N' Street

P.O. Box 98922

Lincoln, Nebraska 68509-8922

Phone (402) 471-2186

FAX (402) 471-2909

website: www.deq.state.ne.us

Mr. Gary S. Janosko
Chief
Fuel Cycle Facilities Branch
Division of Fuel Cycle Safety and Safeguards
Office of Nuclear Material Safety and Safeguards
c/o Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

August 03, 2006

**SUBJECT: MEMORANDUM OF UNDERSTANDING REGARDING REGULATION OF
GROUNDWATER PROTECTION AT *IN SITU* LEACH URANIUM
EXTRACTION FACILITIES**

Dear Mr. Janosko:

The Nebraska Department of Environmental Quality (NDEQ) has received your July 21, 2006 letter regarding an interim MOU between the NRC and the NDEQ. The Department appreciates the NRC's offer to initiate discussions that would lead to an interim groundwater MOU.

NRC staff completed a comparability review of Nebraska's UIC program in June and July 2004. The conclusions of that review were that in order to comply with current NRC regulation and license conditions at the Crow Butte Resources (CBR) facility, only minor modifications of CBR's current UIC permit would be necessary. The majority of the proposed permit modifications dealt with groundwater restoration goals. Since completion of groundwater restoration at the CBR facility is not anticipated before NRC rulemaking is directed to be complete, an interim groundwater MOU between the NRC and the NDEQ does not seem an urgent priority at this time. We believe State statutes, regulations, and the CBR UIC permit are adequate to address any interim groundwater issues from CBR operations.

The Department would like to take this opportunity to endorse the current rulemaking effort as a viable solution to the dual regulation dilemma. Please let us know what assistance the NDEQ can offer in the development of the rules and a finalization of a permanent MOU between the NRC and the State of Nebraska.

If you have any questions or comments concerning this letter or the NDEQ's rules and regulations pertaining to ISL facilities, please contact me at (402) 471-4982. Thank you in advance for your consideration.

Sincerely,

David L. Miesbach, P.G.
Groundwater Unit Supervisor
Water Quality Division

44m5501