



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

February 17, 2009

Stephen J. Cohen
Team Leader - New Facility Licensing
Office of Federal and State Materials
& Environmental Management Programs
U.S. Nuclear Regulatory Commission
Mailstop T8F5
Washington, DC 20555

RE: Installation of Monitor Wells at Proposed ISL Sites

Dear Mr. Cohen:

This letter is a follow-up to the 2/13/09 phone conversation between Mr. Mark Moxley of my staff, Mr. Myron Fliegel and yourself. As Mr. Moxley explained, WDEQ has determined that an application for an ISL mine permit must include a detailed plan for the development of the initial mine unit. This plan would include the information that has historically been presented in the context of the hydrologic test reports and wellfield packages at operating ISL facilities.

In order to gather the background information necessary to characterize the groundwater conditions and conduct the hydrologic testing necessary to design the wellfield, the operator must install the monitor wells associated with the proposed wellfield. Installation of one or two pumping wells will also be necessary to conduct aquifer pump tests. (These pumping wells will likely be converted to injection/production wells once the license/permit is issued and wellfield construction is authorized.) We view the installation of these monitor wells and the associated hydrologic testing as absolutely necessary for preparation of a technically complete mine permit application. This is particularly important since most of the proposed ISL operations will be developed in new geographic areas with unique geologic and hydrologic conditions.

WDEQ would authorize the installation of monitor wells and the hydrologic testing under an Exploration License. Detailed plans and specifications would be required for the wells and the proposed hydrologic testing. These plans would be reviewed, bonded appropriately and approved by LQD prior to the installation of the wells. NRC would be consulted and would have an opportunity to concur on these plans. WDEQ would not authorize the installation of the production wellfield, only the monitor wells and one or two pumping wells as needed to conduct the hydrologic testing. No further construction or development would be authorized until the NRC License and WDEQ Mine Permit are issued.

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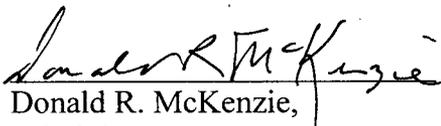


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We are seeking NRC's concurrence on this approach. We recognize that NRC does have a concern in relation to the requirements of 10 CFR, section 40.32(e) that prohibits commencement of construction prior to licensing. However, it does appear that the cited regulation allows for exploration, monitoring and testing.

Should you have any questions or wish to discuss this matter further, please feel free to contact me or Mr. Moxley.

Sincerely,


Donald R. McKenzie,
Administrator
Land Quality Division

DRM:MM:mm

cc: Mark Moxley, LQD District II Lander
Lowell Spackman, LQD District I Cheyenne
Mark Rogaczewski, LQd District III Sheridan