

September 6, 2012

R. Mark Owens,
General Manager
Pathfinder Mines Corporation
935 Pendell Blvd.
P.O. Box 730
Mills, Wyoming 82644

SUBJECT: REQUEST FOR PATH FORWARD IN RESPONSE TO U.S. DEPARTMENT OF ENERGY LETTER FROM SCOTT R. SUROVCHAK DATED FEBRUARY 29, 2012, REGARDING URANIUM CONCENTRATIONS REPORTED ABOVE THE ALTERNATE CONCENTRATION LIMIT AT THE GAS HILLS NORTH (UMTRCA TITLE II) DISPOSAL SITE, FREMONT COUNTY WYOMING

Dear Mr. Mark Owens:

The U.S. Nuclear Regulatory Commission (NRC) received a letter from the U.S. Department of Energy (DOE) dated February 29, 2012, regarding concerns with increasing uranium concentrations reported above the Alternate Concentration Limit (ACL) in groundwater samples collected from well AL-1 at the Gas Hills North-Lucky Mc (UMTRCA Title II) Disposal Site, Fremont County, Wyoming. The DOE letter requested NRC to resolve regulatory concerns regarding these increasing uranium concentrations with Pathfinder Mining Corporation before the site transitions to DOE-Legacy Management (LM) for long-term stewardship. The letter also requested additional groundwater monitoring to ensure that the groundwater system is behaving as predicted in the ACL application.

As a result of the DOE request, NRC has delayed the review of the final Long Term Surveillance Plan pending resolution of the DOE-LM's concern regarding elevated concentrations. This action was relayed to DOE-LM in the letter to Scott R. Surovchak dated April 26, 2012 (ML120970745).

In addition, NRC staff has performed a technical review (see Enclosure) regarding DOE's concern, and concur with the DOE conclusion that further evaluation and/or monitoring of the increase in uranium concentrations at well AL-1 may be needed before the site transfer to DOE-LM for long-term stewardship. As a result of our review, we are requesting that Pathfinder Mines Corporation submit a plan detailing the path forward to address the concerns as stated above.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," 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 Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

R. Owens

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If you have any questions regarding this letter, please contact me at 301-415-7612 (paul.michalak@nrc.gov), or Ted Carter, the NRC project manager for the Gas Hills North-Lucky Mc site, at 301-415-5543 (ted.carter@nrc.gov).

Sincerely,

/RA/

Paul Michalak, Chief
Materials Decommissioning Branch
Decommissioning and Uranium
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 40-2259
License No.: SUA-672

Enclosure: Technical Review

cc: DOE-LM

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