



National Mining Association  
Foundation For America's Future

Katie Sweeney  
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Legal & Regulatory Affairs

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The Honorable Greta J. Dicus  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dear Chairman Dicus:

The National Mining Association (NMA) has recently completed an addendum to the White Paper, entitled "Recommendations for a Coordinated Approach to Regulating the Uranium Recovery Industry" that NMA submitted in April 1998. The addendum addresses the status of byproduct material created prior to the enactment of the Uranium Mill Tailings Radiation Control Act. Subsequent to the submission of the White Paper, a number of statements have emanated from the Nuclear Regulatory Commission that appear to be inconsistent with the Commission's previously stated position that pre-1978 byproduct material qualifies as 11e.(2) byproduct material. Due to the resulting confusion and because these issues are so fundamental to the Commission's jurisdiction over the uranium recovery industry, NMA requests that the Commission address these issues as quickly as possible. Specifically, NRC should clarify that pre-1978 byproduct material is 11e.(2) byproduct material under the Atomic Energy Act. Thank you for your consideration and if you have any questions, please contact me at 202/463-2627.

Sincerely,

Katie Sweeney

Enclosure

- Cc: Commissioner Nils J. Diaz
- Commissioner Edward McGaffigan, Jr.
- Commissioner Jeffrey S. Merrifield
- Karen D. Cyr, General Counsel
- Carl J. Paperiello, Director, NMSS
- John T. Greeves, Director, Division of Waste Management
- Paul H. Lohaus, Deputy Director, OSP
- John Surmeier, Chief, Uranium Recovery Branch