



CHAIRMAN

UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

April 11, 2000

Ms. Katie Sweeney
Associate General Counsel
National Mining Association
1130 17th Street, NW
Washington, D.C. 20036-4677

Dear Ms. Sweeney:

I am responding to your letter of February 2, 2000, requesting that the Commission release legal analyses prepared by the Nuclear Regulatory Commission's (NRC's) Office of General Counsel concerning: (i) NRC's jurisdiction over *in-situ* leach wellfields, and (ii) concurrent jurisdiction of non-agreement states and the NRC over nonradiological components of Section 11.e.(2) byproduct material. After careful consideration of the arguments presented in your letter, the Commission has decided not to release these legal analyses. The Commission believes that the requested information is covered under the attorney-client privilege.

I am sure you appreciate the need for a client to receive candid legal advice from his or her lawyer. The Commission deserves no less an opportunity to receive confidential legal analyses and advice from its General Counsel.

Please be assured that the Commission appreciates receiving the views and analyses provided by the National Mining Association and will take them into account in its decision-making.

Sincerely,

Richard A. Meserve

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