

Anthony J. Thompson, Esquire
Shaw Pittman
2300 N Street, N.W.
Washington, D.C. 20037

June 9, 2000

SUBJECT: SUMMARY OF APRIL 4, 2000, MEETING

Dear Mr. Thompson:

The purpose of this letter is to summarize a meeting which was held on April 4, 2000, at the U.S. Nuclear Regulatory Commission (NRC) offices in Rockville, Maryland. As you recall, you and others from Shaw Pittman, representing International Energy Corporation (IEC), a Texas uranium recovery licensee, attended the meeting. Representatives of the Texas Department of Health (TDH) participated by telephone. A list of meeting attendees is contained in an enclosure with this letter.

The central theme of the meeting was a discussion concerning which wastes at *in situ* leach facilities were considered 11e.(2) byproduct material and which were not. As shown in the enclosed presentation material, Shaw Pittman representatives presented their position that certain waste streams can be considered 11e.(2) byproduct material, while others can be considered naturally occurring radioactive material (NORM). NRC staff members stated their view that, since 1995, waste streams can be segregated into 11e.(2) byproduct material or NORM, depending on which source predominates. TDH representatives pointed out that much of the material in question (contaminated soil) has been bulldozed into piles by the licensee (IEC) and is therefore co-mingled. The main conclusion from the meeting was that the manner in which the radioactive material of interest is defined is important because Texas regulations covering NORM are less stringent than those applicable to 11e.(2) byproduct material. No action is needed on the part of the NRC staff as a result of this meeting.

Sincerely,

/RA/

Thomas H. Essig, Chief
Environmental and Performance
Assessment Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Enclosures: List of Meeting Attendees
Presentation Material

cc: See enclosed list

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Letter to A. Thompson from T. Essig dated: June 9, 2000

cc: Jeanne Duoss, Shaw Pittman
Michele Morhenn, Shaw Pittman
Mark R. Schuknecht, EPA/OSW/MISW
Pat Tilson, EPA/OAR/ORIA
Dennis Sollenberger, NRC/OSP
Joseph Holonich, NRC/NMSS/DWM

ATTENDANCE LIST OF APRIL 4, 2000, MEETING

<u>Name</u>	<u>Organization</u>	<u>Telephone Number</u>
Thomas H. Essig	NRC/NMSS/DWM/EPAB	301-415-7238
Jeanne Duoss	Shaw Pittman	202-663-8280
Michele Morhenn	Shaw Pittman	202-663-8830
Anthony J. Thompson	Shaw Pittman	202-663-9198
Mark R. Schuknecht	EPA/OSW/MISW	703-308-7294
Pat Tilson	EPA/OAR/ORIA	202-564-9762
Dennis Sollenberger	NRC/OSP	301-415-2819
Joseph Holonich	NRC/NMSS/DWM	301-415-6708

Enclosure