



WYOMING MINING ASSOCIATION

October 16, 2002

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Mr. Dan Gillen, Chief FCFB
Division of Fuel Cycle Safety and Safeguards
Office of Nuclear Materials Safety and Safeguards
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20850

RE: Dual Jurisdiction at ISL Mining Operations

Dear Mr. Gillen:

The Wyoming Mining Association (WMA) is an industry association of mining companies and associates (vendors, contractors, consultants and suppliers) in Wyoming. The association includes several uranium recovery licensees; of which two are ISL licensees. The WMA has reviewed the NRC meeting summary of the discussions that took place on June 11, 2002 between the NRC and Non-Agreement States concerning the dual regulation of ground water at in situ (ISL) mining operations. Our understanding of these discussions and our recommendation follows.

Previous to, and during that meeting, the NRC has proposed that the NRC could defer the active regulation of ground water protection at ISL mining operations to States with an EPA endorsed UIC program and/or specific State ISL mining regulations. NRC would, however, retain its authority to regulate ground water protection at ISL mining operations. To implement this proposed action in Wyoming, the NRC would develop a Memoranda of Understanding (MOU) with the Wyoming Department of Environmental Quality.

Consistent with past comments regarding the dual jurisdiction issue and fees at ISL mining operations, the WMA supports the implementation of this approach as soon as possible in order that the inefficiencies and fee impacts of dual jurisdiction can be lessened. As you are aware, there is only one remaining ISL mining operation in Wyoming still producing uranium and the other ISL operation is in full groundwater restoration status. As conveyed in the past, any relief from dual groundwater regulation would be greatly welcomed.

If the WMA can be of any assistance in facilitating the MOU process, please don't hesitate to contact me.

Sincerely yours,
WYOMING MINING ASSOCIATION

Marion Loomis
Executive Director

cc: Mr. Dennis Hemmer – WDEQ Director
Ms. Katie Sweeney – NMA
Mr. Mike Layton – NRC, Headquarters

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