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**ENVIRONMENT DEPARTMENT**  
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November 18, 1993

Ramon Hall, Director  
Uranium Recovery Field Office  
U. S. Nuclear Regulatory Commission  
P.O. Box 25325  
Denver, Colorado 80225

**Subject: Transition Oversight Team Recommendations**

Dear Mr. Hall:

The New Mexico Environment Department (NMED) has reviewed a proposal by the NRC "Transition Oversight Team" which has as its stated goal the reduction of regulatory impacts on uranium recovery licensees. The NMED concurs with this goal only to the extent that any such reduction of impact have no adverse effect on the level of environmental protection and public safety. Our review of the proposed license conditions suggests a different conclusion; ie. environmental protection and public safety would be adversely impacted by this proposal.

The language provided under the proposed standard license condition allows the licensee to change processes or conduct "tests" outside of any regulatory framework with only a few general provisions relating to possible impacts. The licensee is asked to make six determinations. For example #3 states: "There is no change to the safety or environmental protection provided by the approved reclamation plan, or to its cost basis." This is a very subjective determination, and given the influence it may have on reclamation costs, is a determination that should not be left to industry to make. The other "conditions" are similarly problematic in that they are very general and therefore subjective. We are also concerned by the lack of opportunity for the affected states, tribes and the public to comment on such process changes.

Industry should be required to reclaim the land where the uranium recovery facilities were located in accordance with the applicable regulations and conditions of their licenses. This is how other radioactive material licensing programs operate.

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The proposal as it is currently written should be withdrawn. Should you require further input on our response to this proposal please contact Benito Garcia or John Parker of my staff at 505/827-4358. Thank you for considering our recommendation.

Sincerely,

  
Kathleen M. Gisheros, Director  
Water and Waste Management Division

KMS:JWP

cc: Ivan Salin, Chairman, U.S. NRC  
Kenneth C. Rogers, U.S. NRC  
Forest J. Renick, U.S. NRC  
E. Gail de Planque, U.S. NRC  
Benito J. Garcia, NMED  
John W. Parker, NMED