



WYOMING MINING ASSOCIATION

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RULEMAKINGS AND
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AREA CODE 307
PHONE 635-0331
FAX 778-6240
EMAIL wma@vcn.com

HITCHING POST INN

P.O. Box 866
Cheyenne, Wyoming
82003

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Secretary, U.S.
Nuclear Regulatory Commission,
Washington, DC 20555-0001
Attn: Rulemakings and Adjudications Staff

Gentlemen:

Subject: Wyoming Mining Association (WMA) Comments on Revision of Fee Schedules; Fee Recovery for FY 2004 - Federal Register Vol. 69, No. 21 Monday, February 2, 2004 pages 4865 to 4886

The Wyoming Mining Association (WMA) is a Wyoming based industry association of mining companies, and associates (vendors, suppliers, contractors, consultants and others) that represent the Wyoming mining industry. The Association's mining industry members include an in-situ uranium recovery operator, a former in-situ uranium recovery operator now in reclamation, a conventional uranium mill (the only one remaining in Wyoming) that is currently on standby and several conventional uranium recovery licensees in the final stages of reclamation. The Wyoming Mining Association (WMA) has reviewed the *Revision of Fee Schedules; Fee Recovery for FY 2004* and has the following comments:

1. **Continuation of the 2002 determination that the Department of Energy must be assessed one-half of all NRC budgeted costs attributed to generic/other activities for the uranium recovery program**

The WMA strongly supports the continuation of the 2002 determination that the Department of Energy must be assessed one-half of all NRC budgeted costs attributed to generic/other activities for the uranium recovery program as stated in the *Revision of Fee Schedules; Fee Recovery for FY 2004* as follows:

Consistent with the change in methodology adopted in the FY 2002 final fee rule (67 FR 42612; June 24, 2002), the total annual fee amount, less the amounts specifically budgeted for Title I activities, is allocated equally between Title I and Title II licensees. This would result in an annual fee being assessed to DOE to recover the costs specifically budgeted for NRC's Title I activities plus 50 percent of the remaining annual fee amount, including the surcharge and generic/other costs, for the uranium recovery class. The remaining 50 percent of the surcharge and generic/other costs are assessed to the NRC Title II program licensees that are subject to annual fees.

The WMA believes that this is the most fair and equitable method of allocating costs for the Nuclear Regulatory Commission's (NRC's) uranium recovery program.

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2. **Proposed Fees**

The rulemaking proposes the following fees for fiscal year 2004:

TABLE IX - ANNUAL FEES FOR TITLE II SPECIFIC LICENSES

Facility type	FY 2004 annual fee
Class I (conventional mills)	\$14,600
Class II (solution mining)	12,900
11e.(2) disposal	12,900
11e.(2) disposal incidental to existing tailings sites	12,900

The WMA supports this proposed fee structure as a fair and equitable arrangement for the uranium recovery industry in the United States. This fee structure relieves a substantial burden on the remaining existing uranium mills in the United States as they await higher uranium prices that would allow them to resume full operation. In addition it provides a relief from high fees for the United State's remaining in-situ uranium recovery operations.

The Wyoming Mining Association appreciates the opportunity to comment on the proposed fiscal year 2004 fee structure. If you have any questions please do not hesitate to contact me.

Sincerely yours,



Marion Loomis
Executive Director

cc: Katie Sweeney - National Mining Association (NMA)

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