



**WYOMING MINING ASSOCIATION**

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USNRC

March 10, 2008

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

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Gentlemen:

**Subject: Wyoming Mining Association (WMA) - Comments on 10 CFR Parts 170 and 171  
Revision of Fee Schedules; Fee Recovery for FY 2008; Proposed Rule Federal  
Register / Vol. 73, No. 30 / Wednesday, February 13, 2008 / Proposed Rules - RIN  
3150-AI28**

The Wyoming Mining Association (WMA) is an industry association representing mining companies, contractors, vendors, suppliers and consultants in the State of Wyoming. Among its mining industry members are uranium recovery licensees, including an in-situ uranium recovery operator, the Sweetwater Uranium Project (the only remaining conventional uranium mill in Wyoming), several companies planning new uranium recovery operations and several companies conducting final reclamation/restoration operations. The Wyoming Mining Association (WMA) has reviewed the proposed 2008 fees and has the following comments:

**Proposed Fee Schedule**

The proposed fee schedule is as follows:

- (2) Licenses for possession and use of source material in recovery operations such as milling, in-situ leaching, heap leaching, ore buying stations, ion exchange facilities and in-processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode.
  - (a) Class I facilities 4 [Program Code(s): 11100] ..... \$10,900
  - (b) Class II facilities 4 [Program Code(s): 11500] ..... \$10,900
  - (c) Other facilities 4 [Program Code(s): 11700]..... <sup>5</sup> N/A
- (3) Licenses that authorize the receipt of byproduct material, as defined in § 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2.A.(2) or Category 2.A.(4) [Program Code(s): 11600] ..... <sup>5</sup> N/A

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(4) Licenses that authorize the receipt of byproduct material, as defined in § 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2.A.(2) ..... \$10,900

(5) Licenses that authorize the possession of source material related to removal of contaminants (source material) from drinking water .....\$6,500

5 There are no existing NRC licenses in these fee categories. If NRC issues a license for these categories, the Commission will consider establishing an annual fee for this type of license.

This is a substantial reduction from the \$18,700. per year for in-situ recovery operations and conventional mills charged for Fiscal Year 2007. The Association strongly supports this reduction.

### ***Hourly Rates***

The proposed hourly rates are \$238. per hour which is less than the \$258. per hour charged for Fiscal Year 2007. The Association supports this reduction.

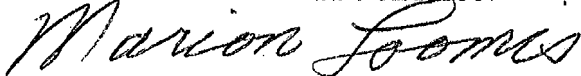
### **Surcharge for Proposed Rulemaking**

A new surcharge category for the costs associated with a rulemaking on groundwater protection at in-situ leach (ISL) uranium extraction facilities is being proposed. This new surcharge would spread the cost of such a rulemaking across all Commission licensees. The proposed amount would be \$3.1 million in Fiscal Year 2008. This action would fulfill the Commission's commitment to the National Mining Association (NMA) to prevent the burden of such a rulemaking from falling on the few remaining operating uranium recovery licensees. The Wyoming Mining Association (WMA) strongly supports the creation of this new surcharge category.

The Wyoming Mining Association (WMA) appreciates the opportunity to comment on this proposed rulemaking. If you have any questions please do not hesitate to contact me.

Sincerely yours,

WYOMING MINING ASSOCIATION



Marion Loomis  
Executive Director

Cc: Katie Sweeney – National Mining Association (NMA)

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