

May 22, 2013

Ms. Karen B. Maute
2920 Mt. Cross Road
Danville, VA 24540

Dear Ms. Maute:

**SUBJECT: RESPONSE TO YOUR CONCERNS REGARDING THE U.S. NUCLEAR
REGULATORY COMMISSION/NATIONAL MINING ASSOCIATION URANIUM
RECOVERY WORKSHOP**

The Chairman of the U.S. Nuclear Regulatory Commission (NRC) received your correspondence dated April 28, 2013, and May 1, 2013, expressing concerns with NRC's exercise of regulatory authority in the Commonwealth of Virginia, inclusion of references to the Virginia Uranium Working Group (UWG) located on NRC's Web site, and NRC staff attendance at a workshop sponsored by the National Mining Association (NMA). The Chairman has requested that I respond to the issues you raised.

Section 274.b of the Atomic Energy Act of 1954, as amended, allows the NRC to relinquish some of its regulatory authority over the use and possession of radioactive materials within a State's territorial boundaries to that State subject to the terms of an agreement entered into by the State and the NRC. States that have entered into a §274.b agreement are referred to as Agreement States. The Commonwealth of Virginia has been an NRC Agreement State since 2009, and as such, has assumed regulatory authority over certain types of radioactive materials, specifically, source materials, and special nuclear materials less than critical mass. Virginia's Agreement currently does not include regulation of uranium milling. Until such time that Virginia amends its agreement to include regulatory authority for mill tailings, regulatory authority over such material remains with the NRC and any license application for a uranium mill proposed in Virginia would be reviewed by the NRC.

The Commonwealth of Virginia, through the UWG established by Governor Bob McDonnell, invited the NRC staff to participate in informational meetings to discuss, clarify, and answer questions about the NRC's regulations and policies relating to uranium milling. The NRC staff participated in these informational meetings on August 2 and December 11, 2012. The NRC staff was aware that there was significant public interest in the NRC's regulations and policies related to uranium milling and decided to include a link to the UWG on the NRC webpage. This link was included to identify the NRC staff participating in the meetings and to make their presentations available for anyone who could not attend the meetings. NRC staff previously declined an invitation from the Pittsylvania County Board of Supervisors to attend a Town Hall meeting to discuss NRC's uranium milling regulations because, at the time, NRC determined that it would be prudent to offer assistance and information by maintaining a consistent presence on this issue within the Commonwealth through the UWG. This approach was motivated to a large degree by the fact that we had been requested to appear before the UWG to provide an explanation of our regulatory program in April 2012.

The NRC staff recently attended the NMA Uranium Recovery Workshop in Denver, Colorado. This meeting is traditionally attended by a wide variety of entities interested in uranium milling such as: U.S. Department of Energy; U.S. Environmental Protection Agency; Bureau of Land Management; the States of Wyoming, South Dakota, Nebraska, Colorado, New Mexico, Washington; Indian tribes; citizen groups; NRC licensees; and other industry representatives. These workshops began after the closure in 1994 of the NRC's Uranium Recovery Field Office, located in Denver, Colorado, in response to changes in workload. Since there was no longer a permanent NRC presence in Denver, NRC began working cooperatively with NMA to participate in the annual workshop to share information on topics of interest in uranium recovery regulation and to remain current on new or emerging issues impacting our regulated entities.

Participating in industry meetings of this sort does not compromise NRC's position as an independent regulator. NMA listed on its website that NRC was a co-sponsor of the 2013 workshop. At the request of the NRC, NMA removed the reference to NRC as a co-sponsor of the 2013 workshop. Please note that this issue of the NRC being identified as a co-sponsor had been raised with the NMA as early as 2009, but apparently the adjustment was never made within their system. The NRC was not a co-sponsor and thus does not control which speakers are invited to participate on the program nor does the NRC set the cost for attendance at the workshop. While you have requested a copy of NMA's disclaimer under the Freedom of Information Act (FOIA), the disclaimer is not an agency record. However, information about the NMA workshop can be found at <http://www.uraniumrecoveryworkshop2013.myevent.com/> and speaker slides, where available, can be viewed at <http://www.nma.org/index.php/meetings-events/conferences-and-workshops/urw>.

Thank you for writing to express your concerns to the NRC Chairman and Commissioners and to request a copy of NRC's mission statement under the FOIA. I hope my response will clarify NRC's role with the Virginia UWG and NRC's historical and current relationship with the NMA uranium recovery workshop. NRC will continue our licensing and regulatory role with citizens, industry, government and others to fulfill our mission as stated:

"The NRC licenses and regulates the Nation's civilian use of radioactive materials to protect public health and safety, promote the common defense and security, and protect the environment."

K. Maute

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The mission statement and additional information about the NRC can be found at <http://www.nrc.gov/about-nrc.html>.

Please feel free to contact me or one of my staff if you have additional questions or concerns.

Sincerely,

/RA by Larry Camper for/

Mark A. Satorius, Director
Office of Federal and State Materials
and Environmental Management Programs

cc: Steve Harrison
Virginia Department of Health

K. Maute

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