

DOCKET NUMBER

BYPRODUCTS

40-8968-ML / 40-8681-MLA-4 / 40-8681-MLA-5



SECRETARY

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 14, 1999

DOCKETED
USNRC

'99 JUN 15 A9:32

OFFICE OF THE
GENERAL COUNSEL
ADJUDICATIVE DIVISION

Ms. Diane Curran
Counsel to ENDAUM and SRIC
Harmon, Curran, Spielberg
& Eisenberg, LLP
1726 M Street, NW
Suite 600
Washington, DC 20036

SERVED JUN 15 1999

Dear Ms. Curran:

On June 17, 1999, the Nuclear Regulatory Commission will hold a public meeting on uranium recovery regulation at its headquarters in Rockville, Maryland. Participants at the meeting will include governmental entities or state-related organizations, organizations which represent a broad range of industry interests, and an environmental organization. The purpose of the meeting is, first, to discuss three recent Commission papers in the area of uranium recovery regulation: "Draft Rulemaking Plan: Domestic Licensing of Uranium and Thorium Recovery Facilities -- Proposed New Part 41" (SECY-99-11); "Use of Uranium Mill Tailings Impoundments for the Disposal of Waste Other than 11e.(2) Byproduct Material and Reviews of Applications to Process Material Other than Natural Uranium Ores" (SECY-99-12); and "Recommendations on Ways to Improve the Efficiency of NRC Regulation at *in Situ* Leach Uranium Recovery Facilities" (SECY-99-13). In addition, the meeting will discuss interpretations of current requirements, such as those on alternate feed criteria and groundwater regulation, and the need, if any, for additional NRC regulations in this area.

All of these are generic issues, of broad applicability to the NRC's activities, and the purpose of the June 17 meeting is to discuss them on a generic basis. At the same time, however, aspects of some of these same or related issues are currently being litigated in three adjudications (informal proceedings conducted under 10 C.F.R. Part 2, Subpart L, of the NRC's procedures) now in progress before Presiding Officers: *Hydro Resources, Inc., International Uranium Corp. -- IUSA (MLA-4)*, and *International Uranium Corp. -- IUSA (MLA-5)*. Accordingly, to assure that the June 17 discussions do not result in any prejudice to the ongoing adjudications, this cautionary letter is being sent to all participants in the June 17 meeting, with copies to the service list in each of the three adjudications.

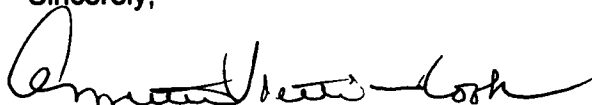
Because the Commission is the appellate body in each of the pending adjudications, it will not entertain, in the June 17 meeting, any arguments or discussions of case-specific issues currently in litigation before Presiding Officers. Participants are cautioned not to discuss specific fact situations and specific issues involved in those proceedings. The Commission wishes to emphasize that the June 17 meeting is to be restricted to the consideration of generic issues, and the Commission will not hesitate to enforce this restriction.

SECY-040

DS03
20526

Nevertheless, the Commission recognizes the possibility that participants in the meeting may make statements or comments that are closely enough related to issues involved in the three ongoing proceedings as to raise concerns on the part of parties to those proceedings. For that reason, the Commission wishes to give notice to the parties to the adjudications that the meeting has been scheduled; to inform them that they are welcome to attend; to inform them as well that the full transcript of the meeting, as well as any materials proffered by the meeting participants, will promptly be placed in the NRC's Public Document Room; and that if circumstances should so warrant, the parties to the adjudications will be provided an opportunity to submit written comments on the statements and discussions that take place at the June 17 meeting to the dockets in the pending adjudications.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook". The signature is fluid and cursive, with a large initial "A" and a long, sweeping tail.

Annette L. Vietti-Cook

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of
HYDRO RESOURCES, INC.

Docket No.(s) 40-8968-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LTR SECY TO CURRAN RE PUB MTG have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Peter B. Bloch
Presiding Officer
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Thomas D. Murphy
Special Assistant
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

John T. Hull, Esq.
Mitzi A. Young, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Diane Curran, Esq.
Harmon, Curran, Spielberg
& Eisenberg, L.L.P.
1726 M Street, NW, Suite 600
Washington, DC 20036

Douglas Meiklejohn, Esq.
New Mexico Environmental Law Center
1405 Luisa Street, Suite 5
Santa Fe, NM 87505

Jep Hill, Esq.
Attorney for Hydro Resources, Inc.
Jep Hill & Associates
P.O. Box 2254
Austin, TX 78768

Herb Yazzie, Attorney General
Steven J. Bloxham, Esq.
Navajo Nation Department of Justice
P.O. Box 2010
Window Rock, AZ 86515

Docket No.(s)40-8968-ML
LTR SECY TO CURRAN RE PUB MTG

Wm. Paul Robinson
Chris Shuey
Southwest Research and Information
Center
P.O. Box 4524
Albuquerque, NM 87106

Mitchell Capitan, President
ENDAUM
P.O. Box 471
Crownpoint, NM 87313

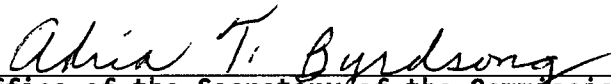
Anthony J. Thompson, Esq.
Shaw, Pittman, Potts & Trowbridge
2300 N Street, NW
Washington, DC 20037

Administrative Judge
Robin Brett
U.S. Geological Survey
917 National Center
Reston, VA 20192

Grace Sam
P.O. Box 85
Church Rock, NM 87311

Roderick Ventura
Samuel D. Gollis
DNA - People's Legal Services, Inc.
P.O. Box 306
Window Rock, AZ 86515

Dated at Rockville, Md. this
15 day of June 1999


Office of the Secretary of the Commission

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

INTERNATIONAL URANIUM (USA)
CORPORATION (IUSA)
(Receipt of Material from
Tonawanda, New York)

Docket No.(s) 40-8681-MLA-4

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LTR SECY TO CURRAN RE PUB MTG have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Peter B. Bloch
Presiding Officer
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Richard F. Cole
Special Assistant
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

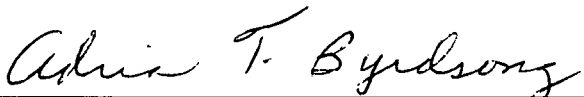
Lisa B. Clark, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555

David J. Jordan, Esq.
Jill M. Pohlman, Esq.
Stoel Rives LLP
One Utah Center, 11th Floor
201 South Main Street
Salt Lake City, UT 84111

Denise Chancellor, Esq.
Fred G Nelson, Esq.
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, UT 84114

Anthony J. Thompson, Esq.
Frederick S. Phillips, Esq.
Shaw, Pittman, Potts & Trowbridge
2300 N Street, NW
Washington, DC 20037

Dated at Rockville, Md. this
15 day of June 1999


Office of the Secretary of the Commission

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

INTERNATIONAL URANIUM (USA)
CORPORATION (IUSA)
(Request for Material License
Amendment)

Docket No.(s) 40-8681-MLA-5

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LTR SECY TO CURRAN RE PUB MTG have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Peter B. Bloch
Presiding Officer
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Richard F. Cole
Special Assistant
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Lisa B. Clark, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555

David J. Jordan, Esq.
Jill M. Pohlman, Esq.
Stoel Rives LLP
One Utah Center, 11th Floor
201 South Main Street
Salt Lake City, UT 84111

Fred G. Nelson, Esq.
Denise Chancellor, Esq.
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, UT 84114

Clarence Rockwell
Executive Director
Navajo Utah Commission
P.O. Box 570
Montezuma Creek, UT 84534

Gene Stevenson
Concerned Citizens of San Juan County
P.O. Box 261
Bluff, UT 84512

Docket No.(s)40-8681-MLA-5
LTR SECY TO CURRAN RE PUB MTG

Anthony J. Thompson, Esq.
Shaw, Pittman, Potts & Trowbridge
2300 N Street, NW
Washington, DC 20037

Dated at Rockville, Md. this
15 day of June 1999


Office of the Secretary of the Commission