



WYOMING MINING ASSOCIATION

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May 18, 2015

FOI/PA REQUEST

Case No.: 2015-0274

Date Rec'd: 5/18/15

Specialist:

Related Case:

NRC Freedom of Information Act and Privacy Act (FOIA/PA) Officer
U.S. Nuclear Regulatory Commission
Mail Stop T-5 F09
Washington, DC 20555-0001

Subject: **Freedom of Information Act (FOIA) Request Regarding Documents Related to the Environmental Protection Agency's (EPA's) 40 CFR part 192 Rulemaking - Docket ID Number EPAHQ-OAR-2012-0788; FRL-9909-20-OAR RIN 2060-AP43 *Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings Proposed Rule* Federal Register / Volume 80, Number 16 / Monday, January 26, 2015 / Proposed Rules.**

To whom it may concern:

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 four (4) operating in-situ uranium recovery licensees, one conventional uranium recovery operator in standby, several companies planning new uranium recovery operations that are currently in the permitting process and several companies conducting final reclamation/restoration operations. Total uranium concentrate production in the United States in 2013 was 4,659,000 pounds (U.S. Energy Information Administration - *2013 Domestic Uranium Production Report*). 2013 Wyoming uranium production was 2,600,000 pounds (Wyoming State Geological Survey), accounting for 56% of United States production. Wyoming contributes the largest share of any state to the total production of uranium in the United States. As such the *Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings Proposed Rule* is of special concern to the WMA and its uranium recovery industry members.

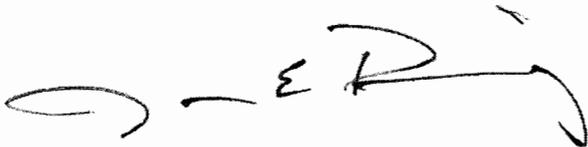
Given the above facts, the WMA is very concerned about the Environmental Protection Agency's (EPA's) 40 CFR part 192 Rulemaking (Docket ID Number EPAHQ-OAR-2012-0788; FRL-9909-20-OAR RIN 2060-AP43 *Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings Proposed Rule* Federal Register / Volume 80, Number 16 / Monday, January 26, 2015 / Proposed Rules) and its impact on the uranium recovery industry in Wyoming and is requesting the following records pertaining to it:

- Electronic copies of all Nuclear Regulatory Commission (NRC) letters, memoranda, correspondence and reports analyzing the basis and justification of the proposed rule including copies of any and all correspondence regarding the proposed rule with the Environmental Protection Agency (EPA);
- Electronic copies of all information reviewed and analyzed by NRC regarding the proposed rule;

- Electronic copies of all letters and memoranda from EPA to the Nuclear Regulatory Commission staff or from the Nuclear Regulatory Commission staff to EPA regarding the proposed rule, except for those documents identified as excluded from this FOIA request as listed in [FOIA EPA-HQ-2015-004684];
- Electronic copies of all written communications with special interest groups (e.g., National Resources Defense Council (NRDC), Information Network for Responsible Mining, Uranium Watch, Powder River Basin Resource Council, Wyoming Outdoor Council (WOC), Colorado Citizens Against Toxic Waste (CCAT), and Coloradans Against Resource Destruction (CARD)) regarding the proposed rule and/or groundwater quality issues relating to in situ uranium recovery operations;
- Electronic copies of all records, documents, reports, studies, evidence, and correspondence regarding the Environmental Protection Agency's statements in the Preamble to the proposed rule that:
 - *"There is evidence that some communities are making efforts to utilize groundwater that is not of 'good' quality, and in our view this trend will only increase."* 80 Fed. Reg. at 4164.
 - *"[S]ome modeling studies indicate that the uranium recovery operations can result in the development of relatively slower groundwater pathways through the wellfield, as well as the persistence of injected lixiviant within the production zone."* Id. at 4166.
 - *"We have heard some concerns that upper control limits have in some cases been established at levels that would be unlikely to be exceeded under any conditions, thereby eliminating the possibility of detecting an excursion altogether."* Id. at 4176.

The Wyoming Mining Association is willing to pay the applicable fees up to \$250, if any, associated with processing this request. If the applicable fees exceed \$250, the Association requests that it be notified in writing of the estimate of cost. The Wyoming Mining Association thanks you for your attention in this matter. If you have any questions please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Jonathan Downing', with a stylized flourish at the end.

Jonathan Downing
Executive Director

cc: Katie Sweeney - National Mining Association (NMA)