



SECRETARY

DOCKET NUMBER

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

DOCKETED  
USNRC

May 27, 1999

'99 MAY 27 P2:17

OFFICE OF THE SECRETARY  
RULEMAKING  
ADJUDICATIONS STAFF

Ms. Kimberly Chaney  
Acting Director  
Office of Southwestern Area Programs  
U. S. Department of Energy  
Room 2153, Cloverleaf Bldg.  
19901 Germantown Road  
Germantown, Maryland 20874

SERVED MAY 27 1999

Dear Ms. Chaney:

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 the State of Utah, the United States Department of Energy, the Conference of Radiation Control Program Directors, and the National Mining Association. 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

SECY-EHD-001

20444

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.

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 Vietti-Cook", with a stylized, flowing script.

Annette L. Vietti-Cook



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

May 27, 1999

SECRETARY

Gary L. Smith, Ph.D.  
Deputy Director  
Technical Assessments  
Bureau of Radiation Control  
Texas Department of Health  
1100 West 49<sup>th</sup> Street  
Austin, Texas 78756

Dear Dr. Smith:

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 the State of Utah, the United States Department of Energy, the Conference of Radiation Control Program Directors, and the National Mining Association. 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.

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Annette L. Vietti-Cook



SECRETARY

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

May 27, 1999

Mr. William J. Sinclair  
Director, Division of Radiation Control  
Utah Department of Environmental Quality  
168 North 1950 West  
P. O. Box 144850  
Salt Lake City, Utah 84114-4850

Dear Mr. Sinclair:

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 the State of Utah, the United States Department of Energy, the Conference of Radiation Control Program Directors, and the National Mining Association. 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.

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Annette L. Vietti-Cook



SECRETARY

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

May 27, 1999

Mr. Dave Culberson  
Fuel Cycle Facilities Forum  
611 Douglas Drive  
Johnson City, Tennessee 37604

Dear Mr. Culberson:

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Sincerely,

A handwritten signature in cursive script, reading "Annette L. Vietti-Cook". The signature is fluid and stylized, with the first name "Annette" being the most prominent part.

Annette L. Vietti-Cook





SECRETARY

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

May 27, 1999

General Richard Lawson  
President and Chief Executive Officer  
National Mining Association  
1130 17<sup>th</sup> Street, NW  
Washington, DC 20036

Dear General Lawson:

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 the State of Utah, the United States Department of Energy, the Conference of Radiation Control Program Directors, and the National Mining Association. 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.

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Annette L. Vietti-Cook

cc: Ms. Katie Sweeney  
Associate General Counsel  
National Mining Association



SECRETARY

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

May 27, 1999

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cc: Ms. Katie Sweeney  
Associate General Counsel  
National Mining Association



SECRETARY

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

May 27, 1999

Mr. Crew Schmitt  
President  
Wyoming Mining Association  
1670 Broadway  
Suite 3450  
Denver, Colorado 80202

Dear Mr. Schmitt:

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Annette L. Vietti-Cook

cc: Mr. Marion Loomis  
Executive Director  
Wyoming Mining Association

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 SECY 7 LTRS RE COMM PUBLIC 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  
SECY 7 LTRS RE COMM PUBLIC 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  
27 day of May 1999

*Adria T. Byrdson*  
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

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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  
27 day of May 1999

*Adrian T. Byrdson*  
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

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Richard F. Cole  
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Mail Stop - T-3 F23  
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Washington, DC 20555

Lisa B. Clark, Esq.  
Office of the General Counsel  
Mail Stop - O-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  
SECY 7 LTRS RE COMM PUBLIC MTG

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

Dated at Rockville, Md. this  
27 day of May 1999

  
Office of the Secretary of the Commission