



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

APR 12 1994

Mr. Marion Loomis, Executive Director  
Wyoming Mining Association  
Hitching Post Inn  
P.O. Box 866  
Cheyenne, Wyoming 82003

Dear Mr. Loomis:

I am responding to your March 21, 1994, letter in which you presented four issues raised by the uranium recovery membership of your association. Although your letter was sent to Mr. John Greeves, as a result of a reorganization at the U.S. Nuclear Regulatory Commission, I am now the Director of the new Division of Waste Management, which contains uranium recovery activities. Therefore, it is appropriate that I respond to your issues. In your letter you identified concerns with: 1) the recent NRC staff decision to issue Federal Register notices (FRNs) for significant licensing actions; 2) delays in processing of amendment requests; 3) a lack of NRC staff familiar with uranium recovery activities; and 4) NRC regulation of in situ wellfields.

With regard to your first issue, the Commission's Rules of Practice in 10 CFR 2.1205, "Request for a hearing: petition for leave to intervene," notes that a person has the opportunity to file a request for a hearing within 30 days of the date of publication of an FRN noticing a license amendment application. If an FRN is not issued, there is still an opportunity to intervene within 30 days following actual notification of the NRC action, or within 180 days after granting the application. Although publication of FRNs by the staff is not mandatory, recent concerns raised on licensing actions for uranium mills outside of the State of Wyoming have focused on the need for the NRC to have a more inclusive process for public involvement. In response to those concerns, the staff believed it was prudent to prepare FRNs on amendment requests for uranium recovery facilities that were significant or could be particularly controversial. Therefore, staff decided to exercise the discretion afforded it under §2.1205. However, this decision does not create any new rights beyond those already contained in §2.1205, nor does staff believe that the decision in any way distracts from NRC's goal to reduce the regulatory burden of uranium recovery licensees.

The second and third issues in your letter address delays in NRC staff's processing of amendment requests due to a loss of staff from the Uranium Recovery Field Office (URFO), and the potential for breakdowns in regulatory continuity. Because these two revolve around a similar theme of ensuring adequate staff support to uranium recovery licensees, I would like to respond to them together. As I am sure you can appreciate, affecting a transition like that involved in the closure of URFO will result in the loss of several staff members because of an unwillingness to move. However, the NRC has been and continues to pay particular attention to actions involving uranium recovery licensees to work towards ensuring that the impacts to high priority licensee needs, as a result of the transition of function from URFO to headquarters, is minimal.

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As such, staff presented its priorities for completing work for the uranium recovery program at the March 17 and 18, 1994, workshop held in Denver, Colorado. This workshop was attended by over 100 individuals including members of the staff and its contractor, and representatives of the American Mining Congress (AMC), U.S. Department of Energy, U.S. Environmental Protection Agency, and over 20 uranium recovery licensees. Although licensees did not particularly agree with some of the priorities established for their mills or in situ facilities, they appreciated the staff's efforts in developing a process that helps focus NRC resources in a logical and sound manner.

All of the participants at the workshop agreed that the exchange between the staff and industry was extremely beneficial. This workshop, recent cross training exercises among specific NRC staff members, and my commitment to have all headquarters staff involved in the uranium recovery program participate in inspections and visit sites are the ways I am ensuring a smooth transition. In addition, this experience is helping the headquarters staff develop the background needed to conduct uranium recovery activities in an efficient and effective manner. Finally, four of the staff presently in URFO are scheduled to return to headquarters once the office is closed this summer. Although there is no guarantee that they all will return, those that do will help ensure continuity in NRC's program.

The staff plans to follow up the March workshop with other meetings between it and the industry. These include the routine transition meetings that have been held since August 1993 and will continue through the closure of URFO. In addition, I have committed to having a regular management meeting between senior staff in the division and industry and licensee representatives even after URFO closes. Complementing these will be meetings the staff is available to have with any individual licensee on a specific topic. To date, Umetco Minerals Corporation and Energy Fuels Nuclear are two companies in the State of Wyoming who have taken advantage of this. Finally, I believe that an annual workshop similar to the one held in March will help achieve better integration for the overall program. I hope that you and other representatives of the Wyoming Mining Association (WMA) will take the opportunity to participate in these meetings, and use them as a forum to discuss any issues you might have.

The final issue in your letter was one that the WMA originally raised in its July 21, 1993, letter outlining ways for reducing the regulatory burden of licensees. It requests that NRC explore ways of reducing its oversight of in situ wellfields to eliminate dual regulation by both NRC and States. As part of its regulatory reduction effort, staff has been investigating ways it can reduce its oversight of in situ wellfields. Generally, staff believes that it has the responsibility for regulating in situ wellfields to ensure groundwater protection. However, if the staff finds that a State is implementing a program that is comparable to one the NRC would require, the staff could rely on the State's program to also meet NRC's regulatory requirements.

Mr. Marion Loomis

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If you have any questions or require further information on any of the staff activities in the area of uranium recovery, please feel free to contact the cognizant NRC manager for the program, Mr. Joseph Holonich. Mr. Holonich can be reached at (301) 504-3387.

Sincerely,

ORIGINAL SIGNED BY

John T. Greeves

for

Malcolm R. Knapp, Director  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

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Mr. Marion Loomis

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Sincerely,

Malcolm R. Knapp, Director  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

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