



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

June 18, 1997

MEMORANDUM TO: Sher Bahadur, Acting Chief  
Regulation Development Branch  
Division of Regulatory Applications  
Office of Nuclear Regulatory Research

FROM: Joseph J. Mate, Project Officer  
Regulation Development Branch  
Division of Regulatory Applications  
Office of Nuclear Regulatory Research

SUBJECT: COMMENTS RECEIVED BY NRC ON THE DIRECT FINAL RULE  
(10 CFR 51.60)

The comment period for the direct final rule for 10 CFR 51.60 (Environmental Report - Material Licensees) closed on June 13, 1997. This morning I went over to the Office of the Secretary and collected the comments received. As of 9:00 am, only two comments were received. The first comment was from the National Mining Association and they concurred in the direct final rule and the elimination of the requirement. The second comment was received from the Nuclear Energy Institute. They also supported the elimination of the requirement through a direct final rule. No other comments were received.

Since the comment period has officially closed, I am going to go ahead and prepare the Regulatory History Index for this direct final rule. The suspense levied on this action by the Office of Administration is July 29, 1997.

If you wish to see a copy of the comments please advise. They will be a part of the Regulatory History Index.

cc: Prasad Kadambi

AF 65-2  
PDR

Joe M

Thanks Joe, I would  
like to see the  
comments. Don't make  
extra copies for me -  
Just let me have a  
look at your copies.

Shirley

Joseph J. Mate 6/20



National Mining Association  
Foundation for the Future

AF 65-2 (1)  
PDR  
DOCKETED  
USNRC

'97 JUN 13 P2:14

Katie Sweeney

DOCKET NUMBER  
PROPOSED RULE PR 51  
(62 FR 26733)

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

June 13, 1997

Secretary  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, Maryland 20852

**Re: Environmental Report -- Materials Licenses**

Dear Sir:

The National Mining Association (NMA) submits these comments in response to the Nuclear Regulatory Commission's (NRC) proposal to eliminate the requirement that an environmental report be submitted by uranium mill licensees at the time of license termination. 62 Fed. Reg. 26733 (May 14, 1997). NMA agrees that submittal of such a report at license termination is unnecessary and duplicative of other reporting requirements that precede license termination. NMA urges NRC to proceed directly to the final rule stage to eliminate this outdated reporting requirement.

NMA's 381 members represent producers of most of America's coal, metals, industrial and agricultural minerals; manufacturers of mining and mineral processing machinery and supplies; transporters; financial and engineering firms; and other businesses related to coal and hardrock mining. These comments are submitted by NMA on behalf of its member companies who are NRC licensees. These members include the owners and operators of uranium mills and mill tailings sites and in situ uranium production facilities.

As the proposal correctly notes, uranium mill licensees currently submit several environmental reports throughout the process leading up to license termination. Each application for license amendments to undertake site reclamation and decommissioning activities must be accompanied by an environmental report or supplemental environmental report. After these reclamation activities are completed, licensees are required to submit additional license amendment applications with additional environmental reports. NRC then reviews such applications and issues a technical evaluation report and an environmental impact statement or environmental assessment. NRC then conducts a safety and environmental review before approving each such application. These reporting requirements along with NRC review and approval procedures that have come into existence since the mid

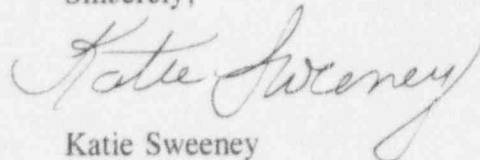
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1970s provide adequate safeguards to ensure that these sites are properly remediated prior to license termination.

Since the environmental report at the time of license termination is simply a reiteration or summary of information previously submitted by the licensee earlier in the process, NMA urges the Commission to eliminate this outdated reporting requirement. The Commission's proposed action implicitly (if not explicitly) recognizes the rigorous regulatory program applicable to 10 CFR Part 40, Appendix A uranium recovery licensees. It is precisely for such reasons that NMA has suggested that uranium recovery licensees be excluded from coverage under the Commission final rule on radiological criteria for license termination (Secy 97-046A). NMA believes that the staff's proposal that has been excluded from the final rule pursuant to the Staff Requirements Memorandum (May 21, 1997) in fact reflected appropriate regulatory treatment for uranium recovery licensees. If you have any questions or if we can be of assistance, please contact me at 202/463-2627.

Sincerely,

A handwritten signature in cursive script that reads "Katie Sweeney". The signature is written in dark ink and is positioned above the printed name.

Katie Sweeney



NUCLEAR ENERGY INSTITUTE

DOCKETED  
USNRC

97 JUN 17 P4:21

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Felix M. Killar, Jr.  
DIRECTOR  
Material Licensees & Nuclear Insurance  
Direct Line 202.739.8126  
Internet fmk@nei.org

June 13, 1997

Mr. John C. Hoyle  
Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

DOCKET NUMBER  
PROPOSED RULE PR 51  
(62FR26733)

**ATTENTION:** Docketing and Service Branch

**SUBJECT:** Comments on Proposed Rule and Direct Final Rule Eliminating  
Environmental Report for Material Licensees (62 FR 26733 and  
62 FR 26730)

By a Federal Register notices published May 14, 1997, the Nuclear Regulatory Commission (NRC) promulgated a direct final rule which would eliminate a current requirement that uranium mill licensees submit an environmental report at the time of license termination. This action was taken because the requirement is outdated and unnecessary, since the report to be eliminated merely repeats information required to be submitted throughout the process leading to license termination. In the same issue of the Federal Register, NRC published a proposed rule to make the same change. NRC stated that the direct final rule would be withdrawn in the event significant adverse comments were received, in which case the proposed rulemaking would proceed to address those comments.

The Nuclear Energy Institute<sup>1</sup> (NEI) applauds NRC's action to reduce an unnecessary reporting burden on licensees as quickly as possible through a direct final rule. That rule should be allowed to become effective.

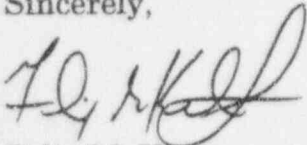
<sup>1</sup> NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

Mr. John C. Hoyle  
June 13, 1997  
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NEI agrees with NRC's conclusion that this action is "noncontroversial". Any negative comments that may be received should be scrutinized to determine if they raise substantive objections before any decision is reached to withdraw the direct rule and proceed with the proposed rule process. That process would delay the realization of the benefit of burden reduction, and such a delay should not be incurred for less than substantive reasons.

NRC is encouraged to identify other areas in which duplicate requirements create unnecessary burdens and to address them via direct rules.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Felix M. Killar', with a stylized flourish at the end.

Felix M. Killar  
Director,  
Material Licensees & Nuclear Insurance