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National Mining Association
Foundation For America's Future

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Katie Sweeney
Associate General Counsel
Legal & Regulatory Affairs

November 2, 1999

The Honorable Greta J. Dicus
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Chairman Dicus:

As you recall, the National Mining Association's (NMA) White Paper, entitled "Recommendations for a Coordinated Approach to Regulating the Uranium Recovery Industry" discusses in detail the potential use of uranium mill tailings piles for disposal of nonle.2 byproduct material. The White Paper, building on considerations raised by the Commission in the Strategic Assessment and Rebaselining Initiative, recommends that the use of the tailings piles be considered due to the failure of the Compact system and the difficulties associated with siting new disposal facilities. Enclosed for your information is a recent General Accounting Office report entitled, "Low-Level Radioactive Wastes: States Are Not Developing Disposal Facilities," which highlights the need to consider other disposal alternatives. The report's conclusion states that while "states acting alone or in compacts, had collectively spent almost \$600 million attempting to develop new disposal facilities . . . none of these efforts have been successful." In addition, the report emphasizes that current disposal capacity at the three existing disposal sites is decreasing and that each site has some restriction on the types of radioactive wastes it can accept. Given that new and potentially large volumes of wastes will be generated due to the adoption of 25 millirem decommissioning rule, it makes sense for the Commission to consider the GAO Report in its deliberations regarding the White Paper and the possible establishment of a Part 41. If you have any questions, please contact me at 202/463-2627.

Sincerely,

Katie Sweeney

Enclosure

**Cc: Commissioner Nils J. Diaz
Commissioner Edward McGaffigan, Jr.
Commissioner Jeffrey S. Merrifield
John T. Greeves, Director, Division of Waste Management
John Surmeier, Chief, Uranium Recovery Branch**