

January 23, 2002

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

SUBJECT: COMMENTS ON NUREG/CR-6733, "A BASELINE RISK - INFORMED,
PERFORMANCE - BASED APPROACH FOR *IN SITU* LEACH URANIUM
EXTRACTION LICENSEES, SEPTEMBER 2001"

Dear Mr. Loomis:

Thank you for your letter dated January 14, 2002, transmitting your comments on the above referenced U. S. Nuclear Regulatory Commission (NRC) report. As you know, the NRC is in the early stages of risk informing our licensing and inspection programs, including the uranium recovery program. The report you reference was our first step at examining the risks and consequences associated with a class of licensees for the purpose of risk-informing the uranium recovery program. Our risk-informing efforts are ongoing and we are continuing to examine and evaluate approaches for incorporating risk information into the uranium recovery program. Although the above referenced report was not intended as a guidance document for staff, some of the findings from this report have been referenced in recent draft revisions to our uranium recovery guidance documents.

The Commission, in Staff Requirements Memorandum to SECY 01-0026, directed the staff to implement programmatic and policy changes through revisions of our existing guidance documents, *in lieu* of the previously planned uranium recovery rulemaking. We are finishing the revisions to our Standard Review Plans for uranium mill tailings reclamation (NUREG-1620) and *in situ* leach (ISL) uranium extraction facilities (NUREG-1569), and will be issuing these guidance documents as draft for public comment near the end of January 2002. Some of the findings from the NUREG/CR-6733 report were used to revise applicable parts of NUREG-1569, the ISL Standard Review Plan.

At this point, I believe the most efficient means of addressing your January 14, 2002, comments will be to include them in the comment responses for NUREG-1569 after the 75-day public comment period closes, as your comments pertain to the guidance document. I encourage you and others in your organization to review the Standard Review Plans when they are issued and provide us with comments. We will forward the revised guidance documents, along with any changes resulting from the public comments, to the Commission for its review and approval. We expect the Commission will receive the documents near the end of 2002.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the

M. Loomis

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Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> .

If you have any questions concerning this letter, please contact me at (301) 415-7176 or e-mail mnf@nrc.gov .

Sincerely,

/RA/

Melvyn N. Leach, Chief
Fuel Cycle Licensing Branch
Division of Fuel Cycle Safety and Safeguards
Office of Nuclear Material Safety and Safeguards

cc: Katie Sweeney - National Mining Association

M. Loomis

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Melvyn N. Leach, Chief
Fuel Cycle Licensing Branch
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Office of Nuclear Material Safety and Safeguards

cc: Katie Sweeney - National Mining Association

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