

August 11, 2000

MEMORANDUM William D. Travers
TO: Executive Director for Operations
FROM: Annette L. Vietti-Cook, Secretary /RA/
SUBJECT: STAFF REQUIREMENTS - SECY-99-0277 - CONCURRENT JURISDICTION OF NON-RADIOLOGICAL HAZARDS OF URANIUM MILL TAILINGS

The Commission has disapproved the staff's recommendation to formally adopt the current staff practice of acknowledging the concurrent jurisdiction of non-Agreement States over the non-radiological hazards of 11e.(2) byproduct material. The Commission has determined that NRC has exclusive jurisdiction over both the radiological and non-radiological hazards of such material. The staff should ensure that all affected states are aware of this decision. The Commission, while aware that at least one court has reached a different conclusion on this matter, will address any potential issues arising from prior judicial precedent on a case specific basis.

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
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CFO
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Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
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