

August 11, 2000

MEMORANDUM TO: William D. Travers  
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  
OGC  
CIO  
CFO  
OCA  
OIG  
OPA  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR