

October 25, 1993

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

FROM: Samuel J. Chilk, Secretary /s/

SUBJECT: SECY-93-249 - PROPOSED RULE: URANIUM MILL
TAILINGS REGULATIONS; CONFORMING NRC
REQUIREMENTS TO EPA STANDARDS

This is to advise you that the Commission (with all Commissioners agreeing) has approved the notice of proposed rulemaking subject to the following revisions in the proposed rule:

1. The proposed rule should make clear NRC's interpretation of any ambiguous provision of EPA's final rule and include a notification in the Statement of Consideration that the NRC does not view EPA's rule, which includes prescriptive implementation requirements, as establishing any precedent with regard to what constitutes a generally applicable environmental standard; and
2. Whether this proposed rule is categorized as a Division 2 matter of compatibility appears to be irrelevant to the State of Illinois' special case since it does not regard uranium mill tailings. It is rather Section 274o that enables Illinois to enact alternative requirements to NRC's current Appendix A of 10 CFR Part 40. The attached edits clarifying this matter as well as a reordering of the sentences in the response to the State of Illinois' comment (pages 14 and 15 of Enclosure 2) should be incorporated into the FRN.

SECY NOTE: THIS SRM, SECY-93-249, AND THE VOTE SHEETS OF ALL COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 10 WORKING DAYS FROM THE DATE OF THIS SRM.

The FRN should be reviewed by the Rule Review and Directives Branch, ADM, and returned for signature and publication.

(EDO)

(SECY Suspense: 11/22/93)

cc: The Chairman
Commissioner Rogers
Commissioner Remick
Commissioner de Planque
OGC
OIG
Office Directors & Regions (via e-Mail)