

December 13, 2000

Mr. Leonard Bickwit, Jr.
Miller & Chevalier
655 Fifteenth Street N.W., Suite 900
Washington, DC 20005-5701

Dear Mr. Bickwit:

I am providing you with the Director's Decision that responds to your 10 CFR 2.206 petition, filed on March 13, 2000. The petition requested that the NRC assert jurisdiction over disposal of mill tailings resulting from the Formerly Utilized Sites Remedial Action Program (FUSRAP). I have completed my review of the issues raised in your petition and the responses to your petition provided by the U.S. Army Corps of Engineers and the U.S. Department of Energy. For reasons explained in the enclosed Director's Decision, DD-00-06, dated December 13, 2000 (Enclosure 1), your request has been denied. The NRC will continue to refrain from imposing disposal requirements for the mill tailings generated at FUSRAP sites because this material is outside of the agency's jurisdiction.

As provided by 10 CFR 2.206(c), a copy of this Decision will be filed with the Secretary of the Commission, for the Commission's review. As provided by that regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance of the Decision, unless the Commission, on its own motion, institutes a review of the Decision within that time. In addition, a copy of the notice that is being filed for publication with the Office of the Federal Register is included as Enclosure 2, for your information.

Sincerely,

/RA/

William F. Kane, Director
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Directors Decision
2. Federal Register Notice

cc: William J. Dennison, U.S. DOE
Robert M. Andersen, U.S. Army Corps
of Engineers
Douglas E. Roberts, Envirosource Technologies

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