February 18, 2011

ALL AGREEMENT AND NON-AGREEMENT STATES
STATE LIAISON OFFICERS

DISTRIBUTION OF CLARIFICATION REGARDING THE TYPES OF URANIUM RECOVERY FACILITIES SUBJECT TO THE REQUIREMENTS IN TITLE 40 OF THE *CODE OF FEDERAL REGULATIONS* PART 61 **(FSME-11-017)**

Purpose: The U.S. Nuclear Regulatory Commission has received information from the U.S. Environmental Protection Agency (EPA) (Enclosure) that clarifies which uranium recovery facilities EPA considers subject to the requirements in Title 40 of the *Code of Federal Regulations* (40 CFR) Part 61, Subpart W, National Emission Standards for Radon Emissions from Operating Mill Tailings ("Subpart W"). Although we are providing this information to all Agreement and Non-Agreement States and State Liaison Officers, this information should be of particular interest to Uranium Mill Agreement States that regulate byproduct materials as defined in Section 11e.(2) of the Atomic Energy Act and Non-Agreement States that either have or may intend to have uranium recovery facilities.

Background: 40 CFR Part 61, Subpart W is a radon emission standard for operating uranium mill tailings facilities. EPA is the implementing Federal agency for these regulations. In accordance with the Clean Air Act Amendments of 1990, EPA has formed a workgroup to review, and possibly revise the standard.

Discussion: The enclosed information provides EPA's current clarification of the Uranium Recovery facilities that are subject to the requirements in EPA's regulations (40 CFR Part 61, Subpart W). If you have any questions on the enclosure, please work through your EPA regional contacts.

If you have any questions on this correspondence, please contact me at 301-415-3340, or the individual named below.

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/RA/

Robert J. Lewis, Director
Division of Materials Safety
and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Enclosure:
EPA Memo dated December 22, 2010

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