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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

AUG 10 1979

Dr. William E. Mott, Director  
Environmental Control Technology Division  
Office of the Assistant Secretary  
for Environment  
Department of Energy  
Washington, D. C. 20585

Dear Dr. Mott:

In response to your July 12, 1979 letter, I am forwarding to you information concerning NRC's activities to be incorporated in the Department of Energy's annual report to the Congress on the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA). Much of the NRC effort in this area has related to implementation of the provisions of Title II of the Mill Tailings Act. The following is a summary of the major actions which the Commission has taken in this regard.

- Under the UMTRCA, the Commission's expanded licensing responsibilities are effective immediately. However, the Commission has made a determination, after extensive legal analysis, that the new requirements that apply to Agreement State licensing do not take effect for three years and further, that NRC is responsible for licensing tailings in Agreement States during the three-year period before these new requirements take effect. During this interim, three-year period, the States will be making modifications to their licensing programs to conform to new requirements contained in § 204 of the UMTRCA.
- Recognizing that the language in the UMTRCA, which establishes the dual licensing arrangement, does not necessarily conform to the intent of the principal authors of the legislation, the Commission is seeking clarifying legislation. However, until the legislation is amended, the Commission has instructed the staff to proceed in licensing tailings in all states.
- In order to avoid a situation where existing operators would be in technical violation of the law, the staff plans to issue a general license for all uranium recovery operators licensed prior to May 17, 1979, to own, use, and possess tailings. Those persons planning to conduct new uranium recovery operations after May 17, 1979, are being instructed to apply to the NRC for a specific byproduct material license for tailings.

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AUG 10 1979

- The Commission has participated in meetings of the Interagency Working Group for implementation of the UMTRCA (a subgroup of the cabinet level Energy Coordinating Committee). The Interagency Working Group was established to coordinate agency responsibilities and organize Federal and State actions during the early stages of implementation of the UMTRCA.
- The Commission has concurred in the Department of Energy's designation of site boundaries for the 22 processing sites identified in § 102 of the UMTRCA.
- The Commission has conducted a study and prepared a preliminary draft report on the adequacy of the authority to require the owners of the sites referred to in § 301 of the UMTRCA to control all residual radioactive materials to protect public health and safety and the environment. This preliminary draft report, sent to the State of New Mexico for review in early August, concludes that the authority to regulate and control such materials at these sites is adequate.

I appreciate your cooperation on this matter. Should you have any questions concerning our submission, please contact Mr. L. S. Person at 427-4103.

Sincerely,

*Robert E. Browning* /for  
John B. Martin, Director  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

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