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

DEC 04 1979

Mr. Thomas E. Baca, Director
Environmental Improvement Division
P. O. Box 968, Crown Bldg.
Santa Fe, New Mexico 87503

Dear Mr. Baca:

Based on the May 17, 1979, Commission determination that the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978 gave NRC concurrent jurisdiction over tailings in Agreement States, the NRC issued a general license to possess tailings. The August 24, 1979, Federal Register notice of the Commission action also noted that the authority to possess, own, or receive title to tailings under the general license was subject to NRC remedial orders as necessary to protect the public health and safety.

Accordingly, Mr. John J. Linehan of my staff and Mr. Mike Mustain, NRC Region IV, visited the operating mills in New Mexico on September 20 and 21, 1979, to determine if any immediate remedial actions should be taken at operating tailings disposal areas.

As you know, Congress has recently passed an amendment to the UMTRCA of 1978 to make it clear that the NRC has no direct licensing responsibility over tailings materials in Agreement States for at least the three-year period following enactment of UMTRCA. Accordingly, we are hereby transmitting our observations and recommendations and urge you to take appropriate licensing actions. We will, of course, provide any technical assistance you might need in this matter.

You will note that one of the recommendations is to require the operators to perform a study of alternative methods of managing the existing and future uranium tailings and was the subject of my October 3, 1979, letter to you. We feel this is a matter of utmost importance and again recommend that this effort be initiated as soon as possible.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ross A. Scarano", written over a horizontal line.

Ross A. Scarano, Chief
Uranium Recovery Licensing Branch
Division of Waste Management

Enclosure:
As stated

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