



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

DDR-DCS

WM-27

DEC 05 1979

Mr. Lynn FitzRandolph
State of Arizona
Atomic Energy Commission
2929 West Indian School Road
Phoenix, Arizona 85017

Dear Mr. FitzRandolph:

The Congress has recently passed clarifying legislation to amend the Uranium Mill Tailings Radiation Control Act (UMTRCA). The amendment removes dual NRC jurisdiction over uranium mill tailings (byproduct materials) in Agreement States. However, the clarifying legislation also requires the Agreement States to implement the UMTRCA requirements and procedures for licensing tailings and milling operations to the maximum extent practicable, and authorizes the NRC to ensure that the States do this.

In particular, the NRC will not have direct licensing authority over the tailings in the Pinal Minerals and Mining operations at the Lucky Boy site. However, as discussed in phone conversations between Darrel Warren and George Wu, we will proceed with the overall evaluations of the Pinal project in accordance with your initial request for technical assistance. Upon completion of the review, we will provide a report to your agency documenting the radiological assessments and evaluation of the long-term stability and groundwater impacts of the tailings impoundments of the Pinal operations.

We have notified Pinal by phone that direct NRC byproduct material licensing will not be necessary for their operations at the Lucky Boy site; however, the same information we requested previously regarding their operations and tailings disposal is still necessary to complete our review. These information needs have already been forwarded to you in our letter of October 5, 1979.

In more recent conversations between your staff and mine, you stated that the information we have requested may not be available for some time. We would appreciate, then, receiving from you at your earliest convenience the schedule for receiving the responses to our information request. This is needed to help us plan our staff time and to be able to provide you with prompt service on this project.

If you have any questions, please contact me at 301/427-4103.

Sincerely,

Hubert J. Miller
Uranium Recovery Licensing Branch
Division of Waste Management

cc: Mr. T. A. Clarey
Pinal Minerals and Mining

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