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COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
 U.S. HOUSE OF REPRESENTATIVES
 WASHINGTON, D.C. 20515

April 26, 1979

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Honorable Joseph Hendrie
 Chairman, Nuclear Regulatory
 Commission
 Washington, D. C. 20555

Dear Chairman Hendrie:

During your testimony last month on the NRC fiscal year 1980 budget request before the Senate Environment and Public Works Committee and the House Interior and Insular Affairs and Interstate and Foreign Commerce Committees, you referred to potential problems in implementing Public Law 95-604, the Uranium Mill Tailings Radiation Control Act of 1978.

Specifically, you mentioned that there may exist some uncertainty based upon the language of the statute regarding the date by which the Agreement States must meet the new requirements in the statute and the need for the Commission to exercise within the Agreement States its new licensing authority for uranium mill tailings. At that time, you indicated the Commission's continued support for the three year grace period in making these requirements effective, but expressed the view that any interpretation of the present statutory language on these points would likely lead to litigation.

It is our view that these questions should be resolved promptly, in accordance with the intent of the Congress, and in a manner which will not cause disruptions in the ongoing regulatory programs and activities of NRC and the Agreement States. In that regard, we are concerned that the statute might be interpreted to require the Agreement States to immediately meet the new requirements of the Act in all cases or to require the duplicate licensing by NRC of all uranium mills and mill tailings in the Agreement States. Such interpretations, in our view, would be contrary to the intent of Congress and would discourage rather than encourage the Agreement States from making every effort to meet the new requirements of the Act as early as possible.

As the principal authors of the legislation in the House and the Senate, we are confident the Congress intended for NRC to exercise authority over mill tailings in the Non-Agreement States immediately, and intended to provide for a period of up to three years for Agreement States which license uranium milling operations or mill tailings to meet the new requirements of the statute. During this three year period, an Agreement State could continue its licensing activities under previously existing authority. New standards and requirements would be applicable to the maximum extent practicable, and NRC is expected to make every

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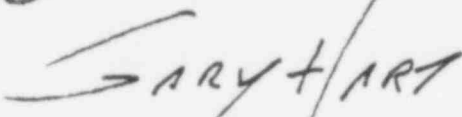
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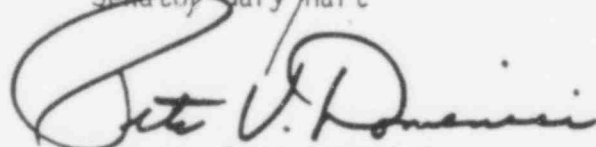
effort to encourage and assist the States in upgrading their licensing programs to meet the new requirements as early as possible.

The Congress did not intend for NRC to immediately exercise licensing authority within Agreement States which were exercising authority over uranium milling operations or mill tailings on the date of enactment. At the expiration of the three year interim period, however, NRC would exercise its authority in any State which did not then have in effect a licensing program satisfying all of the applicable new standards and requirements.

If the Commission would benefit in future enforcement of this intent and interpretation from clarifying legislation, we would be happy to provide our assistance.


Senator Jennings Randolph

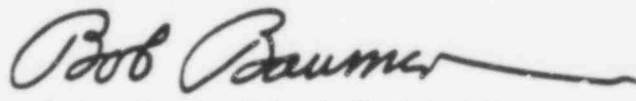

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