



CHAIRMAN

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555

June 7, 1979

COMM.  
CORR.

The Honorable Bruce King  
Governor of New Mexico  
Santa Fe, NM 87503

Dear Governor King:

In response to your letter dated May 23, 1979, requesting information regarding the Commission's recent actions with respect to the Uranium Mill Tailings Radiation Control Act of 1978, I am enclosing a copy of the Commission's request to Congress for clarifying legislation. This proposed legislation would bring the Act for the most part into clear conformity with the interpretation which you supported in your earlier letter to me, dated March 22, 1979. Although, as you observed, the Commission voted on May 17, 1979 to submit this proposal to Congress, the complete and final version was not signed by me and dispatched to Congress until Wednesday, May 30, 1979. The staff of the New Mexico Environmental Improvement Division was informed orally on May 18 of the Commission's decision of May 17 and by letter dated May 21, 1979 from G. Wayne Kerr of the NRC's Office of State Programs. Thus I believe we have made reasonable efforts to keep New Mexico informed on a timely basis.

The background for the Commission's recent action is as follows:

Subsequent to the Commission meeting on March 7, 1979, at which Mr. Bruce Garber from the New Mexico Attorney General's office appeared, the Commission met again on May 9 and May 17, 1979. At the May 9 meeting the Commission requested the staff to prepare clarifying amendments to the Mill Tailings Act. At the May 17 meeting the Commission approved the staff's proposal for clarifying amendments to Title II of the Act which would do the following:

1. make it clear that the requirements of the Act regarding Agreement State licensing actions are deferred until November 8, 1981;
2. preclude the NRC from exercising concurrent regulatory authority over mill tailings in Agreement States prior to November 8, 1981 unless the agreement is terminated before then; and
3. make it clear that NRC has immediate authority to regulate tailings in non-Agreement States.

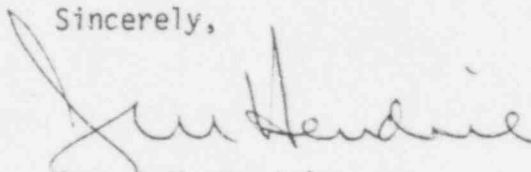
In addition to the above, the Commission approved a course of action to be followed in the interim period until the clarifying amendments are enacted if in fact they are enacted. The Commission has decided the statute requires concurrent licensing of tailings in Agreement States. With respect to new

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mills, the NRC staff is to act in parallel with Agreement State licensing efforts. With regard to existing mill tailings, an NRC general license is to be issued for such tailings in all States, and such general licensees will be subject to remedial action orders of the Commission, if needed. On renewals, NRC is to act in concert with the Agreement State.

We appreciate your interest in this matter and expect to work closely with the New Mexico staff to implement the requirements of the Act.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. M. Hendrie".

Joseph M. Hendrie

Enclosure: Ltr, 5/30/79, Hendrie  
to O'Neill w/encl.

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