



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

May 25, 1979

OFFICE OF THE
SECRETARY

MEMORANDUM FOR: Lee V. Gossick, Executive
Director for Operations
Leonard Bickwit, Jr., General Counsel

FROM: Samuel J. Chilk, Secretary

SUBJECT: CONTINUATION OF SECY-79-88 - URANIUM MILL TAILINGS, 2:15 P.M.,
THURSDAY, MAY 17, 1979, COMMISSIONERS' CONFERENCE
ROOM, D. C. OFFICE (OPEN TO PUBLIC ATTENDANCE)

The Commission continued its discussion of May 9, 1979, on the subject of submitting clarifying legislation to the Congress regarding the Uranium Mill Tailings Radiation Control Act of 1978.

The Commission by a vote of 5-0, requested that:

1. this legislation be finalized as suggested by the OGC memorandum of May 16, 1979, and that a suitable transmittal letter to the Congress be prepared; (OGC) (SECY Suspense: 5/25/79)

In taking this action, the Commission divided by a vote of 3-2* in concluding that, without amendments to the Act, the NRC is required to license tailings at Agreement State regulated uranium mills during the three year period before the Act permits renegotiated agreements to become effective.

Regarding the issue of licensing of mill tailings, in Agreement States where new mills are proposed, the staff should proceed on a schedule consistent with that provided by the Agreement States, and issue specific tailings licenses. For existing uranium mills, the staff should issue a general license authorizing existing Agreement State milling licensees to possess the tailings, subject to any necessary NRC remedial action orders. It is the Commission's understanding that general licenses are authorized by regulation and that the implementing regulation is normally, and will also in this case be, presented to the Commission prior to publication. This general license would be timed to expire when the State license expires, comes up for renewal, or when the Agreement is amended to include tailings. (ELD)

* Chairman Hendrie and Commissioner Ahearne were of the view that the Commission could reasonably take the statute as being in accordance with the intent expressed in the April 26, 1979 letter from the Congress. They noted that the letter was co-signed by the Chairmen of the three authorizing committees and also by several of the ranking minority members and thus could be taken as a valid expression of the interest of Congress. Commissioner Ahearne also noted that the NRC had been requested by several of the Congressmen in February to identify to Congress any differences in interpretation of the existing legislation from that agreed on last Fall. In the absence of a response until after the committees had conducted mark-up on this year's authorization, Commissioner Ahearne pointed out it was reasonable to believe we did not disagree with the authors' interpretations.

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In addition, the Commission requested that interested parties be informed of this decision. (SP/ELD/NMSS/OGC) (SECY Suspense: 5/30/79)

cc:

Chairman Hendrie

Commissioner Gilinsky

Commissioner Kennedy

Commissioner Bradford

Commissioner Ahearne

Acting Director, Policy Evaluation

Director, Congressional Affairs

Director, Public Affairs