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

NOV 09 1979

Dr. William E. Mott, Director  
Environmental Control Technology  
Division  
Department of Energy  
Washington, D. C. 20545

Dear Dr. Mott:

This is in response to your letter of October 30, 1979 requesting our comments and input in describing the NRC activities to date relating to the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978, for inclusion in the DOE Annual Report to Congress. Many of the NRC activities in this area are related to the implementation of Title II of the Act. We have previously forwarded to you a list of such NRC activities in our August 10, 1979 letter (from John B. Martin). Although some modifications are necessary, much of the information contained in that letter remains applicable. In particular, the following is an updated summary of the major actions which the Commission has taken in this regard.

- The Commission has reviewed and concurred in the Department of Energy's designation of site boundaries for the 22 processing sites identified in Section 102 of the UMTRCA. The Commission has also reviewed and concurred in the designation of three additional sites at Belfield and Bowman in North Dakota and Baggs in Wyoming.
- The Commission has participated in meetings of the Interagency Working Group for implementation of the UMTRCA (a subgroup of the cabinet level Energy Coordinating Committee). The Interagency Working Group was established to coordinate agency responsibilities and organize Federal and State actions during the early stages of implementation of the UMTRCA.
- The Commission has sought and Congress has passed legislation clarifying the UMTRCA to remove NRC jurisdiction over tailings already regulated by Agreement States. However, in passing the clarifying legislation, the Congress also requires the Agreement States to implement now the requirements and procedures for licensing byproduct materials as tailings under the Act, to the maximum extent practicable, and directs the Commission to ensure that the States do this.
- In order to avoid a situation where existing operators would be in technical violation of the law, the staff issued a general license for all uranium recovery operators licensed prior to May 17, 1979, to own, use, and possess byproduct material as tailings. The NRC

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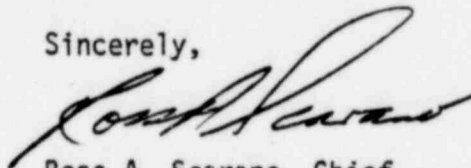
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is currently in the process of amending its regulations on uranium milling facilities to conform to the requirements of the Act. The proposed amendments to the regulations were published on August 24, 1979 in the Federal Register. The bases for these regulations are described in detail in the draft Generic Environmental Impact Statement on Uranium Milling, April 1979.

-The Commission has conducted a study and prepared a preliminary draft report on the adequacy of the authority to require the owners of certain New Mexico sites referred to in Section 301 of the UMTRCA to control all residual radioactive materials to protect public health and safety and the environment. This preliminary draft report concludes that the authority to regulate and control such materials at these sites is adequate. The report has been reviewed, and its conclusions agreed upon, by New Mexico.

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

Sincerely,



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