



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

NOV 28 1984

NOTE TO: Bob Browning
FROM: Joe Bunting *JBS*
SUBJECT: STATUS OF MILL TAILINGS MOU PROCESS

You inquired about where the MOU process stands given the language used by the Chairman in his November 20th letter to Administrator Ruckelshaus (copy attached). Per Dan Garner, the status is as follow:

- ° The negotiations on Provision 4 are back to the language in the July 25th MOU. The Commission approves of that language and believe it represents the positions taken in the conforming rulemaking on 84(c) flexibility
- ° Intended message to EPA - the language offered in the letter from Guimond was not acceptable (primarily because it did address decisions to be made in the interim until the methodology is available)

The bottom line is that the Chairman has put "the ball back in EPA's court".

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