



OFFICE OF THE  
COMMISSIONER

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

WM DOCKET CONTROL  
CENTER

August 6, 1984

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MEMORANDUM FOR: Chairman Palladino  
FROM: James K. Asselstine *SO for JKA*  
SUBJECT: YOUR REVISED MILL TAILINGS IMPLEMENTATION AND ENFORCEMENT  
POLICY

I have reviewed the August 3, 1984 revised mill tailings implementation and enforcement policy that you requested. I continue to believe that it is inappropriate to request comments on our legal interpretation of the meaning and intent of the Uranium Mill Tailings Radiation Control Act (UMTRCA) -- an interpretation endorsed by both of the NRC's legal offices. Moreover, I continue to have serious difficulties with the Commission's efforts to rescind a final Commission action based upon political pressure from the staff of one of our Oversight Committees. The draft memorandum circulated by you last week confirms that this is the basis for the Commission's direction to request the return of the two proposed rules after they had been submitted to the Federal Register.

Finally, your revised policy statement is unacceptable to me because it goes far beyond simply requesting public comment on our interpretation of the statute. It weakens that interpretation and postpones NRC enforcement of the EPA standard. If you are going to request public comment, I strongly recommend that you simply publish the policy statement that the Commission had previously agreed to with the addition of asking for public comment on it. The policy statement should be made effective during the comment period.

cc: Commissioner Roberts  
Commissioner Bernthal  
Commissioner Zech  
OGC  
OPE  
EDO  
OCA

WM Record File

*205*

WM Project

Docket No.

PDR

LPDR

Distribution:

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(Return to WM, 623-SS)

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