

JUL 05 1983

MEMORANDUM FOR: Chairman Palladino
Commissioner Gilinsky
Commissioner Roberts
Commissioner Asselstine

FROM: William J. Dircks, Executive Director for Operations

SUBJECT: STAFF COMMENTS ON EPA PROPOSED STANDARDS FOR URANIUM
AND THORIUM MILL TAILINGS AT LICENSED COMMERCIAL
PROCESSING PLANTS (SECY-83-195, DATED MAY 20, 1983)

On June 28, 1983 the NRC received the attached letter of June 27, 1983 from Congressman Udall. In this letter, Congressman Udall states that the staff, in Enclosure B to SECY-83-195, misrepresented certain communications in the legislative history for recent amendments to the Uranium Mill Tailings Radiation Control Act (UMTRCA). Congressman Udall also requests that his comments be specifically considered by the Commission in future deliberations on UMTRCA regulatory actions.

Since by majority vote the Commission has agreed on the version of the letter to be sent as the NRC's comments to the Environmental Protection Agency (EPA), we wish to specifically direct your attention to the letter from Congressman Udall to determine whether it was considered in your vote and, if not, whether it changes your position or comments on the letter to EPA.

By including in Enclosure B to SECY-83-195 the statement upon which Congressman Udall comments, the staff had intended to suggest that since the enactment of UMTRCA in 1978, the Congress has, by statements associated with fiscal legislation, indicated some concern on the regulation (Appendix A, 10 CFR Part 40) which NRC promulgated under UMTRCA. In expressing this concern, the staff understood that Congress may be suggesting a "risk-benefit" approach. Although the legislative history is subject to interpretation, the staff had no intent to misrepresent the record. The staff paper (SECY-83-195) contains copies of the Congressional Record to which the staff referred in the draft EPA letter. This Record included letters from Senator Domenici to Congressman Udall and Congressman Udall's response to Senator Simpson on this subject.

You should note:

- The final version of the letter to EPA approved by the majority of the Commission does not contain the section upon which Congressman Udall comments.

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