



PR 40
49 FR 46418
AB50-2
PDR

WM DOCKET CONTROL
UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

MAY 16 1985

WM Record File

2054

413.1

MAY 14 1985

WM Project

Docket No.

PDR

LPDR

MEMORANDUM FOR: William J. Dircks
Executive Director for Operations

FROM: Robert B. Minsgue, Director
Office of Nuclear Regulatory Research

SUBJECT: CONTROL OF NRC RULEMAKING: RES INDEPENDENT REVIEW OF
EFFECTIVE RULEMAKING SPONSORED BY NMSS

Based on our independent review of the rulemaking, "Uranium Mill Tailings Regulations (10 CFR Part 40): Conforming NRC Requirements to EPA Standards," sponsored by NMSS, RES agrees with the recommendation of the Director, NMSS, that the rulemaking effort should continue.

The basis for our recommendations is as follows:

- Under section 18(a) of Pub. L. 97-415, the NRC Authorization Act for FY 82 & 83, the NRC is required to conform its regulations to EPA's standards in Subparts D and E of 40 CFR Part 192 by no later than March 31, 1984. In keeping with section 18(a), NRC suspended portions of its Oct. 3, 1980, mill tailings regulations in App. A of 10 CFR Part 40 in 1983. Those portions of the regulations suspended were determined to be in conflict or inconsistent with EPA's standards. (The suspension terminates automatically upon conclusion of this conforming rulemaking.)
- On Nov. 26, 1984, NRC published a proposed rule not only to conform its regulations to EPA's standards under UMTRCA, but also to establish general requirements for the management of uranium and thorium byproduct materials at least comparable to requirements applicable to the management of similar hazardous wastes regulated by the EPA under the Solid Waste Disposal Act (The rulemaking is consistent with 1985 policy and planning guidance with respect to timing).

MAY 14 1985

- ° This ongoing rulemaking (a companion to the mill tailings regulation on groundwater protection) may be characterized as a matter which does not require a Commission decision at a meeting, but nevertheless requires Commission concurrence. (SECY-83-523 submitted the notice of proposed rulemaking to the Commission for Notation Vote.)

The complete RES independent review package has been sent to OEDO (Attention: DEDROGR) and to the Director, NMSS.

Robert B. Minogue
Robert B. Minogue, Director
Office of Nuclear Regulatory Research

RES INDEPENDENT REVIEW PACKAGE

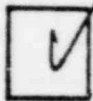
RES INDEPENDENT REVIEW BOARD

VOTING SHEET

TO: RIRB

FROM: F. P. Gillespie, Chairman, RIRB

TITLE OF RULEMAKING: Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards (Part 40)



AGREE WITH DRAFT RES
INDEPENDENT RECOMMENDATIONS
IN DRAFT INDEPENDENT REVIEW
PACKAGE.



REQUEST RIRB
MEETING.



MODIFY DRAFT RES
INDEPENDENT RECOMMENDATIONS
AS INDICATED BELOW.



NOT PARTICIPATING.

COMMENTS AND SUGGESTIONS:

Amss Tailor analysis does not
reflect ~~the~~ paragraph³ of the summary
analysis. The letter has been shortened so
much that it says little and reads like
bullet plate. The letter should be
built around TP 1-4 of the summary
analysis to convey information and be
complete.

F. P. Gillespie

MEMBER, RIRB

4/5/85

DATE

RES INDEPENDENT REVIEW BOARD

VOTING SHEET

TO: F. P. GILLESPIE, CHAIRMAN, RIRB

FROM: G. A. Arlotto, Member, RIRB

TITLE OF RULEMAKING: Uranium Mill Tailings Regulations: Conforming NRC
Requirements to EPA Standards (Part 40)

☒

AGREE WITH DRAFT RES
INDEPENDENT RECOMMENDATIONS
IN DRAFT INDEPENDENT REVIEW
PACKAGE.

☐

REQUEST RIRB
MEETING.

☐

MODIFY DRAFT RES
INDEPENDENT RECOMMENDATIONS
AS INDICATED BELOW.

☐

NOT PARTICIPATING.

COMMENTS AND SUGGESTIONS:

G. A. Arlotto

MEMBER, RIRB

4/3/85

DATE

RES INDEPENDENT REVIEW BOARD

VOTING SHEET

TO: F. P. GILLESPIE, CHAIRMAN, RIRB

FROM: W. M. Morrison, Member, RIRB

TITLE OF RULEMAKING: Uranium Mill Tailings Regulations: Groundwater
Protection and Other Issues (Part 40)



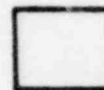
AGREE WITH DRAFT RES
INDEPENDENT RECOMMENDATIONS
IN DRAFT INDEPENDENT REVIEW
PACKAGE.



REQUEST RIRB
MEETING.



MODIFY DRAFT RES
INDEPENDENT RECOMMENDATIONS
AS INDICATED BELOW.



NOT PARTICIPATING.

COMMENTS AND SUGGESTIONS:

Straight approval.

W. M. Morrison

W. M. MORRISON
MEMBER, RIRB

4/4/85

DATE

RES INDEPENDENT REVIEW OF NMSS-SPONSORED RULE

ROUTING AND TRANSMITTAL SLIP

Date

TO: (Name, office symbol, room number, Building, Agency/Post)	Initials	Date
1. W. M. Morrison, Member, RIRB		
2.		
3. G. A. Arlotto, Member, RIRB		
4. F. P. Gillespie, Chairman, RIRB		
5.		

Action	File	Note and Return
Approval	For Clearance	For Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS *Unconform Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards - Part 40.*

We are at step III.C.2, "RIRB deliberations," of the RES independent review procedures for the attached specific ongoing rulemaking sponsored by NMSS.

Please evaluate the attached draft independent review package and provide RAMRB with your voting sheet indicating your position on the rulemaking.

Your response by c.o.b. will assist in RES' making independent recommendations to the EDO in a timely manner.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
RAMRB staff	Phone No. 443-7885

8041-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.606

MEMORANDUM RES TO EDO
WITH
DIVISION DIRECTOR CONCURRENCE

DRAFT

MEMORANDUM FOR: William J. Dircks
Executive Director for Operations

FROM: Robert B. Minogue, Director
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Based on our independent review of the rulemaking, "Uranium Mill Tailings Regulations (10 CFR Part 40): Conforming NRC Requirements to EPA Standards," sponsored by NMSS, RES agrees with the recommendation of the Director, NMSS, that the rulemaking effort should continue.

The basis for our recommendations is as follows:

- ° NRC must comply with the Congressional mandate to conform existing NRC regulations for uranium mill tailings to EPA standards. In addition, certain provisions of Appendix A of 10 CFR Part 40 are in conflict, or are inconsistent with recent EPA standards.
- ° Proceeding with effective rulemaking is in conformance with NRC Planning Guidance for uranium mill tailings regulations which indicates that the remaining changes for implementing EPA's standards shall be completed by January 1, 1988.
- ° At this time RES is not aware of any reasonable alternative to proceeding with this rulemaking effort to make NRC's non-groundwater regulation consistent with EPA standards as directed by Congressional mandate.

Robert B. Minogue, Director
Office of Nuclear Regulatory Research

DISTRIBUTION

Subj. FCostanzi
Circ. KGoller
Chron. DRoss
WMB/rf RMinogue
JStewart WOTT

NOTE * See previous concurrence

OFC: DRPES/WMB	: DRPES/WMB	: DRPES/D	: RES/DD	: RES/D	: RIRB	:
<hr/>						
NAME: JStewart:pd	: FCostanzi	: KGoller	: DRoss	: RMinogue	: FGillespie	:
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DATE: 3/ /85	: 3/ /85	: 3/ /85	: 3/ /85	: 3/ /85	: 3/ /85	:

DRAFT

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The basis for our recommendations is as follows:

- ° NRC must comply with the Congressional mandate to conform existing NRC regulations for uranium mill tailings to EPA standards. In addition, certain provisions of Appendix A of 10CFR Part 40 are in conflict or inconsistent with recent EPA standards.
- ° Proceeding with effective rulemaking is in conformance with NRC Planning Guidance for uranium mill tailings regulations which indicates that the remaining changes for implementing EPA's standards shall be completed by January 1, 1988.
- ° At this time RES is not aware of any reasonable alternative to proceeding with this rulemaking effort to make NRC's non-groundwater regulation consistent with EPA standards as directed by Congressional mandate.

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NOTE *See previous concurrence

OFC: DRPES/WMB	: DRPES/WMB	: DRPES/D	: RES/DD	: RES/D	: RIRB	:
NAME: JStewart:pd	: FCostanzi	: KGoller	: DRoss	: RMinogue	: FGilesple	:
DATE: 3/28/85	: 3/14/85	: 3/19/85	: 3/ /85	: 3/ /85	:	: