

JUN 13 1989

Dr. Dade W. Moeller, Chairman
Advisory Committee on Nuclear Waste
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Dr. Moeller:

We appreciate receiving the comments on mixed waste contained in your letter to Chairman Zech, dated May 3, 1989. We will consider all your comments fully as we continue to work with the Environmental Protection Agency (EPA) staff on matters affecting mixed waste regulation.

We particularly agree that mixed waste regulation is an area where direct discussions between the Chairman and the EPA Administrator could prove helpful.

You also suggest that existing U.S. Nuclear Regulatory Commission (NRC) requirements would adequately protect ground-water resources from hazardous chemical disposal. While this may be the case, no technical evaluation of the migration of hazardous chemicals from a disposal site meeting NRC requirements has been made, and changes to 10 CFR Part 61 might be needed to achieve adequate protection. We believe that a study that would bound the behavior of hazardous chemicals would be needed before NRC could adopt this position. At this time, the NRC staff does not have the technical expertise to conduct such a study. Also, the minimum technology provisions in the Resource Conservation and Recovery Act (RCRA) and the Hazardous and Solid Waste Act would need to be modified to effect this approach.

As to the resources we have budgeted for mixed waste in FY90 and FY91, they are based on joint NRC and EPA planned activities. Although we believe the budgeted resources are adequate to support these planned activities, they would not be sufficient to support any significant additional work or new initiatives such as the study discussed above.

We agree with you that naturally occurring and accelerator-produced radioactive materials (NARM), which are currently regulated by States, may contain RCRA hazardous materials. However, we are not planning to address disposal of mixed NARM waste specifically, because NRC has no regulatory authority over NARM. We are also aware that mixed greater-than-Class C (GTCC) wastes may be generated, although in very small quantities, and recognize that the Department of Energy disposal capacity for GTCC wastes will need to provide for mixed wastes.

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The staff expects to discuss these and other issues in the upcoming mixed waste workshop being planned by the ACNW for August 14 and 15. Again, your comments are appreciated, and we thank you for your interest in this matter.

Sincerely,

Original signed by
Victor Stello, Jr.
Victor Stello, Jr.
Executive Director for Operations

cc: Sher Bahadur, OCM/LZ
Maria Lopez-Otin, OCM/TR
Margaret Federline, OCM/KC
Susan Bilhorn, OCM/KR
Janet Kotra, OCM/JC
SECY

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PDR Yes No Proprietary or CF Only
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SUBJECT ABSTRACT: MANAGEMENT OF MIXED HAZ & LLR WASTES (MIXED WASTES)

*SEE PREVIOUS CONCURRENCE

OFC :LLRB*	:LLRB*	:LLRB*	:EDITOR*	:OGC*	:NMSS*	:LLWM*
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DATE:05/30/89	:05/30/89	:05/30/89	:05/30/89	:05/31/89	:05/31/89	:06/01/89

OFC :LLWM*	:NMSS	:NMSS	:DEPS	:EDO
NAME:RBangart	:CPaperjello	:RBernero	:HThompson	:VStello
DATE:06/01/89	: / 89	: 6/5 /89	: 6/19 /89	: / /89

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