



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON NUCLEAR WASTE
WASHINGTON, D.C. 20555

ACNW-89-001

May 3, 1989

The Honorable Lando W. Zech, Jr.
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Zech:

SUBJECT: MANAGEMENT OF MIXED HAZARDOUS AND LOW-LEVEL RADIOACTIVE WASTES
(MIXED WASTES)

During its ninth meeting, April 26-28, 1989, the Advisory Committee on Nuclear Waste (ACNW) met with members of the NRC staff and representatives from the Nuclear Management and Resources Council (NUMARC) to discuss the current status of the development of procedures for licensing facilities for the disposal of mixed wastes. This matter has also been discussed during meetings held by the Committee in calendar year 1988.

As you know, the U.S. Congress has assigned dual jurisdiction for the regulation of mixed wastes to the NRC and the Environmental Protection Agency (EPA). As a result, representatives of these two agencies have met on a regular basis over the past several years in attempting to resolve the problems caused by dual jurisdiction and to develop a common approach toward regulation. Unfortunately, for various reasons, these meetings have not resulted in full resolution of these problems, while at the same time mixed wastes continue to be generated and various groups are developing plans to submit applications for licensing disposal facilities for such wastes.

On the basis of these observations and our latest discussions on this matter, we offer the following comments.

1. It should be possible to resolve the problems caused by dual jurisdiction. For example, existing agreements between NRC and the Occupational Safety and Health Administration on the regulation of occupational health and safety at nuclear power plants, and between NRC and the Department of Transportation on matters relating to the transportation of radioactive materials, could serve as models for developing a joint agreement between NRC and EPA. Direct discussions between the NRC Chairman and the EPA Administrator could help bring this subject to closure. We urge that consideration be given to this approach.
2. During our meeting, we learned that most organizations knowledgeable in this field have concluded that any facility that meets NRC's regulatory requirements for the disposal of low-level radioactive wastes is capable of meeting the EPA criteria for the disposal of hazardous (nonradioactive) wastes. This conclusion

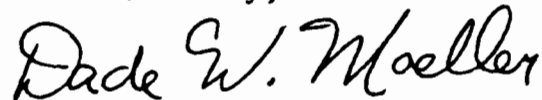
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could serve as a basis for the development of a joint NRC-EPA statement for regulating such wastes.

3. This matter is of sufficient importance that the NRC resources being directed to its attention should be increased. We were told that the projected effort for Fiscal Years 1990 and 1991 is at a level of 0.5 FTE. We believe this is inadequate.
4. Many groups (NRC, EPA, NUMARC, and the Department of Energy) are addressing the problems related to the disposal of mixed wastes, and, although most of the related issues appear to have been identified, several appear to have been overlooked. These include the development of specific guidance for the regulation of hazardous wastes that contain naturally occurring and accelerator-produced radioactive materials and of hazardous wastes that contain greater-than-Class-C low-level radioactive wastes. These matters need to be addressed.

It is our conclusion that the problems associated with the development of a joint NRC-EPA regulatory approach for licensing facilities for the disposal of mixed wastes are primarily institutional. We hope that these comments will serve as a stimulus for the development of approaches for resolving these problems.

Sincerely,



Dade W. Moeller
Chairman