UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DOCKET NUMBER
PROPOSED RULE PR-30 et al (44FR50012) (46)

13 NOV 1979

DOCKET NUMBER
PROPOSED RULE PR-Misc Noise Reg Basis

OFFICE OF
AIR, NOISE, AND RADIATION

DEC 7 1979

Mr. Lee V. Gossick
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Gossick:

This letter responds to your request of September 19, 1979 for our comments and recommendations regarding the comparability of NRC's proposed regulations for uranium and thorium mill tailings with the requirements for similar hazardous materials under the Solid Waste Disposal Act (SWDA). Specifically, Section 84a(3) of the Atomic Energy Act (AEA), as amended, requires the Commission's general requirements to be, "to the maximum extent practicable, at least comparable to requirements applicable to the possession, transfer, and disposal of similar hazardous material regulated by (EPA) under the Solid Waste Disposal Act, as amended."

The following comments address only the issue raised above. We will comment separately on other aspects of NRC's proposed regulations and the Draft Generic Environmental Impact Statement upon which they are based.

EPA has proposed regulations for hazardous wastes (December 18, 1978, 43 F.R. 58946), including uranium mining wastes, phosphate wastes, and a variety of toxic wastes, some of which are carcinogenic. The Commission's approach to regulating tailings appears similar to the Agency's for these hazardous wastes. Both agencies are attempting to identify the greatest degree of long-term control (isolation) of the wastes commensurate with their potential hazards and with technical and economic realities. However, in response to extensive public comments, EPA is considering significant revisions of its proposals for hazardous wastes. Therefore, we cannot make a detailed comparison of regulations until the Agency has reached a final judgment on its existing proposals, which should be completed early next year. Based on the present state of the revisions, we can conclude the two regulatory programs are comparable in approach and in the overall degree of public health protection they will provide.

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As you know, EPA is developing standards for uranium mill tailings under the directive of the Uranium Mill Tailings Radiation Control Act of 1978. When these are available, the Commission will have specific numerical environmental and public health protection requirements to implement through its regulations. We are developing these standards consistently with our approach to developing requirements for hazardous waste disposal under the SWDA.

Our staff will keep you informed regarding EPA's development of regulations and standards under the Solid Waste Disposal Act and the Uranium Mill Tailings Radiation Control Act. Please address any questions you may have to Stanley Lichtman of the Office of Radiation Programs (557-8927).

Sincerely yours,

David G. Hawkins
Assistant Administrator
for Air, Noise, and Radiation

cc: Steffen W. Plehn, OSW (WH-562)

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