

DOCKET NUMBER
BROOKING BILL PR-30,40,70,150,170
(44 FR 50012)

November 7, 1980



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Mr. Samuel J. Chilk
Secretary
United States Nuclear
Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

Dear Mr. Secretary:

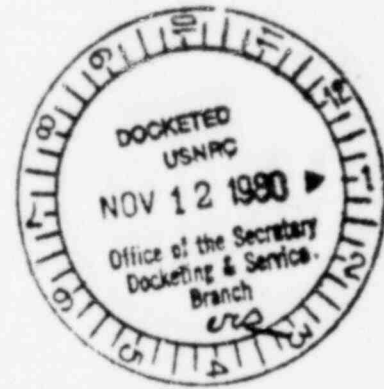
The American Mining Congress (AMC), through its Uranium Environmental Subcommittee, filed with the Environmental Protection Agency (EPA) on October 14, 1980, a petition for reconsideration and revision of the radiation protection standards of 40 CFR Part 190 with respect to uranium mills. In that petition, we requested a stay of the effective date of the standard for mills, which is presently December 1, 1980, pending EPA's consideration of our request. Simultaneously, we filed copies of the petition with the Nuclear Regulatory Commission (NRC) and requested a stay of enforcement and implementation of 40 CFR Part 190. As of this date, neither agency has acted on the respective requests.

As recounted in our petition and in previous NRC staff comments, EPA's radiation protection standards are deficient in a number of respects. These deficiencies are highlighted by substantial new data developed since the promulgation of the regulation in January 1977. In substance, our petition and your comments demonstrate that the radiation protection standards are neither cost-effective nor practicable. Further, NRC's Final GEIS on uranium tailings demonstrates that controls necessary to meet 40 CFR Part 190 will effect only risks associated with radon and even this effect will be minimal. Moreover, the final GEIS indicates that you realize the risks associated with 40 CFR Part 190 doses are too insignificant to quantify.

Despite these glaring deficiencies, NRC is now considering amendments to 10 CFR 20 to adopt by reference EPA's radiation protection standards. This was announced in the Federal Register of April 1, 1980 (45 Fed. Reg. 26072). However, NRC can not incorporate 40 CFR Part 190 into its regulations without a formal determination that EPA's radiation protection standards are practicable.

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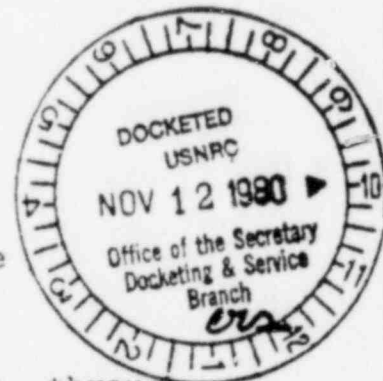
DOCKET NUMBER
PROPOSED RULE PR-30,40,70,150,170
(44 FR 50012)

November 4, 1980

The Honorable Douglas M. Costle
Administrator
U.S. Environmental
Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Dear Mr. Administrator:

RE: Request for Stay of Effective
Date of Radiation Protection
Standards for Uranium Mills



The American Mining Congress (AMC), through its Uranium Environmental Subcommittee, filed with your agency on October 14, 1980, a petition for reconsideration and revision of the radiation protection standards of 40 CFR 190 with respect to uranium mills. In that petition, we requested a stay of the effective date of the standard for mills, which is presently December 1, 1980, pending your Agency's consideration of our petition. The purpose of this letter is to renew our request for a stay and to ask that such action be taken no later than November 14, 1980.

As demonstrated in our petition, a number of deficiencies undermine the feasibility and enforceability of 40 CFR 190. These deficiencies are highlighted by substantial new data developed since the promulgation of the regulation in January 1977. The purpose of our petition is to seek, through the regulatory process, a workable standard for mills that is both cost-effective and environmentally sound. If the rulemaking proceedings are reopened, AMC's Uranium Environmental Subcommittee will participate with the intent of achieving this goal.

At this time, we strongly urge you to stay the effective date of 40 CFR 190 pending your consideration of our petition. A stay of sufficient duration to permit your Agency's careful consideration of our petition will harm neither the government nor the public interest. However, allowing 40 CFR 190 to become effective on December 1, 1980, will result in substantial and immediate harm to uranium processors because a number of mills will be unable to comply.



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October 14, 1980

DOCKET NUMBER PR 30,40,70,150,170
PROPOSED RULE (44 FR 50012)



Mr. Samuel J. Chilk
Secretary to the Commission
Nuclear Regulatory Commission
Room H1135
1717 H Street, N.W.
Washington, D.C. 20555

Dear Mr. Chilk:

On this date the American Mining Congress on behalf of the uranium mining industry has filed with the Environmental Protection Agency a petition for reconsideration and revision of the radiation protection standards for nuclear power operations now codified in 40 CFR 190 (1980). A copy of the letter of transmittal to the Administrator together with three copies of the petition and its supporting documents are enclosed.

The standards of 40 CFR 190 are effective for uranium mills on December 1, 1980. Because the Nuclear Regulatory Commission is responsible for enforcement of 40 CFR 190, we also request that this agency stay enforcement and implementation of this regulation pending EPA's consideration of the petition and any judicial review of that agency's ultimate decision.

The AMC requests this relief for the reasons stated in the petition, namely: that new scientific and technical data available since promulgation of 40 CFR 190 indicate that the standards are unwarranted in either environmental or public health terms and are impracticable and unachievable at reasonable costs, and that -- in any event -- the original record supporting the standards is fatally defective.

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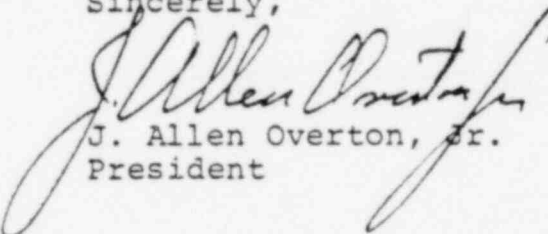
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Please forward our request to the Commission and advise Larry A. Boggs of my staff and Anthony Thompson of Hamel, Park, McCabe & Saunders, outside counsel for AMC in this matter (see address below), of any action taken.

Prompt attention to our request will be appreciated.

Sincerely,



J. Allen Overton, Jr.
President

cc: Douglas M. Costle
Administrator
Environmental Protection Agency

Allen C. B. Richardson
Office of Radiation Programs
Environmental Protection Agency

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Attorneys for the
American Mining Congress