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COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

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RICHARD AGNEW
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August 6, 1990

The Honorable Kenneth M. Carr
 Chairman
 U.S. Nuclear Regulatory Commission
 Washington, D.C. 20555

Dear Mr. Chairman:

Congressman Miller and Congressman Rahall introduced separate bills last week to allow states to regulate the disposal of low-level radioactive wastes the Commission considers "below regulatory concern." One of these bills, Mr. Miller's, would also revoke the Commission's below regulatory concern policy statement. A copy of each of the bills is enclosed.

I would be grateful if you would provide me with the Commission's views on the two bills. It would be especially helpful if you could give me these views before Congress reconvenes on Wednesday, September 5.

Thank you for your assistance.

Sincerely,

Morris K. Udall
Chairman

8/7...To OGC to Prepare Response for Signature of Chairman
 Date due Comm: Aug 21...OCA to Ack, RF, Chairman, Comrs, EDO
 DSB, OIG...90-0823

9009250120 900911
 PDR COMMS NRCC
 CORRESPONDENCE PIC

Introduced August 3, 1990

MILLCA019

ELC

101ST CONGRESS
2D SESSION

H. R. 5505

IN THE HOUSE OF REPRESENTATIVES

Mr. MILLER of California introduced the following bill; which was referred to the Committee on Interior and Insular Affairs and Energy and Commerce

A BILL

To amend the Atomic Energy Act of 1954 to authorize the States to regulate the disposal of low-level radioactive waste for which the Nuclear Regulatory Commission does not require disposal in a licensed facility.

- 1 Be it enacted by the Senate and House of Representatives
- 2 of the United States of America in Congress assembled,

1 SECTION 1. STATE AUTHORITY TO REGULATE DISPOSAL OF LOW-LEVEL
2 RADIOACTIVE WASTE BELOW LEVEL OF NRC REGULATORY
3 CONCERN.

4 (a) IN GENERAL.--The Atomic Energy Act of 1954 (42 U.S.C.
5 2011 et seq.) is amended by inserting after section 275 the
6 following new section:

7 "SEC. 276. STATE AUTHORITY TO REGULATE DISPOSAL OF LOW-LEVEL
8 RADIOACTIVE WASTE BELOW LEVEL OF REGULATORY
9 CONCERN OF NUCLEAR REGULATORY COMMISSION.

10 (a) IN GENERAL.--No provision of this Act, or of any
11 other Federal law, may be construed to prohibit or otherwise
12 restrict the authority of any State to regulate, on the basis
13 of radiological hazard, the disposal of low-level radioactive
14 waste for which--

15 (1) the States are responsible under section 3 of
16 the Low-Level Radioactive Waste Policy Act; and

17 (2) the Nuclear Regulatory Commission does not
18 require disposal in a low-level radioactive waste
19 disposal facility licensed by such Commission or an
20 agreement State.

21 (b) DEFINITIONS.--Each term used in this section that
22 is also used in the Low-Level Radioactive Waste Policy Act
23 shall have the meaning given such term in section 2 of such
24 Act."

Handwritten:
MILLCA019
12/16/82
12/16/82

1 (b) CONFORMING AMENDMENT.--The table of contents of the
2 Atomic Energy Act of 1954 (42 U.S.C. 2011 prec.) is amended
3 by inserting after the item relating to section 275 the
4 following new item:

''Sec. 276. State authority to regulate disposal of low-level
radioactive waste below level of regulatory concern
of Nuclear Regulatory Commission.

5 **SEC. 2. REVOCATION OF RELATED NRC POLICY.**

6 The policy statement of the Nuclear Regulatory Commission
7 published in the Federal Register on July 3, 1990 (55 Fed.
8 Reg. 27522), relating to radioactive waste below regulatory
9 concern, shall have no effect after the date of the enactment
10 of this Act.

101st CONGRESS
2D SESSION

H. R. 5446

August 2, 1990

IN THE HOUSE OF REPRESENTATIVES

(for himself and Mr. Campbell of Colorado)

Mr. RAHALL introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Atomic Energy Act of 1954 to clarify the power of State and local governments to regulate the disposal of radioactive material that is not otherwise regulated by the Nuclear Regulatory Commission.

1 Be it enacted by the Senate and House of Representatives
2 of the United States of America in Congress assembled,

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the "Low-Level Radioactive
3 *Environmental and Health Protection*
4 Waste ~~Disposal~~ Act of 1990".

4 SEC. 2. STATE AND LOCAL POWER TO REGULATE DISPOSAL OF
5 RADIOACTIVE MATERIAL NOT REGULATED BY NUCLEAR
6 REGULATORY COMMISSION.

7 (a) IN GENERAL.--The Atomic Energy Act of 1954 (42 U.S.C.
8 2011 et seq.) is amended by inserting after section 275 the
9 following new section:

10 "SEC. 276. STATE AND LOCAL POWER TO REGULATE DISPOSAL OF
11 RADIOACTIVE MATERIAL NOT REGULATED BY NUCLEAR
12 REGULATORY COMMISSION.

13 (a) IN GENERAL.--No provision of this Act, or of any
14 other Federal law, may be construed to deny or limit the
15 power of any State (or political subdivision of a State) to
16 regulate the disposal of radioactive material that is
17 exempted from regulation by the Nuclear Regulatory Commission
18 on the basis of the concentration or quantity of
19 radionuclides.

20 (b) DEFINITION.--For purposes of this section, the term
21 'State' has the meaning given such term in section 274 n."

22 (b) CONFORMING AMENDMENT.--The table of contents of the
23 Atomic Energy Act of 1954 (42 U.S.C. 2011 prec.) is amended
24 by inserting after the item relating to section 275 the

12/10/90

1 following new item:

Sec. 276. State and local power to regulate disposal of radioactive material not regulated by Nuclear Regulatory Commission.