

AUG 27 1979

MEMORANDUM FOR: K. R. Collier, Director, SHSS:SD

THRU: M. A. Parsons, Chief, RHSB:SD

R. A. Purple, Assistant Director for RHSS:SD

FROM: S. C. Whitfield, Radiobiologist, RHSB:SD

SUBJECT: COMMENTS ON PROPOSED EPA CARCINOGEN POLICY

This is in response to your request for comments on the draft of EPA's proposed carcinogen policy. Attached are some suggested editorial changes in the document for transmittal to EPA.

With regard to the potential impact of the proposed policy I have several observations. EPA recently issued a proposed Federal Register notice listing radionuclides as hazardous air pollutants under Section 112 of the Clean Air Act as amended in 1977. The proposed carcinogen policy establishes criteria for regulation of carcinogenic substances under the Clean Air Act. The rationale for regulation of radioactive substances as a class of pollutants appears to be un-derstandable, i.e., it appears that radioactive substances as a class meet the carcinogen policy criteria for classification as a "significant public health risk" (based on carcinogenic "potency" and level of public exposure) which automatically places them under Section 112; however, it is stated on page 20 of the policy that prior to classification under Section 112, it may be determined that "regulatory actions under other laws administered by EPA or by other regulatory agencies eliminate the need for further EPA action under the Clean Air Act." Also it isn't clear in the policy that radioactive substances will be treated as a "class". If not, it appears that there may be some question as to whether all radioactive substances regulated by NRC, considered singularly, can meet the dual criterion for a significant health risk, i.e., carcinogenic potency and significant public exposure.

For those substances listed under Section 112, the Clean Air Act stipulates that emission standards for these substances must be proposed within 150 days. Under the carcinogen policy, it isn't clear that this limit applies, i.e., under the carcinogen policy, listing of a substance triggers the assignment of a priority for the development of final emission regulations for significant categories of sources emitting the substances. Thus it appears that the early publication of emission standards depends upon both the assignment of priority, and the determination that a given stationary source falls within a "significant category."

The Clean Air Act as amended apparently leaves open the possibility for EPA to promulgate identical standards previously established by NRC to the extent that EPA finds such standards adequate to fulfill the requirements of the act.

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Although listing under Section 112 will result in emission standards for significant source categories employing at a minimum, "best available technology" (BAT), there doesn't appear to be any explicit guidance in the proposed policy with regard to the applicability of ALARA in Appendix I to BAT or whether compliance with 40 CFR 190 will be compatible with BAT for the uranium fuel cycle.

S. C. Whitfield
Radiological Health Standards Branch
Office of Standards Development

Attachment:
As stated

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