



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 06, 1994

Ms. Michele McNeill
4444 S. Brooklawn Dr.
New Palestine, IN 46163

Dear Ms. McNeill:

I am writing in response to your September 20, 1994, request for information on toxic waste and toxic waste recycling. In order to adequately respond to your request, I thought it first might be helpful to explain how toxic materials, hazardous waste, and radioactive materials are regulated in the United States.

Under the Atomic Energy Act of 1954, the Nuclear Regulatory Commission (NRC) regulates the civilian uses of certain nuclear materials (called source, special nuclear and byproduct material) in the United States. NRC's mission is to protect the public health and safety, the environment, and the common defense and security. NRC accomplishes this mission through: licensing nuclear facilities and the possession, use and disposal of nuclear materials; the development and implementation of guidance and requirements governing licensed activities; and inspection and enforcement activities to ensure compliance with these requirements. Some States have entered into an agreement with NRC to regulate source, special nuclear, and byproduct material at non-Federal facilities within their borders, in lieu of NRC. These States are referred to as Agreement States. Indiana has not entered into one of these agreements with NRC and, as such, source, special nuclear and byproduct material is regulated by NRC in your state.

Other Federal or State agencies exercise regulatory oversight for non-radioactive materials. These agencies include the U.S. Environmental Protection Agency (EPA) which has regulatory responsibility for, among other things, protecting humans and the environment from hazardous waste and toxic materials. EPA regulates the management of hazardous waste under the Resource Conservation and Recovery Act (RCRA), the cleanup of sites contaminated with hazardous waste under the Comprehensive Environmental Response Compensation and Liability Act (also called "Superfund"), and the toxic materials under the Toxic Substances Control Act. EPA also has programs allowing State agencies to assume regulatory oversight responsibility in lieu of the Federal program.

Currently, NRC does not generally allow users of radioactive material to recycle their radioactive waste. However, in 1995, NRC staff expects to begin the process of developing regulations for recycling materials contaminated with small quantities of radionuclides, that would otherwise be considered a waste under today's policy. Any such recycling would have to be justified on the basis of a low risk to the public and, as with all NRC regulations, the recycling regulation will be developed with input from members of the public and other interested parties.

I have enclosed a pamphlet entitled "Regulating the Disposal of Low-Level Radioactive Waste" that discusses the NRC's program for the management of radioactive waste in further detail and a document entitled "RCRA Orientation

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Manual - 1990 Edition" that discusses EPA's regulations for hazardous waste management. I have also enclosed several documents that discuss the NRC and its mission. For further information on the EPA's recycling regulations, I suggest you call the RCRC/Superfund Hotline at (703) 412-9810. The Hotline operates from 8:30 a.m. to 7:30 p.m. EST, Monday through Friday.

I hope you find this information helpful. If you have any further questions about the NRC's requirements for radioactive waste management, please call Nick Orlando, of my staff, at (301) 415-6749.

Good luck on your project.

Sincerely,

JS

John H. Austin, Chief
Low-Level Waste and Decommissioning
Projects Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Enclosures: As stated

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