



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

MAR 06 1984

MEMORANDUM FOR: Chairman Palladino
Commissioner Gilinsky
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: URANIUM MILL TAILINGS

Following up the Chairman's testimony given at the budget hearing on February 23, 1984, Mr. John G. Davis, Mr. Robert Browning, Mr. Guy H. Cunningham, Mr. Robert Fonner, and Ms. Janet Gorn met on February 27th with Mr. James Curtis (majority counsel) and Ms. Anita Ruud (minority counsel), staff members of the Senate Subcommittee on Nuclear Regulation, Committee on Environment and Public Works. Mr. Curtis desired amplification of the Staff's views on implementation of Section 84c. of the Atomic Energy Act (§ 20 of the NRC Authorization Act for Fiscal Year 1982-83). Under Section 84c. licensees may propose alternatives to specific requirements for disposing of uranium mill tailings. (A copy of Section 84c. is attached).

Mr. Curtis stated his view that Section 84c. gives the Commission adequate flexibility to review and approve a licensee's alternatives for groundwater protection (e.g., allows NRC to consider a natural or clay liner in lieu of a synthetic liner) provided the alternatives are equivalent to the extent practicable to NRC and EPA standards. In determining the equivalency of protection afforded by such alternatives, Mr. Curtis urged that NRC should be able to proceed upon an assumption that any synthetic liner will eventually leak.

The Staff expressed its view that the EPA non-degradation standard assumes an effective liner for the period of active disposal operations. While agreeing that Section 84c. as written gives the NRC statutory flexibility, the Staff suggested that the non-degradation standard promulgated by EPA makes it difficult, if not impossible, to evaluate an alternative proposal for equivalency assuming a leaking synthetic liner and the resulting degradation of groundwater. Assuming a leaking synthetic liner for evaluation purposes may also require establishing speculative alternative concentration limits for hazardous constituents in groundwater. Under 40 CFR 192 such alternative concentration limits may require EPA concurrence.

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Mr. Curtis was assured that, although no application for an alternative to present requirements has been received by NRC, the Staff would certainly consider such an application on its merits.

(Signed) William J. Dircks

William J. Dircks
Executive Director for Operations

Attachment: As stated

cc: OPE
OGC
SECY
OCA
M. Davis
R. Browning
R.L. Fonner
J. Gorn
Region IV
URFO-Denver

§ 34c. of the Atomic Energy Act

c. In the case of sites at which ores are processed primarily for their source material content or which are used for the disposal of byproduct material as defined in section 11 e. (2), a licensee may propose alternatives to specific requirements adopted and enforced by the Commission under this Act. Such alternative proposals may take into account local or regional conditions including geology, topography, hydrology and meteorology. The Commission may treat such alternatives as satisfying Commission requirements if the Commission determines that such alternatives will achieve a level of stabilization and containment of the sites concerned, and a level of protection for public health, safety, and the environment from radiological and nonradiological hazards associated with such sites, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by standards and requirements adopted and enforced by the Commission for the same purpose and any final standards promulgated by the Administrator of the Environmental Protection Agency in accordance with section 275.

ATTACHMENT