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JUN 10 1986 R6 JUN 11 P3:52

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WM Project

213

Docket No.

PDR

LPDR

Mr. David K. Lacker, Director
 Bureau of Radiation Control
 Department of Health
 1100 West 49th Street
 Austin, Texas 78756-3189

Distribution:

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Dear Mr. Lacker:

Thank you for your letter dated April 1, 1986 which provided comments on NRC's draft amendments to 10 CFR Part 40 regarding ground water protection aspects of uranium mill tailings, and also expressed several concerns about the impact these proposed rules will have on Agreement State programs.

A copy of your April 8, 1986 letter was supplied to the NRC's Division of Waste Management. Their comments are provided as enclosure 1 and are keyed to your April 1, 1986 letter.

Your letter also asks if these rules will be an item of strict compatibility. 10 CFR 40 has its basis and foundation in the Uranium Mill Tailings Radiation Control Act of 1978 as amended (UMTRCA) and EPA standards 40 CFR 190 and 192. Consequently, if and when these revisions are published as a final rule they will be considered a matter of compatibility.

We would note that Section 274o of the Atomic Energy Act of 1954 as amended provides a mechanism for a State to adopt alternatives (including where appropriate site-specific alternatives) to the requirements adopted and enforced by the Commission for the same purpose.

We appreciate receiving your input.

Sincerely,

Original signed by:
 D. Nussbaumer

Donald A. Nussbaumer
 Assistant Director for
 State Agreements Program
 Office of State Programs

Enclosure:
 As stated

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 PDR PR
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see previous concurrences:

OFFICE	SA	SA	ELD	NMSS			
SURNAME	JFKendig/bh	DANussbaumer	RFonner	RBrowning			
DATE	6/9/86	6/10/86	6/3/86	6/6/86			

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