

January 27, 1999

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - COMSECY-98-037 - A U.S. ENVIRONMENTAL PROTECTION
AGENCY PROPOSAL TO FACILITATE THE DISPOSAL OF MIXED WASTE

The Commission has approved the proposed response to EPA's June 24, 1998, letter informing EPA that the NRC staff will provide assistance to EPA in developing the approach, or regulations supporting the approach, for disposal of mixed wastes in facilities permitted to accept hazardous waste pursuant to the Resource Conservation and Recovery Act (RCRA) without requiring that the facilities be licensed by NRC pursuant to [10 CFR Part 61](#). The letter should make reference to the parallel activities with EPA's Office of Solid Waste to make clear that there are two mixed waste simplification actions in progress. The following sentence should be added to the end of the third paragraph of the letter responding to EPA: 'For example, efforts to develop a mixed waste disposal standard could duplicate or be inconsistent with current NRC/EPA efforts to develop a "clearance level" for solid waste.' In addition, the discussion of the concern regarding the reference dose should be expanded to describe the NRC concern more clearly, as was done in the memorandum to the Commission. The staff should keep in mind that the Commission does not support a separate 1 mrem/yr groundwater standard, or any other standards that are not part of an all-pathways limit. The staff should keep the Commission informed of the status of these issues and, in particular, if new insight or information is gained regarding EPA's "reference dose" approach.

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CIO
CFO
OCA
OIG

SECY NOTE: This SRM, the related Commission votes, and the COMSECY will be released to the public 5 days after the letter is sent to EPA.