

January 27, 1997

MEMORANDUM TO: Margaret V. Federline, Deputy Director
Division of Waste Management, NMSS

THROUGH: Joseph J. Holonich, Chief
Uranium Recovery Branch, DWM

FROM: Myron Fliegel, Senior Project Manager
Uranium Recovery Branch, DWM

SUBJECT: MEETING WITH EPA ON COMPARABILITY OF URANIUM RECOVERY
REGULATIONS

On December 20, 1996, we met with representatives of the U.S. Environmental Protection Agency (EPA) in Crystal City, Virginia, to discuss comparability of uranium recovery regulations. Section 84a(3) of the Atomic Energy Act (AEA) of 1954, as amended requires that NRC's regulations for uranium mill tailings be comparable to EPA's requirements that are applicable to possession, transfer, and disposal of similar wastes under the Solid Waste Disposal Act. Section 84a(3) also requires that EPA concur in NRC's determination of comparability. In 1989, NRC completed its evaluation of the comparability of the relevant EPA and NRC regulatory programs and transmitted its report to EPA on August 8, 1989 and October 11, 1989, requesting EPA's concurrence on comparability. NRC has raised this issue in several meetings with senior management of EPA's Office of Radiation and Indoor Air (ORIA). In these meetings EPA management indicated that ORIA had no objection regarding comparability but coordination with the EPA Office of Solid Waste would be required for a formal response. NRC staff initiated the December 20 meeting to discuss NRC's request for concurrence on comparability. At the meeting it was concluded that no formal response would be forthcoming in the near term because of other priorities at EPA. A summary of the meeting is attached.

Attachment: Meeting summary

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MEETING SUMMARY

Date/Time of Meeting: December 20, 1996, 1:30 p.m.

Location of Meeting: Environmental Protection Agency
Crystal City, Virginia

Attendees: Robert Dellinger, Associate Director and staff
Office of Solid Waste, EPA
Larry Weinstock, Director and staff
Office of Radiation and Indoor Air, EPA
Margaret Federline, NRC
Joseph Holonich, NRC
Myron Fliegel, NRC

The meeting was held to discuss U.S. Nuclear Regulatory Commission and U.S. Environmental Protection Agency (EPA) interactions with respect to Section 84a(3) of the Atomic Energy Act (AEA) of 1954, as amended. That section requires that NRC's regulations for uranium mill tailings be comparable to EPA's requirements that are applicable to possession, transfer, and disposal of similar wastes under the Solid Waste Disposal Act. Section 84a(3) also requires that EPA concur in NRC's determination of comparability. In 1989, NRC completed its evaluation of the comparability of the relevant EPA and NRC regulatory programs and transmitted its report to EPA on August 3, 1989 and October 11, 1989, requesting EPA's concurrence on comparability. NRC has raised this issue in several meetings with senior management of EPA's Office of Radiation and Indoor Air (ORIA). In these meetings EPA management indicated that ORIA had no objection regarding comparability but coordination with the EPA Office of Solid Waste would be required for a formal response. NRC staff initiated the December 20 meeting to discuss NRC's request for concurrence on comparability.

NRC staff noted that NRC has been conducting its uranium mill tailings regulatory program for over a decade without encountering any problems related to its regulations that could be attributed to lack of comparability with EPA regulations. EPA staff stated that it did not view the determination of comparability as high priority. However, EPA stated that it could not base a comparability determination solely on NRC's regulatory experience. EPA would have to independently review both sets of regulations and it would require a considerable amount of resources for EPA to perform that review, including reviewing the NRC 1989 evaluation, and make its own determination on comparability of regulations. After further discussion, both agencies concluded that the effort required to address the comparability issue would not be justified by the benefits to be derived and that it would not be a productive use of resources to pursue action on comparability at this time.