

9525.1986(04)

United States Environmental Protection Agency

August 11, 1986

Mr. Craig A. Barney
Rohm and Haas
Research Laboratories
727 Norristown Road
Spring House, PA 19477

Dear Mr. Barney:

Thank you for your letter of July 16, regarding the management of scintillation vials containing D001 wastes. I will respond to your questions in order.

1. If a RCRA facility (either permitted or with interim status) intends to manage waste other than those identified in its Part A permit application (whether as a result of handling mixed waste or otherwise), it must submit a revised Part A permit application to apply for a permit modification or a change during interim status, whichever is applicable (see 40 CFR 270.41 and 270.72). The same is true if the units or processes in which those wastes are managed will change as a result of accepting wastes previously not included on the Part A. Only where none of the information on the existing Part A changes may a facility manage radioactive mixed wastes without any notification to EPA or the authorized State.
2. If the facility is not changing the hazardous wastes it is handling or the units or processes in which the wastes are handled, then the RCRA permit need not be amended. However, the facility must comply with any applicable NRC licensing requirements, as well, if it wishes to begin storing radioactive mixed waste.
3. The waste must be manifested in accordance with both RCRA and AEA requirements.

However, radioactive mixed waste is not subject to AEA requirements if the Nuclear Regulatory Commission has designated

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the radioactive components of that waste as "below regulatory concern". This has been done for liquid scintillation media with 0.05 microcuries or less of hydrogen-3 or carbon-14, per gram of medium used for liquid scintillation counting (see attached Federal Register notice).