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NRC'S RESPONSE TO EPA'S ISSUANCE OF DRAFT DOSE STANDARD FOR YUCCA MOUNTAIN

The Nuclear Regulatory Commission has been proceeding on a rulemaking that involves radiation standards for a possible high-level waste repository at Yucca Mountain, Nevada, which are different from those advocated today by the Environmental Protection Agency.

Given the extended time it takes to complete a rulemaking, the NRC is proceeding with a regulation (Part 63 of Title 10 of the Code of Federal Regulations), which it issued for public comment in February. The agency's next step is to consider the comments received.

The Commission believes its proposed radiation dose limit of 25 millirems a year will fully protect public health and safety and is consistent with recommendations of the National Academy of Sciences and other national and international advisory bodies. The 25-millirem limit proposed by the NRC may be compared to the Commission's overall annual public dose limit of 100 millirems which is consistent with national and international advisory body recommendations. The Commission also has stated that there is no health and safety reason for a separate groundwater protection requirement.

By contrast, EPA proposes a 15-millirem limit and a separate groundwater standard. The NRC will file detailed comments on EPA's proposed rule during the comment period, explaining why it believes the NRC standards are fully protective.

By law, the NRC is required to amend its high-level waste rule to conform to a final rule when it is promulgated by EPA. However, the NRC would be concerned with any provision in the proposed standard that appeared intended to tell NRC how to implement the standard. The NRC's position is that Congress gave NRC the legal responsibility to implement the EPA standard and that matters pertaining to implementation should be left to NRC.

Although the NRC's proposed 25-millirem standard is not consistent with EPA's proposal, the NRC plans to proceed with its development of a final regulation in Part 63, because (1) the Commission believes that they are fully protective; (2) the recently issued EPA

standard is not final; and (3) because the law requires NRC to complete its regulation within one year of issuance of the EPA standard, which is a comparatively short time for NRC to complete a rulemaking. By proceeding with finalization of Part 63, the NRC will have a simpler task later, if EPA completes its rulemaking, because it expects to amend only the EPA-standard-related sections of Part 63 should they be different from those proposed by NRC.

If NRC issues a final Part 63 before the proposed EPA standard is finalized, and the NRC regulation is inconsistent with the EPA regulation, NRC will modify Part 63, as required by law.

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