

APR 04 1989

ANDERSON LETTER

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Mr. Cleve Anderson
Post Office Box 96777
Las Vegas, Nevada 89193

Dear Mr. Anderson:

I am responding to your letter to Chairman Zech dated March 7, 1989. In your letter, you expressed a concern that the U.S. Environmental Protection Agency (EPA), the U.S. Department of Energy (DOE), and the U.S. Nuclear Regulatory Commission (NRC) were not considering the amount of plutonium present in the spent nuclear fuel to be placed in the proposed Yucca Mountain, Nevada, high-level nuclear waste repository. Specifically, you stated that there was a lack of an EPA standard for the burial of plutonium and that DOE was not considering the presence of plutonium in its design of the repository. You also stated that NRC was negating its oversight responsibility by ignoring the plutonium issue.

EPA's "Environmental Radiation Protection Standards for Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Wastes," issued as Part 191 of Title 40 of the Code of Federal Regulations, specifically addresses plutonium release limits in Appendix A, Table 1, "Release Limits for Containment Requirements." In addition, the EPA supporting documentation for these standards (EPA 520/1-85-023, "Background Information Document, Final Rule for High-Level and Transuranic Radioactive Wastes") states that EPA evaluated the environmental impacts of disposal of spent nuclear fuel, without reprocessing to remove plutonium, when developing the standards. Therefore, the EPA standards explicitly consider plutonium.

As you may know, EPA's standards were vacated by a Federal court in July 1987, and EPA must now reissue its standards. However, because none of the challenges to the EPA standards was directed at the way they addressed plutonium, the NRC staff believes that those portions of the reissued EPA standards will continue to address plutonium. If you require any additional information on what EPA is doing to reissue its standards, you can contact them directly by writing:

U. S. Environmental Protection Agency
Office of Radiation Programs, ANR-460
Criteria and Standards Division
401 M Street, S.W.
Washington, D.C. 20460

With respect to your comment regarding NRC's oversight responsibility, I assure you that NRC has taken and will continue to take the steps necessary to protect the health and safety of the public. As part of this effort, NRC plans to change its regulations to incorporate portions of the reissued EPA standards for the disposal of high-level nuclear waste, including spent nuclear fuel. Such a rule would complement the other requirements NRC itself has established.

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I hope that this letter responds to your concern and provides you with sufficient information to demonstrate that both EPA and NRC do consider plutonium in their requirements for the disposal of spent nuclear fuel.

Sincerely,

(Signed) Robert M. Bernero

Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards

cc: U.S. Environmental Protection Agency

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