

October 26, 1995

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Rafona Trovato, Director
Office of Radiation and Indoor Air
U.S. Environmental Protection Agency
Washington, DC 20460

Dear Ms. Trovato:

On January 30, 1995, U.S. Environmental Protection Agency (EPA) published for comment its proposed "Criteria for the Certification and Determination of the Waste Isolation Pilot Plant's Compliance with Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Wastes" (40 CFR Part 194). As I indicated in my May 1, 1995, letter, Nuclear Regulatory Commission staff reviewed the compliance criteria and developed initial comments on the proposed rule. NRC staff briefed EPA on these initial comments on June 14, 1995. The initial comments included two themes that bear reemphasizing: (1) although the recent recommendations of the National Academy of Sciences (NAS) were made in the context of examining the technical bases for standards applicable to the proposed repository at Yucca Mountain, EPA should consider the NAS findings in its application and implementation of environmental standards at the Waste Isolation Pilot Plant (WIPP), where appropriate; and (2) EPA should consider that more effective implementation of the environmental standards may be possible through less prescriptive compliance criteria that are supplemented by guidance.

In my September 21, 1995, letter, I indicated that NRC planned to forward its comments to EPA at the conclusion of a review by the Commission. NRC staff are analyzing the NAS recommendations and pending legislation. We feel that it would be inappropriate to comment on the WIPP compliance criteria before this analysis is completed. Therefore, NRC will not be forwarding comments on the proposed compliance criteria to EPA. The absence of formal comments on the compliance criteria should not, however, be interpreted as NRC approval of the compliance criteria or as the absence of NRC concerns regarding the compliance criteria. NRC is cognizant that EPA will be continuing its activities to implement "Environmental Radiation Protection Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes" (40 CFR Part 191) at WIPP over the coming months and years. Although NRC will not be commenting upon the proposed compliance

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reaffirm NRC's interest in continuing to interact with EPA on issues ^{of} pertaining to the management and disposal of radioactive wastes. NRC will endeavor to keep EPA apprised of pertinent NRC activities.

Sincerely,

Carl J. Paperiello, Director
Office of Nuclear Materials Safety
and Safeguards

cc: (two copies)
Docket No. A-92-56
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U.S. Environmental Protection Agency
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Washington, DC 20460

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4. M. Federline		1/1
5. J. Greeves	JG	10/14/95
6. C. Paperiello		1/1
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MEMORANDUM FOR: Ramona Trovato, EPA
 FROM: Carl J. Paperiello
 SUBJECT: EPA Publication for Comments

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