

December 12, 2003

Dr. Jacob D. Paz  
J&L Environmental Service, Inc.  
1200 S. Redwood Street #89  
Las Vegas, NV 89133

Dear Dr. Paz:

I am responding to your October 31, 2003, letter to Chairman Diaz, of the U.S. Nuclear Regulatory Commission (NRC). You urge that NRC establish a cooperative collaboration with certain universities or National Laboratories, to study the combined effects of both radiation and hazardous chemicals, particularly as they may relate to health effects at the proposed Yucca Mountain repository site.

If the U.S. Department of Energy (DOE) submits a license application to NRC for the proposed repository at Yucca Mountain, NRC's safety determination and licensing decision will be based on an evaluation of the information provided in the application as well as information considered during a formal adjudicatory (trial-type) proceeding, as defined in the Commission Rules of Practice in 10 CFR, Part 2. As part of this process, NRC will determine whether DOE's proposal for the repository meets all applicable NRC requirements, including the individual radiation protection standard and the separate ground water radiation standard contained in 10 CFR Part 63. In evaluating DOE's application, the NRC will have the benefit of support from the Advisory Committee for Nuclear Waste as well as expertise from the Center for Nuclear Waste and Regulatory Analyses. NRC does not have statutory authority to regulate chemical hazards or the combined health effects from radiation and chemical hazards associated with facilities it regulates. As you are aware, the U.S. Environmental Protection Agency (EPA) has authority to regulate chemical hazards and has established protection standards that EPA might apply to sites under its jurisdiction.

The EPA published public health and environmental radiation protection standards specifically for Yucca Mountain at 40 CFR Part 197, in June 2001. The final EPA rule established an annual individual radiation protection dose limit and separate ground water radiation protection criteria. After careful consideration and solicitation of public comment, NRC incorporated the EPA standards into its final Part 63 regulations, which were published in November 2001. We believe that Part 63 is consistent with EPA's intent and is also responsive to public comments received on the rule.

Dr. J. D. Paz

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We trust this information responds to your concern. We appreciate your interest in NRC's regulatory program for the proposed geologic repository at Yucca Mountain. If you need additional information, please contact Janet Schlueter, Chief, High-Level Waste Branch, of my staff, at 301-415-7264, or via e-mail at [jrs1@nrc.gov](mailto:jrs1@nrc.gov).

Sincerely,

***/RA/***

C. William Reamer, Deputy Director  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

Dr. J. D. Paz

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Sincerely,

**/RA/**

C. William Reamer, Deputy Director  
Division of Waste Management  
Office of Nuclear Material Safety  
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\*See Previous Concurrence

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<b>OFC</b>	HLWB	Tech Ed	OGC	DWM
<b>NAME</b>	JSchlueter *	EKraus * via Fax	LChandler* no legal objection	CWReamer
<b>DATE</b>	12/4/03	12/4/03	12/8/03	12/12/03

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