



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

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PROPOSED RULE **PR-60** (13)  
(51 FR 22288)

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Mr. Samuel Chilk  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

WM Record File  
105.3.1

WM Project \_\_\_\_\_  
Docket No. \_\_\_\_\_  
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Dear Mr. Chilk:

In accordance with Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency has reviewed the U.S. Nuclear Regulatory Commission's Proposed Rule, "Disposal of High-level Radioactive Wastes in Geologic Repositories; Conforming Amendments" (51 FR 22288). These proposed rules would amend 10 CFR 60 to conform to EPA's standards for the disposal of these wastes.

In general, the Commission has incorporated the intent of 40 CFR 191 into this proposed rule. However, we have a few comments which we believe will clarify the proposed rule and make 10 CFR Part 60 more fully consistent with EPA's intentions in writing 40 CFR Part 191. Also, there are several apparent typographical errors which should be corrected.

1. p. 22288, first column: 40 CFR Part 191 was actually promulgated (signed by the Administrator) on August 15, 1985. September 19, 1985, was the date of publication in the Federal Register.

2. p. 22289, first column footnote: In response to NRC's request for clarification, NRC is correct in their interpretation of the Subpart A standards. Each of the dose equivalent limits is intended to be the potentially limiting dose, independent of the others, as appropriate, depending on the circumstances of the exposure.

3. p. 22291, first column, first paragraph: EPA believes that a performance assessment is an essential factor in the licensing process and must include numerical requirements. At the same time, we reaffirm our previous position that the level of confidence in the performance assessment will have to involve qualitative judgments at many points.

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Add: Daniel J. DeKuniper, 62355  
Dr. Clark Richard, 113055

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4. p. 22293, discussion following 40 CFR Part 191.14(a): The proposed 10 CFR Part 60.114 is not "fully consistent" with the thrust of EPA's position on institutional controls. EPA does not believe that future (beyond 100 years) actions can be relied upon to minimize releases from a repository. To be "fully consistent" with EPA, the word "passive" must be placed before "institutional controls" in the second sentence of proposed 10 CFR Part 60.114.

5. p. 22293, second column, first paragraph following 40 CFR Part 191.14b and p. 22295, third column, final paragraph: These two paragraphs appear to be contradictory. On p. 22293, the text indicates that 10 CFR Part 60 does not now require monitoring after repository closure, while on p. 22295, the text says that such monitoring is required. Clarification of this issue is needed.

6. p. 22300, section 60.122: The change in language from EPA's "widely available" to "reasonably available" is acceptable.

The following typographical errors are noted:

- ° p. 22295, first column, second full paragraph, fourth sentence: The word should be "now" rather than "not."

- ° p. 22297, third column, next-to-last line: The phrase should be "(2) an aquifer", not "(2) and aquifer."

- ° p. 22298, first column, "Transmissivity": The phrase should be "thickness of an underground formation" rather than "thickness or an underground formation."

- ° p. 22300, first column, "Note 4," fifth line: The word should be "two" not "to."

- ° p. 22300, second column, "Note 6," second line: The citation should be "60.112(a)" rather than "60.112(c)."

- ° p. 22300, third column, fourth line: The citation should be "60.112(a)" rather than "60.122(a)."

- ° p. 22300, third column, 60.144, second line: The word "payment" should be "permanent."

EPA appreciates the opportunity to work with the Commission's staff in the development of these proposed rules. If we can provide further assistance, please contact Dr. W. Alexander Williams (382-5909) of my staff or Mr. Floyd Galpin (475-9633) of EPA's Office of Radiation Programs.

Sincerely,



Allan Hirsch, Director  
Office of Federal Activities