

Mr. Richard Cotten
Natural Resources Defense
Council, Inc.
2345 Yale Street
Palo Alto, California 94306

Dear Mr. Cotten:

I would like to inform you that the Nuclear Regulatory Commission (NRC) has completed its action on your petition for rulemaking that was submitted by a letter dated August 6, 1976. As you know, the petition requested that the Commission immediately adopt interim regulations setting standards for shallow land disposal of transuranic and other low-level radioactive waste as well as prepare a programmatic generic environmental impact statement (GEIS) on low-level waste disposal. The public comments on the petition, staff analysis and rationale for NRC's action are discussed in the enclosed Federal Register Notice.

Although the NRC staff found insufficient justification for immediate implementation of regulations as requested in the petition, many of the issues and points raised in the petition are being considered in the ongoing NRC low-level waste management program. As part of this program, NRC is now developing regulations and supporting environmental impacts statements regarding (1) maximum concentrations of radionuclides, including transuranic nuclides, which may be safely disposed of as low-level waste, and (2) administrative, institutional and technical requirements for disposal of low-level waste by shallow land burial and alternative disposal methods. These regulations are scheduled to be published for public comment in, respectively, 1979 and 1980.

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Richard Cotten

- 2 -

The Commission also believes that a separate GEIS as called for in the petition is neither required by NEPA nor necessary for development of the NRC low-level waste program. It is intended that the environmental impact statements and other technical documentation being developed to support the forthcoming regulations will be of sufficient scope to make a separate programmatic GEIS unnecessary.

The NRC has, therefore, denied the petition regarding implementation of immediate regulations and the GEIS requested. The NRC has and is, however, still considering certain issues raised by the petition through its ongoing low-level waste management program. We welcome your further interest and input into our program and regulations development effort.

Samuel J. Chilk
Secretary of the Commission

Enclosure: Federal Register Notice
of denial of petition for rulemaking

ENCLOSURE 5

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