



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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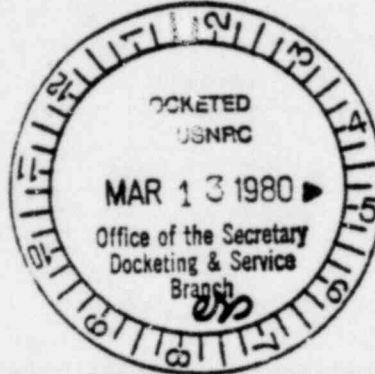
DOCKET NUMBER
PROPOSED RULE

PR-2, et al (26)

OFFICE OF THE
ADMINISTRATOR

441-R 76408

Mr. Samuel J. Chilk
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Attn: Docketing and Service Branch
1717 H Street, N.W.
Washington, D.C. 20555



Dear Mr. Chilk:

The U.S. Environmental Protection Agency (EPA) has reviewed the proposed rule 10 CFR Parts 2, 19, 20, 21, 30, 40, 51, 60, and 70, "Disposal of High-Level Radioactive Wastes in Geologic Repositories; Proposed Licensing Procedure," which appears in Vol. 44, Federal Register, pages 70408-70421. While the proposed rule appears to offer a logical, systematic approach to licensing a high level radioactive waste (HLW) repository, we have a concern with respect to site acceptability criteria. We urge that the criteria be defined so as to avoid ambiguity and to assure proper attention and informed decisions at each critical step of the exploration and investigation.

The site acceptability criteria are fundamental to these proposed procedural rules for approval of a repository site. At each step of exploration and investigation of a candidate site, established criteria will be needed for determinations as to whether that site is suitable as a repository. This is important since it is reasonable to predict that several difficult decisions will be required during the exploration of a candidate site. Decisions to abandon "consideration of a candidate site" will be particularly difficult after considerable resources have been expended for the exploration of that site. We believe the NRC should carefully examine the proposed rules in this light.

Our review of the proposed rules focused on the application of the site acceptability criteria as discussed in the previous paragraph. We found that the requirements for the applicant's design criteria were somewhat confusing. In the Preapplication Review Section, Part 60.11(a), the requirements include the criteria used by the U.S. Department of Energy (DOE) to arrive at the candidate areas and the sites(s) selected. However, in the License Applications Section, Part 60.21(c)2, and the Construction Authorization, Part 60.31(a), the requirements specify both DOE and NRC criteria, including subparts E and F, which we assume will become the Sections containing the NRC technical criteria. This raises such questions as: (1) What is being done to assure compatibility of the criteria? and (2) When will the various criteria be available? We believe that you should resolve such questions before embarking on major site exploration activities.

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Acknowledged by card 3-14-80


EPA is also concerned about apparent inconsistencies in the terminology for the materials to be included in a license. Various terms used include: high-level radioactive waste; waste radioactive material; source, special nuclear, or byproduct material; radioactive material; and wastes. This is noted in proposed Part 2.101(f)(1), Part 2.103(a), Part 2.104(e), Part 60.3(a), Part 60.21(C)(5), Part 60.31(a)(1), and Part 60.41. Either the terminology should be made consistent or the differences should be explained in the text.

The proposed rule appears to provide adequate opportunity for review by the public and by local, State, and Federal agencies. In addition, we note that the President intends to establish a State Planning Council which will strengthen intergovernmental relationships and help fulfill the joint responsibilities for the protection of public health and safety in radioactive waste matters.

EPA is currently developing the environmental standards for the disposal of high-level radioactive waste. On February 12, 1980, in his Statement on Radioactive Waste Management, the President directed EPA and NRC to complete a Memorandum of Understanding to address the issues of coordinating methodologies and procedures in the management of waste. Therefore, we suggest that the Commission, in its licensing procedures under 10 CFR 60, require that these EPA standards be met by its licensee.

We appreciate the opportunity to comment on this proposed rule and look forward to a unified, coordinated effort on this urgent national problem. Should you have questions concerning EPA's comments, please contact Ms. Betty Jankus of my staff (202-755-0770).

Sincerely yours,


William N. Hedeman, Jr.
Director
Office of Environmental Review (A-104)