



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

July 9, 1992

Project M-32

Coalition on West Valley
Nuclear Wastes
ATTENTION: Mr. Raymond C. Vaughan
Sharp Street
East Concord, NY 14055

Dear Mr. Vaughan:

SUBJECT: DEPARTMENT OF ENERGY REQUEST FOR RULEMAKING ON TRU LIMITS FOR WVDP
WASTES

In response to your letter of June 2, 1992, regarding the Department of Energy's (DOE) request to the Nuclear Regulatory Commission to undertake rulemaking on the transuranic limit in West Valley Demonstration Project (WVDP) wastes, I am enclosing the following two documents:

1. Letter from Olsen (DOE) to Wolf (NRC) dated March 23, 1992.
2. Letter from Bernero (NRC) to Olsen (DOE) dated June 8, 1992.

This information has been previously placed into the Public Document Room and includes all correspondence regarding this subject.

The most important aspect of the letter from DOE to NRC to note is that the letter is not a formal rulemaking request and instead requests information on how to apply for rulemaking. In our letter of June 8, 1992, to DOE, we informed DOE that NRC procedures for rulemaking are specified in general in 10 CFR Part 2 Subpart H. Also in that letter, we suggested that DOE not pursue rulemaking on this issue because we feel that the current regulatory environment provides a framework for the disposal of wastes currently located in the drum cell. NRC's position has not changed regarding the disposal of waste packages in the drum cell, and we continue to expect the DOE to provide compliance data for the disposal of those wastes through their Phase II Environmental Impact Statement, at which time the data will be evaluated against acceptable disposal criteria. Because no new rulemaking is being

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Mr. Raymond C. Vaughan

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considered at this time, we cannot respond to the requests, concerning the specific details of the procedures on this issue, made by items 3 through 6 in your letter. If DOE does decide to formally request rulemaking, we will be happy to respond to those items at that time.

Sincerely,

/S/

Gary C. Comfort, Jr.
West Valley Project Manager
Advanced Fuel and Special
Facilities Section
Fuel Cycle Safety Branch
Division of Industrial and
Medical Nuclear Safety, NMSS

Enclosures: As Stated

bcc: P. Nair, CNWRA

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