



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

APR 6 1983

ENTERED

Robert H. Neill, Director
State of New Mexico
Environmental Evaluation Group
320 E. Marcy Street
P.O. Box 968
Santa Fe, New Mexico 87503

Dear Mr. Neill:

I am responding to your letter of March 4, 1983, in which you raised several questions on the applicability to the Waste Isolation Pilot Plant (WIPP) of our proposed Environmental Standard for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes (40 CFR 191).

We have not made any evaluation of whether WIPP or any other specific facility would meet our proposed standard. Our proposed rule would apply to WIPP if it is declared to be a disposal facility for high-level or transuranic wastes, rather than a test facility. We understand that any such decision is several years in the future. Therefore, it is premature to consider the direct applicability of our proposed standard to this facility.

Relative to your questions on whether we plan on initiating any communication with DOE relative to applying our proposed standard at WIPP before we have final promulgation, we do not. It would be highly inappropriate for us to presume any action on the basis of proposed standards. As far as future applicability of our standard to WIPP, the present proposal would call for compliance for any waste not already disposed of at the time the rule became effective.

We look forward to receiving your comments on our proposed 40 CFR 191. Because of the close relationship of your March 4, 1983 letter and this reply to the proposed standard, we plan to also include them in the official docket.

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I hope that this is considered responsive to your questions.
If we can be of further assistance to you please let us know.

Sincerely yours,

Signed by
Glen L. Sjoblom

Glen L. Sjoblom, Director
Office of Radiation Programs (ANR-458)

cc: Dr. Geotz Oertel, DOE