



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 9, 1996

Mr. David deCourcy, Project Manager
U.S. Department of Energy
Office of Strategic Planning
and Analysis (EM4)
1000 Independence Avenue, SW
Washington, DC 20585

Dear Mr. deCourcy:

I am writing in response to your request for comments on the Department of Energy's (DOE's) draft, "Waste Management Programmatic Environmental Impact Statement" (PEIS). Although the Nuclear Regulatory Commission staff has not been able to review the entire draft PEIS in detail, our limited review raises a question about the manner in which DOE's consideration to accept commercially generated radioactive mixed waste for treatment and disposal will be completed. Our interest in this issue stems from our interactions with the Environmental Protection Agency (EPA), States, DOE, and commercial mixed waste generators attempting to develop compliance strategies, and to address the issues associated with the management of mixed waste in both the commercial and government sectors.

In 1991, DOE indicated that it was considering accepting commercially generated mixed waste for treatment and disposal. In August 1991, NRC Chairman Selin wrote to DOE Secretary Watkins, encouraging DOE to accept commercially generated mixed waste and offered NRC support to DOE in this effort. Initially, DOE indicated that it intended to address the issues associated with accepting commercially generated mixed waste for treatment and disposal in the PEIS. With the enactment of the Federal Facility Compliance Act (FFCA) in 1992, DOE indicated that it intended to address these issues in the Site Treatment Plans (STPs) that would be developed by each DOE facility and DOE stated in the PEIS that the development of the PEIS is being coordinated with the development of the STPs. However, the STPs are silent on the issue of DOE accepting commercially generated mixed waste, for either treatment or disposal at DOE facilities, which leaves the manner in which DOE intends to complete its consideration of this issue unclear.

We understand that the National Governors Association's FFCA Task Force and the Low-Level Waste Forum are working with DOE to develop a pilot project to demonstrate the feasibility of DOE accepting commercial mixed waste and to identify any issues that require further attention in order to bring this effort to closure. We suggest that, if appropriate, DOE use the information obtained during the pilot project as a basis for the development of guidelines for individual DOE facilities to accept commercially generated mixed waste and that these guidelines be incorporated in the PEIS. This would allow DOE facilities to evaluate the feasibility of accepting commercially generated mixed waste in a consistent manner, and allow the individual facilities to begin these site evaluations.

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In an environment of decreasing resources, NRC, EPA, DOE, States, and mixed waste generators must work together to resolve regulatory and technical issues associated with the management of mixed waste. DOE's timely completion of its evaluation of the feasibility of accepting commercially generated mixed waste for treatment and disposal is an important step in this effort. As we have stated in the past, NRC stands ready to support any effort to resolve the mixed waste issue that is consistent with our responsibility to protect the public health and the environment, and we look forward to working toward this goal.

If you have any questions, please contact Nick Orlando, of my staff, at (301) 415-6749.

Sincerely,

MS

Margaret V. Federline, Acting Director
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

cc: Timothy C. Harms
U.S. Department of Energy
c/o META/Berger
814 West Diamond Ave., Suite 101
Gaithersburg, MD 20878

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In an environment of decreasing resources and increasing scrutiny over regulatory programs NRC, EPA, DOE, States, and mixed waste generators must work together to resolve the issues associated with the management of mixed waste. DOE's timely completion of its evaluation to accept commercially generated mixed waste for treatment and disposal is an important step in this effort. As we have stated in the past, NRC stands ready to support any effort to resolve the mixed waste issue that is consistent with our responsibility to protect the public health and the environment, and we look forward to working toward this goal.

If you have any questions, please contact Nick Orlando, of my staff, at (301) 415-6749.

Sincerely,

[ORIGINAL SIGNED BY:]

Margaret V. Federline, Acting Director
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U.S. Nuclear Regulatory Commission

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