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February 12, 1990

Mr. Ralph Stein Associate Director for Systems Integration
and Regulations
Office of Civilian Radioactive Waste Management
U.S. Department of Energy RW-30
Washington, D.C. 20545

Dear Mr. Stein:

References:

1. Letter from J.M. Pope (West Valley Nuclear Services Co., Inc) to W.W. Bixby (DOE/WVDP); dated November 21, 1989; re: Minutes of the West Valley Vitrification Qualification Run SF-12 Informational Meeting.
2. Letter from J.J. Linehan (NRC) to R. Stein (DOE/OCRWM); dated October 10, 1989; re: NRC Comments on Topics Related to DOE's Waste Acceptance Process.
3. Letter from G. Appel (DOE) to J.J. Linehan (NRC); dated December 11, 1989; re: Waste Acceptance Process.
4. Letter from H.L. Thompson, Jr. (NRC) to S. Rousso (DOE); dated December 28, 1988; re: Follow-up to December 20, 1988, NRC/DOE Meeting.

The U.S. Nuclear Regulatory Commission's (NRC's) staff has reviewed the meeting minutes prepared by the U.S. Department of Energy's (DOE's) contractor for the West Valley Demonstration Project (WVDP), West Valley Nuclear Services Co., Inc. (WVNS). These meeting minutes (reference 1) summarize the briefings and demonstrations regarding the final full-scale qualification run (designated "SF-12") of the vitrification testing program at the WVDP. These briefings and demonstrations were attended by the NRC staff on October 31 and November 1, 1989, at the invitation of DOE's Office of Civilian Radioactive Waste Management. The purpose of this letter is to clarify a number of observations recorded in these minutes.

In the WVNS meeting minutes (page 4 of reference 1), specific reference was made to the staff's review of two documents related to the Waste Acceptance Process (WAP) -- the Waste Acceptance Preliminary Specification (WAPS) and Waste Qualification Reports (WQRs). In the matter of the WAPS, and the reference to a NRC Branch Technical Position on the WAPS, the meeting minutes reported that the WAPS had been approved by NRC. In response to the WVNS minutes, the staff would like to clarify the record and state that it has not approved the WAPS. Furthermore, at this time, the staff has no plans to issue a Branch Technical Position on WAPS or any aspect of DOE's glass-making program. The staff noted at the SF-12 meeting that the waste form design requirements are already embodied in 10 CFR 60.135, and that the staff does not see the need for it to develop additional criteria applicable to the glass waste form at this time.

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Also, WVNS states in the meeting minutes that the NRC staff intends to review all of the WQRs. Again, the staff would like to correct the record by stating its position that the staff does not intend to do a detailed review of all of the WQRs at this time. In general, the staff intends to maintain cognizance of WAP-related activities, including knowledge of the WAPS, the WQRs and other WAP documentation, through a variety of means. As previously noted (see reference 2), this cognizance would be maintained through appropriate review of WAP-related documents, observation of DOE quality assurance audits, and on-site visits. If, through this process, the staff identifies areas in the WAP where detailed technical reviews are warranted, the staff will perform the necessary reviews and communicate with DOE, as appropriate.

Thus, in the case of the WQRs or any other WAP-related document submitted by DOE, it would be premature to state which or how many WAP documents would get a detailed review because there is no basis on which the staff can make this determination at this time. Accordingly, following the staff's review of the WAPS, the WQRs, or any other pertinent WAP document, the staff will raise to DOE's attention any concerns it might have.

We believe this position is consistent with DOE's current understanding of how the staff will conduct reviews of WAP documentation. As noted in a December 11, 1989, letter from DOE (reference 3), the Department notes that it is seeking acceptance of only certain aspects of its WAP. As you are well aware, the staff's interest in the WAP is in assuring that the products derived from glass-making operations will be acceptable for disposal in the repository. Accordingly, the NRC and DOE staffs need to reach agreement on what NRC acceptance of the WAP will involve and any limitations to this acceptance.

As a final comment, we wish to raise two points. First, we wish to reiterate how official NRC staff positions (e.g., comments) regarding any aspect of the repository program (including WAP) would be transmitted to DOE. As noted in the meeting minutes, following their site visit, the staff communicated their initial reaction to the SF-12 briefings and demonstrations via a conference call to DOE and WVDP. However, it should be noted that the standard procedure for communicating official NRC staff positions on any aspect of the DOE repository program would be in the form of written comments issued under the signature of the Director of the Repository Licensing and Quality Assurance Project Directorate, the Director of the Division of High-Level Waste Management, or at some level higher in the staff's management. This policy, which was described in a December 28, 1988, letter to DOE (see reference 4), will also apply to the staff review of the WAP.

Second, the staff is interested in DOE's plans and schedules for glass-making activities at both WVDP and the Defense Waste Production Facility (Savannah River), and how or when DOE will seek interaction with NRC in activities related thereto. Furthermore, the staff is interested in understanding how activities at these two glass-making operations will be integrated into DOE's overall repository program.

If you have any questions or desire additional clarification regarding this correspondence, please contact Michael P. Lee of my staff. Mr. Lee can be reached at FTS 492-0421.

Sincerely,

/S/

John J. Linehan, Director
Repository Licensing and Quality
Assurance Project Directorate
Division of High-Level Waste Management
Office of Nuclear Material Safety
and Safeguards

- cc: R. Loux, State of Nevada
- M. Baughman, Lincoln County, NV
- S. Bradhurst, Nye County, NV
- D. Bechtel, Clark County, NV
- C. Gertz, DOE/Nevada
- K. Turner, GAO
- W. Bixby, DOE/WVDP
- J. Pope, West Valley Nuclear Services

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* See previous concurrence

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