

STEIN/WAP

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OCT 10 1989

Mr. Ralph Stein  
 Associate Director for Systems Integration  
 and Regulations  
 Office of Civilian Radioactive Waste Management  
 U.S. Department of Energy RW-24  
 Washington, D.C. 20545

Dear Mr. Stein:

## References:

- 1) Letter from R. Stein (DOE) to B.J. Youngblood (NRC); dated June 27, 1989; re: Summary of DOE's Understanding of NRC's Involvement in the Waste Acceptance Process.
- 2) Letter from R. Stein (DOE) to J.J. Linehan (NRC); dated August 3, 1989; re: Transmittal of DOE's Consolidated Open Items List for the Waste Acceptance Process.

This letter is in response to your two letters of June 27, 1989 and August 3, 1989 (Reference Nos. 1 and 2) in which you address several topics related to the Waste Acceptance Process (WAP).

With regard to the first letter (Reference No. 1), the staff of the U.S. Nuclear Regulatory Commission (NRC) wishes to clarify its position regarding involvement in the WAP for the Defense Waste Processing Facility (DWPF) and the West Valley Demonstration Project (WVDP). As noted in the U.S. Department of Energy's (DOE's) letter of June 27, 1989, NRC and DOE met on April 20, 1989 to discuss DOE's integrated high-level waste program schedule. The letter further states that at the meeting, one of the items discussed was the NRC review of WAP-related documents, and that the staff indicated the only resources NRC had budgeted for WAP-related work were in the areas of quality assurance (QA) and product/process control. The June 27 letter also states that it is DOE's understanding that NRC will review and provide its acceptance on only that WAP documentation concerning QA and product/process control.

Although NRC has limited resources for WAP-related reviews, the NRC staff intends to maintain cognizance of WAP activities through cursory reviews of WAP documents, observations of DOE QA audits, and on-site visits. If, through this process, the staff identifies areas where detailed technical reviews are warranted, NRC will allocate the resources needed to support the necessary reviews. We wish, therefore, to continue to receive all pertinent documentation as it pertains to the WAP and to be invited to participate in WAP program reviews. In addition, NRC routinely reallocates resources throughout the year as the priorities of the high-level waste (HLW) program dictate. Therefore, additional resources may be reallocated to the WAP during the fiscal year.

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In the future, as part of DOE's continuing efforts to perfect the WAP, the DOE and NRC staffs need to begin reviews of studies or proposed studies on how the glass waste form would contribute to meeting 10 CFR Part 60's performance objectives. By addressing this topic early, our respective staffs may be able to reach a technical consensus on how DOE would demonstrate compliance with the "substantially complete containment" and "release rate" requirements in 10 CFR §60.113.

Furthermore, it is suggested that in addition to characterizing the leach rates for radionuclides for a particular waste form, DOE also give consideration to the nonradiological chemical characterization of HLW. For example, it is generally believed that some chemically hazardous materials may be present in the HLW to be disposed of at the repository. However, it is not clear if any of the chemically hazardous materials in question would be subject to the Resource Conservation and Recovery Act (RCRA) family of regulations promulgated under the authority of the U.S. Environmental Protection Agency (EPA). Therefore, we believe that DOE should give consideration to RCRA in the WAP and, as appropriate, undertake any necessary consultations with the EPA.

The second letter (Reference No. 2) also refers to the WAP. As previously stated, this letter, dated August 3, 1989, transmits DOE's first effort at consolidation of open items from documented NRC and DOE WAP-related interactions during the last seven years. NRC intends to conduct a limited review of this consolidated list to ensure that DOE understands what NRC's present outstanding technical concerns are as they relate to the WAP.

In a related matter, it is our understanding that the present schedule for "hot operations" at WVDP has been deferred until October 1993. In order to facilitate NRC planning in the out years, we would appreciate receiving your revised schedule for the development of WAP-related documentation for both DWPF and WVDP.

If you have any questions or desire additional clarification regarding this correspondence, please contact Mr. Michael P. Lee of my staff. Mr. Lee can be reached at (301)492-0421 or FTS 492-0421.

Sincerely,

|S|

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

cc: R. Loux, State of Nevada  
M. Baughman, Lincoln County, NV  
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