

Department of Energy

Washington, DC 20585

JAN 25 1996

Dr. William Travers, Director
Spent Fuel Project Office
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Dr. Travers:

On June 1, 1995, representatives of the Office of Civilian Radioactive Waste Management (OCRWM) met with you and the Nuclear Regulatory Commission (NRC) staff to discuss OCRWM's Petition for Rulemaking (PRM) related to double containment requirements for transportation of certain plutonium bearing materials. The PRM seeks an exemption from the double containment requirements for canistered high-level radioactive waste in vitrified glass form. At the meeting, NRC staff suggested that the existing rule includes a provision for the Commission to reach a determination of exemption for the canistered waste. NRC staff advised that a determination under the existing rule would be more expedient than seeking the PRM.

Since the June meeting, OCRWM has had further discussions with your staff regarding the suggested approach. Based on the June meeting, additional discussions between our staffs, and evaluations we have conducted, we have decided to seek a generic determination on exemption from double containment requirements for canistered high-level radioactive waste in vitrified glass form in accordance with 10 CFR 71.63(b)(3). OCRWM will also request that the PRM remain in place, but inactive, while the determination request is processed. The need for the PRM will be reevaluated by OCRWM once a determination is made by the Commission.

OCRWM's plan is to revise the technical document previously submitted with the PRM to support a request for determination. The approach is expected to require development of canister specifications. This action will require coordination with other elements within the Department of Energy who are responsible for producing waste canisters. We will assess the extent of revision needed, and develop a schedule for revising the document and formally submitting our request for determination under 10 CFR 71.63(b)(3). We anticipate making the formal request during the second quarter of FY 1996.

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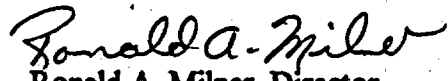
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If you have any questions concerning the planned approach, please contact Priscilla Bunton at (202) 586-8365.

Sincerely,


Ronald A. Milner, Director
Office of Program Management
and Integration
Office of Civilian Radioactive
Waste Management

cc:

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