

LETTER TO R. STEIN

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MAY 10 1989

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

Dear Mr. Stein:

SUBJECT: APRIL 14, 1989 MEETING TO DISCUSS AMENDMENTS TO 10 CFR PART 61  
 REGARDING THE DISPOSAL OF GREATER-THAN-CLASS-C WASTE

The purpose of this letter is to document the meeting that was held on April 14, 1989 to discuss the U. S. Nuclear Regulatory Commission's proposed amendments to Title 10 of the Code of Federal Regulations, Part 61 regarding the management of greater-than-class-C waste. As you recall, this meeting was requested by your office. A detailed summary of the meeting is given in the Enclosure. If you have any questions please feel free to call Ken Kalman, of my staff, on (301) 492-0428.

Sincerely,

**ORIGINAL SIGNED BY**

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

Enclosure: As stated

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

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ENCLOSURE

SUMMARY OF APRIL 14, 1989 MEETING

On April 14, 1989, staff from the U.S. Nuclear Regulatory Commission (NRC) met with representatives from the U.S. Department of Energy (DOE). The purpose of the meeting was to discuss the NRC's proposed amendments to Title 10 of the Code of Federal Regulations, Part 61 (10 CFR Part 61). A list of attendees is Attachment 1.

The DOE's Office of Civilian Radioactive Waste Management (OCRWM) formally presented DOE's concerns over the NRC's proposed amendments regarding the greater-than-class-C (GTCC) waste. A copy of the DOE briefing charts is Attachment 2. DOE contends that the NRC's proposed amendments reduce its flexibility with respect to the DOE responsibility to appropriately disposition GTCC wastes. DOE stated that in view of the current uncertainties in the volume estimates and characteristics of GTCC waste, as well as the lack of performance objectives for the disposal of such waste in the repository, there is considerable uncertainty in the application of the rule. DOE has proposed to study the anticipated volumes and characteristics of GTCC and contends that such a study would provide a better template for the management of GTCC waste in that it could afford the possibility of identifying disposal options in the context of a risk-based approach. Pending the availability of this information, DOE has recommended that NRC withdraw the rule as it is currently proposed. DOE believes that results of their study would alter the NRC's position on GTCC waste. The Office of Nuclear Material Safety and Safeguards Director responded that the NRC staff would consider the DOE proposal.

 5/4/89  
Ken Kalman, Project Manager  
Repository Licensing and Quality  
Assurance Project Directorate  
Office of Nuclear Material Safety  
and Safeguards  
U.S. Nuclear Regulatory Commission

 5/10/89  
Gordon Appel, Chief  
Licensing Branch  
Office of Civilian Radioactive Waste  
Management  
U.S. Department of Energy

ATTACHMENT 1

List of Attendees

April 14, 1989 Meeting

<u>Name</u>	<u>Organization</u>
R. Bernero	NRC
J. Holonich	NRC
S. Treby	NRC
R. Browning	NRC
L. Roche	NRC
G. Roles	NRC
K. Chang	NRC
J. Greeves	NRC
K. Kalman	NRC
J. Linehan	NRC
M. Silberberg	NRC
J. Parry	NRC
J. Wolf	NRC
M. Federline	NRC
S. Bilhorn	NRC
T. Johnson	NRC
C. Pritchard	NRC
P. Krishna	Battelle/Washington
H. Bermanis	DOE/Weston
R. Jones	Exchange Publications
G. McCabe	Office of Technology Assessment
B. Newberry	DOE
K. Chacey	DOE
R. Stein	DOE
L. Desell	DOE
G. Appel	DOE
D. D'Arrigo	Nuclear Information and Resource Service
D. Lege	Bureau of Mines

## **BACKGROUND**

- **FEBRUARY, 1987, NRC PUBLISHED ANPR**
- **JULY, 1987, DOE RESPONSE TO ANPR**
- **MAY 18, 1988 PROPOSED AMENDMENT TO 10 CFR PART 61 PUBLISHED**
- **AUGUST 30, 1988 DOE COMMENTS TRANSMITTED TO NUCLEAR REGULATORY COMMISSION**
- **FEBRUARY 23, 1989 NRC STAFF PRESENTATION ON PROPOSED RULE TO ACNW**
- **MARCH 7, 1989 DOE REQUESTS MEETING WITH NRC TO DISCUSS VIEWS ON GTCC**
- **APRIL 5, 1989 NRC RESPONDS TO DOE REQUEST**

## **MAJOR CONCERNS WITH PROPOSED RULE**

- **CURRENT DEFINITION OF GTCC**
- **UNCERTAINTY IN APPLICATION OF RULE**
- **SPECIFIC REQUIREMENTS FOR GTCC DISPOSAL**

## **CURRENT DEFINITION OF GTCC**

- **CURRENT DEFINITION IS OPEN-ENDED  
(ALL WASTES EXCEEDING CLASS C)**
- **RISK BASED APPROACH IS PREFERABLE  
(DISPOSAL CAN BE TAILORED TO RISK)**

## **UNCERTAINTY IN APPLICATION OF RULE**

- **UNCERTAINTY IN VOLUME ESTIMATES**
- **UNCERTAINTY IN WASTE CHARACTERISTICS**
- **LACK OF TECHNICAL CRITERIA AND/OR PERFORMANCE OBJECTIVES**
- **POTENTIAL NEED TO PROCESS GTCC TO MEET PERFORMANCE REQUIREMENTS**

## **SPECIFIC DISPOSAL REQUIREMENTS**

- **INFERENCE OF IMPACTING DOE RESPONSIBILITY UNDER LLWPAA**
- **POTENTIAL TO IMPACT DOE DECISIONS ON DISPOSAL OF DEFENSE WASTES**
- **DOES NOT ACCOUNT FOR THE POTENTIAL TO FURTHER CLASSIFY INTERMEDIATE WASTES AND IDENTIFY APPROPRIATE OPTIONS FOR DISPOSAL**



## **RECOMMENDATIONS**

- **WITHDRAW RULE AS CURRENTLY PROPOSED**
- **REISSUE RULE FOR COMMENT WHICH INDICATES THAT THE DISPOSAL OPTION SHOULD DEPEND ON GTCC DEFINITION AND SHOULD BE COMMENSURATE WITH RISK**
- **DOE SHOULD PROPOSE DISPOSAL METHOD BASED ON RISK IN CONSULTATION WITH NRC**
- **CONSIDER CLASSIFICATION OF GTCC**
- **DOE SHOULD COMPLETE A DEFINITIVE STUDY TO IDENTIFY GTCC VOLUMES, CHARACTERISTICS, AND SOURCES**
- **DEVELOP CRITERIA FOR DISPOSAL**