

See Packet 3 for ENCL.

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- 1 - OCT 15 1984

Mr. David B. Leclaire, Director
Office of Defense Waste and
Byproducts Management
U.S. Department of Energy
Washington, DC 20585

WM Record File

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WM Project 1

Docket No. _____

PDR

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Dear Mr. Leclaire:

I am pleased to provide comments on your recent draft report to the President entitled An Evaluation of Commercial Repository Capacity for the Disposal of Defense High-Level Waste, prepared in response to Section 8 of the Nuclear Waste Policy Act.

Our review focused on the sections of the report addressing health and safety and regulations. Observations in other areas which were noted during our review are also provided for your consideration. Overall we believe the final report would benefit if additional referencing of data supporting conclusions presented in the report would be included and the draft working papers that are referenced would be finalized.

We appreciate the opportunity to review the draft report. If we can be of further assistance, please call me or Dr. Bell at 427-4069.

Sincerely,

Original Signed by
Robert E. Browning

Robert E. Browning, Director
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

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Record note: Coordinated with ELD, FC and

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MSS r/f	HMiller	JSurmeier	TJohnson	5-
MM s/f	MKnapp	Wolmstead	JPeshel	RBoyle
NNumark	LBarrett	RCunningham	MNataraja	ABently
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JBunting	DMattson	RFCook	EWick	
MBell	*See previous concurrence	RCodell	MTokar	
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COMMENTS ON DOE DRAFT REPORT:
"AN EVALUATION OF COMMERCIAL
REPOSITORY CAPACITY FOR THE DISPOSAL
OF DEFENSE HIGH-LEVEL WASTE"

The comments which follow are grouped into six sections corresponding to the introductory section of the report and the sections on Cost Efficiency, Health and Safety, Regulations, Transportation, and Public Acceptability. Among these, we consider the following items most important from NRC's standpoint in revising the draft:

<u>Introductory Sections</u>	Comment 4
<u>Cost Efficiency</u>	Comment 2
<u>Health and Safety</u>	Comments 3, 9, and 11
<u>Regulations</u>	All comments
<u>Transportation</u>	Comments 1, 2, 3, and 6

Other comments describe recommended changes to the report or identify additional concerns which relate more to implementation of the repository program than to the report itself.

Introductory Sections

1. Page E-5, Table E-1

The statement that procedural rules, such as those relating to site characterization, do not apply to a defense-only repository is misleading because site characterization is required by 10 CFR Part 60. It would be better to state instead: "Procedures established by NWPA that do not apply are:"

2. Page 1-3, Figure 1-1

The dashed line (representing a memorandum of understanding) between the EPA and NRC boxes should be deleted. The agency responsibilities stated in NWPA Sec. 121 can be carried out without any MOU.

3. Page 1-4, last paragraph

The definition of high-level waste in Section 2(12) of the Nuclear Waste Policy Act should be used.

4. Page 1-8, first paragraph, and Page 1-9, Table 1-1

The draft defense waste report and the draft Mission Plan are not consistent. The draft Mission Plan states that beginning in 1998, the Phase 1 facilities at the first repository will be able to accept for disposal 400 MTU/year (which, according to Table 1-2 in the draft defense waste report, represents 120 to 150 spent fuel packages per year), including small quantities of defense high-level waste, if needed. Phase 2 facilities would bring the repository capacity to 900 MTU/year in 2001, 1800 MTU/year in 2002, and finally 3000 MTU/year in 2003.

In contrast, the draft defense waste report anticipates shipping 620 packages (310 MTU) per year of defense high-level waste to the repository beginning in 1998. This inconsistency should be resolved. Furthermore, a footnote to Table 1-1 states that the shipment schedule is taken from the June, 1983 Defense Waste Management Plan. However, the Defense Waste Management Plan does not contain such information.

The rates of acceptance shown in Table 1-1 would substantially reduce the amount of commercial waste that could be accepted at the repository in the first five years of operation. Depending on the plan ultimately chosen for receiving commercial waste during this time period, this could cause the need for commercial power plant operators to expand their onsite storage capacity and obtain licenses for such expansion. DOE should consider alternatives which would minimize the need for expansion of onsite storage capacity.

5. Page 1-11, third assumption

It is assumed that the commercial waste disposed of in a commercial repository will be half spent fuel and half reprocessing waste. The basis for this assumption and its effect on the evaluation are not clear.

6. Page 2-2, line 8 and second footnote

The citation for 10 CFR Part 60 should also include 46 FR 13971, Feb. 25, 1981 (licensing procedures). The authority reference in the second footnote should also include the Atomic Energy Act.

Cost Efficiency - NRC has not made an analysis of the cost sections of the report. However, in looking over these sections, we have made the following observations:

1. Page 2-7, paragraph on geologic media

The report states that information about tuff was used as a surrogate for the high end of repository cost estimates. However, as stated in the draft Mission Plan (Vol. II., p. 10-14), basalt is the highest cost hard rock medium.

2. Page 2-10, third paragraph; Page 3-4, first paragraph

The cost estimates are asserted without derivation or documentation. It is suggested that these sections be revised so as to substantiate the cost estimates.

3. Page 2-12, Table 2-1

The costs shown for shafts in the augmented repository are incorrect. It appears that these figures should be switched with those in the previous line.

4. Pages 2-12 and 2-13, Tables 2-1 and 2-2; Page 3-6, Table 3-1

The basis for some of the major cost estimates for salt and hard rock repositories should be reexamined. The capital costs for shafts in hard rock (for all options) would likely be higher than the costs for shafts in salt, based on experience in the mining industry. Although the tendency for salt to creep requires either the lining of shafts or initial excavation of larger shafts, as noted on p. 2-15, this would only affect the cost of the portion of the shaft going through salt, a portion extending over a depth of only a few hundred feet. The overburden at a hard rock site would generally be harder and therefore costlier to excavate than the overburden at a salt site.

5. Pages 2-12 and 2-13, Tables 2-1, and 2-2; Pages 3-6 and 3-7, Tables 3-1 and 3-2

Using the numbers provided in these tables, our calculations show that the cost of overpacks for defense high-level waste packages is estimated to be higher in a defense waste only repository than in a commercial repository:

	<u>Total Cost of Overpack</u>	<u>Equivalent Cost Per Canister</u>
Defense only, salt repository	\$810M	\$40,500
Defense only, hard rock repository	\$493M	\$24,650
Augmented commercial salt repository	\$713M	\$35,650
Augmented commercial hard rock repository	\$428M	\$21,400

The reason for the higher estimated cost is not clear. If the costs are based on particular designs, those designs should be described so that the estimates may be evaluated.

6. Pages 3-4 and 3-8, last paragraph in Section 3.3.1

It is assumed that a defense-only repository would be located at a site which has been characterized by DOE but not selected for a commercial repository. Development and Evaluation (D&E) information for these sites would be purchased from OCRWM, and the estimated cost for additional required D&E is \$435 million. This suggests that this cost would be incurred for a defense-only repository but not for disposal of defense waste in a commercial repository. However, it is then stated (p.3-8) that this sum is not included in the cost estimates because it is assumed to be the same for all disposal options. It seems this additional D&E cost should be included in the estimated cost of a defense-only repository.

Health and Safety

1. Pages 2-16 to 2-31, Section 2.3.2.1 (Long-term health effects)

While the analysis performed for transport of waste from the repository should be sufficient for the purpose of this report, we note that this type of analysis would not be sufficient for assessment of actual repository performance due to variability and uncertainties. For example, releases were calculated for a repository model which considered only single-valued retardation coefficients. In addition, the leach rates given are not well-documented and the groundwater travel times were

arbitrarily chosen. Although the values chosen were somewhere in the middle of accepted ranges, the DOE approach does not recognize the known variability and uncertainties in the data. Approaches such as the analyses by NRC and Sandia, referenced below, which were performed for the 10 CFR Part 60 Rationale provide a more complete picture since multiple runs over wide ranges of the parameters are considered. See:

USNRC, "Rationale for the Performance Objectives in 10 CFR Part 60," August 30, 1982, including appendices A and B.

Pepping, R.E., M.D. Siegel, and M.S. Chu, NUREG/CR 3235, Vols 1-4, Sandia National Laboratories, Albuquerque NM, 1983. Although this Sandia analysis is referenced in the report, it is not clear how the analysis was used.

2. Page 2-17, Table 2-4; Page 2-29, Table 2-8; Page 3-10, Table 3-3

Table 2-4 presents release limits in the proposed 40 CFR Part 191 (47 FR 58195, Dec. 29, 1982). The EPA Science Advisory Board recently recommended that these limits be changed in the final standard (letter from Herman E. Collier, Jr. to William D. Ruckelshaus, February 17, 1984; availability of report noticed at 49 FR 19604, May 8, 1984). In determining the ratios in Tables 2-8 and 3-3, it should be recognized that the values in the proposed standard are likely to change.

3. Page 2-24, fifth line; Page 2-44, bottom paragraph

The requirement of 10 CFR §60.113(a)(2) is not accurately paraphrased in these locations. The actual requirement states that "...pre-waste-emplacment groundwater travel time along the fastest path of likely radionuclide travel from the disturbed zone to the accessible environment shall be at least 1,000 years or such other travel time as may be approved or specified by the Commission" (emphasis added). The descriptions of this requirement in the report should be modified accordingly.

4. Page 2-26, first complete paragraph, second line

There is no 1982 DOE publication listed in the reference section.

5. Page 2-26, first complete paragraph, seventh line

The reference to Table 2-9 should be Table 2-7.

6. Page 2-27, second complete paragraph

Since EPA's high-level waste standard has not yet been issued in final form, the FR citation for the proposed rule should be provided (or a working draft of the final standard should be referenced) rather than the CFR citation given.

7. Page 2-27, second complete paragraph

Support should be provided for the statement, "Non-zero releases occur only for C-14, Tc-99, and I-129."

8. Page 2-29, Table 2-8

The reference to Table 2-6 in footnote b should be to Table 2-4.

9. Page 2-31, Section 2.3.2.2, second paragraph; Page 2-33, Table 2-9; Page 2-34, top of page

The discussion of short-term radiological impact focuses on exposure to radon and its daughter products which are released from exposed rock. However, it should also address protection of the labor force from external radiation emitted from waste canisters during the operation phase.

10. Page 2-36, last paragraph in Section 2.3.2

It is estimated that the probability of accidentally dropping a waste canister down the repository mine shaft is 10^{-5} per year. The basis for or source of this estimate should be provided in the report.

11. Page 2-48, first complete paragraph; Pages 4-3 to 4-4, second paragraph in section 4.2

The report states (pp.4-3 to 4-4) that the calculated releases of radionuclides to the accessible environment are less than the limits in the proposed EPA standard for the options considered. Therefore, it is stated, health and safety is not a basis for the selection of one of the two disposal options. Based on our current information and understanding of the mechanisms for radionuclide release, we believe that either disposal option, combined or separate repositories for defense and commercial waste, could be acceptable from a health and safety point of view if appropriate measures are taken to mitigate the risk of radionuclide release. However, it is likely that the cost of such

measures would differ between the disposal options. We suggest that cost estimates in the report reflect such differences.

For example, the report states in the health and safety section (p.2-48) that defense waste could be subjected to a higher temperature environment in a combined repository, but that acceptable containment performance can still be assured provided the waste package and repository are designed appropriately. This is due to the fact that commercial waste disposed of as either spent fuel or immobilized high-level waste from reprocessing will have a greater heat output than a comparable quantity of high-level defense waste. If defense waste were disposed of in a defense-only repository, the waste package or repository designs could be modified if the temperature of the repository was lower. On the other hand, if defense waste is emplaced in a commercial repository and is subject to a higher temperature environment, the packages would need to be as durable as those in which the commercial wastes are contained in order to withstand the higher temperatures which the report says could occur. Under such circumstances, the cost of defense waste disposal would be increased vis a vis the option of the defense-only repository.

If such measures are necessary, their cost is not addressed in the report. If the cost estimates are based on studies which do consider these factors, it is suggested that the basis for the estimates be provided in the report.

12. Page 3-9, sixth line

It is stated that the potential leach rate of the defense waste due to water leaching in the 50 to 60°C temperature range would be approximately 10^6 parts per year. The source of this estimate should be provided. NRC has previously indicated that the majority of data on borosilicate glass available to date have not been obtained under the water, temperature, and radiation conditions likely to be encountered in an actual repository environment (see letter from John B. Martin to Thomas B. Hindman, Jr., November 4, 1982, and attached comments on the Environmental Assessment of the Waste Form Selection for SRP High-Level Waste, to be provided under separate cover). Furthermore, although Savannah River waste glass has been tested, these leach rates may not apply for other high-level waste at INEL and Hanford.

13. Page 3-10, Table 3-3

It would be useful if ratios were provided in Table 3-3 for all four scenarios examined in Table 2-8 (scenarios 7 through 10), rather than just one set of figures for minimal overpack and salt or hard rock.

14. Page 4-3, footnote

The controlling definition of "accessible environment" would be that which appears in 10 CFR Part 60. The footnote should be modified accordingly.

Regulations1. Page 2-36, bottom of page; Page 2-40, third bullet; Page 2-41, first bullet; Page 3-17, second bullet

In these locations, reference is made to an application for authorization to construct a repository. This does not accurately describe the NRC licensing procedures. Our comments to DOE on the draft Mission Plan (letter to Ben C. Rusche, July 31, 1984, Enclosure 2, p.11) are repeated here for clarification:

"It is stated that the repository design will be finalized during the Commission's review of the "construction authorization application" and that the "application for the license to receive and process radioactive waste...will be submitted to the Nuclear Regulatory Commission while construction is proceeding." These statements indicate that DOE may not completely understand the nature of the Commission's licensing process. As we pointed out in our comments on the preliminary draft of the Mission Plan on the use of the term "construction authorization application," the process established by 10 CFR Part 60 involves an application for a license to receive or possess source, special nuclear, or byproduct material at a geologic repository operations area. 10 CFR §60.3(a). As an initial step in its review of the license application, the Commission may issue a construction authorization for the repository if the requisite standards are met. 10 CFR §60.31. Under 10 CFR §60.32(d), DOE is required to update its original license application as specified in 10 CFR §60.24 before the Commission will issue a license to receive radioactive waste at the repository. Although we have no objection to the use of the term "construction authorization application" as a convenient way to describe this portion of the repository siting process (particularly in view of the fact that this term appears in several sections of the NWPA), the use of this terminology should be

within a context that clearly and accurately describes the Commission's licensing process."

2. Page 2-36, bottom of page

The Commission has noted its intention to undertake additional rulemaking to deal with any changes in licensing procedures that may be necessary in light of NWPA (see 48 FR 28195, June 21, 1983). Accordingly, it is recommended that the reference to Table 2-11 be qualified as follows:

"The procedure leading to the construction authorization, as stated in that Act and existing regulations, is summarized in Table 2-11. (Note that NRC regulations may be revised as necessary in light of NWPA. 48 FR 28195, June 21, 1983.)"

3. Page 2-37, bottom of complete paragraph; Pages 2-44 to 2-46, Table 2-12

Other sections in 10 CFR Part 60 are also relevant to comparing the two disposal options in assuring compliance with EPA's forthcoming standard. Table 2-12 should also reference:

- Section 60.111 (pre-closure performance objectives, including retrievability);
- Section 60.112 (post-closure performance objectives); and
- Section 60.113(c) (unanticipated processes and events).

4. Page 2-38, Table 2-11, sixth bullet; Page 2-40, Table 2-11, third bullet

It should be noted that 10 CFR Part 60 also has requirements governing the submittal of site characterization plans (10 CFR §60.11(a)). Furthermore, Part 60 has requirements governing the submittal of a license application (10 CFR §60.21-23).

5. Page 2-41, Table 2-11, first bullet

It is stated that NRC must issue a final decision on the application within 3 years of submittal. It should be clarified that NRC is required to reach a decision on whether or not to authorize construction within 3 years of submittal of the license application, and is not required to reach a final decision by then on the license to possess (see Comment #1, above). Furthermore, an additional bullet should be provided regarding the update of the license application required under 10 CFR §60.24 and the

granting by NRC of a license to receive nuclear material at the repository, as specified in 10 CFR §60.41.

6. Page 2-44, Table 2-12

The requirements of 10 CFR §60.113(a)(1) are not properly stated. The requirement that containment be substantially complete during the period when radiation and thermal conditions in the engineered barrier system are dominated by fission product decay is a requirement on the engineered barrier system (Section 60.113(a)(1)(i)(A)). Table 2-12 indicates that this is a requirement on the waste package. Also, containment of high-level waste within the waste package must be substantially complete for a period of 300 to 1000 years, to be determined by the Commission (Section. 60.113(a)(1)(ii)(A)). Table 2-12 is confusing on this.

Furthermore, in the first line of the second paragraph, the word "subsequent" should be deleted as it does not appear in the equivalent portion of the regulation.

Finally, in the third line of the third paragraph, the word "emplacement" is incorrect. Under Part 60, the inventory of radionuclides for this requirement is to be calculated 1,000 years after permanent closure, not after emplacement. Also, the citation of the regulation should be §60.113(a)(1)(ii)(B).

7. Page 2-45, Table 2-12

The paraphrasing of the first paragraph of §60.113(b) is not quite accurate. Since the paragraph being paraphrased is short, an exact quote would be preferable.

8. Page 2-47, first complete paragraph

The reference to Section §60.102(e)(1) is not accurate. We suggest substituting the following for the second sentence in this paragraph:

- ° Substantially complete containment of nuclides is required "during the first several hundred years following permanent closure of a geologic repository, when radiation and thermal levels are high and the uncertainties in assessing repository performance are large" (60.102(e)(1)).

9. Pages 3-15 to 3-17, Table 3-6

All references to Part 51 should be replaced with references to NEPA and NWPA as appropriate. Part 51 does not include specific requirements for geologic repositories.

10. Page 4-6, end of section 4.3

This section should reflect the fact that the procedural roadmap for a commercial repository is absent in the case of a defense-only repository. This might be presented in the form of a new penultimate paragraph in Section 4.3:

"Another consideration is that the procedures for commercial repositories are mandated comprehensively by provisions of law, whereas defense-only repositories would be more subject to procedures which, in the absence of statutory guidance, could be the subject of controversy and delay."

For example, a factor that could adversely affect the schedule and therefore the cost of a defense-only repository is the absence of the NEPA process dictated by NWPA. Under NWPA, the scope of the alternatives that must be considered in the DOE EIS is largely defined. In addition, NRC is to adopt DOE's EIS to the extent practicable. An EIS for a defense-only repository may be required to have a broader scope and NRC would have broader review responsibilities, possibly including the preparation of a separate EIS. NRC has in the past taken the position that if it had to prepare a separate EIS, a three year schedule for construction authorization could not be met.

Transportation

1. Pages 2-48 and 2-50, first paragraph in Section 2.3.4

The paragraph should be clarified to state the extent to which defense waste shipments will be subject to NRC and DOT regulations. The paragraph should also clearly state DOE's intent regarding the certification of packages to be used for these shipments. As written, the draft report raises these issues, but does not answer them.

2. Page 2-52, second complete paragraph

The report states that a computerized routing model (HIGHWAY) was used to calculate truck distances for defense waste shipments, and that "routes

that might be used for general commerce were used." It should be noted that the routes selected for the calculations would have to conform with DOT's final rule on highway routing of large quantity radioactive material shipments (DOT Docket HM-164).

3. Page 2-56, Table 2-14; Page 2-58, Table 2-15

We are unable to confirm the validity of the reported non-radiological or radiological impacts of transportation. The reported impacts are asserted without derivation or documentation. The report should be revised so as to substantiate these health impact estimates.

4. Page 2-57, first complete paragraph

The first sentence in the paragraph should be revised to include the number of miles traveled and accident location as additional factors in assessing the probability and impacts of an accident. Also, normal transport activities result in low-level radiation exposure, a fact that Table 2-15 recognizes, but the accompanying text does not.

5. Page 3-14, Section 3.3.4

We agree with the second sentence in the paragraph that the costs and impacts in transporting defense waste to a commercial repository would also apply to a defense-only repository located in the same five prospective regions. We can envision scenarios, however, in which the total transportation impacts differ, depending on whether commercial and defense repositories are located in the same region. For example, assume that the closest available repository site to defense waste generators is selected for a commercial repository. If a decision is then made to ship defense waste to a defense-only repository, then the defense shipment distance (and therefore transportation impacts) will be greater than if it had been decided to ship both kinds of wastes to the commercial repository. We cannot judge how significant such transportation considerations are since we would expect them to be outweighed by geological site suitability characteristics in the commercial and defense repository option decision. We do believe these considerations could be given a more thorough treatment in the report. This comment also applies to Section 4.4.

6. General comment, Sections 2.3.4 and 3.3.4

In addition to the discussions of the costs and health and safety impacts of transporting defense high-level waste to a commercial or defense-only

repository, the safeguards requirements applicable during transportation should be addressed.

7. General comment, Sections 2.3.4 and 3.3.4

The report would benefit from a description of the insurance that covers shipments of defense waste, and how this coverage may differ from that for commercial waste shipments.

Public Acceptability

1. Page 3-19, second complete paragraph

It is stated that a defense-only repository would be perceived by local officials as having a lesser impact than a commercial repository because of its smaller size and lower total radioactivity content. We suggest that the word "would" in this sentence be changed to "might." Furthermore, it should be noted that if separate repositories were developed for defense and commercial wastes, a larger populace might be affected than if the wastes were commingled.

109/NN/84/9/20/0

- 1 -

Mr. David B. Leclaire, Director
Office of Defense Waste and
Byproducts Management
U.S. Department of Energy
Washington, DC 20585

Dear Mr. Leclaire:

I am pleased to provide comments on your recent draft report to the President entitled An Evaluation of Commercial Repository Capacity for the Disposal of Defense High-Level Waste, prepared in response to Section 8 of the Nuclear Waste Policy Act.

While we have focused our review on the sections of the report addressing health and safety and regulations, our observations are also provided in other areas. Overall we feel that additional referencing of the data presented in the report is necessary and recommend that the draft working papers that are referenced be finalized before the report is completed. I note that the report's conclusion that defense high-level waste should be disposed of in commercial repositories is consistent with our current planning and budgeting assumptions.

I also refer you to our comments on the Environmental Assessment, "Waste Form Selection for SRP High-Level Waste," which identify concerns which need to be pursued in assuring the acceptability of the borosilicate glass waste form (letter from John B. Martin to Thomas B. Hindman, Jr., November 4, 1982).

I look forward to interaction with you during this precicensing phase of repository development. If I can be of further assistance, please call.

Sincerely,

Robert E. Browning, Director
Division of Waste Management

*See previous concurrence

DFC	:WMPC	:WMPC	:WMPC	:WMP	:WM	:WM	:
NAME	:NNumark:ch	:MKearney	:JBunting	:HMILLER	:MBELL	:RBROWNING	:
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Mr. David B. Leclaire, Director
Office of Defense Waste and
Byproducts Management
U.S. Department of Energy
Washington, DC 20585

Dear Mr. Leclaire:

I am pleased to provide comments on your recent draft report to the President entitled An Evaluation of Commercial Repository Capacity for the Disposal of Defense High-Level Waste, prepared in response to Section 8 of the Nuclear Waste Policy Act.

We have focussed our review primarily on the sections of the report addressing health and safety and regulations, although we have also commented on the sections dealing with the other four areas of evaluation. It is not expected that the revisions we have suggested would affect the report's conclusion that defense high-level waste should be disposed of in commercial repositories developed by the Office of Civilian Radioactive Waste Management. We do feel, however, that the conclusion could be better supported by better referencing of data throughout the report, and citation of published rather than draft working papers as the basis for the evaluation.

I hope these comments provide useful information in preparing your final report, and that we can continue a constructive dialogue on defense waste management throughout the precicensing phase of the repository program. If we can provide any further assistance, please do not hesitate to contact me or members of my staff.

Sincerely,

Robert E. Browning, Director
Division of Waste Management

I have ~~strong~~ reservations about stating quite so strongly that defense waste only work packages would be cheaper.

See Note JLB

ABERTHLY

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DATE OF DOCUMENT	DATE RECEIVED	DUE DATE	REVISED DUE DATE	COMPLETION DATE	CONTROL NUMBER
	08 14 84	09 28 84			840827
OFFICE ASSIGNED WM		NAME OF ORIGINATOR AND OFFICE Rusche B OTSD			
REFERRED TO WMRP WMRP		DESCRIPTION Disposal of Defense High Level wastes Hearing 9/26 PC Due Date 9/19 → 9/20			
TRANSITION TYPE (Code Option)		REMARKS			
<input type="checkbox"/> 1. Add new items <input type="checkbox"/> 2. Delete items <input type="checkbox"/> 3. Change item date <input type="checkbox"/> 4. Update item status (close out) <input type="checkbox"/> 5. Revised due date <input type="checkbox"/> 6. Correct item status		closed 10/15 letter to D. Lelaire from RB covering			
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NRC FORM 300 (1-79)		U.S. NUCLEAR REGULATORY COMMISSION			
WORK ITEM TRACKING SYSTEM (WITS, NMSS)					

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**Department of Energy
Washington, D.C. 20585**

**Mr. John G. Davis, Director
Office of Nuclear Material,
Safety and Safeguards, 958SS
U.S. Nuclear Regulatory Commission
Washington, DC 20555**

Dear Mr. Davis:

On January 7, 1983, President Reagan signed into law the Nuclear Waste Policy Act of 1982 (P.L. 97-425). Section 8 of the law requires the President to evaluate the use of the disposal capacity at one or more commercial repositories for the disposal of high-level radioactive waste from atomic energy defense activities. The evaluation considers cost efficiency, health and safety, regulation, transportation, public acceptability, and national security. Although the Office of Civilian Radioactive Waste Management within the Department of Energy (DOE) is responsible for implementation of the Nuclear Waste Policy Act, the evaluation required by Section 8 has been assigned to the Assistant Secretary for Defense Programs.

Two parallel options for the disposal of defense high-level wastes were evaluated:

- o Disposal in a commercial repository or
- o Disposal in a dedicated, defense-only repository

The draft includes the uncoordinated Department recommendation to dispose of defense high-level waste in a combined commercial and defense repository. Coordination of the recommendation will be accomplished by review and comment on the enclosed draft by your agency and other interested Federal agencies. The final evaluation study will be forwarded to the President through the Office of Management and Budget. Should you desire, we will be pleased to discuss the draft with you during the comment period.

A copy of the draft evaluation study is enclosed for your review and comment. Please provide your comments so as to be available to Mr. Dave Leclaire, Director, Office of Defense Waste and Byproducts Management, by September 24, 1984.

Sincerely,


Ben C. Rusche, Director
Office of Civilian Radioactive
Waste Management

Enclosure