

Youngblood, B.J.



Department of Energy
Washington, DC 20585

MAR 7 1989

Mr. Robert M. Bernero, Director
Office of Nuclear Materials Safety
and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Bernero:

On August 30, 1988, the Department of Energy (DOE) submitted its comments on the proposed amendment to 10 CFR Part 61, published on May 18, 1988, concerning the definition of high-level waste (HLW) and disposal of greater-than-Class-C waste (GTCC). Based on the recent Nuclear Regulatory Commission (NRC) staff presentation before the Advisory Committee on Nuclear Waste, the Office of Civilian Radioactive Waste Management (OCRWM) is concerned that few, if any, of the DOE recommendations and comments were adopted by the NRC staff in preparation of the final rule. We need to understand the reasoning behind the final rule as it could impact many areas of the OCRWM geologic repository program, as well as affect other DOE programs.

In our comments transmitted on August 30, 1988, an opportunity was requested to discuss the applicability of the existing repository technical criteria for spent nuclear fuel and HLW to the disposal of GTCC wastes in a repository. Such a discussion would allow DOE to gain an understanding of the considerations which guided development of the final rule and assure us that the NRC fully understands the potential cost, schedule and technical implications of its proposed action.

The topics identified below are of particular concern to OCRWM with regard to the impact on repository development.

1. If the NRC intends to suggest in the final rule that GTCC wastes be disposed of in the repository, DOE needs to understand why NRC believes it is necessary to include this in the final rule. The alternative is to specify requirements for disposal of GTCC, irrespective of destination, to allow later determinations as to the most effective method for meeting those requirements.
2. NRC appears to have abandoned its efforts to define HLW based on its radiological characteristics. DOE has stated a preference for this risk-based approach and needs to understand the NRC's position.

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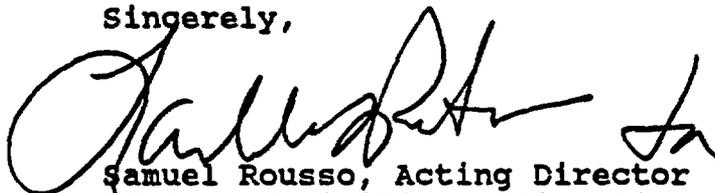
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3. The introduction of GTCC waste in the waste management system portends potential changes to technical criteria, performance objectives and environmental standards for the geologic repository (e.g., waste package criteria, repository surface and subsurface design criteria, basis for testing, and risk assessment basis), as well as disposal costs.
4. The NRC staff has based estimates of GTCC volume on a February 1987 DOE report (DOE/NE-0077). This report states ". . . the Department identified several factors that make it impossible to recommend specific federal or nonfederal disposal options at this time"; including, "Inadequate information on the volumes, sources, and characteristics of GTCC low-level wastes. . . ." DOE still believes that the uncertainty in the estimates of GTCC waste volume precludes selection of a disposal option.

I would appreciate the opportunity to discuss these topics with you at your earliest convenience. These concerns are not as straightforward as they may appear and deserve more detailed discussion and consideration with respect to their impact on the geologic repository program under the Nuclear Waste Policy Act, as amended.

Please contact me at 586-6842, or Ralph Stein of my staff at 586-6046, at your earliest convenience to arrange a mutually agreeable time for us to meet on this topic.

Sincerely,



Samuel Rousso, Acting Director
Office of Civilian Radioactive
Waste Management

cc:

B. J. Youngblood, NRC
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