

SEP 24 1966

Mr. R. A. Holten  
U. S. Department of Energy  
Richland Operations Office  
Waste Management Division  
Richland, WA 99352

WM Record File	WM Project
<u>101-2</u>	<u>10</u>
Docket No.	PDR <input checked="" type="checkbox"/>
	LPDR <input checked="" type="checkbox"/>
Distribution:	
(Return to WM, 620-SS)	

Dear Mr. Holten:

The U. S. Nuclear Regulatory Commission (NRC) staff has reviewed the U. S. Department of Energy's (DOE) draft environmental impact statement (DEIS) entitled Disposal of Hanford Defense High-Level, Transuranic and Tank Wastes, DOE/EIS-0113. On the basis of our review, the NRC offers the enclosed general and detailed comments. Although not part of our comments on the draft EIS, the NRC also wishes to express its concerns regarding other legal and institutional issues related to the concept of in situ disposal of high-level wastes (HLW) at Hanford.

First, as you are aware, under Section 202(4) of the Energy Reorganization Act of 1974, any facilities expressly authorized for disposal of defense high-level wastes are subject to the licensing and related regulatory authority of the Commission. Whether the express authorization for particular facilities is legislative or administrative in our judgment has no bearing upon the concerns that led Congress to provide for licensing by NRC. Also, it appears that the Hanford "tank wastes," which from the information presented in the draft EIS would have been regarded as HLW when the Energy Reorganization Act was passed, remain HLW for purposes of determining whether or not NRC has such jurisdiction. If DOE believes that subsequent processing of the "tank wastes" may have altered the classification of some of the materials being stored, more detailed waste characterization information would be necessary to support that view.

Second, licensing of Hanford waste tanks for HLW disposal will be procedurally complex because of the need to develop appropriate standards and procedures, the existing fait accompli status of the waste tanks, and the difficulty in reasonably evaluating alternatives (e.g., alternative sites) as required by the National Environmental Policy Act. Other statutes would also need to be considered, including one provision (42 U.S.C. § 7272) which could be read to bar the expenditure of funds for purposes related to the licensing of defense waste management activities such as those that might be undertaken at Hanford.

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Although NRC staff does not prejudge the disposal of HLW, in situ, in the Hanford tanks, we believe establishing the feasibility of such disposal as technically adequate to protect the public health and the environment will be exceedingly difficult and may not be achievable. Consequently, nothing in our comments should be read as NRC agreement or endorsement of such disposal. In addition, our comments at this stage do not restrict NRC from making additional comments in the future, when or as appropriate.

Thank you for providing the opportunity to comment on the Hanford Defense Waste DEIS. We hope that these comments will be of assistance in preparing the final environmental statement. We would be pleased to discuss the comments with you and members of your staff if you desire.

Sincerely,

**Original Signed by  
Robert E. Browning**

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

Enclosure:  
NRC's General and Detailed Comments  
on the DEIS

\*See previous concurrence.

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