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MEMORANDUM FOR: Chairman Ahearne
Commissioner Gilinsky
Commissioner Kennedy
Commissioner Hendrie
Commissioner Bradford

THRU: William J. Dircks
Acting Executive Director (Signed) William J. Dircks
for Operations

FROM: William J. Dircks, Director
Office of Nuclear Material Safety
and Safeguards

SUBJECT: STATUS REPORT ON STAFF'S EFFORTS TO REDEFINE HIGH-LEVEL
WASTES (SECY STAFF REQUIREMENTS MEMORANDUM AFFIRMATION
SESSION 80-18) (SECY 80-177)

This memorandum responds to Commissioner Bradford's comment in the referenced staff requirements memorandum, a copy of which is attached.

Appendix F, of 10 CFR Part 50 states that, for the purposes of the policy statement therein, high-level liquid radioactive wastes means those aqueous wastes resulting from the first cycle solvent extraction, and concentrated wastes from subsequent cycles, of reprocessing spent reactor fuel. The Commission expanded that definition of high-level waste (HLW) to include "spent fuel" in the supplementary information to its proposed General Statement of Policy on disposal of high-level waste. The policy statement indicates that, for the purposes of Sections 202 (3) & (4) of the Energy Reorganization Act, when spent fuel is to be disposed of it is considered high-level waste. That definition, modified to include transuranic contaminated wastes, was used in proposed 10 CFR Part 60. This approach is also being taken by EPA in developing their standard for high-level wastes.

We recognize that the above definition of HLW is cumbersome and we are working to improve it. Also, in our Low-Level Waste (LLW) Program, we are working to define those materials that are acceptable for shallow land burial. We expect to have this definition worked out by FY1982, when we publish our final LLW regulation.

There are materials not covered by our definition of HLW that we suspect are not suitable for shallow land burial. These may be suitable for engineered near-surface disposal (e.g. abandoned mines, intermediate depth burial) or may require deep geologic disposal. We are still working on classifying what wastes go where, and have resources budgeted for FY1982 and 1983 to work this out. In making these determinations, the concentrations of radioactive materials and public hazard of the wastes will be considered

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along with the volumes of materials, the state-of-the-art of the disposal technology and cost-benefit. We expect to take the next few years to work it all out, including trying out a few test cases (e.g. certain TMI wastes), before we would be in a position to consider a new definition for HLW. In the meantime, we plan to proceed to develop 10 CFR Part 60 with our present definition of high-level waste and develop regulations to dispose of those wastes that everyone agrees require deep geologic disposal. We don't want to foreclose options for disposing of wastes by prematurely adopting definitions that we can't defend technically and haven't tested.

(Signed) William J. Dircks

William J. Dircks, Director
Office of Nuclear Material Safety
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Enclosure:
As stated

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