

JOCKET NUMBER
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Midwest Interstate Low-Level Radioactive Waste Commission

Room 588 • 350 N. Robert Street • St. Paul, MN 55101 • (612) 293-0126

April 16, 1987

Mr. Samuel Chilk
Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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USNRC

Dear Mr. Chilk:

The Midwest Interstate Low-Level Radioactive Waste Commission has reviewed the advance notice of proposed rulemaking on "Definition of High-Level Radioactive Waste" (Federal Register, February 27, 1987, p. 5992) and requests that the following comment be considered.

The Commission notes that, if the conceptual definition of Clause (B) were adopted, greater-than-Class C wastes that failed to exceed the concentration limits for both the short- and long-lived radionuclides could still remain as orphan wastes. Although the notice discusses the licensing of a separate facility for disposal of these wastes, the determination that these wastes are not high-level, coupled with their small volume, could lead to further interest in making these wastes a state responsibility.

The Midwest Compact would strongly oppose any move to redefine low-level radioactive waste at some future date to force acceptance of waste that does not fall within the 10 CFR 61 definition of Classes A, B, and C, as set forth in the 1985 Amendments Act. Not only would such action be contrary to Compact and state understandings that led to passage of the Amendments Act, but it would be inconsistent with current plans and commitments that do not provide for disposal of such waste.

We hope that the Nuclear Regulatory Commission will consider the institutional implications of redefining high-level radioactive waste, especially any potential effects on the current structure for management and disposal of low-level radioactive waste.

Sincerely,

Tom Kalitowski
Chair

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cc: Midwest Commissioners

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