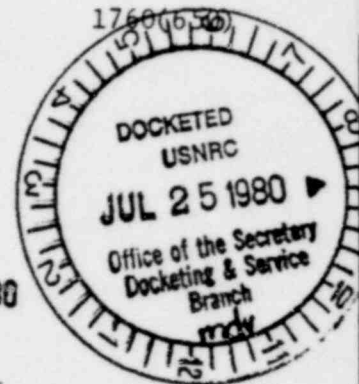




United States Department of the Interior

BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

IN REPLY REFER TO:



Comments on 45 FR 31393

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PROPOSED RULE

PR-00 (26)
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Memorandum

Nuclear Regulatory Commission

To: ~~Director, Office of Environmental Project Review~~

From: Director, Bureau of Land Management

Subject: Notice of Proposed Rulemaking -- Technical Criteria for Regulating Geologic Disposal of High-Level Radioactive Waste (ER 80/482).

We have reviewed the subject notice of proposed rulemaking published in the Federal Register on May 13, 1980. This proposed rulemaking establishes the performance objectives and the technical criteria to be met by the Department of Energy (DOE) in establishing high-level waste repositories. The proposal will also provide criteria to ensure that the authorized waste disposal activities of the Nuclear Regulatory Commission (NRC) ". . . will not constitute unreasonable risk to the health and safety of the public."

Many subjects covered are outside the area of responsibility of the Bureau of Land Management (BLM), but should be reviewed carefully. In general, the technical criteria included in these regulations appear to be sufficiently comprehensive to take care of the problems of constructing and operating high-level waste disposal sites. We have identified some weaknesses in our comments, but careful follow-up evaluation of the criteria is still needed due to the hazardous nature of these wastes and the importance of their safe disposal to human health and the environment. Close cooperation between DOE, NRC, and BLM is recommended if non-DOE lands become involved in the high-level radioactive waste disposal program.

The following are specific recommendations for improving the overall proposed criteria:

1. Section 60.121 -- This section limits geologic repositories for high-level radioactive wastes to lands that are either acquired lands under the jurisdiction and control of DOE or to lands permanently withdrawn and reserved for its use [section 60.121(a)]. This rulemaking does not specifically mention Federal lands administered by BLM or any other agency. However, provisions of section 106(a)(4) and (b) of DOE # 14, Draft Bill -- Residual Radioactive Material Control Act, provides that the Secretary of the Interior may be requested to transfer Federal land to DOE for use as disposal sites. If BLM-administered lands other than those under the present control of DOE or NRC will be required for the repository sites, I recommend that, "the Secretary of the Interior, with the advice of BLM, shall select and designate the land to be

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used for such sites to ensure that: (a) the area is remote from human habitation and use; (b) the area does not have potential value for resource uses other than waste disposal; and (c) the area is transferred to DOE with full responsibility for any hazards that might arise from the presence of radioactive waste."

The term "control zone" is also identified in this section [§60.121(b)] as that area surrounding the geologic repository operations area. This explanation is inadequate in that several variables including size, purpose, ownership and land use are not clear. This term should be defined with respect to size and shape and relationship to the excavation.

2. Section 60.122 -- Geologic repository is identified in this section as an excavation of unspecified dimensions of which "the volume will extend a horizontal distance of 2 kilometers from the limits of the repository excavation and a vertical distance from the surface to a depth of 1 kilometer below the limits of the repository excavation." I recommend the addition of an estimate of the diameter and the total area of the excavation as a guide to the quantity of land that might be involved in such disposal sites if Federal lands transfers are required.

In addition, the quantity of high-level waste is not clearly identified in this section. As stated, the top of the emplaced waste must be a minimum depth of 300 meters from the ground surface of the excavation and extend downward to an undesignated depth. An estimate of the total amount of high-level waste to be deposited at any given site and the total depth required for its emplacement, starting at 300 meters below the surface, should be provided.

We appreciate the opportunity to comment on the proposed rulemaking. If you have any questions on our comments, contact George Hollis at 343-8735.

Jallyn Kapp Murphy

Deputy