

WM- 6 PDR (Return to WM, 623-SS)
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DEC 1 1982

WM: 413.1

MEMORANDUM FOR: Robert S. Brown, Jr., Assistant  
to the Director and Chief  
Program Support Branch

FROM: Joseph O. Bunting, Jr., Chief  
Licensing Process and Integration Branch

SUBJECT: QUARTERLY UPDATE FOR REGULATORY AGENDA -  
DECEMBER 1982 (NMSS 821147)

Pursuant to your request, we have updated the attached rules and petitions for which WM has lead responsibility. Changes are marked on existing summaries with any additions underlined. WM (NMSS) has been involved in the 10 CFR Part 60 rulemaking, but understands that the Office of Research will be providing the update for the Regulatory Agenda.

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Joseph O. Bunting, Jr., Chief  
Licensing Process and Integration Branch

Enclosure: Updated rules and  
petitions

DISTRIBUTION NMSS 821147

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OFFICE	WMPI	WMPI	WMLL	WMPI			
SURNAME	LWorby:as	JJSurmeier	PLOhaus	JOBunting			
DATE	82/12/1	82/12/1	82/12/2	82/12/2			

TITLE: Transuranic Waste Disposal.

AGENCY CONTACT: Paul H. Lohaus  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301)427-4500

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 20  
10 CFR 150

LEGAL AUTHORITY: 42 U.S.C. 2073  
42 U.S.C. 2093  
42 U.S.C. 2095  
42 U.S.C. 2111  
42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 2273  
42 U.S.C. 5842  
42 U.S.C. 5846

ABSTRACT: The proposed rule would prohibit the disposal by burial in soil of transuranic elements above a certain concentration. A companion amendment to Part 150 would reassert exclusive Commission authority over disposal of transuranic contaminated wastes (TRU) exceeding this concentration in Agreement States. The proposed rule has been incorporated into a new proposed rule, that would establish a new 10 CFR Part 61. A notice withdrawing the earlier proposed rule on TRU and an amendment to the Commission's Part 150 Agreement States rule will be issued following publication of the final rule 10 CFR Part 61 which ~~is currently before~~ was approved by the Commission, October 28, 1982.

TIMETABLE: Proposed Rule Published: September 12, 1974 (39 FR 32921).  
Next Scheduled Action: Withdrawal of proposed rule.

TITLE: Licensing Requirements for Land Disposal of Radioactive Waste

AGENCY CONTACT: Paul Lohaus  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4500

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 61

LEGAL AUTHORITY: 42 U.S.C. 2021a  
42 U.S.C. 2073  
42 U.S.C. 2077  
42 U.S.C. 2092  
42 U.S.C. 2093  
42 U.S.C. 2095  
42 U.S.C. 2111  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233  
42 U.S.C. 2273  
42 U.S.C. 5842  
42 U.S.C. 5846

ABSTRACT: The proposed rule would specify (1) performance objectives and general requirements for land disposal of radioactive waste, (2) technical requirements for disposal of radioactive waste to near-surface disposal facilities, (3) requirements for submitting applications for licenses authorizing these activities and procedures which the Commission will follow in the issuance of these licenses, (4) provisions for consultation and participation in license reviews by state governments and Indian tribes, and (5) procedures governing the transfer of licensed material for disposal. Specific requirements for licensing facilities for the disposal of radioactive wastes by alternative land disposal methods will be proposed for Part 61 in subsequent rulemaking. The proposed rule does not deal with the disposal by individual licensees of their own wastes by burial. Disposal of radioactive wastes by an individual licensee will continue to be governed by requirements in Part 20 of 10 CFR. INSERT

TIMETABLE: Proposed Rule Published: July 24, 1981 (46 FR 38081).  
~~Next Scheduled Action: Final rule is pending before the Commission.~~  
Final Rule approved by the Commission: October 28, 1982, and will be published in the Federal Register before the end of the calendar year.  
Final Environmental Impact Statement published: November, 1982.

## INSERT

The Part 61 rulemaking considered four major alternatives and a broad range of variations within each. The major alternatives were: (1) a base case reflecting past disposal practices; (2) a no action reflecting today's practices (better than base case); (3) a preferred final reflecting the Part 61 requirements; and (4) an upper bound, involving placing all waste into a stable form.

While Part 61 involves somewhat higher costs than the no action case, the Part 61 case enhances the potential for minimizing long-term environmental releases and costs to the site owner, as well as providing greater protection against premature site closure. The all-stable case would involve significant additional costs to disposal facility customers, and although environmental impacts and costs to site owners would be minimal, staff believes that costs are sufficiently uncertain as to preclude generic implementation at this time.

Of 107 commenters on the rule, 47 expressed explicit support, 15 expressed outright opposition, and 47 offered constructive comments without taking a general position, or offered support with reservations.

PETITION DOCKET NUMBER: PRM-20-7

PETITIONER: Natural Resources Defense Council, Inc.

PART: 20

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: September 23, 1976 (41 FR 41759)

SUBJECT: Shallow Land Disposal of Low-Level Radioactive Waste

SUMMARY: Description. The petitioner requests that the Commission amend regulations to set interim standards for shallow land disposal of low-level radioactive wastes. The petitioner proposes that the regulations require (1) the transfer of regulatory authority for long-lived transuranic waste (TRU) from the states to NRC, (2) a moratorium on new or enlarged burial site licensing pending the establishment of certain requirements, (3) payment of fees by persons who produce TRU waste to finance safe permanent disposal, (4) the solidification of all radioactive wastes before shipment, and (5) the preparation of a generic environmental impact statement. These regulations are needed to ensure safe disposal of long-lived radioactive wastes.

Objective. To provide interim measures needed to preserve the capability to dispose safely of low-level wastes until the necessary studies and environmental impact statement are completed for a long-term regulation.

Background. The comment period closed on November 22, 1976. Fourteen of the fifteen responses from industry recommended denial of the petition. The NRC staff analyzed the petition and concluded that no compelling potential health and safety hazard existed to warrant immediate NRC reassumption of regulatory authority from the states, or immediate implementation of interim regulations as proposed by the petitioner. Consequently, a notice denying immediate issuance of interim requirements for shallow land disposal of radioactive wastes was issued by the Commission and published in the Federal Register on July 25, 1979 (44 FR 4354). However, several issues raised by the petitioner are being considered as part of a comprehensive proposed rulemaking affecting 10 CFR entitled "Licensing Requirements for Land Disposal of Radioactive Waste" that was published in the Federal Register on July 24, 1981 (see 46 FR 38081 and page ).

Part 61

TIMETABLE: The final rule addressing these issues ~~is currently~~ was approved by before the Commission on October 28, 1982. The Final Environmental Impact Statement was published in November, 1982.

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