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JUL 15 1982

Mr. Thomas I. Betts
Director of Government and Public
Affairs
Functional Products and Systems
Dow Chemical Company
Barstow Building
2020 Dow Center
Midland, MI 48640

Dear Mr. Betts:

We appreciate your June 18, 1982 transmittal of the presentation on the DOW Chemical Company's solidification process made to the technical assistants to the Commissioners on May 26, 1982.

With respect to the presentation, we believe some of the points made require clarification or correction. Specific comments in this regard are noted in Enclosure 1.

Your letter and presentation also expressed concerns regarding proposed requirements and guidelines for proper disposal of low-level radioactive wastes. We believe these concerns were made clear to the NRC staff in the DOW comments on the proposed regulation, 10 CFR Part 61 and the draft Branch Technical Position on Waste Form. These comments were previously submitted in your letters dated October 12, 1981, November 25, 1981, and January 12, 1982. These comments, taken together with other public comments, are being given careful consideration in preparing the final version of 10 CFR Part 61 and the Final Environmental Impact Statement which supports 10 CFR Part 61.

Sincerely,

Original Signed by
Robert E. Browning

Robert E. Browning, Deputy Director
Division of Waste Management

Enclosure: Comments

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OFFICE	WMLL <i>PDR</i>	WM <i>REB</i>	ETSB <i>by telcon</i>	WMLL		
SURNAME	TJohnson:jh	REBrowning	Wamill	RDSmith		
DATE	07/16/82	07/16/82	07/16/82	07/16/82		

CLARIFICATIONS AND CORRECTIONS ON
DOW PRESENTATION TO COMMISSIONER
TECHNICAL ASSISTANTS

1. On page 2, it is stated that existing DOT regulations specify that solidified wastes must meet immersion, heating and percussion requirements. The specific tests you have referenced (49 CFR 173.398(a)) apply to special forms. Solidified wastes are not shipped under these provisions, but as low-specific activity (LSA) materials or in overpacks which provide either Type A or B protection as required. It is certainly commendable that DOW used the special form immersion, heat and percussion test requirements as a criteria for developing its solidification agent. However, it is inaccurate to state the solidified products must meet the DOT special form requirements.
2. On page 2, reference is made to the ETSB Branch Technical Position (BTP) 11-3. This BTP was revised in July 1981 to reflect the modification in disposal site license conditions which allow use of dewatered wastes in high integrity containers as an alternative to solidification. The revised BTP also states that dewatered wastes are subject to process control procedures, provisions for liquid detection, disposal site free liquid requirements, DOT regulations, and container requirements. We are enclosing a copy of the revised ETSB BTP 11-3 (Attachment 1) for your information.
3. The reference on page 3 to the leach criterion in the DOT regulations should be clarified. The criterion is based on the proposed Part 127 Low-Level Solid (LLS) Class. This proposed rule was never promulgated as a final rule and the concept of a LLS class is still undecided. The IAEA, however, has implemented this LLS class in their international transportation regulations.
4. On page 10, it is stated that the use of urea-formaldehyde (UF) was encouraged by the NRC. This statement is incorrect. On the contrary, NRC staff, in many meetings and discussions with utilities and disposal site regulators, encouraged more inspection activities to determine if UF was indeed meeting the free liquid requirements. The South Carolina inspection action referenced in your presentation was welcomed by NRC staff since it confirmed our concerns regarding this solidification agent. In addition, ETSB has critically reviewed both generic and plant specific Process Control Programs for UF processes submitted for appraisal. This critical review was occurring because of the concern with UF. Due to this concern, ETSB had not approved two topical reports describing UF systems and had not approved the three most recent plant specific applications of the UF processes.
5. The statement on page 11 that the NRC has not coordinated its regulatory criteria development is not correct. We believe 10 CFR 61 is consistent with both 10 CFR 50, 10 CFR 71, and the DOT regulations. These regulations, of course, all affect waste management activities, but do so in distinct, separable areas. We would appreciate the identification of specific areas where you consider conflicts exist.

Enclosure 1