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**POLICY ISSUE**  
**(Notation Vote)**

SECY-90-273

August 6, 1990

For: The Commissioners

From: James M. Taylor  
Executive Director  
for Operations

Subject: PARTIAL RESPONSE TO THE MAY 29, 1990, STAFF REQUIREMENTS  
MEMORANDUM ON TRACKING OF GTCC WASTE ACCEPTED BY DOE  
FOR STORAGE PENDING DISPOSAL

Purpose: To recommend an approach for tracking greater-than-  
Class C (GTCC) low-level waste (LLW) accepted by the  
Department of Energy (DOE) pending transfer to an  
NRC-licensed disposal facility.

Background: In SECY-90-098, dated March 16, 1990, the staff  
communicated the findings of a survey of specific and  
general licensees possessing GTCC sealed sources;  
addressed the nature and extent of the problem and  
options for its resolution; summarized the status of  
DOE's program for acceptance of GTCC sealed sources  
and other wastes for storage and disposal; and  
answered specific questions raised by the Commission.

By memorandum dated May 29, 1990, the Commission  
requested, among other matters, that the staff propose  
an approach to track GTCC wastes accepted by DOE to  
ensure that all such wastes are disposed in an  
NRC-licensed disposal facility.

Discussion: There appear to be two parts to such a tracking  
system: (1) notification when GTCC wastes are  
transferred to DOE, and (2) tracking GTCC wastes  
within DOE until the wastes are transferred to an  
NRC-licensed disposal facility.

Notification. There appear to be two alternatives.  
First, staff could initiate a rulemaking to require  
that NRC licensees notify NRC when GTCC waste is  
transferred to DOE. Such notification could include

Contact: G. Roles, NMSS  
492-0595

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information such as the identity and address of the licensee, the DOE facility to which the waste is transferred, and the physical, chemical, and radiological characteristics of the waste. The easiest and best approach would probably be to require that licensees first receive verification that DOE has received and has accepted the waste, and then transfer a copy of the shipment manifest to NRC, along with any other required information such as a certification or an NRC license number.

One advantage of this alternative is that NRC would maintain regulatory control over receipt of the information. Reporting requirements would be developed according to a formal process. One disadvantage is that a rulemaking could require up to two years to complete, and would not include any information about transfers of GTCC waste from Agreement State licensees. Another disadvantage is that there are thousands of NRC licensees who may ship GTCC waste to DOE. Because some licensees may neglect to notify NRC, staff would have to develop procedures to ensure that NRC's records of receipt are complete. These procedures could become expensive to implement.

The other alternative is to establish an arrangement with DOE, perhaps by a memorandum of understanding, by which DOE would notify NRC of receipt and acceptance of GTCC wastes. Again, this notification would include any information needed to characterize the waste and identify the waste generator.

An advantage of this alternative is that it could be implemented quickly and, if DOE agrees, could include information about transfers from Agreement State licensees. Another is that the logistics of information receipt and processing would be simpler. Because DOE plans to store GTCC waste at only a limited number of locations, there would be only a few points of contact rather than thousands. A disadvantage is that an agreement with DOE doesn't have the force of a rulemaking.

NRC staff recommends the second alternative. DOE staff has indicated its readiness to consider this approach.

Staff believes that it would be straightforward to organize and maintain an NRC file containing records of GTCC wastes transferred to DOE. Over the next

several years, staff expects only a small number of transfers of GTCC waste to DOE. DOE initially plans to accept GTCC waste only under restricted circumstances: The GTCC materials must pose a serious and immediate threat to public health and safety, NRC or an Agreement State agency must verify the existence of this threat, and the generator must be financially unable to provide storage. Except under these emergency conditions or to fulfill existing contracts, DOE does not plan to routinely accept GTCC waste for storage until 1995.

Eventually, staff expects to transfer GTCC information received from DOE into a computer data base. Such a data base could be readily established using a personal computer equipped with appropriate memory and software.

Tracking Within DOE. A more complicated matter is tracking GTCC waste within the DOE system. The Low-Level Radioactive Waste Policy Amendments Act (Amendments Act) doesn't provide NRC with authority to directly regulate DOE storage of GTCC waste. If NRC had this licensing authority, NRC could condition issuance of a hypothetical storage facility license on demonstration by DOE of a suitable tracking system. But the Amendments Act does provide NRC with regulatory authority to license a facility for disposal of GTCC waste. Under this authority, NRC could develop regulations or specific license conditions to verify that licensed GTCC materials received for disposal from temporary storage are indeed those GTCC materials earlier received by DOE from Commission licensees.

However, to wait to address this matter until the time of disposal facility licensing, when DOE may have been collecting GTCC waste for several years, could lead to delays in the licensing process. This problem would be aggravated by any activities taken by DOE to process or repackage GTCC waste before disposal.

In discussions with NRC staff, DOE staff has recognized that it is in DOE's interest to track receipt and storage of GTCC waste. DOE has taken actions in light of this interest. As noted in Enclosure 1, DOE Headquarters has directed the DOE Operations Offices to refrain from disposing of GTCC wastes accepted from NRC or an Agreement State. In this June 27 memorandum, the Operations Offices are instructed to maintain records that allow for easy

identification and location of the waste so that it would not be commingled with waste generated by DOE. In addition, DOE Headquarters has requested the Idaho Operations Office to review existing waste receipt data to ensure that it is accurate, and to establish and maintain a central record of GTCC waste accepted from licensees (Enclosure 2).

Once DOE establishes this central record, DOE would then develop a more detailed system to track GTCC wastes through any processing or repackaging operations and eventual disposal. A tracking system in which GTCC waste information was stored and manipulated in a computer data base would allow for easy information retrieval and review by DOE and NRC staff. NRC staff and DOE staff both recognize the need for such a system. However, a decision on the need for processing or repackaging GTCC waste will not be made until a decision is made on the disposal method. Such a decision may not be made for several years, at which time a number of regulatory issues may require resolution before any processing or repackaging activities for GTCC waste are undertaken.

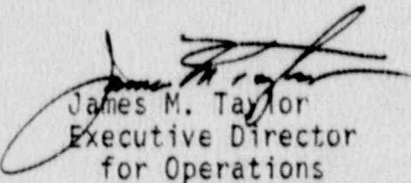
Recommendation:

That the Commission:

1. Note the staff recommends continued discussions with DOE staff on tracking of GTCC waste. Staff recommends initially concentrating on developing procedures by which DOE would notify NRC when in receipt of GTCC waste for storage. In addition, staff would work with DOE staff as DOE develops procedures and computer systems for tracking GTCC wastes through any processing or repackaging operations and delivery to the disposal facility.

Coordination:

The Office of the General Counsel has reviewed this paper and has no legal objection.

  
James M. Taylor  
Executive Director  
for Operations

Enclosures:

1. 6/27/90 memo to DOE Operations Offices.
2. 7/10/90 memo to Idaho Operations Office.

SECY NOTE: Commissioners' comments or consent should be provided directly to the Office of the Secretary by COB Tuesday, August 21, 1990.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT August 14, 1990, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

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JUN 27 1990

EM-35

Disposal of Greater-Than-Class C Low-Level Waste Generated by the Nuclear Regulatory Commission or Agreement State Licensees

Manager, AL  
Manager, SR  
Manager, OR  
Manager, ID  
Manager, NV  
Manager, RL

Public Law 99-240, the Low-Level Radioactive Waste Policy Amendments Act of 1985, requires that certain greater-than-Class C low-level radioactive waste be disposed of in a facility licensed by the Nuclear Regulatory Commission. Note the attached requirement in Article 3(b) of this law.

Pending further guidance on applicability of this requirement to waste accepted from licensees under specific circumstances, no low-level waste exceeding Class C limits accepted by the Department from licensees of the Nuclear Regulatory Commission or Agreement States should be disposed, except upon specific written approval by my office.

Records of greater-than-Class C low-level waste accepted from licensees should allow for easy identification and location of the waste to ensure that such waste will not be commingled with waste generated by the Department and disposed in accordance with Department of Energy orders.

If you have any questions about this please contact E. Jordan, on 233-5429.

Original signed by:  
Stephen P. Cowan  
Jill E. Lytle  
Associate Director  
Office of Waste Operations  
Environmental Restoration  
and Waste Management

Attachment

cc:  
J. Dieckhoner, EM-32  
E. Jordan, EM-321

Enclosure 1

# memorandum

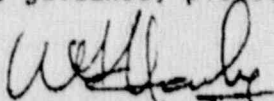
DATE: JUL 10 1990  
 REPLY TO: EM-351  
 ATTN OF:  
 SUBJECT: Inventory and Tracking System for Greater-than-Class C Low-Level Waste  
 TO: W. Lattin, ID

During 1989, your office assisted in preparing an inventory of greater-than-class C low-level waste (GTCC LLW) accepted by the Department of Energy from licensees. It is requested that this information be reviewed and any changes be reported to this office (EM-351) by October 1.

Thereafter, the inventory should continue to be maintained and should serve as the Department's central record for information on the status of GTCC LLW accepted by the Department from licensees of the Nuclear Regulatory Commission and Agreement States.

The inventory should conform to requirements contained in a memorandum from J. Lytle (EM-30) to field office managers dated June 27, 1990. The memo specified that records of GTCC LLW accepted from licensees should allow for easy identification and location of the waste to ensure that such waste will not be commingled with waste generated by the Department and disposed in accordance with Department of Energy orders.

If you have any questions about this guidance, please contact me.

  
 William F. Newberry  
 Low-Level Waste Manager  
 Division of Technical Support  
 Office of Waste Operations

CC:  
 E. Jordan, EM-321