



Department of Energy
Washington, DC 20585

APR 07 1992

Mr. Robert M. Bernero
Director
Office of Nuclear Material Safety
and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Bernero:

This responds to issues raised in previous meetings and correspondence regarding plans for Department of Energy (DOE) acceptance of Greater-Than-Class C (GTCC) low-level radioactive waste from commercial sources.

The DOE has initiated a two-phased strategy that will provide for storage of GTCC low-level radioactive waste until licensed disposal capacity becomes available. The first phase involves development of interim storage capability for very limited quantities of GTCC waste, hopefully by the end of 1993. The second phase of the DOE's strategy would involve development of a dedicated facility to accept GTCC on a routine basis until a licensed disposal facility is available sometime around the end of 1997.

The DOE recently completed a survey of its facilities and is about to begin consultation with public officials in the State where the preferred storage site is located. If these consultations can be successfully concluded quickly, the DOE would then proceed with preparation of the appropriate environmental documentation and detailed waste acceptance criteria. This is why I consider it possible for the DOE to begin accepting commercial GTCC sources for interim storage sometime around the end of 1993, although the inherent weakness of any time estimate when radioactive material is involved should be recognized.

Your staff has asked the DOE to consider modifying its present conditions for emergency acceptance of GTCC sources from licensees that experience problems in controlling or accounting for them. The authority granted for the DOE to provide for emergency storage is generally limited to sealed sources and devices that have been abandoned in the public domain or those rare circumstances where the NRC or Agreement State can demonstrate a licensee is on the verge of losing control of radioactive material. Unfortunately, the DOE cannot accept commercial GTCC sources any faster than the optimistic schedule I have outlined above. Until interim storage capability is established, the DOE can only continue to accept radioactive materials, including those in the GTCC category, if

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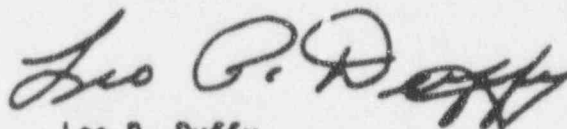
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requested by the NRC and Agreement States because of well-specified public health and safety considerations. I presently anticipate that the DOE will be asked to temporarily store about 800 radioactive sources or devices from firms that have requested license termination and small businesses with storage-only licenses that are likely to seek license termination (which NRC estimates to be about 300 per year). The DOE, under its planning scenarios, considers these upper-limit estimates and expects these numbers to decrease as a result of the recycling program a major sealed source supplier recently initiated.

Our staffs have discussed improvements in the process for responding to emergency situations which arise when radioactive materials are abandoned or when the NRC is confronted with a potentially serious threat to public health and safety. I believe we should continue to work together to evaluate past situations and modify procedures to take advantage of any "lessons learned." I am confident these matters can be addressed by our respective staffs. Meanwhile, the DOE intends to work closely with the NRC and Agreement States while it develops a definitive process for acceptance of commercial GTCC sources on an interim basis. I want this to be a relatively simple process -- one that requires minimal effort among the licensee, NRC, and the DOE -- although it may be wise to publish the agreed-upon procedure in the Federal Register and take the time to solicit and consider public comments before it is finalized.

I hope this clarifies the Department's policy and expectations regarding the acceptance of commercial GTCC sources. The DOE is committed to assisting the NRC to assure public health and safety and promises to work closely with the NRC during development of an interim GTCC storage capability.

Sincerely,



Leo P. Duffy
Assistant Secretary for Environmental
Restoration and Waste Management