



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

JAN 1983

MEMORANDUM FOR: Patricia G. Norry, Director
Office of Administration

FROM: John G. Davis, Director
Office of Nuclear Material
Safety and Safeguards

SUBJECT: REQUEST FOR WAIVER FROM FEES

This is a request for waiver from fees for NRC's review of vendor topical reports. The topical reports would provide information that NRC licensees could apply in their radioactive waste management programs and thus demonstrate compliance with requirements of 10 CFR Part 61, "Licensing Requirements for Land Disposal of Radioactive Waste." Part 61 does not require this information to be submitted to NRC; rather, we would like to encourage vendors to voluntarily submit topical reports as a method of aiding the process of assuring early availability of products for classifying and stabilizing radioactive wastes to meet the criteria of Part 61. These criteria become effective December 27, 1983 for all NRC licensees preparing waste for shipment to and ultimate disposal by burial at shallow land burial sites.

The review of the information submitted by vendors would result in identification of solidification processes and containers determined to conform to the "waste stability" requirements of Part 61. This information would then be used in the NRC inspection programs as a pro forma determination of compliance with the requirements; that is, determination of licensee compliance would be simplified if a licensee is using one of the "acceptable" processes or products identified from the review.

In the absence of a review of this "topical information," compliance with the requirements for stabilizing waste will require detailed review of the information during inspections at each NRC licensee facility. This approach requires that a large number of inspectors be trained in the testing and acceptance criteria related to the requirements for waste stability in 10 CFR Part 61.

While both the topical report review and individual reviews during inspections are manpower intensive, the topical report reviews of the information submitted to NRC is a much more efficient method for and

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assures NRC a much higher degree of consistency in the overall process of assuring compliance with the requirements of Part 61.

The results of the topical report reviews by the NRC would also be provided to the States, as the stability (and other) requirements of 10 CFR Part 61 are matters of compatibility in the Agreement State Program. Thus, the NRC would be providing technical assistance to and aiding the States in carrying out the intent of the Part 61 "national standard" established by the NRC.

Using a topical report review approach, NRC would be continuing to assert its position in a leadership role in dealing with the national problem of waste disposal, providing a centralized national level of review with the opportunity for the participation of States. This will aid in assuring consistency in requirements applied to waste disposal, lessening the possibility that states may adopt differing and confusing requirements due to a perceived absence of a nationally recognized standard.

The information from the review would also be provided to the operators of the waste burial sites. While the persons shipping waste to the site must certify to the site operator that the waste has been put in a stabilized form which meets Part 61 (and equivalent Agreement State) requirements, the results of the review should provide operators of waste burial sites an added measure of confidence that waste stability requirements have been fulfilled.

It is for these reasons that we request a waiver from the fee requirements for review of topical reports related to waste form and classification requirements of Part 61. We believe for those same reasons that this waiver of fees would be in the public interest. We have discussed the legal aspects of such a waiver with OELD and they have no legal objections.

We recognize the precedent setting nature of such a waiver, particularly with the recent emphasis on full recovery of NRC licensing and inspection costs. We suggest, therefore, that such a waiver only be in effect for one year, a time frame sufficient for any vendor to prepare a topical report and to submit it for review. This would allow NRC to continue to press toward resolution of the important issue of waste disposal at a time when we believe prompt action is required.

The actual cost to NRC for review of the topical report should not be high. We estimate about 10 such topical reports would require review. Given the number of firms that presently supply or could potentially supply high integrity containers or solidification systems, the maximum number of such reports should not exceed 20. We estimate the cost for NRC review would range \$20-30K per report review. We believe this cost is low given the already extensive effort of NRC over the past five years to develop Part 61.

We are prepared to meet and discuss any questions you may have in this matter. We will appreciate your prompt response to the request.

Don Maushardt
for John G. Davis, Director
Office of Nuclear Material
Safety and Safeguards