

MAR 18 1980

MEMORANDUM FOR: Charles J. Haughney  
Advanced Fuel and Spent Fuel Licensing

FROM: Edward P. Regnier  
High-Level Waste Licensing Management Branch

SUBJECT: ANALYSIS OF AMENDMENT NO. 1629 TO S. 688 (WEST  
VALLEY WASTE SOLIDIFICATION)

As you requested, I have reviewed the subject amendment from a waste management perspective. The following comments and observations are offered for use in your analysis of the amendments

The amendment requires transfer of title to the liquid wastes to DOE and places responsibility for storage, solidification, transportation, and disposal upon DOE. The amendment would provide that essentially all of the expense of these operations be borne by the federal government. The amendment requires DOE to carry out the above functions and provides an authorization of \$5,000,000 for initial work in FY80. It provides that any funds appropriated for subsequent years cannot be used until DOE takes title to the waste and reaches contractual agreements with the State of New York relieving the State of any significant financial responsibility.

The amendment expressly disclaims having any effect on any NRC licensing authority.

While not expressly doing so, the amendment by implication may require the DOE to make an immediate or near-term selection of the form of the solidified waste product. This is of particular interest to the Waste Management Division as such a requirement does not appear to be consistent with the "systems approach" for waste disposal which was espoused by the IRG and is reflected in the Division's current draft regulations. In particular, the sentence starting at line 10, page 6 of the amendment reads:

"The secretary shall carry out the project by vitrifying the high-level liquid nuclear wastes located at the Center or by employing the most effective technology for solidification available."

While ambiguous, as it does not specify how or when the "most effective technology" would be selected, an interpretation that the technology should be selected immediately would be reasonable, especially in light of the urgency for action conveyed by the amendment. Further, either vitrification or the "most effective technology" appear to be acceptable alternatives.

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The reference to "long-term burial" at a federal repository on page 2, line 8 probably means disposal and would be clarified by using the word disposal.

The allocations of costs between the federal and state government is susceptible of ambiguous interpretation. While it seems that the "appropriate fee" to be paid by the state for perpetual care and maintenance (page 3, line 4) is distinct from the state's share of the costs of the project (limited to a maximum payment of 10 percent of the cost) (page 3, line 21), the inclusion of the existing perpetual care fund in the items to be credited against the state's share of the costs of the project casts doubt on this interpretation.

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Management Branch

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