

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



Docket No. 50-201

MAR 10 1980

Disc
Please keep in to PDR
This. I still think
calculations make
no sense.
If so what
happens +
the existing
license?
Bill
3/21

MEMORANDUM FOR: William J. Dircks
Acting Executive Director for Operations

THRU: William J. Dircks, Director *Q10 for*
Office of Nuclear Material Safety and Safeguards

FROM: Richard E. Cunningham, Director
Division of Fuel Cycle and Material Safety
Office of Nuclear Material Safety and Safeguards

SUBJECT: ANALYSIS OF MOYNIHAN BILL ON WEST VALLEY
ON HIGH-LEVEL WASTE

Your note of February 27, 1980 asked for an analysis of Senator Moynihan's bill on West Valley high level waste. Ms. Mary Ann Richardson of Congressman Lundine's staff has been kind enough to help us keep track of the progress of the various bills, primarily as they relate to Mr. Lundine's bill. Our comments are as follows:

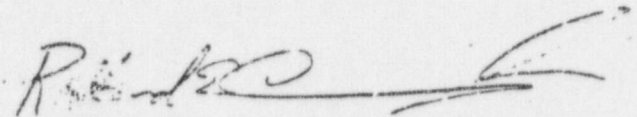
1. Mr. Moynihan's bill (the Bill) does not address the institutional questions, only the question of immobilization of the high-level waste. This is in keeping with the Lundine bill, after which it was patterned and is now identical. Mr. Lundine fears that taking sides on the institutional question would doom the bill for certain.
2. The licensing aspects of the Department of Energy (DOE) work are not addressed in the Bill. We are proceeding under the assumption that work would be done under the existing license or some adaptation of the license. You took that position in your testimony on May 31, 1979 before the House Subcommittee on Energy and the Environment, Committee on Interior and Insular Affairs (testimony attached). Subsequently, on June 4, 1979 Congressman Udall wrote former Chairman Hendrie questioning whether the NRC's current authority to license high level waste management activities at West Valley was adequate. After several months of discussion among NMSS, OELD, OGC and the Commissioners themselves, Dr. Hendrie responded on November 23, 1979. This lengthy letter documents the confusion and disagreement that exists over the entire issue of NRC's licensing authority of a DOE waste solidification plant at West Valley. Copies of the exchange of correspondence between Mr. Udall and Dr. Hendrie are attached.

CONTACT: A. T. Clark, FCAF
42-74205

On page 4, lines 10-16 of the Bill, the requirement that DOE "consult" with the NRC is codified. In the past, our interpretation of "consultation" with respect to licensing has been that consultation falls short of full, formal licensing. For example, we used the word "consult" in a specific sense in NUREG-0527, the Waste Licensing Study. In that case, consult implied that NRC would conduct independent safety and environmental reviews of proposed DOE actions; but actual issuance of a license and review by a licensing board would not take place.

3. The fixed dates appearing in the Bill are tending to render it obsolete. (This probably would be rectified before becoming law.)
4. The ten year time limit originally given in the Lundine bill has been removed. This is preferable, since it could well take more than ten years to complete the work.
5. The Bill does not adequately recognize the lack of a Federal repository for high-level waste. On-site storage will probably be necessary for a few years.
6. Secondary wastes will be generated as a result of processing the high-level waste and during decontamination and decommissioning. The Bill does not address these wastes and may not need to, but the destination of these wastes (on-site in burial ground or shipped off-site) has become an issue.
7. The Bill does not call for a waste form which meets national repository criteria. Our correspondence with the Department of Energy on this matter stated it should meet the criteria in so far as practicable. We agree with the Bill's approach.
8. The Bill limits funding to \$5M for planning and data collecting until the various parties have agreed (contracted) to the plan. This is an excellent feature.

Finally, we are attaching a copy of an article which appeared in the March 5, 1980 New York Times pertaining to legislation being proposed in the Congress on this issue.



Richard E. Cunningham, Director
Division of Fuel Cycle and
Material Safety
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. W. J. Dircks Testimony dtd
May 31, 1979
2. Congressman Udall to Chairman
Hendrie exchange of letters
3. New York Times article
by Irv Molotzky