

MAR 12 1985

MEMORANDUM FOR: William J. Dircks
Executive Director for Operations

FROM: Robert B. Minogue, Director
Office of Nuclear Regulatory Research

SUBJECT: REVIEW BY EDO OF ONGOING RULEMAKINGS SPONSORED BY RES

Enclosed is the review package of a specific ongoing rulemaking for which RES is the sponsoring office.

RES recommends that the rulemaking on the revision of the HLW definition in Part 60 continue. In summary, the basis for my recommendation is as follows:

- o The current system of waste classification leaves a very wide range of radioactive wastes open to classification as either HLW or LLW. Responsibility for disposal of many of these wastes is not defined. This uncertainty is detrimental to both the HLW program, where DOE has responsibility for development of HLW geologic repositories; and the LLW program, which gives States the responsibility for LLW disposal. A rulemaking action which reduces the range of uncertainty concerning disposal responsibility would be beneficial.
- o The Commission has asked the staff to review the definition of HLW in 10 CFR 60 in light of the passage of the Nuclear Waste Policy Act of 1982. This is a key part of the overall Commission directive to review the need to revise NRC regulations due to the passage of the Act.
- o The staff is recommending an ANPR at this time because the staff needs additional information before proposing rulemaking. The staff believes that an ANPR would be an effective method of acquiring additional information.

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My recommendations concerning whether and how to continue with this proposed rulemaking sponsored by RES have been coordinated in draft form with the Division of Waste Management in NMSS.

Original signed by:
ROBERT B. MINOGUE

Robert B. Minogue, Director Office
of Nuclear Regulatory Research

Enclosure:
RES Rulemaking Review Package
for 10 CFR Part 60--Definition
of HLW

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