

May 21, 2001

Dr. Andrew C. Kadak, President
Kadak Associates, Inc.
253 Rumstick Point Road
Barrington, Rhode Island 02806

Dear Dr. Kadak:

In my letter of December 22, 2000, I indicated that we would provide a more detailed response regarding the concerns you raised in your letter of October 24, 2000, about the management of greater-than-Class-C (GTCC) radioactive wastes. In evaluating your suggestion that the Nuclear Regulatory Commission (NRC) classify GTCC as high-level radioactive waste (HLW), the NRC has met with the Department of Energy (DOE) twice to discuss the matter. For the reasons noted below, the NRC has decided, consistent with past decisions, not to classify GTCC as HLW.

First, nothing in the classification of waste as GTCC prohibits DOE from fulfilling its responsibilities to dispose of these wastes under the Low-Level Radioactive Waste Policy Amendments Act (LLRWPA) of 1985. Second, as you know, the Commission requires that GTCC be disposed of in a geologic repository unless ". . . proposals for disposal of such waste in a disposal site licensed pursuant to [10 CFR Part 61] are approved by the Commission." 10 CFR 61.55(a)(2)(iv). Although NRC agrees that it is an undesirable outcome for utilities to continue to store GTCC waste after the spent fuel is removed from reactor sites, health and safety and the environment will be protected under the current waste classification because storage can be safely accomplished until disposal occurs. Therefore, the NRC believes that this matter is not one of health and safety, but an administrative matter of when DOE will fulfill its obligations under the LLRWPA. Although DOE has not yet developed any firm plans for GTCC disposal, we assume that DOE will fulfill its statutory responsibilities. The Commission, therefore, recommends that affected licensees continue to work with DOE on this issue. The NRC is willing to participate as well.

If you have any questions or comments, please contact me.

Sincerely,

/RA/

Richard A. Meserve