


NOTATION VOTE

RESPONSE SHEET

TO: John C. Hoyle, Secretary

FROM: COMMISSIONER DIAZ

SUBJECT: SECY-97-096 - MEMORANDUM OF UNDERSTANDING
AND INTERAGENCY AGREEMENT BETWEEN THE U.S.
DEPARTMENT OF ENERGY AND THE U.S. NUCLEAR
REGULATORY COMMISSION ON THE CLOSURE OF
HIGH-LEVEL WASTE STORAGE TANKS AT THE
SAVANNAH RIVER SITE

Approved xx  Disapproved _____ Abstain _____

Not Participating _____ Request Discussion _____

COMMENTS: The paper states that "HLW is defined in Appendix F of 10 CFR Part 50, and does not include 'incidental' waste." However, Appendix F says

"(For the purpose of this statement of policy, 'high-level liquid radioactive wastes; means those aqueous wastes resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuels.)"

The actual citation for the exclusion of "incidental wastes" is in the Statements of Consideration for the Advanced Notice of Proposed Rulemaking that preceded the rulemaking codifying the above definition. I think it is unlikely that the staff will find a supportable basis for classifying this liquid waste to be "incidental" simply by virtue of its volume. Further, the several 100's of gallons in each tank that remains is likely to contain the most highly radioactive solids that have over time settled to the bottom of the tank. None the less, I approve the staff proposal to sign the MOU and IA which do not presuppose any outcome of the staff analysis, subject to the attached comments.


SIGNATURE

Release Vote 1 1

5-15-97
DATE

Withhold Vote 1 1

Entered on "AS" Yes _____ No _____

Commissioner Diaz' Comments on SECY-97-096

1. Correct the last sentence in Section 2, paragraph 2 of the MOU. The definition of HLW in App. F does not mention incidental waste, nor does App. F exclude it.
2. In determining whether it is appropriate and permitted by law to designate the remaining several inches of HLW in the tanks as incidental, the staff should fully address potential risks and doses to workers and members of the public that could result from characterization and alternate disposal of the waste; the similarity or dissimilarity of the remaining liquid to that which has been treated as HLW; and the applicable statutes and regulations (e.g., the AEA, the Reorganization Act, the NWPA, the codified version of Part 50 App. F, etc.) governing NRC responsibility and authority regarding HLW.