

April 19, 1991

IN RESPONSE, PLEASE
REFER TO: M910314A

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

William C. Parler
General Counsel

FROM: Samuel J. Chilk, Secretary /S/

SUBJECT: STAFF REQUIREMENTS - BRIEFING ON ACTIVITIES
OF THE CENTER FOR NUCLEAR WASTE REGULATORY
ANALYSIS (CNWRA) AND ACTIVITIES OF THE NRC
IN THE HLW PROGRAM, 9:30 A.M., THURSDAY,
MARCH 14, 1991, COMMISSIONERS' CONFERENCE
ROOM, ONE WHITE FLINT NORTH, ROCKVILLE,
MARYLAND (OPEN TO PUBLIC ATTENDANCE)

The Commission was briefed by the NRC staff and representatives from the CNWRA on activities related to the HLW program. The CNWRA was represented by:

John Latz
Wesley Patrick

The staff committed to provide the Commission the expected date of DOE's next progress report on the site characterization plan.
(EDO) (SECY Suspense: 4/30/91)

The Commission directed the staff to document specific contributions the CNWRA makes to NRC technical decisions. While activities of the staff and CNWRA should be closely integrated, the CNWRA's contribution should be identified on an ongoing basis.
(EDO) (SECY Suspense: As appropriate)

The Commission questioned the staff on their review of DOE study plans. The staff should provide the Commission with an update of their plans for, and status of, review of DOE study plans. In addition, the staff should address how their review of specific study plans takes into account the relationship between various study plans.
(EDO) (SECY Suspense: 5/13/91)

The staff committed to provide the Commission with estimates of funding over the period of the contract projected at the time the CNWRA was established as compared to actual funding levels. The

Commission expressed concern for the possible adverse impacts of this resource shortfall on the mission of the CNWRA, in particular on the ability to retain expertise. In preparation for evaluating the contract extension with the CNWRA, the staff should submit an evaluation that:

- (a) identifies the steps necessary to restore to the CNWRA the level of resources previously projected and
- (b) discusses the advantages and disadvantages of expanding the CNWRA's charter to include areas technically compatible with the high-level waste program, which could also enhance the CNWRA's ability to fulfill its primary mission such as:
 - (i) assistance to the NRC low-level waste program
 - (ii) a systematic regulatory analysis for licensing enrichment facilities, and
 - (iii) performance of work for parties other than the NRC (with the understanding that all conflicts of interest are to be carefully avoided).

(EDO) (SECY Suspense: 8/23/91)

The staff was encouraged to continue to devote the necessary resources to the development of a performance assessment capability within the NRC HLW staff. The staff was also urged to continue with initiatives which ensure that the high-level waste team remains abreast of current technology.

(EDO) (SECY Suspense: As appropriate)

The Commission directed the staff to continue interactions with the EPA to resolve NRC's comments on the high-level waste standard. The staff should submit to the Commission a prompt evaluation of the next draft EPA standard (Draft #3), when it becomes available, focusing specifically on -- (i) how EPA responded to NRC's earlier comments; and (ii) what new issues or provisions have been introduced in this draft standard.

(EDO) (SECY Suspense: As appropriate)

The staff should advise the Commission on the best time for codifying the recently-issued NMSS staff position (SP-60-001) relating to the waste package containment period, so that this position will be binding on all parties, as opposed to just the NRC staff.

(EDO) (SECY Suspense: 5/13/91)

Commissioner Curtiss requested the following:

- 1) an analysis from the CNWRA as to whether there are technical licensing issues that could be resolved with significantly greater certainty or precision with the data that will become available during the first 50 or 100 years of repository operation (i.e. during the period when the waste could still be retrieved);

- (EDO) (SECY Suspense: 8/23/91)
- 2) an analysis from OGC as to whether the current regulations in 10 CFR Part 60 permit a phased approach to the licensing of a repository, where the final resolution of certain technical issues would occur based upon the data acquired during the first 50-100 years of repository operation;
(OGC) (SECY Suspense: 7/19/91)
- 3) an analysis from OGC as to whether the timing of the compliance determination (i.e., compliance of the applicant with the EPA standard and NRC regulations), as well as the related question of whether to permit limited waste emplacement prior to a final compliance determination, are decisions that fall within the purview of the NRC in our licensing review of the facility or within the purview of EPA in establishing generally applicable standards.
(OGC) (SECY Suspense: 7/19/91)

cc: Chairman Carr
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
OGC
GPA
ACRS
PDR - Advance
DCS - P1-24