

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

October 5, 1990

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

William C. Parler
General Counsel

Harold R. Denton, Director
Office of Governmental and Public Affairs

FROM: Samuel J. Chilk, Secretary

SUBJECT: STAFF REQUIREMENTS - COLLEGIAL DISCUSSION OF
ITEMS OF COMMISSIONER 8:30 A.M.),
THURSDAY, AUGUST 16, 1 COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC
ATTENDANCE)

The Commission met to discuss topics of individual commissioner interest. The topics discussed and associated staff requirements are described below.

1. The Commission discussed the potential for use of an electronic system to aid communication in the rulemaking process. No staff requirements were initiated from this discussion.
2. The commission discussed plans for the review of the PIUS and CANDU designs. The staff requirements covering this area will be handled separately.
3. The commission discussed the matter of Staff Requirements Memoranda developed from votes on proposed actions and the need to communicate the basis for Commission decisions in order to assist the staff in responding appropriately to commission requests. The staff should make every effort to communicate with Commission staff for clarification if a question arises regarding Commission requests.
4. The concept of creating an elite NRC group of experts to

conduct design reviews of the advanced reactors was briefly discussed.

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5. The issue of Agreement State compatibility was discussed in the context of recent commission review of State programs and the development of the Below Regulatory Concern policy. A clear and sound policy on compatibility is integral to ongoing reviews of Agreement State programs and rulemakings affecting State programs. Accordingly, an interoffice group should be formed to evaluate the compatibility issue., including past practice and current policy, and provide policy recommendations and options for commission consideration. In addition to general policy options, this evaluation should specifically provide answers to the following questions:

- a. What is the legal basis for compatibility determinations? What is the relationship between compatibility determinations and protection of the public health and safety?
- b. Are these determinations limited to State statutes and regulations only, or do they also include other aspects such as programs, staffing, and policies? what is NRC's basis for requiring States to adopt compatible regulations within a three-year timeframe?
- C. How often does NRC review State regulations after the commission enters into an Agreement with a State to ensure continued compatibility of the programs?
- d. If NRC determines that a State program is not compatible with NRC's program for similar materials,, what options does the Commission have to encourage and/or require compatibility?
- e. In light of the answers to the above questions, should the Internal Procedure B.7 be revised or modified? Should these procedures be published for review and comment by States and members of the public? should the existing categorization of NRC requirements be reevaluated?
- f. Discuss the various arguments, pro and con, related to the question whether the Low-Level Radioactive Waste Policy Amendments Act of 1985 and its legislative

history provide a base for concluding that Agreement States are to be given a greater degree of latitude in

fashioning their own standards for low-level waste (LLW) disposal, in view of the States' increased responsibility in this area?

(GPA/OGC/EDO) (SECY Suspense: 2/15/91)

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6. The Commission discussed the potential need for legislation in the areas of naturally occurring and accelerator-produced radioactive material (NARM) and mixed waste.

The Commission requests that, as part of the joint survey with EPA on mixed waste, staff determine whether joint NRC/EPA permitting should be pursued, and whether the existing regulatory guidance on mixed waste is adequate for generators and States-to make progress in treatment and disposal of mixed waste. Staff should evaluate as a matter separate from the upcoming legislative proposals whether legislation is necessary or desirable to address the mixed waste issue, so as to permit timely development of low-level waste disposal capacity.

(EDO/GPA) (SECY Suspense: 60 days after completion of survey)

While the mixed waste survey and in-depth evaluation of the need for legislative action is progressing over the next two years, the staff should provide preliminary recommendations on the need or potential need for legislation if sufficient information is available. The technical staff in coordination with OGC should closely monitor the development of RCRA reauthorization legislation and provide timely recommendations based on currently available information for early Commission input into these deliberations (e.g., into a potential Administration RCRA reauthorization proposal).

(EDO) (SECY Suspense: 12/28/90 and continuing as necessary)

On the subject of NARM, staff should reevaluate and report to the Commission on the public health significance of discrete sources of NARM, focusing on the questions identified in the Commission's earlier referral to CIRRPC.

Staff should also evaluate whether legislation extending NRC's jurisdiction to include NARM is necessary or desirable. This evaluation should include a discussion of the advantages and disadvantages of our seeking jurisdiction over NARM.

(EDO) (SECY Suspense: 8/30/91)

Subsequent to the Commission's consideration of this information on mixed waste and NARM, the Commission will provide guidance on the need to address these issues in the future legislative submittals.

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7. The Commission discussed the proposed Part 35 medical rule which is currently out for public comment. No requirements were identified for staff action.

8. The continuing need for a licensing review basis document was discussed by the Commission. Staff should submit its recommendations on this issue by October 26, 1990, so that the Commission can factor the decision that it reaches on this issue into the agency's schedule and resource estimates for ALWR reviews.

(EDO) (SECY Suspense: 10/26/90)

9. Several other items were very briefly discussed without initiating requirements for the staff. These items were:

- Plant operating data
- Speaking opportunities
- ACRS reports to Congress
- BRC policy
- Personnel recruiting
- Memos to the staff
- Second building status

cc: Chairman Carr
commissioner Rogers
commissioner Curtiss
commissioner Remick
ACRS
PDR - Advance
DCS - PI-24