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UNITED STATES

NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

December 14, 1989

MEMORANDUM FOR:

James M. Taylor
Executive Director for Operations

Dade W. Moeller, Chairman
Advisory Committee on Nuclear Waste

FROM:

Samuel J. Chilk, Secretary

SUBJECT:

STAFF REQUIREMENTS - BRIEFING ON
IMPLEMENTATION OF THE U.S. DISPOSAL STANDARDS,
9:00 A.M., TUESDAY, NOVEMBER 21, 1989,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE
FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO
PUBLIC ATTENDANCE)

The Commission was briefed by the staff and Dr. Kouts on recommendation for implementing the U.S. Environmental Protection Agency's standard for high level radioactive waste disposal, as outlined in staff's paper SECY-89-319. (SECY-89319 was previously placed in the Public Document Room and was made publicly available at this briefing.)

Chairman Carr requested his fellow Commissioners to vote on staff's recommendations outlined in SECY-89-319 following receipt of comments from the Advisory Committee on Nuclear Waste (ACNW), scheduled to be issued by December 22, 1989.
(ACNW) (SECY Suspense: 12/22/89)

Commissioner Rogers requested the following information from the staff:

1. Articulation of the fundamental assumptions in support of the EPA disposal standards and NRC regulations for high level radioactive waste, including both the positive and negative aspects of those assumptions, and identification of NRC/EPA consensus and controversy on the fundamental assumptions.
(EDO) (SECY Suspense: 3/16/90)

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2. In carrying out the proposed EPA HLW standards which are probabilistic, it may be necessary to have in place an agree-upon methodology for characterizing and propagating the uncertainties in order for any site to achieve compliance with the EPA standard. These methodologies can have many forms (such as those used in NUREG-1150 and other probabilistic studies) and, as the staff recognizes and experience has shown, can become controversial. Staff should submit a summary on the staff's current approach to dealing with uncertainties/methodologies in implementing the EPA probabilistic standard so as to avoid many of the controversial aspects as possible.

(EDO) (SECY Suspense: 5/18/90)

Commissioner Curtiss expressed concerns regarding -- (1) the relationship of the NRC regulations in 10 CFR Part 60 to the EPA standard, noting in particular that the subsystem performance criteria contained in 10 CFR Section 60.113 appear to go significantly beyond merely implementing the EPA standard and may, instead, amount to a separate and potentially inconsistent environmental standard; (2) the prescriptive nature of the requirements in 10 CFR Section 60.113 and the impact that these requirements may have on the ability of DOE to meet the EPA standard, albeit in a manner that may depart from the exact balance of multiple barriers that would be required under 60.113; and (3) the prospect that EPA is reportedly considering revisiting the containment requirements in its upcoming proposed standard, even though the court remand did not address this section of the EPA standard. Commissioner Curtiss will be pursuing these matters in the context of the Commission's consideration of SECY-89-319.

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