

Department of Energy  
Washington, DC 20585

AUG 29 1994

*SUSAN  
JUSTISE ENTER  
THOMAS  
Bill  
9/6/94  
OK  
5H  
35  
R.*

Mr. Robert M. Bernero, Director  
Office of Nuclear Material  
Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dear Mr. Bernero:

As you are aware, development of the Multi-Purpose Canister (MPC)-Based System is a priority project at the Department of Energy (DOE). The MPC would be used with specially designed overpacks for spent nuclear fuel storage, transport, and disposal and to minimize the number of required spent fuel assembly handlings. The purpose of this letter is to address the issue of review of the MPC with regard to 10 CFR Part 60 considerations.

A request for proposals for certain components of the MPC-based system was released on June 3, 1994. The request addressed 10 CFR Parts 60, 71, and 72 considerations. We intend to work closely with vendor awardees who will submit applications on behalf of the DOE to obtain Certificates of Compliance (CoCs) for transportation and storage from the Nuclear Regulatory Commission (NRC). The CoCs will be based on demonstrating compliance with the requirements of 10 CFR Parts 71 and 72 and completion of associated administrative procedures.

We recognize that obtaining Commission acceptance for the MPC for disposal, prior to completion of the repository licensing process and in a timeframe that can be of maximum value to utilities and our Civilian Radioactive Waste Management System (OCRWM), is a less well-defined matter.

Conversations with various NRC staff members have indicated that there is no clear vehicle or process whereby the NRC can come to closure on MPC Part 60 considerations in the repository pre-licensing environment. However, members of the Nuclear Waste Technical Review Board, along with NRC personnel, state utility regulators, electric utility industry representatives, and other stakeholders, have encouraged us to work closely with the NRC in the repository pre-licensing environment to obtain NRC staff input with regard to Part 60 considerations on our proposed design and use of the MPC. Moreover, the DOE recognizes its fiduciary responsibilities to utilities and would like to take whatever actions reasonably can be taken in the repository pre-licensing environment to minimize the likelihood that the NRC will later disapprove of the use of MPCs for disposal.

Assuming that no clearly specified vehicle for closure on 10 CFR Part 60 MPC considerations exists in the repository pre-licensing environment, a finding of "no objection" will be sought from the NRC staff with regard to Part 60 considerations. Support for NRC review and subsequent letter of "no objection" or, if appropriate, some other suitable documentation of findings will be through the submittal of a topical report by DOE to the NRC. This approach is based on discussions between Mr. Dan Kane of my staff and Messrs. Joseph Holonich and Rick Weller of your staff.

06/0048

*NH03/10  
WM-11  
102*

9409140195 940829  
PDR WASTE  
WM-11 PDR

Interactions between the NRC staff and OCRWM technical personnel on the topical report are anticipated to be similar to those experienced for licensing submittals, including written questions from the NRC staff and written responses from OCRWM, along with revised topical report text.

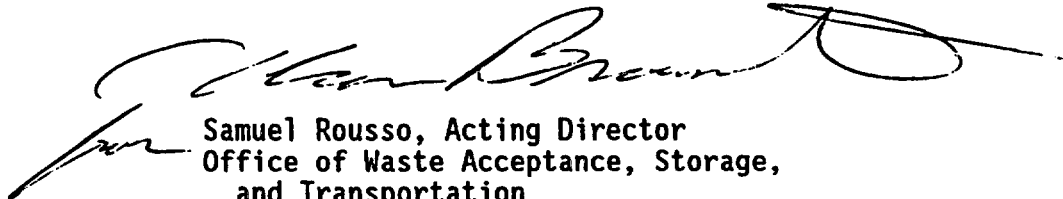
The format and content for the topical report cannot be determined at this time. However, it is our understanding from discussions with members of your staff that a review plan to use in conducting the review of the MPC with regard to Part 60 considerations is under preparation, and that the NRC staff has agreed to share the review plan with OCRWM personnel. It is our understanding also from NRC staff that the review plan is expected to be completed around the end of 1994. When completed, the format and content of the review plan will be used by OCRWM to develop the format and content of the topical report.

It is our intention to participate in pre-submittal meetings with appropriate NRC staff prior to preparation and submittal of the topical report. Hopefully, these meetings will bring about a mutual understanding of the scope and depth of material to be presented in the report.

We look forward to working closely with the NRC's Office of Nuclear Materials Safety and Safeguards and Office of Nuclear Reactor Regulation in licensing the proposed MPC-based system which enjoys broad-based support.

Thank you for your attention to this matter. Should you have any questions, please contact me at (202) 586-9116.

Sincerely,



Samuel Rousso, Acting Director  
Office of Waste Acceptance, Storage,  
and Transportation  
Office of Civilian Radioactive  
Waste Management

cc:

R. Nelson, YMSCO  
W. Belke, NRC ✓  
T. Hickey, Nevada Legislative Committee  
R. Loux, State of Nevada  
D. Bechtel, Las Vegas, NV  
Lander County, Battle Mountain, NV  
P. Niedzielski-Eichner, Nye County, NV  
W. Offutt, Nye County, NV  
C. Schank, Churchill County, NV  
F. Mariani, White Pine County, NV  
V. Poe, Mineral County, NV  
J. Pitts, Lincoln County, NV  
J. Hayes, Esmeralda County, NV  
B. Mettam, Inyo County, CA