

LTR DOE/OTHERS ON SPS

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AUG 16 1990

Mr. Ralph Stein, Associate Director
for Systems Integration and Regulations
Office of Civilian Radioactive Waste Management
U.S. Department of Energy RW-30
Washington, D.C. 20585

Dear Mr. Stein:

SUBJECT: AVAILABILITY OF OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
STAFF POSITIONS

The purpose of this letter is to provide copies of three recently issued U.S. Nuclear Regulatory Commission (NRC) Staff Positions (SPs) to the U.S. Department of Energy (DOE), the State of Nevada, and the affected units of local government. Notices of availability for all three SPs are now being published in the Federal Register.

Unlike the other forms of guidance currently available -- Technical Positions or Regulatory Guides, SPs record the staff's interpretation of existing 10 CFR Part 60 regulatory requirements or record a position on a regulatory uncertainty in 10 CFR Part 60. SPs are issued by the Director, Office of Nuclear Material Safety and Safeguards and concurred in by the Office of the General Counsel. They are prepared for the guidance of Office of Nuclear Material Safety and Safeguards staff responsible for the review of a license application proposing the construction and operation of a geologic repository for high-level radioactive waste. These documents are made available to the public as part of the Commission's policy to inform DOE, affected parties, and the general public, including the nuclear industry, of regulatory procedures and policies. SPs are not intended as substitutes for the Commission's regulations and are not binding upon the other parties to any licensing proceeding. Published SPs will be revised, as appropriate, to accommodate comments and to reflect new information and experience.

SP-60-001 clarifies the 300-1,000 year period for substantially complete containment (SCC) of high-level wastes within the waste packages under 10 CFR 60.113(a)(1)(ii)(A). The staff's position is that the requirement for SCC for a period of 300-1,000 years following repository closure is a minimum requirement. Several interpretations from groups other than the NRC staff had identified the 300-to-1,000 year period as a cap for the lifetime of the waste package and, therefore, stated that credit for the package could not be taken beyond that time.

The second SP, SP-60-002, is on the meaning of the phrase "performance objectives relating to isolation of the waste" in 10 CFR 60.122(a). In this document, the staff states its position that the quoted phrase in §60.122(a) refers to the long-term performance objectives set out in §60.113 as well as §60.112, but not to the pre-closure performance objective set out in §60.111 (relating to the period before permanent closure).

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Finally, the third SP, designated SP-60-003, is on the definition of the term "performance objectives" as used in 10 CFR 60.133(i) -- Additional design criteria for the underground facility: Thermal loads. The staff's position is that the performance objectives referenced in this subsection are those set out in §§60.111, 60.112, and 60.113.

If you have any questions on the enclosed SPs, please contact Joseph J. Holonich at 301/492-3403 or FTS 492-3403.

Sincerely,

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John J. Linehan, Director
Repository Licensing and Quality
Assurance Project Directorate
Division of High-Level Waste Management
Office of Nuclear Material Safety and
Safeguards

Enclosures (3):
As Stated

cc: R. Loux, State of Nevada
C. Gertz, DOE/NV
S. Bradhurst, Nye County, NV
M. Baughman, Lincoln County, NV
D. Bechtel, Clark County, NV
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