



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 15, 1995

Mr. Samuel Rousso, Acting Director
Office of Waste Acceptance, Storage,
and Transportation
Office of Civilian Radioactive
Waste Management
U.S. Department of Energy
Washington, DC 20585

Dear Mr. Rousso:

I am responding to your letter dated August 29, 1994, regarding the issue of the U.S. Nuclear Regulatory Commission staff's review of the proposed U.S. Department of Energy (DOE) multi-purpose canister (MPC) with respect to 10 CFR Part 60 considerations. As noted in your letter, the MPC would be used with specially designed overpacks for spent nuclear fuel storage, transport, and disposal; and it is DOE's intent to seek certificates of compliance for MPC and overpack designs for storage and transportation. These reviews would constitute a formal public process, would address applicable storage and transportation matters under 10 CFR Parts 72 and 71, respectively, and would be codified in a rulemaking. However, regarding staff's review of the MPC-based system for disposal in a repository, there is currently no provision in Part 60 for separate approval of the engineered barrier system or its components (e.g., the MPC) prior to receipt of the license application from DOE for the repository. Therefore, as I stated in my letter of December 16, 1994, to Mr. Dreyfus, although any potential approval of the MPC as a disposal canister would remain part of NRC's review of the repository license application under 10 CFR Part 60, we are willing to the extent possible to review concepts for disposal packages to determine if we have any objections based on the current state of knowledge of the natural and engineered systems.

The staff plans to participate in an informal prelicensing process to review the MPC design for disposal, insofar as that can be done. In this regard, NRC and DOE management met on January 20, 1995, to discuss the MPC development schedule, including the schedules for the planned submittal of applications for Parts 71 and 72 reviews and a technical report for Part 60 review, and DOE's desired dates for NRC staff completion of these reviews. In this respect, it is my intent to complete the Part 60 technical review concurrently with the completion of the technical reviews for Parts 71 and 72 in order to minimize the potential for adverse impacts to DOE's MPC development program.

As noted in the handout at the meeting of January 20, 1995, DOE plans to submit the technical report for the Part 60 review in August 1996 and desires completion of the NRC staff technical review of disposal considerations by August 1997. However, as discussed at the aforementioned meeting, DOE plans

9502270298 950215
PDR WASTE PDR
WM-11

102.8
WM-11
NHK 1/1

S. Rousso

- 2 -

to advance by several months the above milestones for the Part 60 review. This would facilitate staff's intent to conduct concurrent technical reviews of storage, transportation, and disposal issues. As such, you should plan to submit the technical report for the Part 60 review by April 1996.

If you have any questions about the staff's plan for the Part 60 review of the MPC, please contact me or Dr. Mike Bell of my staff. I can be reached on (301) 415-7800, and Dr. Bell can be reached on (301) 415-7286.

Sincerely,

Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards

cc: See list attached

CP
Proofed/
Approved
Date 2/7/95

DISTRIBUTION:

Central File DWM r/f NMSS r/f MKnapp JGreeves JSurmeier JAustin
MWeber JHolonich DWM t/f ENGB r/f PUBLIC NMSS Dir.r/f CPoland t/f
MLusardi EEaston

OFC: ENGB* : ENGB* *agreed by C Haughney*
NAME: RWeiler/jf : MBell *MB*
DATE: 02/02/95 : 02/02/95 *2/13/95*
DOCUMENT NAME: S\DWM\ENGB\RMW\ROUSSO

* See Previous Concurrence

OFC	IMNS*	OGC*	DWM*	NMSS <i>CP</i>	NMSS <i>RB</i>
NAME	CHaughney	WReamer	MRK/MBell/s for	CPaperiello	RBernero
DATE	2/03/95	2/06/95	02/07/95	2/14/95	2/15/95

ACNW: YES X NO OFFICIAL RECORD COPY
IG : YES NO X Delete file after distribution: Yes X No
LSS : YES X NO

However, as discussed at the aforementioned meeting, DOE plans to advance the above milestones for the Part 60 review to earlier dates by several months. This would facilitate staff's intent to conduct concurrent technical reviews of storage, transportation, and disposal issues. As such, you should plan to submit the technical report for the Part 60 review by April 1996.

If you have any questions about the staff's plan for the Part 60 review of the MPC, please contact me or Dr. Mike Bell of my staff. I can be reached on (301) 415-7800, and Dr. Bell can be reached on (301) 415-7286.

Sincerely,

Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards

cc: See list attached

CP
Proofed/
Approved
Date 2/7/95

0167
2/17/95
SC

DISTRIBUTION:

Central File DWM r/f NMSS r/f MKnapp JGreeves JSurmeier JAustin
MWeber JHolonich DWM t/f ENGB r/f PUBLIC NMSS Dir.r/f CPoland t/f
MLusardi EEaston

OFC: ENGB* : ENGB*
NAME: RWeller/jj : MBell
DATE: 02/02/95 : 02/02/95

DOCUMENT NAME: S\DWM\ENGB\RMW\ROUSSO * See Previous Concurrence

OFC	IMNS*	OGC*	DWM*	NMSS	NMSS
NAME	CHaughney	WReamer	MRK/MBell/s for	CPaperiello	RBernero
DATE	2/03/95	2/06/95	02/07/95	/ /95	/ /95

ACNW: YES X NO OFFICIAL RECORD COPY
IG : YES NO X Delete file after distribution: Yes X No
LSS : YES X NO

S. Rousso

- 2 -

However, as discussed at the aforementioned meeting, DOE plans to advance the above milestones for the Part 60 review to earlier dates by several months. This would facilitate staff's intent to conduct concurrent technical reviews of storage, transportation, and disposal issues. As such, you should plan to submit the technical report for the Part 60 review by April 1996.

If you have any questions about the staff's plan for the Part 60 review of the MPC, please contact me or Mike Bell of my staff. I can be reached on (301) 415-7800, and Dr. Bell can be reached on (301) 415-7286.

Sincerely,

Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards

cc: See list attached

DISTRIBUTION:

Central File DWM r/f NMSS r/f MKnapp JGreeves JSurmeier JAustin
MWeber JHolonich DWM t/f ENGB r/f PUBLIC NMSS Dir.r/f CPoland t/f

OFC: ENGB* : ENGB*
NAME: RWeller/ij : MBell
DATE: 02/02/95 : 02/02/95

DOCUMENT NAME: S\DWM\ENGB\RMW\ROUSSO * See Previous Concurrence

OFC	IMNS*	OGC*	DWM	NMSS	NMSS
NAME	CHaughney	WReamer	MRK per taken MKnapp to mg B	CPaperiello	RBernero
DATE	2/03/95	2/06/95	2/07/95	/ /95	/ /95

ACNW: YES NO OFFICIAL RECORD COPY
IG : YES NO Delete file after distribution: Yes No
LSS : YES NO

S. Rousso

- 2 -

If you have any questions about the staff's plan for the Part 60 review of the MPC, please contact me or Mike Bell of my staff. I can be reached on (801) 415-7800, and Dr. Bell can be reached on (301) 415-7286.

Sincerely,

Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards

cc: See list attached

DISTRIBUTION:

Central File DWM r/f NMSS r/f MKnapp JGreeves JSurmeier JAustin
MWeber JHolonich DWM t/f ENGB r/f PUBLIC NMSS Dir.r/f CPoland t/f

OFC: ENGB* : ENGB*
NAME: RWeller/ij : MBell
DATE: 02/02/95 : 02/02/95

DOCUMENT NAME: S\DWM\ENGB\RMW\ROUSSO * See Previous Concurrence

OFC	IMNS <i>off</i>	<i>c</i>	OGC <i>No</i>	<i>c</i>	DWM	NMSS	NMSS
NAME	CHaughney		WReamer		MKnapp	CPaperiello	RBernero
DATE	2/3/95		2/6/95		/ /95	/ /95	/ /95

ACNW: YES NO OFFICIAL RECORD COPY
IG : YES NO Delete file after distribution: Yes No
LSS : YES NO

S. Rousso

- 2 -

If you have any questions about the staff's plan for the Part 60 review of the MPC, please contact me or Mike Bell of my staff. I can be reached on (301) 415-7800, and Dr. Bell can be reached on (301) 415-7286.

Sincerely,

Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards

cc: See list attached

DISTRIBUTION:

Central File	DWM r/f	MKnapp	JGreeves	JSurmeier	JAustin
MFederline	JHolonich	NMSS r/f	CPaperiello	DWM t/f	ENGB r/f
PUBLIC	NMSS Dir.r/f				

OFC: ENGB *RAW* : ENGB : ENGB : HLUR
 NAME: RWeller/jj : JThoma : MBell *m/b* : JHolonich
 DATE: 2/2/95 : 1/1/95 : 2/2/95 : 1/1/95

DOCUMENT NAME: S\DWM\ENGB\RM\ROUSSO * See Previous Concurrence

OFC	IMNS*	OGC	DWM	NMSS	NMSS
NAME	CHaughney	WReamer	MKnapp	GArlotto	RBernero
DATE	/ /95	/ /95	/ /95	/ /95	/ /95

ACNW: YES NO OFFICIAL RECORD COPY
 IG : YES NO Delete file after distribution: Yes No
 LSS : YES NO

S. Rousso

CC List for letter dated February 15, 1995

cc: R. Loux, State of Nevada
J. Meder, Nevada Legislative Counsel Bureau
R. Nelson, YMPO
C. Einberg, DOE/Wash, DC
M. Murphy, Nye County, NV
M. Baughman, Lincoln County, NV
D. Bechtel, Clark County, NV
D. Weigel, GAO
P. Niedzielski-Eichner, Nye County, NV
B. Mettam, Inyo County, CA
V. Poe, Mineral County, NV
W. Cameron, White Pine County, NV
R. Williams, Lander County, NV
L. Fiorenzi, Eureka County, NV
J. Hoffman, Esmeralda County, NV
C. Schank, Churchill County, NV
L. Bradshaw, Nye County, NV
W. Barnard, NWTRB
R. Holden, NCAI
E. Lowery, NIEC
R. Arnold, Pahrump, NV
R. Milner, DOE Wash., DC