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109-4

Project

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Mr. James Knight, Director
Licensing and Regulatory Division
Office of Geologic Repositories
U.S. Department of Energy
RW-20
Washington, DC 20585

Dear Mr. Knight:

Discussions with our on-site representatives and with the Department of Energy (DOE) staff and contractors (e.g. Salt Waste Package Workshop in Columbus, January 1986) indicate that DOE contractors and staff are continuing to debate whether the definition of the engineered barrier system (10 CFR 60.2) should be interpreted to include a portion of the host rock.

Since work is in progress on Site Characterization Plans (SCPs), we consider it appropriate to point out that our interpretation of the engineered barrier system boundary remains unchanged from that provided in our responses to public comments on the proposed Rule. That is, the engineered barrier system does not include a portion of the host rock.

Specifically, in commenting on the proposed rule, 10 CFR Part 60, the DOE stated:

If the intended concept is "engineered barrier system", that term should be used with a clarification in the concept section. However, note that the control of release requirement which is placed on the engineered system would, in fact, become a requirement on the waste package...DOE would recommend that some acknowledgement be made of the isolation capabilities of the host rock. The extent of the rock, or rocks, which will be included in the engineered system will be proposed in the license application related to a specific site.

In response, the NRC staff stated:

The commenter's recommendation that a portion of the host rock be included in the definition of the engineered barrier system has not been adopted. The engineered barrier system is intended to include only man-made components, which is consistent with the provisions of the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425). The provisions of 10 CFR 60.113(b), however, allow consideration by the Commission of the characteristics of the host rock in approving containment times for the waste package and release rates from the engineered barrier system. The staff considers

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that this provision accommodates DOE's underlying concern. (Staff Analysis of Public Comments on Proposed Rule 10 CFR Part 60, "Disposal of High-Level Radioactive Wastes in Geologic Repositories," NUREG-0804, 1983, pp 181-182).

It is still our belief that strict separation of engineering and geologic features is in keeping with the multiple barrier concept incorporated into the Nuclear Waste Policy Act and 10 CFR Part 60. Continuing discussion and debate about the definition of the engineered barrier system imply that additional clarification may be necessary to resolve a potential problem well before formal review of Site Characterization Plans. We will be happy to meet with you to discuss the issue should you have any questions.

Sincerely,

Original Signed By:

John J. Linehan, Acting Chief
Repository Projects Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

*See previous concurrence

OFC	:WMRP	:WMRP	:WMRP	:WMEG	:	:	:
NAME	:PBrooks*	:SCoplan*	:JLinehan	:JGreeves*	:	:	:
DATE	:86/09/26	:86/09/26	:86/09/26	:86/09/26	:	:	:

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*Change "National"
to Nuclear*

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