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Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington DC. 20555
Attention: Docketing and Services Branch

Dear MR. Secretary:

The following are comments on recent proposed changes to 10 CFR 60 concerning DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES; CONFORMING AMENDMENTS--FR 22288 of June 16, 1986.

1. In connection with the proposal to invoke the "individual protection" requirements of 40 CFR 191.15 and the "ground water protection" requirements of 40 CFR 191.16 the proposed rule does not accurately convey the intent of the EPA standard regarding application of the EPA term "undisturbed performance." In addition the EPA intent (considering the background information provided with the standard) in their use of the phrase "significant processes and events" in 191.13(a) is is not conveyed by the proposed rule.

Specifically, the respective changes to part 60 make use of the terms "anticipated processes and events" and "unanticipated processes and events" to specify the range of processes and events meant by EPA. Since these two terms as defined by Part 60 do not include expected human induced events which are not considered "human intrusion", for example expected irrigation in the accessible environment which affects hydrologic gradients from the repository to the assessable environment, the proposed rule change omits the requirement to consider this class of events.

I propose that the rule invoke the EPA standard verbatim and that the definitions of pertinent terms in the EPA standard be added to the list of seven terms already proposed for Part 60. For example the terms "aquifer", "undisturbed performance" and "performance assessment" should be added to the terms defined in Part 60 to accurately invoke the EPA standard.

2. The use of the term "containment" in the EPA standard is inconsistent with the definition of containment in Part 60. For example in the Part 60 term confinement within a designated boundary is the operable concept, whereas in the EPA standard context "containment" includes the idea of slow release to the accessible environment, more in keeping with the definition of "isolation" in Part 60. This difference should be recognized in the justification of Part 60 and EPA's "containment" equated to NRC's "isolation".

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3. The term "aquifer" is an important term in the EPA standard and may not be consistent with the intent of the use of the term elsewhere in Part 60. For example, as used by EPA "aquifer" includes a group of geologic formations capable of yielding a significant amount of water. This could include a number of water bearing zones deep into the earth any one of which by itself would not be considered an aquifer in the context of existing usage in Part 60.

I recommend that the definition, as suggested above, be incorporated into Part 60--it being necessary to invoke the EPA standard, and the rest of Part 60 be reviewed to assure the term as defined does not contradict the intent of other provisions of Part 60. If there is a contradiction, this should be identified and a resolution incorporated into the proposed changes.

4. The term "disposal system" as defined by the EPA standard is not consistent with the NRC term "geologic repository" in contrast to the claim in the proposed changes to the rule. For example the EPA term, "disposal system", would include the waste packages and shaft and borehole seals, as well as, backfill materials. These items are not included in the current Part 60 definition of "geologic repository". This conflict should be resolved by including the definition of "disposal system" from the EPA standard in the change to Part 60. The term is operable in the "assurance requirements" of the EPA standard and should be used in the corresponding sections of Part 60 which are intended to invoke the 191.14.

5. It is recommended that the assurance provisions of 191.14 be included in Part 60 verbatim to assure they are observed by the applicant in full, consistent with the Commission's intent. Anything less implies the requirements will not be invoked by the Commission.

Sincerely,



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