UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

OFFICE OF THE SECRETARY

March 6, 1998

RELEASED TO THE PDR
3/13/98 DKW
date initials

MEMORANDUM TO: L. Joseph Callan
Executive Director for Operations

FROM: John C. Hoyle, Secretary

SUBJECT: STAFF REQUIREMENTS - SECY-97-300 - PROPOSED STRATEGY FOR DEVELOPMENT OF REGULATIONS GOVERNING DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN A PROPOSED REPOSITORY AT YUCCA MOUNTAIN, NEVADA

The Commission has approved the staff's proposed general strategy for developing site-specific regulations for Yucca Mountain while deferring the updating of Part 60 generic requirements to a later date. The Commission also approved Alternative 1, to implement the proposed strategy by drafting a new, separate part of the regulations that would apply solely to the proposed Yucca Mountain repository. The approval of Alternative 1 was based, in part, on concerns regarding current resource and time constraints.

In developing regulations specific to Yucca Mountain, the staff should:

- omit the preparation of a formal rulemaking plan for this rulemaking because of time constraints.
- develop rule language (in both the new rule and the Part 60 purpose and scope sections) to explicitly state that the purpose of the new rule is to provide specific criteria applicable to Yucca Mountain and that the more generic requirements in the existing Part 60 do not apply and can not be the subject of litigation in any NRC licensing proceeding for Yucca Mountain.
- develop radiation standards in the form of an overall facility performance standard that is generally consistent with the 1995 National Academy of Sciences report, "Technical Bases for Yucca Mountain Standards" as required by the 1992 Energy Policy Act, in the absence of Environmental Protection Agency (EPA) standards and with due consideration given to the implementability of the NAS recommendations under NRC's regulatory process.

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SECY NOTE: THIS SRM, SECY-97-300, AND THE COMMISSION VOTING RECORD CONTAINING THE VOTE SHEETS OF ALL COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 5 WORKING DAYS FROM THE DATE OF THIS SRM.

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- also consider the recommendations of the International Commission on Radiation Protection (ICRP) for use of an all-pathways limit and no collective dose as a basis for the overall facility performance standard. To be consistent with these NAS and ICRP recommendations and NRC's current clean-up standards, the staff should consider an all pathways dose standard in the range of 25 to 30 millirem per year to the average member of the critical group.

- continue to steadfastly oppose the implementation of a separate groundwater standard and keep the Commission informed of developments in this area.

- immediately inform the Commission of any delays to the schedule shown in Attachment 4, including future EPA or Congressional actions that may result in a potential delay in the schedule.

- consult with the Advisory Committee on Nuclear Waste (ACNW) as early as possible in the rulemaking process so the ACNW can fulfill its chartered role to advise the Commission on this important waste disposal rulemaking.
  (EDO) (SECY Suspense: 9/30/98)

Since this rulemaking will further the NRC's use of risk-informed methods in the regulatory process all NRC offices that have responsibilities in developing and implementing regulatory policies should monitor this rulemaking for applicability to other regulatory programs.

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
OGC
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Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
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