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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20585-0001

June 2, 1997



Dr. Andrew C. Kadak, President  
Yankee Atomic Electric Company  
580 Main Street  
Bolton, Massachusetts 01740-1398

Dear Dr. Kadak:

I am responding to your letter providing me with a copy of your paper, "An Intergenerational Approach to High-Level Waste Disposal (That Might Work)." The principal theme of your paper--the identification of a defensible approach to setting an appropriate time frame of compliance for high-level radioactive waste (HLW) disposal, considering intergenerational equity--has been and continues to be of interest to the Commission. There has been much discussion about this issue, as it relates to pending HLW disposal legislation. As you are probably aware, the NRC staff addressed this issue in comments to the National Academy of Sciences (NAS) Committee on the Technical Basis for a Yucca Mountain Standard. Also, the U.S. Nuclear Regulatory Commission and the U.S. Environmental Protection Agency staffs, in their interactions related to developing a reasonable and implementable HLW standard, have been discussing this issue. In addition, our Advisory Committee on Nuclear Waste (ACNW) has considered the issue and has provided the Commission with the benefits of its insight. I have enclosed a copy of NRC's remarks to the NAS Committee and the ACNW's letter on this issue, as well as the staff's response, for your information. I also am enclosing a copy of my statement before the House Commerce Committee last month on the pending legislation.

I also would like to note that the time frame of the compliance/intergenerational equity issue has ramifications beyond HLW disposal, because the staff also is considering this same issue in the context of low-level waste (LLW) disposal. In a preliminary draft Branch Technical Position (BTP) on "A Performance Assessment Methodology for Low-Level Radioactive Waste Disposal Facilities," the staff has taken the position that 10,000 years is appropriate for analyzing performance of LLW disposal facilities when determining compliance with the performance objective of 10 CFR Part 61, thereby ensuring that contributions to waste isolation from engineered and natural barriers are considered in any licensing review. Such an approach enhances confidence in the waste disposal system through defense-in-depth, a cornerstone of the Commission's regulatory philosophy. This position, which was distributed to Agreement States and others in preliminary draft form, is expected to be released for public comment in the near future. The staff will send you a copy when it is released, and I would encourage your review of and comment on this proposed guidance.

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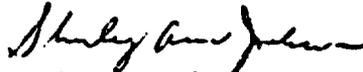
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Thank you for the copy of your paper. I have forwarded a copy to the staff, for its consideration, while working on defining appropriate time frames of compliance for radioactive waste disposal facilities.

Sincerely,

  
Shirley Ann Jackson

Enclosures:

1. NRC staff remarks before the NAS Committee
2. ACNW letter dated June 7, 1996
3. Staff response to ACNW dtd July 11, 1996
4. Statement before the House Commerce Committee