



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

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MEMORANDUM FOR: Harold R. Denton, Director
Office of Governmental and Public Affairs

FROM: Carlton Kammerer, Director
State, Local and Indian Tribe Programs
Office of Governmental and Public Affairs

SUBJECT: BRIEFING BY DOE ON THE STATUS OF THE
CIVILIAN HIGH-LEVEL WASTE PROGRAM

Leo Duffy, Special Assistant to the Secretary, U.S. Department of Energy (DOE), briefed the Commission on the status of the civilian high-level radioactive waste (HLW) program on December 20, 1989. Other DOE representatives included Frank Peters, Deputy Director, Office of Civilian Radioactive Waste Management (OCRWM); Ralph Stein, Assistant Director for Systems Integration and Regulation, OCRWM; and Carl Gertz, Director, Yucca Mountain Project Office. A copy of Mr. Duffy's presentation, which highlighted DOE's report to Congress on its reassessment of the HLW program, program progress and regulatory approach, is enclosed for your information. A reference schedule for the restructured HLW program, showing repository operation in the year 2010, is also included in the enclosure (see Figure 1).

The following items were singled out for discussion by the Commission:

1. DOE has not yet filed a legal suit against Nevada to obtain environmental permits in order to conduct site characterization activities at Yucca Mountain; however, it is currently under Department of Justice review. Chairman Carr commented on DOE's assumption that the suit would be settled within a year's time. (See Figure 1 denoting 1/91 as the start of surface based testing).
2. DOE expressed concern that the Advisory Committee on Nuclear Waste (ACNW) would not have the resources to review extensive DOE documents once it begins field operations at Yucca Mountain. DOE expressed a desire for more access to the ACNW and a preference to present its own technical bases. Commissioner Remick urged DOE to seek meetings with ACNW, which DOE said has depended primarily on NRC staff briefings on reviews of DOE's Site Characterization Analysis and Site Characterization Plan.

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3. DOE proposed an initiative for collaborative interaction in looking at the regulatory framework for the HLW program. This proposal would include not only staff from DOE, NRC, but also expertise from other Federal agencies, nuclear industry, the Nuclear Waste Technical Review Board (NWTRB), the ACNW, the State of Nevada and others. Chairman Carr expressed concern that such a relationship may jeopardize NRC's independence. He offered NRC guidance to DOE when NRC sees DOE "heading for troubled waters."
4. DOE asked that priority be given in developing a LSS Memorandum of Understanding between DOE and NRC to delineate responsibilities for system development and operation. The question of document loading (schedule forthcoming for 1,300,000 pages) vs. repository schedule needs to be addressed. Chairman Carr supported an aggressive LSS development schedule so as not to place the development and loading of the LSS on a critical path with the repository schedule.
5. The engineered barrier system was discussed relative to developing a waste package with a life of greater than 1000 years and the prescriptive language contained in Part 60. DOE recommends providing regulatory guidance vs. rulemaking. Commissioner Curtiss asked how far beyond 1000 years performance should container performance be projected, noting that Part 60 would have to be modified as such. DOE would have to show added confidence that containers would last beyond 1000 years.
6. With regard to NRC's planned rulemaking to demonstrate compliance with the EPA standard, DOE is asking for upfront discussions with peer review groups, including the international community. DOE wants an opportunity to see the EPA standard prior to NRC's rulemaking.
7. Chairman Carr asked to see DOE's study suggesting a need for a second repository for Greater Than Class C Waste.
8. Standardized cask development for shipping and storage of waste was discussed. DOE indicated a single cask design is quite expensive and that a five cask storage design program is ongoing.

Chairman Carr closed the meeting saying he was pleased with DOE's scientific and technical commitment to determine Yucca Mountain's suitability as a HLW repository. Future briefings from DOE are encouraged by the Commission as events warrant them. He also stated LSS development should continue on an aggressive schedule.

Harold R. Denton

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Please note that this summary is not intended either as an authoritative source of the exact dialogue that took place at the Commission meeting, nor does it represent or substitute for the staff requirements memoranda issued by the Office of the Secretary.

Enclosure:
As stated

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