



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON NUCLEAR WASTE
WASHINGTON, D.C. 20555

September 19, 1989

The Honorable Kenneth M. Carr
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Carr:

SUBJECT: DIVISION OF RESPONSIBILITIES BETWEEN THE ACNW AND THE ACRS

In response to your request, we are pleased to provide the following comments on the division of responsibilities between the Advisory Committee on Nuclear Waste (ACNW) and the Advisory Committee on Reactor Safeguards (ACRS). Serving as background for our comments were the proposals contained in the letter to you from Dr. Forrest J. Remick, Chairman, ACRS, dated June 14, 1989.

As you may recall, this matter was discussed with members of the ACRS during a Commission meeting on August 10, 1989, and it has been a continuing subject of discussion within the ACNW. Although we view it as a matter requiring resolution, we would have preferred to have gained additional operating experience before the development of a formal statement on the subject.

In its letter to you dated June 14, 1989, the ACRS proposed a division of responsibilities based primarily on two factors: (a) the physical location of the activities in question, and (b) the Code of Federal Regulations. Although it would be helpful if this type of approach could be applied, we believe that it could lead to confusion. For example, with respect to proposal (a), we believe that the fulfillment of our responsibilities will require us to have knowledge of, and be involved in, the processes within nuclear power plants that generate low-level wastes, particularly those that might fall within the "mixed waste" category. In addition, we view our responsibilities as extending to the reviews of operating procedures for the solidification of low-level wastes, such as spent resins, and the submission of applications by nuclear utilities for the construction and operation of incinerators and other devices for the treatment of such wastes.

Although we agree with respect to item (b) that selected parts of Title 10 of the Code of Federal Regulations clearly fall under the primary purview of one of the Committees (for example, Parts 55, 74, and 100 clearly pertain to activities of the ACRS, and Parts 60 and 61 clearly pertain to activities of the ACNW), we believe that, in the majority of cases, to properly address questions that develop may require input from both Committees. Examples include:

Part 50 -- the ACNW has interests in activities related to Appendices F and I and to decommissioning;

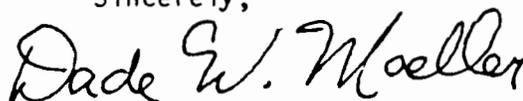
- Part 70 -- the ACNW has interests in those portions of this part that pertain to effluent monitoring;
- Part 71 -- although the ACRS has proposed that this part be assigned to the ACNW, we would be hesitant to attempt to take on this responsibility without substantial input from the ACRS;
- Part 72 -- while the ACRS has indicated that the on-site storage of spent fuel would primarily be their area of responsibility, we believe that on-site dry cask storage (once the fuel is outside the spent fuel pool) would clearly be within the ACNW realm of responsibility.

In summary, while we believe that the responsibilities of the ACNW and the ACRS are separate in selected areas, we find that in many instances they overlap. As experience is gained, we will be able to set down a statement outlining how these responsibilities can be separated. To establish a policy at this time might very well hamper both Committees in the effective conduct of their business. For the moment, members of the ACNW would prefer to resolve any issues as they arise and for the two Committees to pursue their duties to the maximum extent possible in a spirit of cooperation and mutual support.

Until such time as experience clarifies the responsibilities of the two Committees, we suggest that one Committee take the lead in any upcoming reviews that are believed to fall within the purview of both groups. Distribution of such responsibilities can be handled by the two Committees, with the assistance of the Executive Director, ACRS/ACNW. Following this approach, applicants and/or licensees will in no case be required to appear before more than one of the two Committees, and any associated complications will be avoided.

We hope you will find these comments helpful.

Sincerely,



Dade W. Moeller
Chairman