

NOTATION VOTE

RESPONSE SHEET

RELEASED TO THE PDR
11/16/90
date
initials

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER CURTISS

SUBJECT: SECY-90-331 - CONFORMITY OF LOW-LEVEL WASTE (LLW) DISPOSAL FACILITIES WITH REQUIREMENTS OF 10 CFR PART 61

APPROVED ^x w/comments DISAPPROVED ABSTAIN

NOT PARTICIPATING REC. FOR DISCUSSION

COMMENTS:

See attached comments.

James R. Utin
SIGNATURE

10/10/90
DATE

RELEASE VOTE / x /

WITHHOLD VOTE / /

ENTERED ON "AS" YES x No

QF02
0/1

Commissioner Curtiss' comments on SECY-90-331:

In general, I approve of the approach outlined by the staff in the subject SECY paper. I do, however, have a number of comments:

First, my approval is contingent on the understanding, as expressed by the General Counsel at the October 1, 1990 Commission meeting, that there is indeed a connection -- albeit a general one -- between those subjects on which the staff proposes to provide guidance and the requirements of 10 CFR Part 61. Short of that, I do not think we have a basis for providing guidance on these subjects.

Second, in formulating the rule change to include quality assurance (QA) in 10 CFR 61.12(j), staff should explicitly consider how best to tailor the QA approach that has historically been used for nuclear power plants to address the special circumstances that we face in the low-level waste disposal arena. The QA requirements that the staff would propose to impose should be justified based upon the needs associated with the low-level waste issue, rather than simply because these requirements are imposed in the reactor arena.

Finally, as I indicated at the Commission briefing on October 1, 1990, I believe that a more substantive "road map" should be developed as part of the comprehensive revisions planned for the standard review plan (SRP). In my view, the road map should be a guide to the decision process, rather than just a directory of potentially relevant guidance documents or related sections of the SRP. I see three principal advantages of such an approach:

First, as various States have observed, the user needs to know what role the evaluations undertaken in each of the individual modules of the SRP will play in making the findings required by Part 61. A road map would serve to illuminate this important connection between the individual modules and the overall findings required by Part 61, laying out specifically how the individual modules in the SRP contribute to the findings that must be made under Part 61 in order to license a disposal facility.

Second, a road map such as this would serve to emphasize the importance of the hierarchical structure of Part 61, as well as the systems approach inherent therein, thereby providing a logical basis for distinguishing between information that is essential to have in reaching a licensing decision on the proposed facility from information that is nice to know but not essential to reaching a licensing decision. Additionally, such an approach would serve to provide a basis or context for addressing whatever alternatives might be proposed by the applicant under 10 CFR 61.54

or 61.58 for waste form, site operations, or other components of the disposal system.

Third, a road map such as this would fit in logically with the work that the staff already intends to undertake in the area of performance assessment, in response to requests from various States for additional guidance on this topic. Because of this logical connection, the additional resources required to develop such a road map should not be significant.

Accordingly, for the foregoing reasons, I would recommend that we direct the staff to prepare a separate section of the SRP discussing the connection between the individual modules contained therein and the overall findings required by Part 61, specifically addressing how the individual modules in the SRP contribute to the findings that must be made under Part 61 in order to license a disposal facility.