

NOTATION VOTE

RELEASED TO THE PDR

RESPONSE SHEET

11/16/90

date

*g*  
initials

1990 SEP 24 11 3 53

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER REMICK

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

*w/comm.*

APPROVED  DISAPPROVED \_\_\_\_\_ ABSTAIN \_\_\_\_\_

NOT PARTICIPATING \_\_\_\_\_ REQUEST DISCUSSION \_\_\_\_\_

COMMENTS:

*see attached comments*

*[Signature]*  
\_\_\_\_\_  
SIGNATURE

RELEASE VOTE

*11 Oct 90*

DATE

WITHHOLD VOTE

ENTERED ON "AS" YES \_\_\_\_\_ No \_\_\_\_\_

9011270221 901011  
PDR COMMS NRCC  
CORRESPONDENCE PDC

*QF02  
0/1*

Comments of Commissioner Remick on SECY-90-331:

The staff's paper appears to have identified the instances where the Standard Format and Content Guide (SF&C) and Standard Review Plan (SRP) need to comport with the requirements of Part 61, and I support the staff's desire to make the necessary revisions soon. I believe the staff should also:

1. Consider the need for a similar evaluation of the comportment of existing guidance with Part 51;
2. Supplement the requested "road map" linking other NRC guidance documents to the SRP and SF&C with a list identifying the specific sections of the regulations to which each such guidance document relates. Consider the costs and potential benefits of designing a computer program that would enable a reviewer to identify easily all the available NRC guidance documents related to any given section of the rule that sets forth a licensing requirement.
3. Clarify the relationship of the requirements within Part 61 to each other, as discussed in the staff's recent briefing on this matter.

On the first count, I note that issuance of a disposal license will require compliance with NEPA as well as with Part 61, and that the staff has prepared an Environmental Standard Review Plan, NUREG-1300 (ESRP), to assist applicants in demonstrating that compliance. Although this guidance is legally applicable only to applications for an NRC license, several Agreement States may use NRC guidance as a model for compliance with environmental review requirements established by state law. I understand that the staff plans to review the ESRP to determine whether it too comports with applicable NRC regulations. It would be useful to have the staff develop a more specific schedule for an ESRP review, or a more specific rationale for deferring it. This would involve determining, with the advice and cooperation of State Programs, whether there is sufficient state interest to warrant an early completion of such a review, perhaps in time to permit the ESRP to be revised in tandem with the SRP. Scheduling of an ESRP review would also depend on whether and when NRC itself should expect to receive an application in the foreseeable future.

On the need to articulate the linkage between other guidance documents and specific sections of the rule, I realize that this is something more than the "roadmap" that ACNW requested and the Commission had in mind when it asked the staff to identify all the existing guidance documents that an applicant should consider in an application. From the discussions at the recent Commission briefing, and state and industry comments on the existing SRP, however, we cannot assume that NRC guidance will be applied by

experienced license reviewers. The staff has advised that there will have to be strong project management of the licensing review, which will require reviewers in a number of specialized technical disciplines. A computerized roadway linking each licensing requirement to specifically related guidance documents could be a powerful tool for both reviewers and managers, regardless of experience. It could help to assure technical accuracy, comprehensiveness in identifying issues, consistency in resolving them, and possibly even a more timely review. It could better enable the staff to keep track of future revisions in its guidance documents. If such a system proved to be useful and were made available to Agreement State agencies, it might also reduce the number or scope of requests for NRC technical assistance in state licensing reviews. It seems at least worth considering whether the benefits of developing such a program would be worth the additional cost.

Finally, as Commissioner Curtiss and Rogers suggested at the briefing, there is a need for the SRP to clarify the linkage of the requirements within Part 61 to each other, particularly in making findings under Section 61.23 on whether overall performance objectives and other conditions for issuance of a license have been met.

I gather from the Commission briefing discussions, the public comments discussed in the staff paper, and from the organization of the SRP itself, that the SRP does not provide much guidance on what subsystem requirements should be considered in making judgments about compliance with any given performance objective.

Similarly, there appears to be little guidance that would enable a reviewer to consider the relationship of the individual performance objectives to each other. Existing guidance does not, for example, appear to enable a reviewer to assess easily the trade-offs between the potential for additional long term protection of the public from isolating wastes in engineered vaults, and the potential for additional occupational exposures from conducting waste emplacement operations in confined engineered structures.

These are the kinds of judgments that go into making performance assessments of disposal facility sites and designs. They will be at the heart of any overall licensing judgment about the compliance of a proposed facility with our requirements. The staff is committed to address more clearly the integration of Part 61 requirements in the next round of revisions to the SRP and SF&C. Of all the revisions to these documents, I believe that a clarification of these issues would make the most important contribution toward minimizing the risk of a long and inconclusive licensing process.