



OFFICE OF THE  
SECRETARY

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

RELEASSED TO THE PDR  
2/24/94  
date initials

February 3, 1994

MEMORANDUM TO: James M. Taylor  
Executive Director for Operations

FROM: *A. J. Baker*  
Samuel J. Chilk, Secretary

SUBJECT: SECY-92-408 - PROPOSED AMENDMENTS, TO 10 CFR  
PART 60, ON DISPOSAL OF HIGH-LEVEL  
RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES -  
DESIGN BASIS EVENTS FOR THE GEOLOGIC  
REPOSITORY OPERATIONS AREA

The Commission (with the Chairman and Commissioners Remick and de Planque agreeing) has disapproved publication of the proposed rule and is returning the paper to the staff for further study as discussed below. Commissioner Rogers would have approved the proposed rule for publication.

The staff should review and reconsider the definition of "important to safety". The proposed definition does not provide the license applicant, the NRC staff, or other parties to the licensing proceeding a clear definition of the structures, systems, and components that would be important to safety or provide a definitive basis for making a determination.

The staff should analyze other methods for determining which structures, systems, and components are important to safety and should consider the appropriateness of utilizing public and occupational dose levels from other parts of the regulations, including 10 CFR Parts 20 and 100 and the proposed 10 CFR Part 76, in developing a definition of "important to safety." In any subsequent rulemaking package, the staff should consider relating design and quality assurance (QA) requirements to the necessity to satisfy dose limits for both workers and the general public. It is not clear that the "functional" definition of important to safety in SECY-92-408 is either necessary or desirable for this purpose. With respect to the appropriate dose levels to be used, the values should be consistent with other NRC rules and based on

SECY NOTE: THIS SRM, SECY-92-408, AND THE VOTE SHEETS OF ALL COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 10 WORKING DAYS FROM THE DATE OF THIS SRM

280050

9403040202 940203  
PDR 10CFR  
PT9.7 PDR

*Df02 1/0*

what is necessary to protect public health and safety in the event of an accident. Establishment of dose criteria for determining the structures, systems, and components that are important to safety shall in no way affect the Commission's historical defense in depth approach to safety.

To avoid misunderstanding about the phrase "at all times", 10 CFR 60.111(a) should be revised as follows:

"(a) . . . The geologic repository operations area shall be designed so that until permanent closure has been completed and during any subsequent retrieval operations, radiation exposures and radiation levels, and releases of radioactive materials to unrestricted area will be maintained within the limits specified in Part 20 . . ."

The definition of "controlled-use area" and other proposals in SECY-92-408 appear to be reasonable and should be retained. Since it appears likely that the staff will grant substantial portions of DOE petition, the staff should reconsider its statement that it intends to deny the DOE petition. Although the staff raised a concern about the size of the controlled use area, this could be addressed by establishing a limit on the extent of this area.

The staff should seek the views of the ACNW on any subsequent Commission paper reconsidering this rulemaking package. The views of the ACNW should be sought particularly on the definition and use of "important to safety."

(EDO)

(SECY Suspense: 7/29/94)

cc: The Chairman  
Commissioner Rogers  
Commissioner Remick  
Commissioner de Planque  
OGC  
OCA  
OIG  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)