

MINUTES OF THE SEVENTY-EIGHTH ACNW MEETING  
OCTOBER 24-26, 1995

- TABLE OF CONTENTS -

	<u>Page</u>
I. Chairman's Report (Open) . . . . .	1
II. NRC's Programmatic Approach to Low-Level Waste Management (Open) . . . . .	2
III. Residual Levels of Decontamination (Open) . . . . .	5
IV. Meeting with Representatives of Environmental Protection Agency (Open) . . . . .	7
V. Prepare for Meeting with Commission (Open) . . . . .	9
VI. Meeting with the Director, Division of Waste Management, NMSS (Open) . . . . .	9
VII. Executive Session (Open) . . . . .	10
A. Prioritization of Issues	
B. Future Meeting Agenda	

- APPENDICES -

- I. Federal Register Notice
- II. Meeting Schedule and Outline
- III. Meeting Attendees
- IV. Future Agenda and Working Group Activities
- V. List of Documents Provided to the Committee

130037

# CERTIFIED

Issued: November 13, 1995

MINUTES OF THE SEVENTY-EIGHTH MEETING OF THE  
ADVISORY COMMITTEE ON NUCLEAR WASTE  
OCTOBER 24-26., 1995  
ROCKVILLE, MARYLAND

The 78th meeting of the Advisory Committee on Nuclear Waste was held at Two White Flint North Building, 11145 Rockville Pike, Rockville, Maryland, on October 24-26, 1995. The purpose of this meeting was to discuss and take appropriate action on the items listed in the attached agenda. The entire meeting was open to public attendance.

A transcript of selected portions of the meeting was kept and is available in the NRC Public Document Room at the Gelman Building, 2120 L Street, N.W., Washington, D.C. [Copies of the transcript are available for purchase from Neal R. Gross and Co. Inc., Court Reporters and Transcribers, 1323 Rhode Island Avenue, N.W., Washington, D.C. 20005.]

Dr. Paul W. Pomeroy, Committee Chairman, convened the meeting at 8:30 a.m. and briefly reviewed the schedule for the meeting. He stated that the meeting was being conducted in conformance with the Federal Advisory Committee Act. He stated that the Committee had not received any requests from persons or organizations desiring to make an oral statement during the meeting. However, he invited members of the public, who were present and had something to contribute, to let the ACNW staff know so that time could be allocated for them to make oral statements.

ACNW members, Drs. John B. Garrick, William J. Hinze and Martin J. Steindler were present. [For a list of other attendees, see Appendix III.]

I. CHAIRMAN'S REPORT (Open)

[Note: Mr. Richard K. Major was the Designated Federal Official for this part of the meeting.]

Dr. Pomeroy identified a number of items that he believed to be of interest to the Committee, including:

- Appointment of Dan Reicher to be Acting Assistant Secretary for Policy at DOE
- The California Court of Appeals reversed the judgment of a lower court, allowing the proposed Ward Valley low-level waste disposal facility to move to the next level of approval

- On October 12, 1995, the Commission nullified the previously approved decommissioning plan for Yankee Rowe
- The nomination of Greta Dicus as NRC Commissioner has been delayed.

## II. NRC's Programmatic Approach to Low-Level Waste Management (Open)

[Note: Mr. Howard J. Larson was the Designated Federal Official for this part of the meeting.]

Dr. Pomeroy introduced the subject, indicating that the ACNW had been asked by the Commission to review SECY-95-201, "Alternatives to Terminating the NRC Low-level Radioactive Waste Disposal Program," and provide the Commission with its evaluation of possible alternatives by December 29, 1995. He also noted that the staff had been given until the end of March, 1996, to complete their rebaselining and strategic assessment initiatives and factor the Committee's comments into their re-evaluation and re-submittal of SECY-95-201.

M. Weber, Branch Chief, NMSS, introduced the staff members who would participate in the presentation. They were R. Nelson, NMSS, and W. Ott, RES. Mr. J. Greeves, Division Director, NMSS, was also present.

The reasoning behind SECY-95-201 was described by Mr. Weber, who then turned the presentation over to Mr. Nelson. He noted the three options addressed in the SECY document:

1. Continue the current program
2. Reduce current program activities to those required by law and a few others that are essential to the national program
3. Terminate all activities.

He noted that at this time the staff had sufficient resources and was "ramping down" to the Option 2 FTE level. The "pros" and "cons" of each of these options were presented.

The statutory program requirements were identified as those associated with the licensing review and approval, reviews of the Agreement State program, and those associated with granting emergency access to disposal sites, the import and export of low-level waste (LLW) and the "below regulatory concern" issue. The staff forecast was discussed, it being noted that it assumes no

significant licensing role for the NRC by the year 2000. Mr. Greeves interjected that the staff would be prepared to review an LLW disposal facility license application from a non-Agreement state, should such a State clearly indicate its intention.

In response to a question from Dr. Steindler, Mr. Greeves stated that although the SECY document may be silent on the issue of public health and safety, it is an unstated premise in the paper that the current process is adequate to assure public health and safety.

The level of NRC LLW effort included in each of the options was discussed, it being noted that resources will be shifted from one activity to another as priorities and workload demand. The overall LLW program resources from 1992 (actual) through 1998 (projected) were described as was the breakdown between various program elements (Performance Assessment, Rulemaking, Interface issues, Guidance Development, Licensing, Inspection and Agreement State activity support). Among the current activities that will not be conducted in the future were the initiation of new LLW research, topical report review, participation in international standards, and guidance development.

Dr. Steindler stated that he understood the constraints placed on NMSS and the Division of Waste Management with regard to resources, but noted that the ACNW does not have the same constraint. Rather, he indicated that the ACNW should provide advice to the Commission on the mission of the agency and the role that it recommends the agency perform in the LLW area to provide adequately for public health and safety.

W. Ott provided background information on the NRC LLW research program and the status of the current active projects. He indicated that current active projects fit into three main categories:

- LLW projects ending with 1995 funding.
- LLW projects to be brought to an orderly close.
- Projects applicable to decommissioning and LLW to be shifted to the Radionuclide Transport and Behavior budget category, for which funding is projected through 1999.

He then discussed the list of projects in each category, closing with a discussion of the impact of the projects scheduled for termination. Dr. Hinze stated that he had not heard much about the value of NRC research projects. Mr. Ott replied that a paper will be prepared describing the results of the research program. Additional questions were posed to Mr. Ott regarding LLW research

efforts by the Department of Energy (DOE) and the Center for Nuclear Waste Regulatory Analyses (CNWRA).

Mr. Nelson closed this portion of the session by describing the next steps to be taken under SECY-95-201 as follows: receipt of ACNW recommendations, completion of the baseline assessment, solicitation of comments from stakeholders, assessment of alternatives, and recommendation of an approach to the Commission. In the meantime, he noted, the staff would continue the reduced (modified Option 2) program.

Mr. M. Alissi, Nuclear Energy Institute (NEI) then presented the position of his group, indicating that NEI "generally supports a strong NRC presence on LLW regulatory and policy issues" and supports a "role for NRC greater than that described in Option 2 of SECY-95-201." NEI believes the important objectives of the NRC LLW program are:

- to facilitate the timely development of disposal capacity for all commercial LLW,
- to maintain a strong national regulatory framework and oversight on LLW, and
- to focus on cost-effective and sensible regulation of LLW.

In summary, he stated that NEI believed these objectives must be satisfied if NRC is to fulfill its responsibility to protect public health and safety (noting that NRC has consistently maintained that permanent disposal is preferable to on-site storage).

NEI perceives that the status of the national LLW situation calls for a strong NRC role, and provided examples of appropriate - and necessary - NRC involvement in the past and the need for future involvement. Cited among the former were such items as the California Pu-239 estimate, comments on the Environmental Protection Agency (EPA) RCRA reform initiative, the Branch Technical Position on LLW classification, the Uniform Shipping Manifest and the review and approval of the Utah LLW regulatory program. He did note the concern of some in the industry with the Department of Interior's interjection into the Ward Valley licensing. He also stated a concern that future personnel resources would not be available when needed, despite the staff's intent.

Typical needs were specified as: specific support for future LLW disposal facility siting efforts, the resolution of the mixed waste problem, the adequacy and compatibility determinations for the Agreement State LLW programs, the oversight and support of

Agreement State licensing efforts, GTCC facility licensing, and the interaction with other national groups.

Mr. M. Silberberg, a private citizen, stated his belief that the national LLW program needs NRC selective guidance and oversight "more than ever" and that termination of that effort could seriously disrupt LLW disposal facility siting. He also noted that the "lessons learned from states' experience drive the need for timely, critical NRC guidance for program consistency" and cited the recent ACNW letter on the need for independent peer review.

Dr. Pomeroy closed the session, thanking the participants and noting that the Committee planned to resume receiving input on this issue at its November meeting.

### Conclusion

The Committee will continue discussions on this subject during its next meeting on November 15-16, 1995, and has invited a further cross-section of potentially affected groups.

### III. Residual Levels for Decontamination (Open)

[Note: Mr. Howard J. Larson was the Designated Federal Official for this portion of the meeting].

Dr. Steindler noted that this topic was a follow-on discussion in that the ACNW had previously commented on the proposed rule after staff presentations at the 72nd meeting. The principal focus of this presentation was to be on the implementation of the proposed rule. The RES presentation was made by Cheryl Trottier, accompanied by F. Cardile and C. Daily. She noted that Dr. W. Morris, Division Director, RES, was also present and would contribute as appropriate.

Ms. Trottier stated that a Workshop on the rule had been held at NRC headquarters in September and the current schedule calls for the final rule to be submitted to the Commission by the end of December. She stated that those licensees who have an approved decontamination and decommissioning (D&D) plan by the effective date of the rule would be "grandfathered." (Such licensees were to use Regulatory Guide 1.86 and the relevant current Branch Technical Positions in lieu of the provisions in this rule.) This rule would not become effective until the relevant Regulatory Guide was final.

An overview of some of the areas commented upon by more than 100 different commenters was then provided. Among the considerations were:

- whether the rule should apply to facilities with large volumes of low-level radioactivity,
- whether there should be a provision providing for the "grandfathering" of sites,
- under what conditions (if any) the site release and license termination should be considered final and not subject to reopening,
- whether the objective of decommissioning should be "reasonable for protecting public health" or whether "as low as reasonably achievable" (ALARA) or background levels must also be considered,
- whether 15 millirem/year (mrem/y) was too high or too low and whether such low dose levels could be measured,
- whether an ALARA analysis is necessary for doses of less than 15 mrem/y and whether to permit consideration of ALARA at doses greater than 15 mrem/y,
- whether restricted releases should be allowed (and under what, if any, circumstances),
- whether the 100 mrem/y cap was too high or too low,
- whether the EPA drinking water standard should be utilized,
- whether calculations should be performed to 1000 years after decommissioning,
- to what degree the public should participate in the D&D decision-making process (and on what basis),
- the use and constitution of the Site Specific Advisory Board (proposed for restricted release conditions only), and
- whether there was a need for additional regulatory guidance and whether a state should be permitted to exercise more or less flexibility than the NRC (a question of compatibility).

The Committee asked whether a cost/benefit analysis had been performed and was informed by F. Cardile that the impact of ten decreasing release levels was evaluated. In response to a question, C. Daily discussed nonparametric survey techniques,

noting that EPA had employed similar techniques for quite some time and that NRC had tested the approach at a reactor site.

Ms. Lynette Hendricks, NEI, then discussed the position of her organization, stating that there were significant problems for fuel cycle facilities (particularly those with low levels - and likely large volumes - of uranium contamination). She indicated that for such cases, the implementation guidance does not address real world issues, such as the ability to detect background levels. NEI also believes that the LLW volumes and survey/decontamination costs were greatly underestimated.

NEI stated that several licensees had offered their facilities as "pilots" in order to field test the efficacy of the proposed rule in "real-life" situations. Dr. Garrick noted that it was important that these cleanups not suffer the "asbestos syndrome" where unnecessarily large costs were incurred vis-à-vis the associated public risks.

Dr. Morris said he would like to further investigate the possibility of "doing a real world survey at a site that challenges the methodology." The staff indicated it would follow up with the Committee on the survey/background issue.

#### Conclusions/Action Items

The Committee will continue its review of this subject at a future meeting.

#### IV. Meeting with Representatives of the Environmental Protection Agency (Open)

[Mr. Howard J. Larson was the Designated Federal Official for this portion of the meeting.]

Dr. Steindler stated that representatives of EPA would discuss some of the more significant comments received thus far on the National Academy of Sciences (NAS) report entitled "Technical Bases for Yucca Mountain Standards."

Mr. R. Clark, assisted by J. Gruhlke, EPA, was the principal presenter. He noted that he would discuss neither the final form of the standard nor an EPA position on the NAS report, since EPA was still receiving comments from the public and other interested parties. The proposed standard would be called 40 CFR 197, "Environmental Radiation Protection Standards for Yucca Mountain, Nevada". Mr. Clark is the designated Project Leader for Part 197.



After presenting a brief history of this particular effort since the enactment of the Energy Policy Act of 1992 (EnPA), Mr. Clark noted that public meetings were held this past September in Amargosa Valley and Las Vegas, NV, and in Washington, DC. During these meetings, several areas of general agreement with the NAS report were identified, such as 1) active controls cannot preclude intrusion, 2) scientific predictions of human intrusion cannot be made, 3) the ideology of the native people should be respected, and 4) it was necessary to work closely with the NRC to make the standards amenable to licensing.

However, there was also a wide divergence in the comments as to the value of the critical population dose limit, the use of negligible incremental risk, the value of the NRC subsystem requirements, the timeframe for regulatory and risk consideration, and whether to base the standard on Yucca Mountain's containment capability or use health protection requirements as a basis.

The comment period ended on October 26, with the intent to propose final standards during 1996. Public hearings will be held during the public comment period on the draft standards, with the goal being to issue the final standards in one year.

Various questions were asked by the Members, such as how to interpret the provision in the EnPA stating that EPA is to give substantial consideration to the NAS recommendations. Mr. Gruhlke believed that, since the NAS had called for many of the issues to be resolved via public rulemakings, this could quite likely result in positions that differed from the NAS report. However, he cautioned, EPA's General Counsel is determining its legal position. Questions were also raised regarding several of the public comments, notably how to consider intrusion, the use of release limits, and a proposed zero release goal.

The establishment of a joint NRC-EPA technical team to work together to develop a standard that would result in a meaningful, enforceable regulation, was lauded.

Dr. Steindler thanked the EPA representatives and indicated the Committee's desire to follow future developments closely. (NRC representatives subsequently informed the ACNW of their intent to discuss the proposed staff comments on the NAS report at the 80th ACNW meeting, December 19-21, 1995.)

### Conclusion

This briefing was for information purposes only.

V. PREPARE FOR MEETING WITH COMMISSION (Open)

[Note: Mr. Richard K. Major was the Designated Federal Official for this portion of the meeting].

The Committee discussed topics to be raised with the Commission at its November 16, 1995 meeting. Items to be raised include:

- The NAS Study on Technical Bases at Yucca Mountain
- Radiological Criteria for Decommissioning
- LLW Alternatives - SECY 95-201
- ACNW High Priority Issues in High-Level Waste (HLW) and LLW.

Conclusion

Additional preparation time for the meeting is scheduled for November 15, 1995.

VI. MEETING WITH THE DIRECTOR, DIVISION OF WASTE MANAGEMENT, NMSS

(Note: Mr. Richard K. Major was the Designated Federal Official)

Mr. John Greeves, Director, Division of Waste Management, NMSS, explained that funds to continue work on the HLW repository have been scaled back severely under the current budget proposals. The final outcome of the administration's request for funds remains uncertain.

The NRC and EPA have formed a liaison group that will study the impact of the recent National Research Council's report on the Technical Bases for Yucca Mountain Standards. This group will discuss any changes resulting from EPA's relevant (and newly proposed) 40 CFR Part 197 HLW standard for Yucca Mountain or NRC's 10 CFR Part 60 HLW regulations.

Mr. Greeves discussed DOE's recent investment analysis for the Yucca Mountain Project. Currently DOE would like to complete the repository design so it can evaluate performance and repository development.

Under current budget cuts, 90 percent of surface-based testing will stop and the Exploratory Studies Facility (ESF) excavation will cease by about February, 1996. Other activities being curtailed by DOE include making high-level findings, technical bases reports, and peer reviews.

The Committee was interested in the effect of budget cuts on the staff's vertical slice approach. The staff is doing a prioritiza-

tion exercise, focusing on the most important activities for each issue. The number of issues will remain the same; however, the number of vertical slices for each issue will be reduced.

Mr. Greeves was interested in long-term planning with the Committee. He would like to schedule priority issues as far in advance as possible, on the staff agendas of both ACNW and NMSS.

Dr. Steindler asked when the budget process would settle down and the staff would have a better understanding of resources. Mr. Greeves believed the process would be complete by January 1996.

The discussion turned to the low-level waste options paper (SECY-95-201). Mr. Greeves believed the outcome of deliberations would favor the second option which significantly reduces LLW resources, but does not eliminate the program. The LLW program is competing for resources with other active programs such as the spent fuel program, and industrial and medical nuclear safety. Dr. Pomeroy explained he is interested in the boundaries of the LLW program, what would remain in the program and what would be left out, and how the determination would be made.

With regard to the LLW Branch Technical Position on Performance Assessment, there is still debate within the staff over the 10,000-year compliance time for the 25 mrem/y standard.

Margaret Federline, NMSS, discussed developing staff guidance on the use of expert judgment. She explained that the draft guidance document would be reviewed by the Office of the General Counsel in the next month. One difficulty lies with the admissibility of data from normative experts. This issue is scheduled for ACNW review in January 1996.

#### Conclusions/Action Items

The ACNW and the staff agreed to integrate priority issues on their separate agendas into a combined priority list and to schedule reviews at mutually acceptable times.

#### VII. EXECUTIVE SESSION (Open/Closed)

[Note: Mr. Richard K. Major was the Designated Federal Official for this part of the meeting.]

##### A. Prioritization of Issues

ACNW Members discussed which issues might be appropriately placed on the agenda for the next calendar year.

78th ACNW Meeting  
October 24-26, 1995

11

B. Future Meeting Agenda

Appendix IV summarizes the proposed items endorsed by the Committee for the 79th ACNW Meeting, Rockville, Maryland, November 15-16, 1995, and future Working Group meetings.

The meeting was adjourned at 4:00 p.m., Thursday, October 26, 1995.

- APPENDICES -

- I. Federal Register Notice
- II. Meeting Schedule and Outline
- III. Meeting Attendees
- IV. Future Agenda and Working Group Activities
- V. List of Documents Provided to the Committee

while not required, is an advantageous condition.

**Agencies and Persons Consulted:** The Commission's staff reviewed Toledo Edison's request dated September 22, 1995, and did not consult other agencies or persons.

#### Finding of no Significant Impact:

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action would not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this action, the request for exemption dated September 22, 1995, and other related documents are available for public inspection and for copying (for a fee) at the NRC Public Document Room at the Gelman Building, 2120 L Street, NW, Washington, DC 20555, and at the Local Public Document Room located in the William Carlson Library, University of Toledo, 2801 West Bancroft Avenue, Toledo, Ohio 43606.

Dated at Rockville, Maryland, this 29th day of September 1995.

For the Nuclear Regulatory Commission,  
Charles J. Haughney,  
Deputy Director, Spent Fuel Project Office,  
Office of Nuclear Material Safety and  
Safeguards.

[FR Doc. 95-25007 Filed 10-6-95; 8:45 am]  
BILLING CODE 7590-01-P

#### **Advisory Committee on Nuclear Waste; Meeting**

The Advisory Committee on Nuclear Waste (ACNW) will hold its 78th meeting on October 24 and 25 (Room T-2B3) and 26 (Room T-2B1), 1995, at 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for this meeting shall be as follows:

**Tuesday, October 24, 1995—8:30 a.m. until 6 p.m.**

**Wednesday, October 25, 1995—8:30 a.m. until 6 p.m.**

**Thursday, October 26, 1995—8:30 a.m. until 6 p.m.**

During this meeting the Committee plans to consider the following:

**A. Reviewing NRC's Programmatic Approach to Low-Level Waste Management—**The Committee will review alternatives to the future course of NRC's Low-Level Radioactive Waste Disposal Program. Members of the

Division of Waste Management will participate, as well as representatives from other organizations.

**B. Meet with Representatives of the Environmental Protection Agency—**The Committee will meet with representatives of the EPA and hear a status report on recent activities related to the report by the National Research Council's Committee on the Technical Bases for Yucca Mountain Standards.

**C. Residual Levels for Decontamination—**The Committee will be briefed by the NRC staff on this recent effort to determine acceptable radiation levels when a nuclear facility permanently shuts down and is released for other uses.

**D. Preparation of ACNW Reports—**The Committee will discuss proposed reports, including comments on the high-level waste hydrology research program, the staff's Low-Level Waste alternative paper, and the adequacy of data being collected at the Yucca Mountain site for a license application.

**E. Meeting with the Director, NRC's Division of Waste Management, Office of Nuclear Materials Safety and Safeguards—**The Director will discuss items of current interest related to the Division of Waste Management programs.

**F. Prepare for Meeting with the Commission—**The Committee will review topics for discussion with the Commission in preparation for its November 16, 1995 meeting with the Commission.

**G. ACNW Priorities—**The Committee will discuss issues that will be placed high on their safety review priorities list.

**H. Committee Activities/Future Agenda—**The Committee will consider topics proposed for future consideration by the full Committee and Working Groups. The Committee will also discuss ACNW-related activities of individual members.

**I. Miscellaneous—**The Committee will discuss miscellaneous matters related to the conduct of Committee activities and organizational activities and complete discussion of matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the Federal Register on September 27, 1995 (60 FR 49924). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by

members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the Chief, Nuclear Waste Branch, Mr. Richard K. Major, as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Chief, Nuclear Waste Branch prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with Mr. Major if such rescheduling would result in major inconvenience.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting Mr. Richard K. Major, Chief, Nuclear Waste Branch (telephone 301/415-7366), between 8 a.m. and 5 p.m. EDT.

ACNW meeting notices, meeting transcripts, and letter reports are now available on FedWorld from the "NRC MAIN MENU." Direct Dial Access number to FedWorld is (800) 303-9672; the local direct dial number is 703-321-3339.

Dated: October 3, 1995.

Andrew L. Bates,

Advisory Committee Management Officer.  
[FR Doc. 95-25010 Filed 10-6-95; 8:45 am]  
BILLING CODE 7590-01-M

[Docket No. 60-286]

**Power Authority of the State of New York (Indian Point Nuclear Generating Unit No. 3); Exemption**

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-64, which authorizes operation of the Indian Point Nuclear Generating Unit No. 3 (IP3). The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility consists of a pressurized-water reactor at the licensee's site located in Westchester County, New York.



## APPENDIX II

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

Revised: October 18, 1995

SCHEDULE AND OUTLINE FOR DISCUSSION  
78TH ACNW MEETING  
OCTOBER 24-26, 1995

Tuesday, October 24, 1995, Two White Flint North, Room T-2 B3  
11545 Rockville Pike, Rockville, Maryland

- |    |   |   |
|----|---|---|
| 1) | 8:30 - 8:40 A.M.  | <u>Opening Remarks by ACNW Chairman (Open)</u><br>1.1) Opening statement (PWP/RKM)<br>1.2) Items of Current Interest (PWP/RKM)  |
| 2) | 8:40 - 12: <sup>35</sup> <del>00</del> Noon<br>10: <sup>25</sup> <del>00</del> - 10: <sup>46</sup> <del>15</del> A.M. | <u>NRC's Programmatic Approach to Low-Level Waste Management (Open) (PWP/HJL/ACC)</u><br>BREAK<br>2.1) NRC staff discussion of SECY-95-201 alternatives to terminating the NRC the NRC's Low-level radioactive waste disposal program - M. Weber, NMSS<br>2.2) Discussion of options paper with other interested parties - M. Alissi, (NEI)<br>2.3) General discussion of elements for a report to the Commission |
|    | TAB 2 -----   |   |
|    | 12: <sup>35</sup> <del>00</del> - 1: <sup>50</sup> <del>00</del> P.M.   | LUNCH   |
| 3) | 1: <sup>58</sup> <del>00</del> - 2: <sup>45</sup> <del>30</del> P.M.  | <u>Preparation of ACNW Reports (Open)</u><br>3.1) Hydrology Research Program (WJH/LGD)<br>3.2) LLW Alternatives (PWP/HJL)<br>3.3) Vertical Slice Approach (preliminary thoughts) (PWP/ACC)<br>3.4) Use of Expert Elicitation in HLW repository licensing (preliminary thoughts) (BJG/ACC)   |
|    | TAB 3 -----   |   |
|    | 2: <sup>45</sup> <del>30</del> - 2: <sup>50</sup> <del>45</del>   | Continued at 4:15 p.m.<br>BREAK   |
| 4) | 2: <sup>50</sup> <del>45</del> - 4: <sup>10</sup> <del>00</del> P.M.  | <u>Residual Levels for Decontamination (Open) (MJS/HJL)</u><br>4.1) Discussion with NRC Staff on status of proposed criteria for determining acceptable residual radiation levels when a nuclear facility permanently shuts down and is released for other uses - Cheryl Trottier, RES  |
|    | TAB 4 -----   |   |

[Transcribed portions of the meeting

78th ACNW Meeting

2

5) 4:00<sup>15</sup> - 5:45<sup>5</sup> P.M.

TAB 5 -----

ACNW Reports Preparation

5:45<sup>5</sup>  
6:00 P.M.

MOVED TO WEDNESDAY

ACNW Priorities (Open) (PWP/RKM)

The Committee will discuss issues to be placed high on their review priority list and Member and staff assignments.

RECESS

Wednesday, October 25, 1995, Two White Flint North, Room T-2B3,  
11545 Rockville Pike, Rockville, Maryland

6) 8:30<sup>5</sup> - 9:20<sup>20</sup> A.M.

TAB 6 -----

Meeting with Representatives of the  
Environmental Protection Agency (Open)  
(MJS/HJL)

6.1) Representatives from the EPA will report on the comments they have received thus far on the NAS Report "Technical Bases for Yucca Mountain Standards" (R. Clark, J. Gruhlke)

9:20<sup>20</sup> - 9:50<sup>50</sup>  
~~10:00~~ - 10:15 A.M. BREAK

7) 10:15<sup>50</sup> - 11:20<sup>20</sup> P.M.

TAB 7 -----

Prepare for Meeting with the Commission (Open) (PWP/RKM)

Discuss topics the Committee wishes to raise with the Commission during the next public meeting on November 16, 1995 at 2:00 P.M.

ACNW Priorities (Open) (PWP/RKM) moved from Tuesday P.1

11:20 - 12:00 P.M.  
12:00 - 1:00 P.M.

LUNCH

8) 1:00<sup>10</sup> - 3:00<sup>10</sup> P.M.

3:10 - 4:10

5:10 - 6:55

Continue Preparation of ACNW Reports (Open)

Continue preparation of reports listed in item 3

3:00 - 3:15<sup>10</sup> P.M. BREAK

9) 4:10<sup>10</sup> - 5:10<sup>10</sup> P.M.

TAB 9 -----

Committee Activities/Future Agenda (Open) (PWP/RKM)

- 9.1) Set agenda for 79th ACNW Meeting
- 9.2) Review Items for Out Months
- 9.3) Future Working Groups Topics
- 9.4) Reports on Outside Meetings
- 9.5) December meeting dates
- 9.6) Meeting Dates for 1996 and the Calendar of Upcoming Events
- 9.7) Simplified PA activities at Sandia National Lab. called to ACNW attention by Dr. Moeller
- 9.8) Potential Meeting with the RSK in Germany



78th ACNW Meeting

3

TAB 9.9 -----

9.9) Reconcile EDO response to ACNW letter

10) 4:30 - 5:30 P.M.

Miscellaneous (Open) (PWP/RKM)  
Discuss miscellaneous matters related to the conduct of Committee activities and organizational activities and complete discussions of matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

5:30 P.M.

RECESS

Thursday, October 26, 1995, Two White Flint North, Room T-2 B3  
11545 Rockville Pike, Rockville, Maryland

11) ~~8:30~~<sup>9:32</sup> - ~~10:00~~<sup>9:48</sup> A.M.

Continue Preparation of ACNW Reports  
(Open)

Continue preparation of reports listed in item 3.

12) ~~10:00~~<sup>9:48</sup> - 11:00 A.M.

TAB 12 -----

Meeting with the Director, Division of  
Waste Management, NMSS (Open) (PWP/RKM)

- 12.1) A question and answer session with the Director, John Greeves
- 12.2) Mr. Greeves will discuss items of current interest and foreshadow upcoming activities

11:00 - 11:15 A.M. BREAK

11:15 - 12:00 Noon Continue Preparation of ACNW Reports  
(Open)

12:00 - 1:00 P.M. LUNCH

1:00 - 4:00 P.M. Continue Preparation of ACNW Reports  
(Open)

4:00 P.M.

ADJOURN

- Presentation time should not exceed 50 percent of the total time allocated for a specific item. The remaining 50 percent of the time is reserved for discussion.
- Number of copies of the presentation materials to be provided to the ACNW - 35

# APPENDIX III: MEETING ATTENDEES

78TH ACNW MEETING  
October 24-26, 1995

<u>ACNW MEMBERS</u>	<u>1st Day</u>	<u>2nd Day</u>
Dr. Paul W. Pomeroy	<u>X</u>	<u>X</u>
Dr. William J. Hinze	<u>X</u>	<u>X</u>
Dr. B. John Garrick	<u>X</u>	<u>X</u>
Dr. Martin J. Steindler	<u>X</u>	<u>X</u>

<u>ACNW STAFF</u>	<u>1st Day</u>	<u>2nd Day</u>
Dr. Andrew Campbell	<u>X</u>	<u>X</u>
Ms. Lynn F. Deering	<u>X</u>	<u>X</u>
Mr. Howard J. Larson	<u>X</u>	<u>X</u>
Mr. Richard K. Major	<u>X</u>	<u>X</u>
Dr. John T. Larkins	<u>X</u>	<u>X</u>
Dr. Richard P. Savio	<u>X</u>	<u>X</u>
Ms. Roxanne Summers	<u>X</u>	<u>X</u>

## ATTENDEES FROM THE NUCLEAR REGULATORY COMMISSION

October 24, 1995

M. Weber	NMSS
B. Nelson	NMSS
R. Cady	RES
F. Ross	NMSS
P. Reed	RES
J. Kennedy	NMSS
J. Pohle	NMSS
F. Cardile	RES
C. Trothier	RES
C. Daily	RES
T. Nicholson	RES

October 25, 1995

J. Kotra	NMSS
P. Reed	RES

Appendix III  
78th ACNW Meeting

2

October 26, 1995

R. Woods	RES
M. Drouin	RES
B. Hardin	RES
A. Bassioni	RES
F. Ross	NMSS
M. Delligatti	NMSS
T. Nicholson	RES

ATTENDEES FROM OTHER AGENCIES AND GENERAL PUBLIC

Oct. 24, 1995

J. LaBaugh	USGS
B. House	Chem-Nuclear
J. York	Weston
F. Galpin	Rogers & Assoc. Eng.
M. Alissi	NEI
A. Huang	Golder Fed Serv. Inc
V. Lewis Killpack	Consultant
G. Vaughan	Vectra
M. Barenti	Nuclear Waste News
P. Ware	BNA's Environment Reporter
Roles	DOE
C. Anderson	NAS/BRWM
R. Sweeney	IBEX Group
L. Scheele	Afton/LLW Forum
M. Silberberg	M. Silberberg & Assoc.
L. Hendricks	NEI
J. Russell	Weston

Oct. 25, 1995

R. Wallace, Jr.	USGS
D. Fehringer	NWTRB
F. Rodgers	DOE
J. Russell	Weston
J. Russell	CNWRA
V. Lewis Killpack	Consultant
J. Gruhlke	EPA
R. Clark	EPA
F. Galpin	Rogers & Assoc. Corp.
J. Steckel	Golder Federal Serv.
H. Miniwalla	M&O/TRW
E. Regner	DOE
J. York	Weston
G. Vaughan	Vectra
C. Henkel	NEI
M. Barenti	NWN
P. Krishna	M&O/TRW
G. Roseboom	Self

Appendix III  
78th ACNW Meeting

3

Oct. 26, 1995

H. Miniwalla

M&O/TRW

L. Killpack

Self

B. House

Chem-Nuclear Systems

R. Wallace

USGS

J. York

Weston

G. Roseboom

USGS

APPENDIX IV: FUTURE AGENDA

The Committee agreed to consider the following during the 79th ACNW Meeting, November 15-16, 1995:

- A. Key Technical Issues - The Committee will discuss the development of Key Technical Issues (KTIs) with the NRC staff and how these issues will be used to solve licensing questions.
- B. Meeting with the Commission - The Committee will meet with the Commissioners to discuss items of mutual interest.
- C. Reviewing NRC's Programmatic Approach to Low-Level Waste Management - The Committee will continue to review alternatives to the future course of NRC's Low-Level Radioactive Waste Disposal Program. Members of the NRC staff will participate, as well as representatives from other organizations.
- D. Preparation of ACNW Reports - The Committee will discuss proposed reports, including comments on the NRC staff's low-level waste alternatives paper and the NRC staff's vertical slice approach and KTIs program.
- E. Meeting with the Director, NRC's Division of Waste Management, Office of Nuclear Materials Safety and Safeguards - The Director will discuss items of current interest related to the Division of Waste Management programs.
- F. Committee Activities/Future Agenda - The Committee will consider topics proposed for future consideration by the full Committee and Working Groups. The Committee will also discuss ACNW-related activities of individual members.
- G. Miscellaneous - The Committee will discuss miscellaneous matters related to the conduct of Committee activities and organizational activities and complete discussion of matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

APPENDIX V  
LIST OF DOCUMENTS PROVIDED TO THE COMMITTEE

[Note: Some documents listed below may have been provided or prepared for Committee use only. These documents must be reviewed prior to release to the public.]

MEETING HANDOUTS

AGENDA  
ITEM NO.

DOCUMENTS

2     NRC's Programmatic Approach to Low-Level Waste Management

1. Alternatives to Terminating the NRC Low-Level Radioactive Waste Program, presented by Robert A. Nelson, NMSS, dated October 24, 1995 [Viewgraphs]
- 1.a LLW Program Expenditures, Fiscal Year 1994 [Viewgraph]
- 1.b Memorandum from R. Nelson, NMSS/DWM, to H. Larson, ACNW: 10/24 Briefing to ACNW Concerning Reduction in LLW Program, dated October 25, 1995
2. LLW Program Alternatives: Research Considerations, Presented by William R. Ott, RES, dated October 24, 1995 [Viewgraphs]
3. NEI Comments on NRC Staff Paper on LLW Program (SECY 95-201), presented by the Nuclear Energy Institute, dated October 24, 1995 [Viewgraphs]
- 3.a Department of the Interior news release: Deputy Secretary Responds to California's Transfer Offer on Ward Valley Low-Level Waste Site, dated October 20, 1995 [Handout]
- 3.b Letter to Michael J. Bell, Chief, Engineering and Geosciences Branch, NMSS, from William T. Gregory III, Chairman, Nuclear Engineering Division, American Society of Mechanical Engineers International [Handout]
4. Comments on Implications of Terminating the NRC Low-Level Radioactive Waste Program - SECY-95-201, presented by Mel Silberberg, Dated October 24, 1995 [Viewgraphs]
- 4.a Letter from Dennis L. Schornack, Commissioner, Department of Commerce, State of Michigan, to James Taylor, Executive Director for Operations, NRC, dated October 11, 1995 [Handout]

4     Residual Levels of Decontamination

5. Development of Regulatory Guidance, Background, presented by Cheryl Trottier, RES, on October 24, 1995 [Viewgraphs]
6. Industry Concerns with NRC's Implementation Guidance--Radiological Criteria for Decommissioning, Presented by Lynnette Hendricks, Nuclear Energy Institute, dated October 24, 1995 [Viewgraphs]

6 Meeting with Representatives of Environmental Protection Agency

7. 40 CFR Part 197: Environmental Radiation Protection Standards for Yucca Mountain, Nevada: Initial Status Report for the Advisory Committee on Nuclear Waste, by Ray Clark, Project Leader for Part 197, EPA, dated October 25, 1995 [Viewgraphs]
8. Yucca Mountain Project Planning Status, Presented to: Affected Units of Government, by Russ Dyer, Deputy Project Manager, DOE/OCRWM, dated October 20, 1995 [Viewgraphs]

9 Committee Activities/Future Agenda

9. Invitation to Participate in Panel Discussion, San Diego, CA - November 19-20, 1995 [Handout #9.1]

MEETING NOTEBOOK CONTENTS

TAB  
NUMBER

DOCUMENTS

- 1     Opening Remarks by ACNW Chairman
  1.   Introductory Statement by the ACNW Chairman, dated XX 1995
  2.   Items of Current Interest, undated
  3.   Introductory Statement by the ACNW Chairman, dated , 1995
- 2     NRC's Programmatic Approach to Low-Level Waste Management
  4.   Table of Contents, dated October 24, 1995
  5.   Status Report
  6.   Memorandum from H. Larson, to Members "SECY-95-201, Alternatives to Terminating the Nuclear Regulatory-Commission Low-Level Radioactive Waste Disposal Program", dated July 31, 1995
  7.   Hoyle to Taylor memo "Summary of Meeting with Seth Coplan", dated October 12, 1995 (Internal Use Only)
  8.   "NRC Chair on LLRW Disposal", LLW Notes, August/September 1995, p.7
  9.   Campbell to Members memo "Summary of Research and Technical Assistance Projects", dated October 11, 1995
  10.  Parler to Commission SECY-89-173, "Illinois Nuclear Facility Safety Act (Illinois House Bill 2310), dated June 7, 1989 (Includes discussion of dual or concurrent Federal State Regulation and the Legislative History of Section 274 of the Atomic Energy Act of 1954) (AEA).
- 3.1   Preparation of ACNW Reports/HLW Hydrology Research Program
  11.  Status Report
  12.  Draft letter to Chairman Jackson, dated 10/14/95, "Comments on the HLW Research Program in Hydrology" prepared by Dr. Hinze
  13.  Steindler memo to Hinze dated 9/21/95, regarding "Points for our Hydrology Research Letter."
  14.  Meeting Report on ACNW's review of the Hydrology Research Program at the 77th ACNW Meeting by Dr. George Hornberger, Consultant, September 20, 1995
  15.  Note to Bill Hinze from Lynn Deering, dated 10/6/95, regarding Hydrology Research Bullets
  16.  "Why NRC is conducting research in unsaturated, fractured rock as opposed to DOE alone conducting it?"
  17.  Steindler letter to Selin, dated 8/24/94, "Comments on HLW Research Programs on Volcanism, Natural Analogs, and Tectonics."



4        Residual Levels for Decontamination

18. Status Report
19. Enclosure (a) "Agenda: Open Working Session on Development of Regulatory Guidance Implementating the Final Rule on Radiological Criteria for Decommissioning," September 29, 1995
20. Enclosure (b) Steindler ltr to Selin, dated 4/28/95, "The U.S. EPA Preproposal Draft of 40 CFR 193 and the NRC's Proposed Radiological Criteria for Decommissioning,"
21. Enclosure (c) Federal Register Notice RIN-3150-AD65, "Radiological Criteria for Decommissioning", Vol. 59, No. 161, dated 8/22/94
22. Enclosure (d) SECY-94-150, "Draft Proposed Rule on Radiological Criteria for Decommissioning", dated May 31, 1994 [w/o enclosure].
23. Enclosure (e) SRM on "SECY-94-150 "Draft Proposed Rule on Radiological Criteria for Decommissioning", dated June 30, 1994.
24. Taylor to Commissioners memo "Calculations in Support of a 15 MREM/YR Limit for Unrestricted Use", dated June 15, 1994.
25. Pages 16-19 from "Certified Minutes of the 72nd ACNW meeting, March 15-16, 1995".

5        Discussion of ACNW Priorities

26. Status Report
27. Priorities list developed at Solomons Island, MD
28. Priority Issues - Members Popularity
29. Latest Iteration of Assignments by Members/Staff

6        National Academy of Sciences (NAS) Report of the Committee on the Technical Bases for Yucca Mountain Standards

30. Status Report
31. EPA, Weinstock to Parties Interested, dated 8/24/95, announcing public meetings
32. Larson to Members memo, "NAS Press Release Report of the Committee on the Technical Bases for Yucca Mountain Standards", dated 8/3/95
33. Larson to Members memo, "Technical Bases for Yucca Mountain Standards", National Research Council, Washington, DC, 1995

7        Prepare for the November Meeting with the Commission

34. Status Report
35. Committee Reports written since last Meeting with the Commission, November 10, 1994

9 Committee Activities/Future Agenda

36. Set agenda for the 79th ACNW Meeting November 15-16, 1995
37. Review Items for the Out Months
38. Future Working Group Topics
39. Invitation from the RSK to travel to Germany for a continuation of last summers discussion on waste disposal
40. Dade Moeller's discussion of a condensed version of a performance assessment on "performance evaluation." Should we find out more about this?
41. Meeting Dates for CY 1996, on calendar of events
42. Proposed agenda Items for the ACRS and ACNW, Blaha list 10/03/95
43. CRWMS/M&O Meeting Status, October 2, 1995
44. When should the ACNW plan its next trip to the Yucca Mountain project? (no attachment)
45. Should we move the December '95 meeting dates forward to avoid the holidays? The December dates are currently December 19-20, 1995. (no attachment)
46. Reports on Outside meetings - to the extent possible in an open session: meetings with Chairman Jackson, James Taylor, EDO, and Senior NMSS Managers (Knapp, Greeves, Federline). (no attachment)

9.9 EDO Responses to Committee Letters Lessons Learned from Ward Valley

47. Status Report
48. Pomeroy to Jackson letter "Lesson Learned from the Ward Valley, California Low-Level Waste Disposal Facility Siting Process," dated August 10, 1995
49. Article from September 1995 "LLW Forum Notes" entitled "Refining the Siting Process"
50. Taylor to Pomeroy letter, same subject as Enclosure 2a, dated September 21, 1995

12 Meeting with the Director, Division of Waste Management

51. Status Report
52. Major E-mail to Greeves, dated 10/5/95, Regarding 78th ACNW session, meeting with the Director, Division Waste Management.