

MINUTES OF THE 74TH ACNW MEETING
May 10-11, 1995

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Issued: June 21, 1995

MINUTES OF THE SEVENTY-FOURTH MEETING OF THE
ADVISORY COMMITTEE ON NUCLEAR WASTE
MAY 10-11, 1995
ROCKVILLE, MARYLAND

The 74th meeting of the Advisory Committee on Nuclear Waste was held at Two White Flint North Building, 11145 Rockville Pike, Rockville, Maryland, on May 10-11, 1995. The purpose of this meeting was to discuss and take appropriate actions on the items listed in the attached agenda. The 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. Martin J. Steindler, Committee Chairman, convened the meeting on May 10, 1995 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 Paul W. Pomeroy 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. Steindler identified a number of items that he believed to be of interest to the Committee, including:

1. Dr. Shirley A. Jackson was sworn in on May 2nd as an NRC Commissioner.
2. South Carolina voted to keep the low-level waste disposal site at Barnwell open but this was rejected by the Southeast Compact because of the proposal to sanction North Carolina.

3. A team led by Westinghouse was awarded the DOE Phase I contract to prepare design information on two multi-purpose canister subsystems.

II. NRC Staff Position on Substantially Complete Containment (Open)

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

Dr. M. Bell, NMSS, led the discussion, using as an initial reference his March 7, 1995 letter to S. Brocum, DOE, in which the staff presented its evaluation of DOE's responses to a supplemental information request relevant to this topic. The second part of the briefing discussed the work the NRC staff is doing to attempt to quantify what is meant in the rule by the term "substantially complete containment (SCC)" for a period of 300-1000 years. In regards to this latter aspect, he indicated that it was early in the staff's thinking and they were looking for input from the ACNW using the same general process followed last year in the development of the design basis event rulemaking. Accompanying Dr. Bell were Dr. R. Weller and Dr. D. Dancer. NMSS, and Dr. N. Sridhar, CNRWA.

Dr. Dancer began by summarizing the history of the SCC issues as discussed in the Site Characterization Analysis (SCA). The resolution of these issues occurred this Spring, with the staff agreeing that all open items related to SCC were resolved. The staff also indicated that DOE must demonstrate that releases during the containment period from both "failed" and "unfailed" waste packages will be a small fraction of the inventory present at permanent closure. The staff also admitted that the resolution of these SCA open items would not eliminate uncertainty in the meaning of SCC and that additional guidance was necessary to further reduce that uncertainty.

Dr. Steindler queried how DOE intended to utilize an ASTM standard as a measure of containment. Dr. Weller explained that this was similar to a standard helium leak test, but in this case, DOE arbitrarily defined failure as a waste package that would leak at a rate $< 1 \times 10^{-4}$ atmosphere cc/sec, a rate that the staff was not sure was consistent with the SCC requirement.

Dr. Dancer provided background for the current rule and then elaborated on the staff's current position for complying with 10 CFR 60.113(a)(1)(II)(a), which is:

Waste packages shall be designed for total containment during the containment period, recognizing that a small fraction of

the emplaced waste packages will probably be breached before 1000 years, and

The cumulative release, due to anticipated processes and events, of any radionuclide from the waste packages, during the containment period, shall not exceed one part in 10,000 of the inventory of that radionuclide calculated to be present at permanent closure.

He then discussed the consistency of the staff position with the post-containment release rate, providing as an example, for a 1000-year containment period, cumulative release limits of 1 part in 100,000 for the containment period and 9 parts in 1000 for the post-containment period. The technical and health and safety basis for the staff position were also discussed, with considerable time being expended on the five bounding analysis assumptions and results.

In response to several questions from Dr. Hinze, the staff indicated that it was not certain that pneumatic pathways needed to be considered nor had they considered the potential impact of releases should the absorbent material surrounding the waste package not be in place during the proposed 100-year retrieval period. The staff also noted that they had not yet concluded their work on the range of uncertainty. Geochemical retardation was indicated as another area in which there was not yet a definition of an acceptable value.

Dr. Steindler asked whether the staff had determined the value for "X" in the statement that the average failure yields "X" percent of the inventory. He was told that such an analysis is also not yet completed. Dr. Weller commented that the NRC criterion focusses on the inventory that crosses the boundary and not on percentage failed. He concluded with his observation that there is no failure criterion in this staff position precisely because it was felt to be meaningless.

Conclusion/Action Item

The Committee agreed to provide any further input informally and will receive the draft staff position possibly as early as September.

III. Meeting with the Deputy Director, Division of Waste Management, NMSS (MJS/RKM) (Open)

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

Margaret Federline, Deputy Director, Division of Waste Management, NMSS, discussed various items of interest with the Committee. Ms. Federline began by discussing the status of site characterization at Yucca Mountain. The tunnel boring machine (TBM) has progressed 2,000 feet into the mountain. It is possible to trace external faults onto the wall of the exploratory studies facility. The TBM has encountered brecciated rock which is slowing the pace of the machine. Testing is underway in the first alcove and construction of a second alcove is underway. Surface-based testing in drill hole SD-7 has encountered what is believed to be a perched water body near the top of the Calico Hills tuff. The large block heater test is progressing; instrumentation is being set into the block. Ms. Federline sees improved integration of the activities of DOE's performance assessment groups with those of its scientific investigators. Interactions have also improved between DOE and NRC as a result of more technical exchange meetings.

The staff has developed a list of eight main technical issues. These issues are undergoing additional NRC staff review, but they are likely candidates for the staff's vertical slice (in depth) reviews. The staff will coordinate with the DOE to ensure both parties believe the issues subject to intense review are the most critical.

Ms. Federline discussed the ACNW's April 28, 1995 Report, "Additional comments on the DOE Program Approach." She mentioned that the staff shares many of the Committee's concerns. Additional clarification on aspects of the report was supplied by the Committee.

DOE technical basis reports will soon be issued. These reports will form the foundation for DOE's technical site suitability determination. The staff will review some of these reports (those most relevant to licensing) and expects ACNW involvement. Staff's review will be simultaneous with that conducted by the National Academy of Sciences.

Dr. Garrick suggested that the Committee hear a presentation that describes the relation between alcove tests and the input into performance assessment. He was interested in determining the basis for the alcove tests and experiments.

Ms. Federline raised the subject of the staff's review of DOE's seismic hazards analysis. DOE is convening expert panels to characterize seismic sources and ground motions possible at Yucca Mountain. These elicitations will be used in probabilistic seismic hazard assessments. The staff has developed a review capability to perform a probabilistic seismic hazard analysis, and will brief the Committee on this method in June. NRC is also developing regulatory requirements and the SEISMO-1 Code as a review tool. Dr.

Pomeroy noted that he is particularly interested in how the staff is developing uncertainty bounds. Will the staff be using its own experts in the review process? Will the staff's SEISMO-1 Code use data developed by DOE? If so, is the staff's review truly independent?

Ms. Federline requested additional clarification on the Committee's April 28, 1995 report on regulations pertaining to contaminated steel smelting facilities. The Committee provided clarification.

Conclusions/Action Items

This briefing was for information only and was part of an ongoing review of the NRC policies that will affect nuclear waste regulatory activities.

IV. Electronic Data Transfer (Open)

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

Ms. Claudia Newbury, DOE, led the discussion on this topic, noting in her introductory remarks that the purpose of the Yucca Mountain Project Office (YMPO) technical data management system was to ensure the consistency of data analysis inputs as well as the traceability of the developed data. The data thus acquired and developed is to be used in support of the Site Suitability Evaluation, the License Application, and the Environmental Impact Assessment.

She discussed in some detail the function, contents, use, and data flows for the following data bases:

Reference Information Base - a book containing narrative and graphic material explaining the derivation of values used in design and performance assessment, and

Technical Data Base - the project level collection of spatial and tabular data evaluated by investigators in support of specific requirements listed in the Site Characterization Planning Basis documents.

Ms. Newbury also discussed the evolution of technical data management and flow over the past several years, elaborating specifically on the automated technical data tracking system. She closed her formal remarks by discussing data access and distribution, noting the intent to have data available to distribute in CD-ROM format by the end of the year.

In response to questions posed by the Members, she made the following observations:

- There is no relationship between the Yucca Mountain Project Office technical data management and the Licensing Support System under consideration.
- All stored data collected by DOE is subjected to a Quality Assurance (QA) process. Data not collected under an approved QA plan is so noted. (It should be noted that the process, not the data, is subject to the QA program.)
- Data is generally included in the database within 30 days. Occasionally it takes longer.
- There are databases within YMPO that are not Ms. Newbury's responsibility, such as those related to performance assessment, geochemistry, waste form, etc. The criteria for inclusion is a judgment as to who uses the data, for what purpose, and how often the data is expected to be used.
- There is no one person responsible for all of the data generated for the YMPO, nor are there any plans to incorporate all of the DOE Office of Civilian Radioactive Waste Management data into the database (primarily because of fund limitations to insert old data and the limited value and anticipated use of some of the newer data).
- The data is backed up nightly. In addition, DOE has two systems, one at Nellis AFB and the other in their main Las Vegas headquarters building.

Conclusions/Action Items

This briefing was for information only. Chairman Steindler observed that DOE appears to have developed a well designed and well functioning system.

V. EXECUTIVE SESSION (Open/Closed)

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

A. Reports, Letters, Memoranda

REPORT

Issues Related to Guidance on 10 CFR 60 Groundwater Travel Time Regulations (Report to The Honorable Ivan Selin,

Chairman, NRC, from Martin J. Steindler, Chairman, ACNW, dated May 25, 1995)

B. Committee Activities (Open)

[Ms. L. Deering was the Designated Federal Official for this portion of the meeting].

Individual Committee members discussed their attendance at the following ACNW-related meetings: 1) Simplified Performance Assessment Model meeting, 2) International High Level Waste Conference, 3) Seismic Expert Judgment Meeting, and 4) Volcanism Peer Review meeting.

- Dr. Garrick began this session with a report on the Simplified Performance Assessment Model (SPAM) meeting held on April 19th in Albuquerque, NM.

Dr. Garrick noted that problems brought out during the meeting were technical, political, and institutional in nature, and they are relevant to performance assessment in general, as opposed to use of simplified models.

He noted that model participants agreed there is a need for a comprehensive framework for Performance Assessment (PA). All agreed that the SPAM concept is likely to be technically achievable, but did not agree on how SPAM modeling would be applied to Yucca Mountain.

Dr. Garrick mentioned the self-propagation syndrome, which is a tendency for scientists to extend the scope of their work for the sake of science, versus what is needed for regulatory compliance.

He noted that simple PA may provide misleading results because PA started as a hydrologic transport exercise that eventually developed probabilistic features, as opposed to starting with a comprehensive computational framework, that captures both what is known and not known. L. Deering added that simple models have been misleading when conceptual model uncertainty is not accounted for. Dr. Steindler suggested that if simple models can provide misleading results, perhaps we should not move in that direction.

Dr. Garrick noted that because the HLW program lacks stimulation from industry, the current approaches are not challenged. He pointed out that SPAM offers a tool to the NRC for ranking the importance of issues, and suggested that perhaps SPAM could be adopted as a special project by the NRC staff. He referred to the Electric Power Research Institute analyses

done for DOE Yucca Mountain as an example of the probabilistic format. It was agreed that ACNW staff would take a closer look at this analysis to see how it was done and how DOE is using it. Dr. Garrick suggested that implementing the SPAM concept should be one of the highest priority activities for the NRC staff.

J. Surmeier, NMSS liaison, suggested that the issue of SPAM and NRC's involvement needs to be discussed with the NMSS management.

Dr. Eisenberg, NMSS, commented that criteria to consider in determining areas of focus include importance to safety and whether there is any uncertainty about it.

Dr. Steindler expressed concern about the statement that participants at the SPAM meeting agreed that models cannot be used to "predict" future conditions of the repository. Dr. Garrick clarified that it is important not to overstate the ability of the models.

- Dr. Paul Pomeroy gave a report on the International High-Level Radioactive Waste Conference, held in Las Vegas, NV on May 1-5, 1995. He focused his discussion on the plenary sessions. He reported that Chairman Selin in his plenary stressed two points: 1) failure to solve the spent fuel problem would be a major failure, and if it remains unsolved, there will be no more nuclear power in this country, and 2) the importance of a complete application. Chairman Selin indicated that the review clock does not start until a "complete" application is submitted. Dr. Pomeroy noted that the meaning of the term "complete" is still not known, particularly with respect to the thermal design.

Dr. Pomeroy noted that because many people were doing site characterization field work, the papers presented were limited. Dr. Pomeroy also commented on several other plenary sessions, including one on the licensing process, where tapes from the Martinsville LLW site were shown, one on social and ethical issues, and one on integrating site characterization and performance assessment. The latter involved a summary of a workshop held in Albuquerque last year on this topic. The PA paradox was discussed at the workshop, which is the concern that site characterization collects data that PA cannot use, and PA needs data that site characterization cannot provide. Conclusions from the workshop include 1) need for an iterative approach to site characterization and PA, 2) need for an interactive and interdisciplinary approach, and 3) a small

group should serve as a go-between. L. Deering volunteered to obtain a copy of the workshop report.

Dr. Pomeroy noted that, in general, there was more emphasis on site suitability, versus licensability, and there was enthusiasm for interim storage and the MPC. He also noted that the keynote speaker was Bill Lee, Ex-Chairman of Duke Power.

- Dr. Pomeroy also reported on the meeting on Seismic Expert Judgment, held at Salt Lake City, UT on April 17-20, 1995. This was the first in a series of workshops for Probabilistic Seismic Hazard Analyses (PSHA). He noted that DOE had submitted a report on seismic hazard methodology that was rejected by the NRC because it did not address deterministic as well as probabilistic approaches.

He noted that the approach to seismic expert judgment involves having six teams, each with three people, including a quaternary geologist, structural geologist, and seismologist. The product will be a probability of occurrence for a given seismic acceleration. The team defines issues with respect to seismic hazards and the data sets that experts will need to analyze. This was the first of six workshops.

- Dr. William Hinze gave a report on the Volcanism Peer Review meeting, held in Las Vegas, NV on May 15-19, 1995.

Dr. Hinze reported on a meeting he attended on volcanism peer review in late March, which was the second of four workshops.

He noted that the term "magmatic disruption" is more appropriate than "volcanism," in that the impacts from the former would be much greater. The peer groups focused on 1) data needs, 2) alternative models, 3) alternative interpretation, and 4) elicitation.

He noted that questions remain about the validity of the mapping of Lathrop Wells and other cones, concerning whether the cones are spatter cones. Dr. Hinze discussed briefly a group that looked at alternative models, i.e., by the States, the CNWRA, and DOE.

Dr. Hinze mentioned that the CNWRA was commended for its volcanism hazards map which couples tectonics and volcanism. Dr. Steindler noted that perhaps the ACNW should examine how to resolve conflicting models.

Dr. Hinze noted that the important point is that, whether homogeneous and poisson distributions are assumed or not, the

probability of occurrence is predicted to be within an order of magnitude, either way.

C. New ACNW Members (Open)

The Committee reviewed and approved a letter to the Commission recommending candidates for nomination to the ACNW.

D. Future Meeting Agenda

Appendix IV summarizes the proposed items endorsed by the Committee for the 75th ACNW Meeting, Rockville, Maryland, June 21-22, 1995, and future Working Group meetings.

The meeting was adjourned at 4:20 p.m., Thursday, May 11, 1995.

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corresponds to approximately 82 megawatts-electrical (MWe). This would provide additional electrical power to the grids which service the commercial and residential areas of the distribution utility.

Environmental Impacts of the Proposed Action

A slight change in the environmental impact can be expected for an increase in plant power level, but the effects were found to be minimal and did not alter the findings stated in NUREG-0812, "Final Environmental Statement Related to Operation of Nuclear Project No. 2" (FES), December 1981.

The proposed core uprating is projected to increase the rejected heat by approximately 5 percent. However, the thermal discharges from the circulating and service water systems remain bounded by the values evaluated in the FES. Thus, the 5 percent increase in rejected heat has been evaluated and determined not to significantly impact on the quality of the human environment.

The licensing basis analyses related to radiological source terms were originally performed assuming a core power of 3486 MWt which corresponds to the proposed rerate conditions. The NRC review of these calculations was documented in NUREG-0892, "Safety Evaluation Report Related to the Operation of Nuclear Project No. 2." Additional assessments by the licensee related to the rerate conditions (power level and reactor coolant temperature) and other changes related to plant operation determined there would be no significant increase in the potential radioactive releases resulting from plant operation or design basis reactor accidents. In addition, no significant increases in individual or cumulative occupational radiation exposure would result from the proposed changes in operating conditions. Also, the proposed increase in the NSSS power involves no significant change in the amount of any non-radiological effluents that may be released offsite compared to those evaluated and approved in the FES.

Therefore, the Commission concludes that there is no significant radiological or non-radiological environmental impacts associated with the proposed amendment.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered

denial of the proposed action. Denial of the amendment would not significantly reduce the environmental impact of plant operation and would restrict operation of the Nuclear Project No. 2 to the currently licensed power level, thereby reducing operational flexibility.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Nuclear Project No. 2.

Agencies and Persons Consulted

By letter of September 26, 1994, Mr. Jason J. Zeller of the Energy Facility Site Evaluation Council of the State of Washington informed the staff that the State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will 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 action.

For further details with respect to the proposed action, see the licensee's letter dated July 9, 1993, as supplemented by letters dated October 9, and October 25, 1993, January 6, January 8, February 2, May 3, May 13, September 26, and October 12, 1994, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW, Washington, DC, and at the local public document room located at the Richland Public Library, 955 Northgate Street, Richland, Washington 99352.

Dated at Rockville, Maryland, this 26th day of April 1995.

For the Nuclear Regulatory Commission,
William H. Bateman,
Director, Project Directorate IV-2, Division
of Reactor Projects III/IV, Office of Nuclear
Reactor Regulation.
[FR Doc. 95-10886 Filed 5-1-95; 8:45 am]
BILLING CODE 7590-01-M

Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 74th meeting on May 10, 1995, in Room T-2B3 and May 11, 1995, in Room T-2B1, at 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for this meeting shall be as follows:

Wednesday, May 10, 1995—8:30 A.M. until 6:00 P.M. and Thursday, May 11, 1995—8:30 A.M. until 6:00 P.M.

During this meeting the Committee plans to consider the following:

A. *NRC staff Position on Substantially Complete Containment*—The Committee will review the NRC staff position on the meaning of substantially complete containment as used in the Commission's regulations for the disposal of high-level radioactive wastes in geologic repositories.

B. *Electronic Data Transfer*—Representatives from the U.S. Department of Energy will discuss the electronic transfer of site characterization data from the DOE to the NRC and Center for Nuclear Waste Regulatory Analyses staffs.

C. *Meeting with the Director, NRC's Division of Waste Management, Nuclear Materials Safety and Safeguards*—The Director will provide information to the Committee on current waste management issues, which may include the progress of site characterization at the proposed Yucca Mountain site and a preview of the NRC staff's review strategy for DOE seismic hazard analysis.

D. *National Performance Review Phase 2*—The Committee will hear presentations by and hold discussions with the NRC staff on initiatives to streamline the Federal government and regulatory process.

E. *Preparation of ACNW Reports*—The Committee will discuss proposed reports on the Approach to Groundwater Travel Time at Yucca Mountain and comments on a low-level waste branch technical position on performance assessment. Additional topics will be considered as time permits.

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.

Procedures for the conduct of and participation in ACNW meetings were published in the Federal Register on October 7, 1994 (59 FR 51219). 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 ACNW Executive Director, Dr. John T. Larkins, 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 ACNW Executive Director 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 the ACNW Executive Director 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 the ACNW Executive Director, Dr. John T. Larkins (telephone 301/415-7360), between 7:30 a.m. and 4:15 p.m. EDT.

Dated: April 26, 1995.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 95-10724 Filed 5-1-95; 8:45 am]

BILLING CODE 7550-01-M

[Docket No. 50-293]

Boston Edison Company; Pilgrim Nuclear Power Station; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by letter dated March 10, 1995, Mary Elizabeth Lampert and 62 other persons request that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to the Pilgrim Nuclear Power Station operated by the Boston Edison Company (the licensee).

Petitioners request that during the March 25, 1995, refueling outage and In-Vessel Visual Inspection conducted by the licensee, certain technical concerns be addressed, and that before Pilgrim goes back on-line, appropriate repairs be made or corrective action be taken, and that the NRC discuss the status of such repairs and corrective actions with the

public in Plymouth, Massachusetts. Petitioners also request that the NRC terminate its policy of issuing Notices of Enforcement Discretion (NOED) and commence enforcing NRC regulations again. Finally, Petitioners request that the letter be treated as a Petition pursuant to 10 CFR 2.206.

As the bases for their requests, Petitioners identify three groups of technical concerns: (1) Age-related deterioration of 25 safety related reactor internals; (2) parts and components "known to be a problem at Pilgrim," including the core shroud, water level indicators, QA for fuel pool cooling system during loss-of-coolant accident/loss-of-coolant protection, coolant protection, motor-operated valves, containment integrity, drywell liner corrosion vulnerability, station blackout vulnerability, and Rosemount transmitters; and (3) parts and components "potentially a problem at Pilgrim," including potential fuel rod corrosion and substandard and/or counterfeit parts. Additionally, Petitioners contend that allowing a reactor to operate under an NOED cannot pose less risk to the public health and safety than keeping the reactor shut down until NRC regulations are met.

The Petition is being evaluated pursuant to 10 CFR 2.206 of the Commission's regulations. The Petition has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by Section 2.206, appropriate action will be taken on this Petition within a reasonable time.

A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street, NW., Washington, DC 20001.

Dated at Rockville, Maryland, this 19th day of April 1995.

For the Nuclear Regulatory Commission.

William T. Russell,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 95-10732 Filed 5-1-95; 8:45 am]

BILLING CODE 7550-01-M

Appointments to Performance Review Boards for Senior Executive Service

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Appointment to Performance Review Boards for Senior Executive Service.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has announced the following appointments to the NRC Performance Review Boards.

The following individuals are appointed as members of the NRC Performance Review Board (PRB) responsible for making recommendations to the appointing and awarding authorities on performance appraisal ratings and performance awards for Senior Executives:

New Appointees:

Lawrence J. Chandler, Assistant General Counsel, Office of the General Counsel

Richard L. Bangart, Director, Office of State Programs

Leonard J. Callahan, Regional Administrator, Region IV

Ronald M. Scruggins, Deputy Chief Financial Officer/Controller, Office of the Controller

Ashok Thadani, Associate Director for Technical Assessment, Office of Nuclear Reactor Regulation

In addition to the above new appointments, the following members are continuing on the PRB:

Stephen G. Burns, Associate General Counsel, Office of the General Counsel

John C. Hoyle, Secretary of the Commission, Office of the Secretary

James L. Blaha, Assistant for Operations, Office of the Executive Director for Operations

Frank J. Miraglia, Deputy Director, Office of Nuclear Reactor Regulation

Bill M. Morris, Director, Division of Regulatory Applications, Office of Nuclear Regulatory Research

Elizabeth Q. Ten Eyck, Deputy Director, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards

The following individuals will continue as members of the NRC PRB Panel that was established to review appraisals and make recommendations to the appointing and awarding authorities for NRC PRB members:

Hugh L. Thompson, Jr., Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support, Office of the Executive Director for Operations

Karen D. Cyr, General Counsel, Office of the General Counsel

James L. Milhoan, Deputy Executive Director for Nuclear Reactor Operations, Regulatory Operations, and Research, Office of the Executive Director for Operations

All appointments are made pursuant to Section 4314 of Chapter 43 of Title 5 of the United States Code.

EFFECTIVE DATE: May 2, 1995.

FOR FURTHER INFORMATION CONTACT: James F. McDermott, Secretary, Executive Resources Board, U.S.



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

Revision 1: May 9, 1995

SCHEDULE AND OUTLINE FOR DISCUSSION
74TH ACNW MEETING
MAY 10-11, 1995
TWO WHITE FLINT NORTH
ROCKVILLE, MARYLAND

Wednesday, May 10, 1995, Two White Flint North, Room T-2 B3,
11545 Rockville Pike, Rockville, MD

- 1) 8:30 - 8:³⁵~~45~~ a.m. { Opening Remarks by ACNW Chairman (Open)
1.1) Opening Statement (MJS/RKM)
1.2) Items of Current Interest (MJS/RKM)
- 2) 8:³⁵~~45~~ - 10:⁵⁶~~00~~ a.m. { NRC Staff Position on Substantially
Complete Containment (MJS/HJL) (Open)
Review of staff position on the meaning
of substantially complete containment -
M. Bell, et.al.
- ^{9:56}~~10:00~~ - 10:²⁰~~15~~ a.m. * * * BREAK * * *
- 3) 10:²⁰~~15~~ - 11:15 a.m. { Meeting with the Director, Division of
Waste Management, NMSS (Open)
A question and answer session with the
Director - John Greeves (MJS/RKM)
Topics might include:
3.1) Current status of Site
Characterization at Yucca Mountain
3.2) Preview of NRC's strategy to review
DOE's seismic hazard analyses.
- ^{11:15} - ^{11:25}~~11:30~~ BREAK
- 4) 11:²⁵~~30~~ - 12:⁴⁰~~30~~ { Committee Activities (Open)
4.1) Simplified Performance Assessment
Model (BJG/LGD)
4.2) International High-Level
Radioactive Waste Conference (PWP)
4.3) Seismic Expert Judgment Meeting
Salt Lake City (PWP/LGD)
4.4) Volcanism Peer Review, Las Vegas
(WJH/LGD)
- ^{1:45} - ^{2:45}
- ^{12:40}~~12:30~~ - 1:²⁰~~30~~ p.m. LUNCH

{ TRANSCRIBED PORTIONS OF THE MEETING

74th ACNW Agenda

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5) 1:30 - 1:55 p.m.

Prepare for Meeting with Chairman Selin
(Open)

Chairman Steindler and Vice Chairman Pomeroy will meet with Chairman Selin in his office to discuss items of current interest. Topics might include:

- 5.1) Future Mission for ACNW
 - 5.2) DOE Program Approach
 - 5.3) Engineered Barrier System
 - 5.4) Bag House Dust
 - 5.5) EPA's Preproposal Version of a Low-Level Waste Standard and NRC's Proposed Decommissioning rule.
- Meeting will be in Chairman Selin's office 17 D1 from 4:30 - 5:00 p.m.
Courtesy call on Commissioner Jackson 18 H1 from 3:00 - 3:15 p.m.

6) 2:00 - ^{2:15}~~5:00~~ p.m.

Preparation of ACNW Reports (Open)

Discuss proposed ACNW reports on:

- 6.1) Groundwater Travel Time (WJH/LGD)
- 6.2) Branch Technical Position on Low-Level Waste Performance Assessment (BJG/LGD)

7) 5:00 - 6:00 p.m.

Future Activities (Open)
(MJS/RKM)

- 7.1) Set Agenda for 75th Full Committee Meeting, June 21-22, 1995
- 7.2) Review Items for the Out Months
- 7.3) Future Working Group Topics
- 7.4) Report Outlines for Meeting with the RSK
- 7.5) Other upcoming Outside meetings.

^{6:15}
~~6:00~~ p.m.

RECESS

Thursday, May 11, 1995, Two White Flint North, Room T2 B1 11545
Rockville Pike, Rockville, MD

8) 8:30 - ^{10:03}~~9:45~~ a.m.

Electronic Data Transfer (Open)

Discuss the electronic transfer of data from the DOE to the NRC and CNWRA.

(MJS/HJL) Claudia Newbury, DOE

- 8.1) How does the system work
- 8.2) What information will be transferred
- 8.3) How is quality assurance of information assured
- 8.4) General observations on Communications between DOE and NRC.

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^{10:03}
~~9:45~~ - 10:³⁰~~00~~ a.m. BREAK

- 9) 10:³⁰~~00~~ - 12:¹⁵~~00~~ noon Continue Preparation of ACNW Reports
(Open)
Continue preparation of reports listed
in item 6.

¹⁵
12:~~00~~ - 1:¹⁰~~00~~ p.m. LUNCH

- 10) 1:¹⁰~~00~~ - 4:²⁰~~00~~ p.m. Continue Preparation of ACNW Reports
(Open)
Continue preparation of reports listed
in item 6.

²⁰
4:~~00~~ p.m. ADJOURN

APPENDIX III: MEETING ATTENDEES

74TH ACNW MEETING
May 10-11, 1995

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

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

May 10, 1995

T. Ahn	DWM/NMSS
J. Austin	NMSS
M. Bell	DWM/NMSS
A. Campbell	NMSS
K. Chang	DWM/NMSS
R. Codell	NMSS
D. Dancer	NMSS/DWM
N. Eisenberg	NMSS
A. Ibrahim	NMSS/DWM
J. Pohle	NMSS/DWM
K. Ramsey	NMSS/IMNS
J. Surmeier	NMSS/DWM

May 11, 1995

A. Campbell	NMSS
D. Chery	NMSS/DWM
B. Olmstead	OGC

ATTENDEES FROM OTHER AGENCIES AND GENERAL PUBLIC

May 10, 1995

K. Baskins	KPB
H. Benton	M&O
L. Berkowitz	TRW
K. Chisholm	Labat-Anderson
R. Gamble	M&O/WCFS
J. Cowles	TRW
S. Frishman	State of NV
S. Hanauer	DOE
P. Krishna	M&O/TRW
H. Lang	M&O/R&L
F. Rodgers	DOE
G. Roseboom	Self
N. Sridhar	CNWRA
E. Tiesenhausen	Clark County
R. Wallace	USGS
J. Woodward	ICF
J. York	Weston

May 11, 1995

S. Frishman	NV NWPO
H. Lang	M&O/R&L
C. Newbury	DOE
P. Panll	Weston
E. Tiesenhausen	Clark County
R. Wallace	USGS

APPENDIX IV: FUTURE AGENDA

The Committee agreed to consider the following during the 75th ACNW Meeting, June 21-22, 1995:

- A. Final PRA Policy Statement - The Committee will discuss the NRC staff's proposed Probabilistic Risk Assessment Policy Statement and Implementation Plan with representatives of the NRC staff.
- B. Technical Site Suitability Process - Representatives from the U.S. Department of Energy (DOE) will discuss the major elements of the technical site suitability process being applied at the proposed high-level waste repository at Yucca Mountain, NV.
- C. Seismic Hazard Analyses - The Committee will review the NRC staff and Center for Nuclear Waste Regulatory Analyses' strategy for evaluating the DOE's seismic hazard analyses program. This review will include discussions of the use of the SEISMO-1 code, related key technical uncertainties, and the status of topical reports under review.
- D. Meeting with the Director, NRC's Division of Waste Management, Nuclear Materials Safety and Safeguards - The Director will provide information to the Committee on the status of current waste management issues, which will include the progress on the integration of key technical uncertainties, the status of DOE technical basis report reviews, and results of alcove tests at the proposed Yucca Mountain high-level waste repository.
- E. Preparation of ACNW Reports - The Committee will discuss proposed reports including regulatory issues in low-level- radioactive waste performance assessment, and Seismic Hazard Analyses for the proposed high-level waste repository at Yucca Mountain, NV. Additional topics will be considered as time permits.
- F. Use of Expert Judgment - The Committee will hear presentations by and hold discussions with the NRC staff on draft technical guidance on the use of expert judgment in performance assessment for licensing a radioactive waste repository.
- G. Recent Report by the National Academy of Sciences (tentative) - The Committee will hold discussions with members of the academy and their staff on a recent academy report on the Ward Valley, California low-level-waste disposal site.

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MEETING NOTEBOOK CONTENTS

TAB
NUMBER

DOCUMENTS

- 1 Opening Remarks by ACNW Chairman
 1. Introductory Statement by the ACNW Chairman, dated May 10, 1995
 2. Items of Current Interest, undated
 3. NRC Announcement No. 34, dated May 2, 1995: Appointment of Dr. Shirley Ann Jackson as a Member of the Nuclear Regulatory Commission
 4. Introductory Statement by the ACNW Chairman, dated May 11, 1995
- 2 NRC Staff Position on Substantially Complete Containment
 5. Status Report
 6. Letter dated March 7, 1995 to Stephen J. Brocum, Department of Energy, from Michael J. Bell, Office of Nuclear Material Safety and Safeguards: Staff Evaluation of Site Characterization Analysis Open Item Responses on Waste Package Design and Waste Package Failure Modes.
- 3 Meeting with the Director, Division of Waste Management, NMSS
 7. Status Report
- 4 Committee Activities
 8. Status Report
 9. Memorandum from Lynn Deering, ACNW Staff, to ACNW Members, dated April 27, 1995: Draft Summary Report on Minutes on Simplified Performance Assessment Modeling Meeting, April 19th, 1995, Albuquerque, NM.
5. Preparation for Meeting with Chairman Selin
 10. Additional Comments on the DOE Program Approach (Report to The Honorable Ivan Selin, NRC Chairman, from Martin J. Steindler, ACNW Chairman, dated April 28, 1995)
 11. Regulations Pertaining to Contaminated Steel Smelting Facilities and Disposal of Contaminated Baghouse Dust (Report to The Honorable Ivan Selin, NRC Chairman, from Martin J. Steindler, ACNW Chairman, dated April 28, 1995)
 12. The U.S. Environmental Protection Agency Preproposal Draft of 40 CFR Part 193 and the NRC's Proposed Radiological Criteria for Decommissioning (Report to The Honorable Ivan Selin, NRC Chairman,

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from Martin J. Steindler, ACNW Chairman, dated April 28, 1995)

13. The NRC Research Program on the Engineered Barrier System (Report to The Honorable Ivan Selin, NRC Chairman, from Martin J. Steindler, ACNW Chairman, dated April 28, 1995)

6 Preparation of ACNW Reports

14. Status Report
15. [Predecisional: Do Not Release Without Prior Approval]
Draft Report of Staff Presentation on Regulatory Issues in Low-Level Radioactive Waste and Performance Assessment
16. Memorandum from Andy Campbell, Division of Waste Management, to Lynn Deering, ACNW Staff, dated April 17, 1995.
17. [Predecisional: Do Not Release Without Prior Approval]
Memorandum from M.J. Steindler, ACNW Chairman, to B.J. Garrick, ACNW Member, and L.G. Deering, ACNW Staff, dated April 20, 1995: Comments on the Draft ACNW Letter on the LLW PA Branch Technical Position (BTP)
18. [Predecisional: Do Not Release Without Prior Approval]
Draft Letter on Groundwater Travel Time dated April 26, 1995.
19. [Predecisional: Do Not Release Without Prior Approval]
Memorandum from M.J. Steindler to Bill Hinze, Lynn Deering, dated April 23, 1995: Groundwater Travel Time Issues for ACNW
20. Memorandum to ACNW from Paul A. Davis, dated April 12, 1995: Preliminary Comments on the 73rd ACNW Meeting on the DOE Approach to Assessing GWTT
21. Memorandum to ACNW from George M. Hornberger, Consultant, dated April 18, 1995 on GWTT
22. Memorandum from L. Deering to Dr. Hinze, dated May 1, 1995 on GWTT Letter

8 Electronic Data Transfer

23. Status Report
24. Letter to Joseph J. Holonich, Division of High-Level Waste Management, NRR, from Dwight E. Shelor, Office of Civilian Radioactive Waste Management, DOE, dated June 7, 1993, enclosing Revised NRC/DOE Procedural and Project-Specific Agreements