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FROM: DUE: 08/10/00

EDO CONTROL: G20000354
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FINAL REPLY:

Representative Joe Barton

TO:

Paperiello, DEDMRS

FOR SIGNATURE OF :

** GRN **

CRC NO: 00-0485

DESC:

Post Hearing Questions -- Geologic Repository at
Yucca Mountain Before the Subcommittee on Energy
and Power on 6/23/00

ROUTING:

Travers
Paperiello
Miraglia
Norry
Craig
Burns
Cyr, OGC
Rathbun, OCA

DATE: 07/24/00

ASSIGNED TO:

CONTACT:

NMSS

Kane

SPECIAL INSTRUCTIONS OR REMARKS:

Use Q&A format attached. Provide hard copy and
diskette to Patty Anderson, OEDO.

Template: SECY-017

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SECY-01

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Date Printed: Jul 21, 2000 16:49

PAPER NUMBER: LTR-00-0485 **LOGGING DATE:** 07/21/2000
ACTION OFFICE: EDO

AUTHOR: REP Joe Barton
AFFILIATION: REP
ADDRESSEE: Carl Papeiello
SUBJECT: Post Hearing Questions -- Geologic Repository at Yucca Mountain before the Subcommittee on Energy and Power on June 23, 2000

ACTION: Signature of EDO
DISTRIBUTION: CHRM, COMRS, RF

LETTER DATE: 07/20/2000
ACKNOWLEDGED: No
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NOTES: RESPONSE DUE TO CONGRESS NLT 08/18/2000
FILE LOCATION: ADAMS
DATE DUE: 08/14/2000 **DATE SIGNED:**

EDO --G20000354

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U.S. House of Representatives
 Committee on Commerce
 Room 2125, Rayburn House Office Building
 Washington, DC 20515-6115

July 20, 2000

Dr. Carl Paperiello
 Deputy Executive Director
 for Materials Research and State Programs
 Nuclear Regulatory Commission
 1 White Flint N. Building
 11555 Rockville Pike
 Rockville, MD 20852

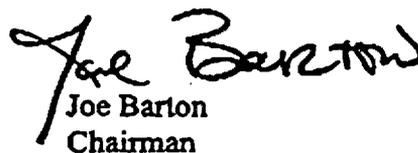
Dear Dr. Paperiello:

I am writing to thank you for appearing before the Subcommittee on Energy and Power on June 23, 2000, to present testimony on the status of the Department of Energy (DOE) program to develop a permanent geologic repository at Yucca Mountain, Nevada for spent nuclear fuel and high-level radioactive waste. Your testimony allowed the Subcommittee Members to gain a better understanding of this extremely important issue.

Pursuant to the Chair's order of June 23, 2000, the record of the Subcommittee's hearing remains open to permit Members to submit questions to witnesses in writing. Attached you will find questions submitted by Members of the Subcommittee. I would appreciate it if you could respond to these questions in writing no later than the close of business on August 18, 2000 in order to facilitate the printing of the hearing record.

Thank you again for your time and effort in preparing and delivering testimony before the Subcommittee.

Sincerely,


 Joe Barton
 Chairman

Subcommittee on Energy and Power

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Attachment

QUESTIONS FOR THE RECORD FROM MR. BARTON FOR NRC

1. Please elaborate on the reasons for NRC's opposition to EPA's proposed separate 4 millirem groundwater protection standard.
2. Has NRC evaluated the background level of radioactivity in groundwater at the Yucca Mountain site? In other words, could existing background radiation "use up" a significant portion of the 4 millirem groundwater standard before the repository is ever built?
3. It seems that EPA is at least allowing some flexibility in this matter of how groundwater compliance is measured, both with the "point of compliance" and with the "representative volume" concepts.
 - In your discussions with staff from EPA headquarters, have they been reasonable in their proposed application of the point of compliance and representative volume alternatives?
 - Has the Region Nine office of EPA been equally reasonable and flexible on these issues?
4. I understand that one of the first radionuclides that could be released from the repository would be iodine-129. What is the health risk associated with a 4 millirem dose from iodine-129? Is this within the risk range recommended by the National Academy of Sciences? Are there other radionuclides that would fall outside the NAS's recommended risk range under EPA's proposed groundwater standard?
5. In NRC's view, can DOE comply with the proposed EPA standards and can NRC license a repository based on those standards?
6. Do you agree with DOE that it is desirable to maintain design flexibility through the licensing phase?
7. When does the radiation standard have to be finalized for purposes of the licensing process?
8. Can NRC even license the repository if DOE insists on keeping its design options open into the licensing phase?
9. Does the NRC allow private licensees to maintain such flexibility, or does NRC require that the license applications reflect final design decisions?
10. Is the NRC concerned that funding constraints are causing DOE to take shortcuts or postpone critical technical work? Will this have an impact on repository licensing?

FORMAT FOR CONGRESSIONAL Q&As

QUESTION 6. Congressional questions are assigned to various offices for preparation of the answers.

(A) What is the typing format for responding to Congressional questions?

ANSWER.

Q&As are to be typed on word processing equipment (WordPerfect) and provided to the EDO both by hard copy and a 3.5 inch diskette (as directed on Green Control Ticket under Special Instructions or Remarks). Type each Q&A as a separate job (including multiple parts, [A, B, C, etc.]) to aid in later revisions and transmission of Q&As to Congressional Affairs. Use 11 pitch, Arial type style, initial caps only, and double spacing. Use four spaces between each paragraph. Side margins are 1-inch for both left and right; and 1-inch for the top and bottom margins. Do not use a required return after each typed line.

At the bottom right margin on each page in the footer text, indicate Committee, originating Office (not Division or Branch). Current date should appear directly below the Committee/Office. Subsequent revisions should reflect the revised date.

Inhofe/NRR
08/06/98

QUESTION 6.(A).

2

If succeeding pages are required in answering the question, the question number and page number should be typed in the header margin text area, so that it appears at the top of each succeeding page (as shown above).

If enclosures are to be included with a response, indicate on Q&A (as shown below) and type question number and part (A, B, C, etc., as appropriate) on each enclosure. Three copies of each enclosure are required. Also, provide an electronic copy of the enclosure, if possible.

Enclosure:

Sample Q&A Format