



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

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TO: King Stablein, HLPD, M/S 4 H 3

FROM: Paul T. Prestholt, Sr. On-Site Licensing Representative

DATE: May 10, 1990

SUBJECT: LETTER TO DON U. DEERE, NWTRB, FROM DAVID L. SWANSON,
EEI (4/5/90); SITE AND ENGINEERING PROPERTIES DATABASE
(SEPDB) QUARTERLY REPORT BY PAULA F. ADAMS AND MARY M.
GONZALES, 3/90

Please find enclosed a copy of the above-referenced documents.

PTP:nan
cc: J. J. Linehan w/o encs., M/S 4 H 3

Attachments: See jacket

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EDISON ELECTRIC INSTITUTE

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April 5, 1990

Don U. Deere, Ph.D.
Chairman,
Nuclear Waste Technical Review Board
1111 18th Street, NW
Washington, D.C. 20036

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Dear Dr. Deere:

The Edison Electric Institute and its Utility Nuclear Waste and Transportation Program (EEI/UWASTE) compliment the Nuclear Waste Technical Review Board (TRB) on the timely issuance of the First Report to the U.S. Congress and the U.S. Secretary of Energy (Report). The TRB is rendering an important and needed service to the Nation.

Edison Electric Institute is the association of the Nation's investor-owned electric utilities; its members generate approximately 75 percent of all the electricity in the country. EEI/UWASTE is a group of electric utilities with nuclear energy programs that seeks to ensure radioactive waste management and disposal, and nuclear materials transportation systems are developed and maintained in a safe, environmentally sound, publicly acceptable, cost effective, and timely manner. EEI/UWASTE provides utility oversight of the Department of Energy (DOE) civilian high-level radioactive waste program.

Electric utilities with nuclear energy programs appreciate the TRB's efforts and recognize the importance of its activities. When Congress was debating the 1987 Nuclear Waste Amendments Act, the utility industry strongly supported the creation of the TRB. Independent oversight by a group of highly qualified, experienced individuals is an important element in developing a sound scientific program that will lead to success of the DOE civilian high-level radioactive waste program.

EEI/UWASTE and other industry groups are reviewing the Report in detail. The product of that review will be transmitted to the TRB when completed. However, as the TRB develops plans for continuing its review of the DOE civilian high-level waste program, it may find useful the initial general observations and suggestions enclosed with this letter.

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The most significant EEI/UWASTE observations and suggestions are in three areas. First, the TRB should consider addressing the management structure and organization of DOE's scientific and technical program. Second, the TRB's plan to review the area of applicable regulations is commendable, and we suggest that the TRB should look beyond the plain text of the regulations. The TRB should include in its review not only the regulations and standards of the Nuclear Regulatory Commission (NRC) and the Environmental Protection Agency (EPA), but also the procedures and interpretations that bear on those regulations and standards. Finally, long-lived engineered barriers are a logical avenue to pursue, even though the current regulations appear to discourage their use. Therefore, the TRB's plan to address this critical area is both appropriate and welcome.

EEI/UWASTE appreciates the opportunity to offer the enclosed initial observations and suggestions for consideration by the TRB. As noted previously, more specific comments will be forwarded to the TRB in the near future. If you have any questions, please do not hesitate to contact Steven P. Kraft, EEI's Director, Nuclear Waste and Transportation Activities on (202) 778-6512.

Sincerely,



David L. Swanson

DLS/cht
Enclosure

EEI/UWASTE Initial Observations and Suggestions
for Consideration by the
Nuclear Waste Technical Review Board

April 6, 1990

The following observations and suggestions are offered on behalf of the Edison Electric Institute (EEI) and its Utility Nuclear Waste and Transportation Program (EEI/UWASTE) to assist the Nuclear Waste Technical Review Board (TRB) as it plans its future activities for continued review of the DOE civilian high-level radioactive waste program.

EEI is the association of the Nation's investor-owned electric utilities; its members generate approximately 75 percent of all the electricity in the country. EEI/UWASTE is a group of electric utilities with nuclear energy programs that seeks to ensure radioactive waste management and disposal, and nuclear materials transportation systems are developed and maintained in a safe, environmentally sound, publicly acceptable, cost effective, and timely manner. EEI/UWASTE provides utility oversight of the Department of Energy (DOE) civilian high-level radioactive waste program.

Program Management and Structure

Even though the Nuclear Waste Policy Act Amendments of 1987 requires the TRB to "evaluate the technical and scientific validity of activities undertaken by the Secretary," the Board could make a valuable contribution by considering matters relating to program management and structure, especially in the scientific and technical areas. It is noted that the National Academy of Sciences commented on this matter. Dr. Peter Myers, speaking for the Academy's Board on Radioactive Waste Management before the Nuclear Regulatory Commission's Advisory Committee on Nuclear Waste, stated: "The fourth [issue the Academy considered in reviewing DOE's program] was the way in which the program was formulated/organized....This was something that on the surface of it was quite presumptuous, because it is not the intent or the place of the Academy to worry about management. But, if something seems not to be working its hard not to consider the organization...."

In response to the Secretary of Energy's Report to Congress on Reassessment of the Civilian Radioactive Waste Management Program, the American Committee on

Radwaste Disposal¹ clearly stated their concern on this issue:

"The industry has long held that contractor/participant support to the program has been excessive, duplicative, and financially wasteful of electricity consumer resources. While a reduction in the number of contractors/participants associated with this program is no doubt warranted as work is deferred, it is also warranted as a matter of sound project management. DOE must assert greater management control over the National Laboratories, reduce the number of Laboratories involved, and consolidate overall management of the scientific effort. Also, a consideration in the selection of new, or retention of current, contractor/participants should be their experience on projects that were brought to a successful result rather than their comfort with ongoing research programs."

The industry does not suggest that the TRB should be involved in the contractor/participant contractual decisions, but rather, that the TRB's review and guidance in the areas of scientific and technical organization and management, both within DOE and their contractors, could be very helpful to DOE's high-level waste program.

Appropriateness of Regulations

The TRB's plan to address the regulatory framework of the program is commendable. However, it is often difficult to separate the plain text of regulations from the process, hearings, and organizations that interpret and apply them. Therefore, the TRB should include in its review not only the regulations and standards of the Nuclear Regulatory Commission (NRC) and the Environmental Protection Agency, but also the procedures, and interpretations that bear on those regulations. The TRB's review should address the regulations' appropriateness, stringency, technical basis, and interpretation. Recognizing that licensing a repository is an unprecedented first of a kind endeavor, and that extending the oversight of the TRB to the multifaceted regulatory arena will help assure that the paramount element governing overall project success receives appropriate scrutiny and constructive criticism.

¹ The American Committee on Radwaste Disposal (ACORD) is the Chief Executive Officer body that provides policy guidance for all radioactive waste and nuclear transportation issues within the utility industry, including the EEI/UWASTE program.

Engineered Barriers

The TRB correctly pointed out in its Report that: "An extended-life, engineered barrier could significantly increase confidence in the long-term performance of a repository by reducing reliance on geologic barriers."² The utility industry supports the need to readdress NRC regulatory treatment of engineered barriers to supplement the reliance on the natural barriers and to isolate the waste from the biosphere. Consequently, the TRB's plan to address this critical issue in the future is both appropriate and welcome.

Appropriate Level of Detail

A successful high-level waste program requires effective integration of the many details. However, given the numerous and varied areas of study in DOE's program, and the resulting voluminous number of details, the TRB may be more effective through applying its expertise to broad aspects, rather than the current level of detail. The TRB's considerable talents could best serve the Nation by focusing on the scientific and technical concepts and approaches. Perhaps the Board should create and implement an "issue test." This test could determine the relative importance of a given issue and thus guide the TRB as to how much time and effort to expended on its review. The effect the issue will have on the successful and timely completion of DOE's program should weigh heavily in determining its relative importance. This "issue test" may help the TRB to establish priorities for addressing issues that will have a substantial impact on the program, and therefore, will maximize the TRB's effectiveness. This does not mean that an issue should not be addressed, only that the amount of resources (time and money) allocated to each issue is based on the its relative importance.

Acquisition of Data

In response to the NRC Site Characterization Analysis, EEI/UWASTE made the following observation: "[A]lthough the acquisition of data is important, it is not something that can be unconstrained in quantity and scope. Further, it should be intuitively obvious that, if this project [characterization of a potential repository site] is to ever be completed, the adequacy, as opposed to the completeness, of the information must be the deciding factor in all circumstances." The DOE high-level waste program should focus on characterizing the potential repository site and determining the suitability of the site in a timely manner. It should not be an opportunity to conduct unprecedented research, but rather, a challenge to solve an important national problem. The TRB's support in this critical area would be most welcome.

² TRB's First Report to the U.S. Congress and the U.S. Secretary of Energy, March 1990, pg 40.

DOE's Response to TRB Recommendations

It is not clear that DOE is responding to TRB recommendations in an efficient manner. For example, when the TRB recommended using a ramp with one vertical shaft, as opposed to two vertical shafts, for the Exploratory Shaft Facility (ESF), DOE engaged in a 21 month³ study and redesign of the ESF. This seems an over reaction to the recommendation. While DOE must be responsive to each TRB recommendation, it may be appropriate for TRB to review periodically and guide DOE's treatment of TRB recommendations to ensure that the TRB's concerns are being addressed efficiently.

Monitored Retrievable Storage

Although the Monitored Retrievable Storage Facility is a critical component of the DOE high-level waste program and of great importance to the utilities, unlike the repository it is not a first of a kind facility. Therefore, it is not clear that expending TRB resources in this area would be an effective use of those resources. The TRB should concentrate its efforts on repository related issues.

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³ Report to Congress on Reassessment of the Civilian Radioactive Waste Management Program, pgs. 10, 14.