

# YANKEE ATOMIC ELECTRIC COMPANY

Telephone (508) 779-8711

TWX 710-380-7619



580 Main Street, Bolton, Massachusetts 01740-1398

'88 DEC -5 P4:26

December 5, 1988

Secretary of the Commission  
United States Nuclear Regulatory Commission  
Washington, DC 20555

Attention: Docketing and Service Branch

Subject: Rule on the Submission and Management of Records and Documents  
Related to the Licensing of a Geologic Repository for the  
Disposal of High-Level Radioactive Waste (53FR44411)

Dear Sir:

Yankee Atomic Electric Company (YAEC) appreciates the opportunity to comment on the subject proposed rule change regarding the adjudicatory proceeding on the application for a license to receive and possess high-level radioactive waste at a geologic repository. Yankee owns and operates a nuclear power plant in Rowe, Massachusetts. Our Nuclear Services Division also provides engineering and licensing services for other nuclear power plants in the Northeast, including Vermont Yankee, Maine Yankee, and Seabrook.

The Utility Nuclear Waste Management Group (UNWNG), in coalition with EEI and the U.S. Council on Energy Awareness, represented the nuclear industry in the negotiated rulemaking proceedings on this subject proposed rule. The UNWNG is filing a detailed response to the subject NRC proposed rule. YAEC is an active member of UNWNG and strongly endorses its comments. We would also like to take this opportunity to iterate and add to the comments made by the UNWNG.

On December 18, 1986, the Commission published for comment a notice of intent to use negotiated rulemaking to develop the changes to 10 CFR Part 2 that would be needed to institute an electronic information management system (the "Licensing Support System") for records and documents associated with the licensing of a geologic repository. In our comment letter of February 11, 1987, we commended the Commission for its innovativeness in using such a process. We continue to believe that the objective of this negotiated rulemaking activity, i.e. a decrease in the amount of time necessary for information processing during the docketing, discovery, and adjudicatory stages of the geologic repository licensing proceedings, would benefit all parties.

We noted in our comment letter that such a system, among other things, must be cost-effective. However, as the UNWNG has stated, the Licensing Support System (LSS) now being proposed by the Commission is not only exorbitant in cost at a price tag of \$200 million, but it is also unlikely to be completed within the time frame needed to support the licensing schedule called for by the NWPA. The UNWNG has recommended an alternative to the Commission's proposed LSS, which would result in the use of microfiche, rather than electronic, full text search capability. Both the NRC and DOE have extensively and successfully used microfiche for capturing, retaining, and

accessing documents. Both intend to continue using microfiche up to the time that the LSS is made available. Given this established record, and the fact that the enhancements that the UNWVG has suggested in using microfiche would accomplish the objective set forth by the Commission, we urge adoption of the UNWVG recommendations.

In our comment letter we also supported the Commission in its efforts to include all "prospective" intervenor groups in the negotiated rulemaking process. We believe that all parties which are likely to use the LSS must have the same high level of confidence in the system's capabilities. In that same vein, we also support access to the LSS prior to a party being admitted as an intervenor. However, we disagree that a "prospective" intervenor be allowed to admit documents and records to the docket prior to that party's admittance as an intervenor. The very nature of the LSS affords a certain level of credence to the records and documents that are admitted, and thus to the groups serving as the sponsors of these records or documents. The proposed rule is contrary to the longstanding rules and practices of 10 CFR Part 2, which appropriately reserve such a level of credence for only those parties who meet stringent intervenor requirements. Title 10 CFR Part 2 requires that a party must have intervenor status prior to participating in certain activities, such as admittance of records to the docket.

Furthermore, this proposed rule is contrary to NRC's rules and practices of 10 CFR Part 2 regarding what is required to be submitted by an applicant and subsequently allowed to be litigated in a licensing hearing. The Commission has proposed that "circulated drafts" be required to be admitted into the LSS. We take exception to this proposal to change what has been the practice of the Commission to allow litigation of only the application - for example, in the case of a power reactor operating license, the Final Safety Analysis Report as defined by 10 CFR Sections 50.33, 50.33a, and 50.34. To suggest that outside parties are entitled to have access to draft documents is completely unwarranted. Such a requirement would undoubtedly result in unlimited "second guessing" of decisions that are likely to have been resolved through a well-defined and orderly process. We urge the Commission to follow the course set forth by the existing rules and practices of 10 CFR Part 2 and allow only litigation of the final application as submitted by DOE, and thus only "final" documents.

In conclusion, we urge the Commission to adopt the recommendations discussed above and those delineated by the UNWVG. It is the utilities which will bear the brunt of the costs of the LSS. It is therefore imperative that the Commission give serious consideration to alternative, acceptable, less costly approaches for accomplishing the objective of the LSS rulemaking.

Sincerely,



Andrew C. Kadak  
Vice President

ACK/mjc

Alabama Power Company  
600 North 18th Street  
Post Office Box 2641  
Birmingham, Alabama 35291-0400  
Telephone 205 250-1837

W. G. Hairston, III  
Senior Vice President  
Nuclear Operations

DOCKET NUMBER  
PROPOSED RULE

53 FR 4411

5

'88 DEC -7 10:21  
Alabama Power



the southern electric system

December 5, 1988

RECEIVED  
NRC  
SERVICE

Docket Nos. 50-348  
50-364

Mr. Samuel J. Chilk  
Secretary of the Commission  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Attention: Docketing and Service Branch

Dear Mr. Chilk:

RE: Comments on NRC Proposed Rule - Records Related to Licensing  
High-Level Radioactive Waste Geologic Repository  
(53 Federal Register 44,411 of November 3, 1988)

The Nuclear Regulatory Commission (NRC) published a proposed rule on the submission and management of records and documents related to the licensing of a geologic repository for the disposal of high-level radioactive waste (10 CFR Part 2) in the Federal Register on November 3, 1988, and invited comments by December 5, 1988. Alabama Power Company (APC) has followed the development of this proposed rule through the Edison Electric Institute (EEI) and the Utility Nuclear Waste Management Group (UNWWMG). Both EEI and UNWWMG represent the industry coalition on the NRC created negotiating committee which was formed to address this proposed rulemaking. APC agrees with this industry coalition group on their conclusions on the current record system, the Licensing Support System (LSS), being contemplated; i.e., that the system will be extremely costly, technologically and logistically difficult to implement, and will lengthen the repository licensing proceeding. For these reasons, APC hereby endorses the EEI comments to be submitted to the NRC on December 5, 1988 and urges the Commission not to adopt the rule in its current form.

APC appreciates the opportunity to comment on the proposed rule. If you have any questions, please contact our office.

Sincerely,

W. G. Hairston, III

cc: Mr. L. B. Long  
Mr. M. L. Ernst  
Mr. E. A. Reeves  
Mr. G. F. Maxwell

Georgia Power Company  
333 Piedmont Avenue  
Atlanta, Georgia 30308  
Telephone 404 526-3195

Mailing Address:  
40 Inverness Center Parkway  
Post Office Box 1295  
Birmingham, Alabama 35201  
Telephone 205 868-5581

W. G. Hairston, III  
Senior Vice President  
Nuclear Operations

DOCKET NUMBER DD  
PROPOSED RULE 1A 2  
53 FR 44411

'88 DEC -7 AIO :01

the southern electric system

December 5, 1988

Docket Nos. 50-321 50-424  
50-366 50-425

Mr. Samuel J. Chilk  
Secretary of the Commission  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Attention: Docketing and Service Branch

GEORGIA POWER COMPANY  
COMMENTS ON NRC PROPOSED RULE - RECORDS RELATED TO LICENSING  
HIGH-LEVEL RADIOACTIVE WASTE GEOLOGIC REPOSITORY  
(53 FEDERAL REGISTER 44,411 OF NOVEMBER 3, 1988)

Dear Mr. Chilk:

The Nuclear Regulatory Commission (NRC) published a proposed rule on the submission and management of records and documents related to the licensing of a geologic repository for the disposal of high-level radioactive waste (10 CFR Part 2) in the Federal Register on November 3, 1988, and invited comments by December 5, 1988. Georgia Power Company (GPC) has followed the development of this proposed rule through the Edison Electric Institute (EEI) and the Utility Nuclear Waste Management Group (UNWGM). Both EEI and UNWGM represent the industry coalition on the NRC created negotiating committee which was formed to address this proposed rulemaking. GPC agrees with this industry coalition group on their conclusions on the current record system, the Licensing Support System (LSS), being contemplated; i.e., that the system will be extremely costly, technologically and logistically difficult to implement, and will lengthen the repository licensing proceeding. For these reasons, GPC hereby endorses the EEI comments to be submitted to the NRC on December 5, 1988 and urges the Commission not to adopt the rule in its current form.

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Sincerely,

*W. G. Hairston, III*  
W. G. Hairston, III

c: see distribution

Mr. Samuel J. Chilk  
December 5, 1988  
Page 2

c: Georgia Power Company

Mr. P. D. Rice, Vice President and Vogtle Project Director  
Mr. G. Bockhold, Jr., General Manager - Plant Vogtle  
Mr. C. K. McCoy, Vice President - Nuclear, Plant Vogtle  
Mr. J. T. Beckham, Vice President - Nuclear, Plant Hatch

U. S. Nuclear Regulatory Commission, Washington, D. C.

Mr. J. B. Hopkins, Licensing Project Manager - Vogtle  
Mr. L. P. Crocker, Licensing Project Manager - Hatch

U. S. Nuclear Regulatory Commission, Region II

Mr. M. L. Ernst, Acting Regional Administrator  
Mr. J. F. Rogge, Senior Resident Inspector, Operations - Vogtle  
Mr. J. E. Menning, Senior Resident Inspector - Hatch



ER 88/971

DOCKET NUMBER **PR 2**  
PROPOSED RULE **53 FR 44411**

United States Department of the Interior

OFFICE OF ENVIRONMENTAL PROJECT REVIEW  
WASHINGTON, D.C. 20240



'88 DEC -7 A10:20

DEC 5 1988

Secretary of the Commission  
Attention: Docketing and Service Branch  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Sir:

This is to inform you that the Department of the Interior is planning to respond to your November 3, 1988, Federal Register (Vol. 53, FR 44411) notice for comments on the Proposed Rulemaking on the Submission and Management of Records and Documents Related to the Licensing of a Geologic Repository for the Disposal of High-Level Radioactive Waste. However, we will be unable to reply by December 5, 1988. We hereby request a 2-week extension.

Please consider this letter as a request for an extension of time in which to comment on the proposed rulemaking. We hope this will be satisfactory.

Sincerely,

  
Bruce Blanchard, Director  
Environmental Project Review

# YANKEE ATOMIC ELECTRIC COMPANY

Telephone (508) 779-6711

TWX 710-380-7619



DOCKET NUMBER  
PROPOSED RULE  
53FR44411

FR 2

580 Main Street, Boston, Massachusetts 01740-1398

FYC 88-017  
GLA 88-130

3

December 5, 1988

Secretary of the Commission  
United States Nuclear Regulatory Commission  
Washington, DC 20555

Attention: Docketing and Service Branch

Subject: Rule on the Submission and Management of Records and Documents  
Related to the Licensing of a Geologic Repository for the  
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In conclusion, we urge the Commission to adopt the recommendations discussed above and those delineated by the UNWVG. It is the utilities which will bear the brunt of the costs of the LSS. It is therefore imperative that the Commission give serious consideration to alternative, acceptable, less costly approaches for accomplishing the objective of the LSS rulemaking.

Sincerely,



Andrew C. Kadak  
Vice President

ACK/mjc



DOCKET NUMBER  
PROPOSED RULE 2  
53 FR 44411

DOCKETED



ROCHESTER GAS AND ELECTRIC CORPORATION • 89 EAST AVENUE, ROCHESTER, N.Y. 14649-0001

'88 DEC -6 P1:18

TELEPHONE  
AREA CODE 716 546-2700

December 5, 1988

Hon. Samuel J. Chilk  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Attention: Docketing and Service Branch

RE: NOPR on records management/geologic repository  
licensing (53 F.R. 44411)

Dear Mr. Secretary:

Enclosed please find the comments of Rochester Gas and Electric Corporation in the above-captioned rulemaking. In the interest of complying with the Commission's deadline, we are forwarding today by electronic means a copy of the Company's comments. At the same time, we are forwarding by regular mail the signed originals of this letter and the comments together with an extra copy of each to be date-stamped and returned to the undersigned. We trust this form of service will be satisfactory.

Very truly yours,

Anton A. Fuierer

AAF:meg

Enclosure

xc: Mr. R. Kober  
Mr. D. Laniak  
Mr. E. Ierardi

BEFORE THE  
UNITED STATES  
NUCLEAR REGULATORY COMMISSION

Rule on the Submission and  
Management of Records and  
Documents Related to the Licens-  
ing of a Geologic Repository  
for the Disposal of High-level  
Radioactive Waste

Proposed  
Amendment  
to  
10 CFR 2

COMMENTS OF  
ROCHESTER GAS AND ELECTRIC CORPORATION

These comments respond to the Notice of Proposed Rulemaking issued by the Commission on October 25, 1988 and published in the Federal Register of November 3, 53 F.R. 44411 et seq. They urge that the Commission reconsider this rulemaking and particularly the need to submit to a cost/benefit analysis that portion which would establish a gargantuan Licensing Support System to the detriment of the timely operation of a federal repository.

Rochester Gas and Electric Corporation is a member of the Utility Nuclear Waste Management Group and generally supports the comments filed herein by the Edison Electric Institute (EEI) and the Utility Nuclear Waste Management Group (UNWGM). We have followed the negotiated rulemakings in which EEI and UNWGM participated and will not repeat their arguments; our comments emphasize particular concerns of the Company.

The Company is an investor-owned utility serving electricity and gas in an upstate New York area, centered generally on Rochester, where some 900,000 people live. It owns

and operated the 470 MW Ginna Nuclear Power Plant and has a 14% ownership interest in the 1080 MW Nine Mile Point Nuclear Unit No. 2. In 1987, Ginna generated nearly 3.8 billion kwh while NMP-2, which has been in commercial operation less than a year, has already contributed more than 350 million kwh to the Company's system. Under the Nuclear Waste Policy Act and regulations thereunder, the Company currently collects from customers and forwards to the Department of Energy one mill per kwh for the disposal of its nuclear fuel in a repository to be built by DOE and licensed by the Commission. Accordingly, the Company has a high degree of interest in the timely and cost-effective licensing of a nuclear waste repository.

The Company is concerned that an enterprise of the scale, cost and complexity of the proposed Licensing Support System would cause the system itself to become a focal point in that the Commission would simply be substituting a big, flashy toy for real hard thought and careful planning. The real purpose of the waste repository licensing effort and the interests of participants in that process would be subverted, all to the detriment of the national policy favoring achievement of prompt and efficient waste repository licensing. The concern of the Company is that the proposal will fail to shorten the repository licensing period and could even lengthen it, at greatly increased cost.

The worth of the proposed Licensing Support System has yet to be tested by a rigorous cost benefit analysis, at least one

which considers practical alternatives well-adapted to meeting the need for document review and exchange such as that proposed by representatives of EEI/UNWVG during the negotiated rulemaking. The societal cost of the NRC-proposed LSS needs to be carefully examined as the DOE and the Commission have an obligation, parallel to that of utilities, to assure the effective use of customer-funded moneys. Presumably those dollars should be committed to facilitate aspects of the repository licensing which appear likely to inhibit its timely completion and which represent cost effective investments. There remain a number of aspects of the licensing process that require agency attention, areas which our experience shows are much more likely (see EEI/UNWVG comments) than document retrieval to cause substantial delay in that process.

The Company has had considerable experience with computerized litigation support systems. They are unwieldy, grossly expensive and generally mismatched with respect to the limited purpose to be achieved. The proposed Licensing Support System shows every earmark of these same attributes. The only significant difference is that the proposed system will be on a scale and at a cost which dwarfs anything in the experience of most managers of these complex systems -- indeed, we are advised that this would be the single largest such system ever created. All this augurs ill for a process on which an important element of national policy is totally dependent.

The cost of the Licensing Support System, which we believe to be substantially underestimated, will impose a tremendous burden on Commission licensees. The costs of the other -- hopefully more beneficial in terms of societal protection -- regulatory requirements of this Commission are already very substantial and already run the risk of turning a relatively economical electric supply source into a prohibitively expensive one. There is a limit beyond which increasing costs of nuclear regulation will render prohibitive the continuing operation of the nation's commercial nuclear power facilities. For the Company, that day is fast approaching. The Licensing Support System would simply bring that prospect even closer to current reality.

For the foregoing reasons, Rochester Gas and Electric Corporation urges the Commission to reconsider the proposed rule and to modify substantially that portion which would establish a computerized Licensing Support System.

Respectfully submitted,  
ROCHESTER GAS AND ELECTRIC CORPORATION

By



Roger W. Kober

President and Chief Operating Officer

Date: December 5, 1988



U.S. Council for Energy Awareness

DOCKET NUMBER **PR 2**  
PROPOSED RULE **53 FR 44411**

①

Suite 400  
1776 I Street, N.W.  
Washington, DC 20006-2495  
(202) 293-0776

'88 DEC -6 P 1:21

**John Siegel**  
Vice President, Technical Programs

December 5, 1988

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Attn: Docketing and Servicing Branch

Re: Proposed Rulemaking "10 CFR Part 2 Rule on the Submission and Management of Records and Documents Related to the Licensing of Geologic Repository for the Disposal of High-Level Radioactive Waste" (53 Fed. Reg. 44411)

Dear Sir:

These comments are submitted on behalf of the High Level Waste Task Force of the U.S. Council for Energy Awareness (USCEA) in response to the above referenced notice. The U.S. Council for Energy Awareness provides information on energy issues, with emphasis on the importance of electricity and the roles of nuclear energy and coal in providing it, and examines technical issues related to peaceful uses of nuclear technology.

As noted in the background of the proposed rulemaking, USCEA participated with the Edison Electric Institute and the Utility Nuclear Waste Management Group in the Licensing Support System negotiated rulemaking process. Therefore, we had a deep understanding of the rule and its purpose. As we reviewed this rulemaking we did not find any substantial changes which would result in changing our position from that which the nuclear industry articulated during the negotiated rulemaking process. Accordingly, USCEA is of the view that the rule as presented should not be adopted without significant modification.

The purpose of the rulemaking is to facilitate the NRC's reaching a decision on the construction authorization for the repository within the three year time frame (plus allowance for a one year extension) specified in Section 114(d) of the Nuclear Waste Policy Act as amended (NWPA).

We believe the proposed rule will not accomplish this objective. The repository licensing would be accomplished through reliance on an electronic information management system known as the Licensing Support System (LSS). We have reviewed the DOE proposed LSS and do not believe it will function as DOE predicts. This will result in questions of quality control and timeliness of document availability, as well as completeness of documentation. This alone is likely to result in an extension of the planned three to four year NRC licensing proceedings.

Due to the unprecedented scope and size of the proceeding, the NRC will encounter technical and procedural issues not present in previous NRC adjudications. Without dramatic changes to the NRC rulemaking procedure, far more than currently contained in the proposed rule, the proceeding could take two to three times as long as specified in the NWPA. Therefore, we do not believe the rule should be adopted in its present form.

Beyond the problems with the rulemaking there is the additional question of the cost-benefit of the method of implementing the proposed rule. The LSS as proposed by the DOE does not justify the expenditure of dollars that have been proposed. It is a beyond-the-state-of-the-art concept with unprecedented availability and quality control requirements. We believe a simpler, more straight-forward, well-tested approach using microfiche and computerized indexing of the pertinent documents would achieve the same result at a significantly lower cost and avoid the technological pitfalls.

Other aspects the Commission should be considering in order to accomplish a three to four year licensing period include:

- Generic rulemakings on appropriate technical issues well in advance of the construction authorization hearing.
- A more appropriate threshold for admitting contentions.
- More stringent standards for late-filed contentions.
- A more appropriately limited discovery (beyond those inherent in the LSS).
- Affirmative burden of going forward requirements.
- Intervention based on judicial standards.
- Separate hearings and decisions.

USCEA is willing to continue to work with the NRC and other interested parties in the development of a licensing proceeding that will allow legitimate technical issues to be examined in an appropriate manner and at the same time provide a schedule which meets the statutory limits established in the NWPA.

Sincerely

  
John R. Siegel

JRS/ar