

AUG 27 1993

Mr. Lake Barrett, Acting Director  
Office of Civilian Radioactive Waste Management  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, D. C. 20585

Dear Mr. Barrett:

SUBJECT: CONSULTATION WITH THE U.S. DEPARTMENT OF ENERGY  
CONCERNING SECTION 803 OF THE ENERGY POLICY ACT OF 1992

On July 1, 1993, the Nuclear Regulatory Commission staff received the draft document, "Adequacy of Management Plans for the Future Generation of Spent Nuclear Fuel and High-Level Radioactive Waste" produced by the Department of Energy (DOE) as mandated by Section 803 of the Energy Policy Act of 1992. The NRC staff committed to the review of this document in my letter to you dated March 15, 1993.

Because the draft report is based mainly on program activities that are the responsibility of DOE, the NRC staff has chosen not to comment on the validity of the cases, scenarios and conclusions reached by DOE as stated in the draft report. However, there are several comments on various aspects of the report that the NRC staff believes DOE should consider. These are detailed in the enclosure, and should be considered together with the broad comments provided below.

In response to the NRC staff's comment (Bernero to Barrett, March 15, 1993) on the need to establish equivalencies for the different types of waste, DOE determined that establishing equivalencies was unnecessary for this report. The NRC staff renews its comment that equivalencies should be established at some time in the program. Therefore, as DOE begins to develop the detailed activities to support its waste management program, it should determine how it will equate the different volumes and thermal loadings for the various waste types.

The draft report sets out other radioactive wastes not assumed in scenarios considered in DOE's report. Specifically, on page 7-5, the draft report states that geologic disposal may be required for radioactive material from the dismantling and decommissioning of the tanks and facilities at which high-level waste is currently stored. It further states that the long-term disposal of highly enriched uranium has not yet been determined. In addition, the NRC staff recommends that DOE consider high-level wastes associated with the disposition of government owned materials to be inventoried as stated in Section 1016 of the Energy Policy Act of 1992. Without including these

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additional wastes in its evaluation of the waste disposal system, DOE may not be completely analyzing all the waste that will require final disposal in a deep geologic repository.

I trust these comments will be useful to DOE.

Sincerely,

**Original signed by**  
**Robert M. Bernero**

Robert M. Bernero, Director  
Office of Nuclear Material Safety  
and Safeguards

Enclosure: As stated

cc: R. Loux, State of Nevada  
T. J. Hickey, Nevada Legislative Committee  
C. Gertz, DOE/NV  
M. Murphy, Nye County, NV  
M. Baughman, Lincoln County, NV  
D. Bechtel, Clark County, NV  
D. Weigel, GAO  
P. Niedzielski-Eichner, Nye County, NV  
B. Mettam, Inyo County, CA  
V. Poe, Mineral County, NV  
F. Sperry, White Pine County, NV  
R. Williams, Lander County, NV  
L. Fiorenzi, Eureka County, NV  
J. Hoffman, Esmeralda County, NV  
C. Schank, Churchill County, NV  
L. Bradshaw, Nye County, NV

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\* See previous concurrence:

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**U.S. Nuclear Regulatory Commission Detailed Comments on  
"Adequacy of Management Plans for the Future Generation of Spent  
Nuclear Fuel and High-Level Radioactive Waste"**

**Comment 1**

Statements in section 6.2.6 of the report should be expressly attributed to DOE.

**Comment 2**

The license renewal plans and the decisions concerning such plans as discussed in section 6.3.2 are, more specifically, "utility" plans and decisions and should be so identified.

**Comment 3**

A more precise description for the "short-term" storage facilities mentioned in the last bullet on page A-3 of the draft report is "storage in an independent spent fuel storage installation or a monitored retrievable storage installation."

**Comment 4**

There are several references in the draft report to NRC regulations with respect to transportation of wastes (pages 6-10 and A-3). It is clear that DOE must use NRC-certified packages for transportation and that DOE must abide by NRC regulations regarding advance notification of State and local governments (Nuclear Waste Policy Act of 1992 (NWPA), as amended, Sec. 180, 42 USC 10175).

**Comment 5**

The constraints on storage and disposal that are set out on page A-7 apply to any monitored retrievable storage facility authorized pursuant to Title I of NWPA, as amended, Section 142(b), 42 USC 10162. They do not necessarily apply to a facility established pursuant to a negotiated agreement that is enacted into federal law pursuant to Title IV of NWPA, as amended.

Enclosure

additional wastes in its evaluation of the waste disposal system, DOE may not be completely analyzing all the waste that will require final disposal in a deep geologic repository.

I trust these comments will be useful to DOE.

Sincerely,

~~James M. Taylor~~  
Executive Director  
for Operations

*change  
to  
R. Bernero*

Enclosure: As stated

cc: R. Loux, State of Nevada  
T. J. Hickey, Nevada Legislative Committee  
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Mr. Lake Barrett

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Without including these additional wastes in its evaluation of the waste disposal system, DOE may not be completely analyzing all the waste that will require final disposal in a deep geologic repository.

I trust these comments will be useful to DOE.

Sincerely,

James M. Taylor  
Executive Director  
for Operations

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Mr. Lake Barrett

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