



Department of Energy

Washington, DC 20585

DEC 09 1991

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Mr. John J. Linehan, Acting Director
Repository Licensing and Quality
Assurance Project Directorate
Division of High-Level Waste Management
Office of Nuclear Material Safety
and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Linehan:

The U.S. Department of Energy (DOE) is concerned about a statement in the U.S. Nuclear Regulatory Commission's (NRC) "Quarterly Progress Report on the Pre-licensing Phase of the U.S. Department of Energy's Civilian High-level Radioactive Waste Management", dated October 24, 1991. The statement infers a misunderstanding on the part of the NRC staff regarding the DOE's position that the Waste Acceptance Preliminary Specifications (WAPS) document is consistent with the tentative performance allocations in the Site Characterization Plan (SCP). On page 6 of the Quarterly Progress Report, NRC indicated that "... the DOE decision to modify the rationale for the 'release' specification in the WAPS does represent a change in the DOE's approach to the structure of the WAPS and a departure from the staff's understanding about the purpose of this specification."

As the enclosed letter demonstrates, DOE has recently responded to this assertion by NRC and continues to maintain the position stated in the enclosure.

If you have any questions, please contact Linda Desell of my staff on 202-586-1462.

John P. Roberts
Acting Associate Director
Office of Systems and Compliance

Enclosure:
11/8/91 letter, Roberts to Linehan

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CC:

R. Loux, State of Nevada
M. Baughman, Lincoln County, NV
D. Bechtel, Clark County, NV
S. Bradhurst, Nye County, NV
P. Niedzielski-Eichner, Nye County, NV
R. Campbell, Inyo County, CA
R. Michener, Inyo County, CA
G. Derby, Lander County, NV
P. Goicoechea, Eureka County, NV
C. Schank, Churchill County, NV
C. Jackson, Mineral County, NV
K. Wipple, Lincoln County, NV
F. Sperry, White Pine County, NV
J. Bingham, Clark County, NV
L. Vaughan, Esmeralda County, NV
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Dear Mr. Linehan:

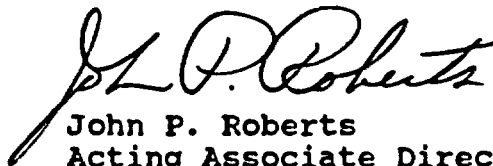
A statement in your letter to D. Shelor, dated September 30, 1991, infers a misunderstanding on the part of the NRC staff regarding the DOE's position that the Waste Acceptance Preliminary Specifications (WAPS) document is consistent with the tentative performance allocations in the Site Characterization Plan (SCP). In that letter, the trip report from the NRC visit to the Savannah River Defense Waste Processing Facility (DWPF), contains the following quote from the paragraph at the top of page 2: "The NRC staff does have concerns, as a result of the interaction with the DOE staff [during the DWPF visit], that DOE is changing its position on the allocation of performance to the waste form."

To exemplify DOE's consistent position to the NRC, a letter from Shelor to Linehan, dated August 21, 1991, contained the following quote on page 1, item 1 (line 14): "WAPS are not intended to be a measure of the glass waste form performance in the repository. For example, on page 8.3.5.10-35, the SCP states that '. . . the leach rates referenced in Specification 1.3 [of the WAPS] are not intended to be a measure of the glass waste form performance in the repository or to act as a source term for the performance of the engineered barrier system. This specification is intended to discriminate between well-made glasses and non-vitreous products that may result from variation in process feed composition . . .' With the information provided through the WAPS, a design, testing, model-development, and performance assessment program can be defined and implemented that will provide assurance that this waste can be disposed of with full regulatory compliance."

Note that the quote from the 1988 SCP was available to the NRC in the Draft SCP in early 1987, which was reviewed in detail by the NRC staff. The position espoused in the August 21, 1991, letter is entirely consistent with the position documented by the DOE in the SCP (circa 1986, effectively) and, contrary to the September 30, 1991, letter, represents no change in the DOE position on this matter over at least the past five years.

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If you have any questions, please contact Linda Desell of my staff, at 202-586-1462.



John P. Roberts
Acting Associate Director
Office of Systems and Compliance
Office of Civilian Radioactive
Waste Management

Enclosures:

9/30/91 letter, Linehan to Shelor
8/21/91 letter, Shelor to Linehan

cc:

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