

December 1, 1994

LETTER FOR: Those on Attached List

SUBJECT: INFORMATION ENCLOSURE

Dear Ladies and Gentlemen:

I am enclosing for your information, a copy of the recent letter from the Chairman, U. S. Nuclear Regulatory Commission to Mr. Daniel A. Dreyfus, Director, Office of Civilian Radioactive Waste Management, U. S. Department of Energy (DOE) dated November 23, 1994. The letter asks that DOE specifically address certain issues at the upcoming DOE Commission briefing on December 19, 1994. If you have any questions, you may contact me at (301) 415-6643.

Sincerely,

JS

Joseph J. Holonich, Chief
High-Level Waste and Uranium
Recovery Projects Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Enclosures:

- 1. List of Addressees
- 2. November 23, 1994 Letter

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 23, 1994

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Distribution:

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Dr. Daniel A. Dreyfus, Director
Office of Civilian Radioactive
Waste Management
U.S. Department of Energy
1000 Independence Ave., SW
Washington, D.C. 20585

Dear Dr. Dreyfus:

In June of this year, you briefed the Commission on the status of the Civilian Radioactive Waste Management Program including what was then termed the Proposed Program Approach. Since the June briefing, the Department has begun to implement the Program Approach which anticipates making a site suitability determination in fiscal year 1998 and a license application to the NRC in fiscal year 2001. The Commission has been following this development with interest. Recently the Commission has been briefed on a number of aspects of the High-Level Waste Program, including the Program Approach, by the NRC staff and a number of other organizations including the Advisory Committee on Nuclear Waste and the Nuclear Waste Technical Review Board.

The Department of Energy (DOE) is again scheduled to brief the Commission on the Status of the High-Level Waste Program on December 19, 1994. We believe that the December 19 briefing provides an excellent opportunity for DOE to address some of the issues raised by the Program Approach.

The Commission asks that you specifically address the following issues:

- We have been unable to determine whether the Program Approach has a specific waste disposal concept upon which decisions will be based regarding investigations necessary to demonstrate site suitability and/or necessary to support licensing of a geologic repository. Without a waste disposal concept, supportable decisions about which investigations are necessary will be difficult to make. We ask that you describe how DOE intends to determine which investigations are necessary to determine site suitability and which are necessary for licensing if the design of the repository system is not explicitly defined.

- Several of the organizations that have briefed the Commission have suggested that the methodology adopted in the Program Approach will place reduced emphasis on the

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Originated By: M. Knapp, NMSS

defense-in-depth philosophy. Statements in the Five-Year Plan can be interpreted to suggest that DOE intends to increase reliance on engineered barriers and decrease reliance on natural barriers. The Commission is interested in learning more about the balance between engineered and natural barriers envisioned by the Program Approach.

- The proposed external peer review process associated with site suitability that involves the National Academy of Sciences could lead to the hardening of DOE's positions before the NRC staff has an opportunity to make formal comments. What provisions are in place in the Program Approach to provide for early NRC input and involvement in the process to ensure that the characterization of the site will be sufficient to support a license application?

- In a letter dated June 24, 1994, I noted that the Licensing Support System (LSS) is indispensable to the Commission's acceptance and review of the DOE license application. The system must also be available early enough to be used effectively in preparation for the hearing process. Staff informs me that there has been excellent progress in communications between the LSS administrator and DOE Yucca Mountain Project under the new approach. However, we continue to be concerned about how the development of the LSS will be integrated into the schedules and budget for the Program Approach.

It is essential for the successful functioning of the licensing process that DOE provide sufficient information so that NRC can clearly understand the implications of the Program Approach. If you have any questions concerning this request, please contact Dr. Malcolm Knapp at (301) 415-7437.

We look forward to your briefing.

Sincerely,



Ivan Selin