

JUN 16 1988

Mr. Allan Whiting
Center for Nuclear Waste
Regulatory Analyses
6220 Culebra Road
San Antonio, TX 78284

SUBJECT: PROGRAM ARCHITECTURE TERMINOLOGY (YOUR LETTER, SAME SUBJECT DATED
JUNE 14, 1988)

Dear Mr. Whiting:

In our letter telefaxed to you June 15, I indicated our disapproval of the definitions contained in the subject letter. The purpose of this letter is to indicate our desire to amplify further on the rationale for our position and to provide comments on the Process Diagram For Developing and Maintaining the Program Architecture during the meetings next week.

On reviewing the revised Process Diagram, we understand the basis for your recommendations. However, of greater concern is the indication that there may be a lack of concensus regarding the overall strategy for the Program Architecture development which may have precipitated the different views on the terminology and definitions.

It is our desire that the goal of the program architecture development be to focus on putting into place the optimum NRC program to reach the regulatory decision on Construction Authorization within the three-year time period as mandated by the NWPA. The basis for this requirement was the belief that a regulatory decision could be made in a short time frame only if the DOE submitted a high quality application -- one in which only the merits of the data would be evaluated. This assumes that regulatory and institutional uncertainties as well as those technical uncertainties associated with Compliance determination Methods would have been reduced to the point where litigation was not required.

Based on the preliminary implications of your work to date, there may well be more uncertainties to be addressed than can be accommodated in the time remaining. It will not be possible for NRC to undertake resolution of each and every uncertainty. Therefore, NRC staff desires to follow a strategy that focuses first on reducing regulatory uncertainty. This is NRC's exclusive responsibility. By establishing, through rulemaking to the greatest extent possible the "elements of proof", we intend to put DOE on notice that they must undertake the lead for the reduction of technical uncertainties, particularly those pertaining to Compliance Determination Methods. This would include obtaining NRC's regulatory position on its adequacy in advance of submittal of the

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Application for Construction Authorization. Otherwise, it is important that NRC make it known that the time required to litigate associated uncertainties must be added to the three years allocated in the Project Decision Schedule for the NRC regulatory decision. This strategy would still involve a substantial program on NRC's part in compliance determination uncertainty reduction, but require DOE to take the lead responsibility.

We request that you evaluate our proposed goal and strategy and be prepared to discuss your views during the meetings next week.

Sincerely,

Original Signed By 

Philip S. Altomare
Systems Engineering and Evaluation
Branch
Division of High-Level Waste
Management

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