



OFFICE OF THE
CHAIRMAN

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

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February 6, 1980

The Honorable John Wydler
United States House
of Representatives
Washington, D.C. 20515

Dear Congressman Wydler:

Thank you for your letter of August 3, 1979 regarding the publication of the contractor report, "Solidification of High-Level Radioactive Waste," NUREG/CR-0895, prepared for the U.S. Nuclear Regulatory Commission (NRC) by the Panel on Waste Solidification of the National Academy of Sciences (NAS).

The following is a brief history of the events that led up to publication of the report. The contract for the report was awarded on January 11, 1977, and was to have expired on January 11, 1978. Four no-cost extensions were requested by NAS and authorized by the NRC contracting officer. Thus, the contract expired on August 15, 1978. By letter dated July 26, 1978 to NRC (Enclosure 1), NAS transmitted a prepublication copy of the final report. The report had gone through the entire normal NAS review process and was about to be printed by NAS in early September 1978, when it was withdrawn at the last minute due to intervention by a DOE representative. On October 30, Dr. Handler of NAS wrote to inform then NRC Chairman Hendrie that printing of the report had been delayed because some aspects of the data base used in the report has been questioned. He also requested that a copy of his letter (Enclosure 2) be attached to all copies of the prepublication report that we distributed. It was also in late October that the NRC staff first became aware of the controversy surrounding the report. On November 6, 1978, we were supplied a camera-ready copy of the prepublication manuscript by NAS.

On February 5, 1979, when a final report had still not been delivered, NRC's Division of Contracts requested a final report from the NAS and noted our objection to incorporation of the DOE comments in the final report (Enclosure 3). This concern was based on our apprehension that, if comments from DOE were incorporated in the final report, the independence of the research performed by NAS for the NRC would be viewed as having been compromised. On April 10, 1979, Dr. Handler wrote to Chairman Hendrie again and enclosed a statement from the Commission on Natural Resources (Enclosure 4) which addressed certain questions concerning the report. Copies of Dr. Handler's letters and the Statement of the Commission on Natural Resources were included in a revised camera-ready manuscript transmitted to the NRC staff on May 4, 1979, and are contained in Appendix E of NUREG/CR-0895. A record of all comments made by the reviewers was requested from the NAS on September 24, 1979, and has been placed in the NRC Public Document Room.

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You have asked why we did not include any special reservations or disclaimers when we published this report. As with all contractor reports, this document was not edited but was published exactly as received from the National Academy of Sciences, with the standard disclaimer on the front inside cover. Contractors reports are published to make available to the public the same information which is available to the Commission for consideration when formulating a position.

You asked why the criticisms by the U.S. Department of Energy (DOE) and by Dr. Pigford were not included in the report, and you asked why Dr. Kenneth Davis' name was not omitted. As noted above, we were concerned that the inclusion of DOE comments could compromise the independence of the report. Furthermore, this was a contractor report, published exactly as received, and NAS did not choose to include either DOE's or Dr. Pigford's criticisms in the manuscript submitted to us. Had Dr. Pigford's or DOE's remarks been included in the manuscript, the NRC would certainly have published them.

Conversely, the NRC would have removed Dr. Kenneth Davis' name from the report had NAS so removed it. NAS has advised that Dr. Davis' name was included in the report through a clerical error. While Dr. Kenneth Davis did serve on the Energy Board Oversight Committee during the contract negotiations, he was not on the Committee on Radioactive Waste Management, nor was he in any way, affiliated with the project during the research and writing of the report. Two others, Manson Benedict and Arthur Piper, were also erroneously listed in a similar manner due to their association with the Committee during the time the NRC/NAS contract was negotiated.

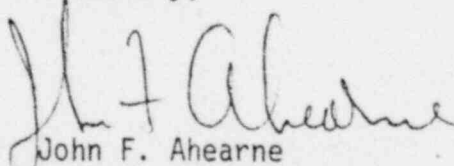
While we recognize the controversy about the report, we consider that its basic conclusions and recommendations are sound. In fact, similar recommendations were made recently by a DOE peer review panel that met in August 1979, and by Sandia Laboratories in its report SAND 79-0531, "Immobilization of Defense High-Level Waste: An Assessment of Technology Strategies and Potential Regulatory Goals," dated June 1979.

We believe much more emphasis should be placed on the performance of the waste form and its package as a barrier to the release of radioactive materials, and that a more aggressive waste form and packaging development and demonstration effort should be undertaken. If these measures are undertaken now, we foresee no delay whatsoever in DOE schedules for operation of the first repository or the proposed solidification facility at the Savannah River Plant. Even if there were delays, we consider it a small price to pay for the added confidence the waste disposal system will perform in a safe and acceptable manner during the period when the greatest potential hazard exists.

Finally, in order to minimize any confusion over the status of the NAS panel report, we have prepared an addendum (Enclosure 5) to be sent to all recipients of the original report.

Thank you for the opportunity to clarify these issues for you.

Sincerely,


John F. Ahearne
Chairman