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Atomic Industrial Forum, Inc.
7101 Wisconsin Avenue
Washington, D.C. 20014
Telephone: (301) 654-9280
TWX 7108249802 ATOMIC FOR DC

Edwin A. Wiggin
Executive Vice President

MARKET NUMBER
PROPOSED RULE PR-2, et al (25)
94 FR 70408

March 6, 1980

Secretary of the Commission
Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Docketing and Service Branch

Subject: Comments on "Disposal of High-Level Waste
in Geologic Repositories; Proposed Licensing
Procedures." 10 CFR Parts 2, 19, 21, 30,
40, 51, 60 and 70. FR Vol. 44 70408-70421,
December 6, 1979.

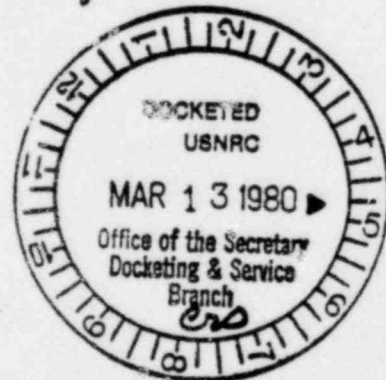
Dear Sir:

The Subcommittee on Radioactive Waste of the Atomic
Industrial Forum's Committee on Nuclear Fuel Cycle
Services is pleased to submit comments on the above
referenced subject.

Sincerely,

Edwin A. Wiggin

EAW:jmc
Enclosure



Acknowledged by card: 3-14-80

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Comments of the AIF Subcommittee
on Radioactive Waste on
"Disposal of High-Level Wastes in Geologic
Repositories; Proposed Licensing Procedures"

10 CFR Parts 2, 19, 20, 21, 30, 40, 51, 60 and 70
Federal Register, Vol. 44 70408-70421, December 6, 1979

The AIF Subcommittee on Radioactive Waste is pleased to comment on the proposed rule for licensing the receipt and disposal of high-level radioactive wastes (HLW) at geologic repositories (10 CFR 60), which was published in the Federal Register by the Nuclear Regulatory Commission on December 6, 1979. We recognize that the proposed rule contains only the procedural requirements for licensing and does not address the technical requirements, and we are restricting our comments at this time to the proposed procedural requirements. However, it may not be possible to totally separate subsequent comments on the technical issues from these comments and observations on the procedural requirements. Thus, when we subsequently review the proposed technical requirements, we may offer additional comments on the procedural requirements.

The Subcommittee believes that a very high priority should be given to a well defined government program of action to resolve the nuclear waste issue; and that an important part of this program is the development of an operational geologic repository for High Level Waste without undue delay because of procedural or institutional issues. We believe that the definitions of appropriate licensing procedures and technical criteria for such repositories is a beneficial step; and we have reviewed the proposed rule with this objective in mind.

General Comment

Our major concern with the proposed rule is the implication that NRC must await DOE's completion of extensive site characterization programs for several sites in several media before it can establish licensing criteria. We are aware of the obligation imposed on DOE by the President's policy statement of February 12 to "focus on research and development, and on locating and characterizing a number of potential repository sites in a variety of different geologic environments with diverse rock types." That policy statement further states: "When four to five sites have been evaluated and found potentially suitable, one or more will be selected for further development as a licensed full-scale repository."

The rationale for this deliberate approach is to satisfy the public acceptance and political issues that over the years have come to be

associated with resolution of the waste management problem. We endorse the President's program and believe it has the potential for resolving public acceptance and political issues. On the other hand, NRC's responsibility in determining licenseability should be based solely on whether a particular site meets certain predetermined technical criteria. It should not be necessary for NRC to evaluate the characterization of multiple sites in multiple media to develop performance criteria. Further, such criteria should be available at an earlier date than is indicated in the President's policy statement in case the Congress, which it has within its powers to do, determines that the program should be accelerated.

Specific Comments

A. Our general comment applies specifically to the tone of the Supplementary Information as follows:

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"...We anticipate that it will be necessary for the Department to explore at depth more than one site at different locations and in different geologic media...."

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"...procedure here is consistent with the recommendation of the Interagency Review Group on Nuclear Waste Management which calls for simultaneous investigation of several potential sites...."

3. Page 70410 Vol. 44 No. 236

"...in light of the requirement discussed above that multiple sites must be characterized...."

It appears that the writer has used the careful selection of random points to develop the basis for an NRC requirement.

We would like to note that the IRG report also states, page 62 of TID-29442, "...a number of potential sites in a variety of geologic environments should be identified and early action should be taken to reserve the option to use them if needed at any appropriate time. In order to avoid working toward and ultimately having a single national repository, near-term options should create the option to have at least two (and possibly three) repositories become operational during this century, ideally, in different regions of the country."

We agree with the objective of the above paragraph, but do not believe that this objective requires any delay in proceeding with the development of NRC criteria.

- B. Our general comment also applies to the proposed modification to 10 CFR, Paragraph 51.40(d). We see no technical or environmental basis for the requirement that an environmental report must include "site characterization data for a number of sites in appropriate geologic media." A recommended approach would be for DOE to show that at the particular site for which construction authorization is sought, the geologic conditions fall within NRC technical requirements. The DOE submission could be supplemented by the results of preliminary borings and geophysical testing for alternate candidate sites.

C. Paragraph 60.2 Definitions

1. We believe the list of definitions may have to be significantly expanded once the technical requirements section of 10 CFR 60 are defined. Thus, we may have later comments on this section.
2. The term "decommissioning" has a significantly different meaning in this part than in other parts of 10 CFR. We suggest a different term be used, such as "Permanent Closure."
3. We suggest that the words "storage space" in Item (2) be changed to "repository." The word storage implies temporary rather than permanent.
4. With respect to Item (i), we would note that all irradiated reactor fuel is not High Level Waste. It may be a valuable resource. Therefore, for purposes of this definition, we recommend that the words "spent reactor fuel intended for disposal" be substituted for "irradiated reactor fuel."