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July 24, 1980

McCormack

Mr. John Davis
Deputy Director
Office of Nuclear Materials
Safety and Safeguards
Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Davis:

On behalf of the Subcommittee on Energy Research and Production, I wish to express our appreciation for the testimony that you presented at our hearing on the Nuclear Waste Research, Development, and Demonstration Act of 1980, H.R. 7418, on May 29, 1980. We recognize the considerable effort you made in preparing your testimony during the very brief period between our notice to you and the hearing. Your contribution has been valuable to the Congress and the public.

To help provide a complete record for the hearings, we would appreciate your response to some additional questions. I realize that it is some time since the hearing was held, but we still feel this information would be quite useful for the record. The delay in sending these questions has been due, in part, to our pre-occupation with waste management legislation. It would be helpful if you could provide your response by August 18, 1980. For your convenience, I have enclosed a copy of the report on the subject bill.

Thank you for your cooperation. If you require further information, please contact Dr. Robert Leachman of the Subcommittee staff on 225-8056.

Sincerely,

Mike McCormack
MIKE MCCORMACK, Chairman
Subcommittee on Energy
Research and Production

MM:Lmb

Enclosure:

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QUESTIONS FOR MR. DAVIS

1. With regard to your recommendation that H.R. 7418 include a requirement for a Site Characterization Plan (SCP), please clarify the following:
 - o The detailed requirements for an SCP must be formulated and announced sufficiently in advance of the December 31, 1980 deadline in H.R. 7418 for the announcement of the first two repository locations? Is this practicable?
 - o If an SCP is required, a definite time for completion of action by the Nuclear Regulatory Commission may also be specified. What is the minimum NRC review period that may be necessary?
 - o For RD&D facilities other than reactors, (whether repositories, solidification facilities, or others), is there any precedence for requiring an SCP (or its equivalent)?
 - o H.R. 7418 and its report require careful and thorough coordination between the Department of Energy and the Nuclear Regulatory Commission. Is this coordination requirement necessary? Please explain. In what ways would a formal requirement of an SCP either advance the project or aid the DOE in performing its responsibilities?
2. The enclosed report on H.R. 7418 details the step-by-step plan for coordination with the NRC and other agencies in the preparation of technology-demonstration repositories. What other coordination requirements should be provided for, if any?
3. Please provide the following additional information about licensing.
 - o Do the repositories required by H.R. 7418 fulfill the criterion of "small research and development" facilities that you said could be unlicensed? Is there some measure of "small research and development" repositories other than the number of canisters it contains compared to the number for a full-size repository?
 - o What, if any, additional reviewing and inspecting requirements are necessary from those specified in the report?
 - o The coordination procedures outlined in the report were specified to guard, to the maximum extent practicable, against any actions that might compromise the possibility of later licensing. Are further coordination directives necessary? Why does your criterion for licensing differ from that provided in the law (Energy Reorganization Act)?

4. As noted in the attached report and the Report 96-967 Part III on the DOE Authorization bill H.R. 6627, DOE already has many geologic studies and several deep-core drillings at various sites. Do these investigations at various locations suffice for the desired alternate locations that you cite in your testimony as needed to comply with NEPA?
5. The description of "consultation and coordination" in the enclosed report was specifically made very broad to fit what the Administration said was necessary. The description was intentionally clarified, however, to avoid the misconception that a State veto power over DOE decisions was intended. Please state exactly what additional requirements are desirable.
6. Please provide more specific scientific information about the time at which reprocessed wastes and spent fuel reach safety levels of uranium ore (in the terms of the report).
 - o Is it not true that the authoritative analyses show that reprocessed wastes (after first-time-through in recycling) become as safe as the uranium ore after 350-500 years?
 - o What, if any, extra requirements is the NRC imposing by the 1000 year reference in your testimony? Please provide analytical references to substantiate this 1000-year time period.
 - o Is it not true that the authoritative analyses show that spent fuel reaches this level of safety after about 10,000 years?
 - o Are there any scientific analyses that indicate that this time for spent fuel is similar to the time for reprocessed wastes?