



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

January 25, 1990

The Honorable James D. Watkins
Secretary of Energy
Washington, D.C. 20585

Dear Mr. Secretary:

We are responding to your November 29, 1989 request for the Nuclear Regulatory Commission's (NRC's) comments on schedules incorporated in the Department of Energy's (DOE's) "Report to Congress on Reassessment of the Civilian Radioactive Waste Management Program." The schedules incorporated in the DOE report show DOE starting the construction of the exploratory shaft facility in November 1992 and submitting its license application to NRC in October 2001. This would allow approximately eleven years for the ongoing pre-license application phase.

As Chairman Carr noted during Mr. Leo Duffy's December 20, 1989 briefing on this subject, the Commission is pleased with your commitment to ensure that the scientific investigations will be the focal point for the restructured program. As DOE noted, this should help ensure that results are technically sound and uncoupled from a scheduling process which might constrain the collection of sufficient information for a determination of site suitability and a thorough and complete license application.

We recognize the importance of the activities DOE is planning in 1990 and 1991 to begin implementing its restructured program. The NRC is committed to supporting these activities by conducting reviews and interacting with DOE as early and as often as needed. To help ensure that our planning and resource allocations are adequate to support DOE's restructured program, it is important that DOE and NRC begin developing consistent, detailed 1990 and 1991 milestones and schedules for those activities where the NRC staff's involvement will be necessary. We believe that early interaction on the following items is particularly important: (1) events necessary for meeting the September 1990 date for NRC's acceptance of the Office of Civilian Radioactive Waste Management's quality assurance program; (2) events necessary to ensure adequate technical consultation through open meetings during NRC's ongoing refinement of its regulatory requirements and guidance; (3) events necessary to support beginning surface-based testing in January 1991; and (4) events necessary to support beginning construction of the exploratory shaft facility in November 1992. Mr. Robert M. Bernero, Director of the Office of Nuclear Material Safety and Safeguards, is the appropriate contact for staff initiating interactions.

9001310177 900125
PDR ORG ELISDOE
PIC

FULL TEXT ASCII SCAN

DF03 Add: Kathy Rieagno (LSS) 4r
1/0 NuPACS Abstract 1

The Honorable James D. Watkins

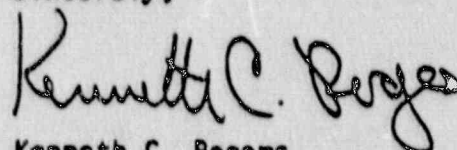
-2-

The schedules also include significant activities in the years beyond 1991 in the areas of licensing a monitored retrievable storage (MRS) facility and certifying transport casks. In addition to amendments to the Nuclear Waste Policy Act, these activities will require productive interactions with the NRC staff. For example, the reference schedule indicates a period of 18 months for NRC to license the MRS's simple receiving facility. The viability of such a schedule depends on the success of substantive review and certification activities before receipt of the MRS license application in July 1995. We believe that staff interactions should begin as soon as practicable to clarify what NRC activities would be necessary to support DOE's schedule.

The Commission continues to believe that our ability to complete the repository review in the three-year time frame prescribed by Congress depends on the effectiveness of the pre-license application program. The Commission's previous comments on DOE's programmatic documents have identified key action items considered vital to achieve an effective pre-license application program. The Commission is encouraged that the restructured program reinforces DOE's previous commitments to early identification and resolution of issues through systematic consultations with NRC and early implementation of a quality assurance program. However, it is not clear how the restructured program will address another key item, development of a licensing support system. Future reference schedules should include the design and development schedule for a licensing support system, consistent with DOE's revised schedule.

NRC will be prepared to reassess the reference schedules as DOE completes other actions described in the report to Congress that may result in further changes.

Sincerely,



Kenneth C. Rogers
Acting Chairman

cc: Office of Civilian Radioactive
Waste Management