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## DEPARTMENT OF COMMERCE

DOUG ROSS, Director

June 18, 1986

Nunzio J. Palladino, Chairperson  
U.S. Nuclear Regulatory Commission  
1717 H Street N.W.  
Washington, D.C. 20555

Dear Dr. Palladino:

The National Association of Regulatory Utility Commissioners (NARUC) was very appreciative of the opportunity to meet with the U.S. Nuclear Regulatory Commission (NRC) last April for the purpose of discussing the federal high-level nuclear waste program. This multibillion dollar effort is of great national importance and presents a challenging task for both the U.S. Department of Energy (DOE) and the NRC. Along with the NRC, the NARUC pledges its best efforts to assure that a safe and successful federal program is created, licensed and carried to completion.

As we indicated, our intention in beginning this dialogue with the NRC is not simply to urge a swift and positive result for the DOE license application, but to help assure that the licensing process is thorough and deliberate, with early identification and resolution of all problems. Our desire is for a program that is safe, well-managed and cost effective.

I was personally gratified by the opportunity that you provided for the NARUC to open a constructive dialogue with your Commission. It was helpful to learn about the substantial efforts already in progress by the NRC and its staff in anticipation of receiving the DOE license application for the high-level nuclear waste repository. This is certainly in the interests of the electric ratepayers we represent - the people who are paying for the national program.

Because the NRC plays such a key role in this project, I believe it useful and appropriate to record our impressions of the major points that were covered during our discussions:

- (1) A cost-efficient licensing process will require of the NRC as much prior identification as possible of the information it will need. This identification will include both the degree of detail and the depth required so that the DOE can produce a quality application as defined by the NRC. As an example, the NRC's development of an applicant's acceptable quality assurance program is under way. This example was given to us by Commissioner Asselstine at our February, 1986 meeting with him and he reiterated it at this latest meeting.
- (2) The licensing support system will be re-examined very carefully for its ability to reduce unnecessary delays or challenges during the discovery process, i.e. that purpose which it is designed to accomplish. Furthermore, an assessment will be made of the likelihood that all affected parties will agree to use it and contribute to its content.
- (3) I also believe we established, somewhat to our mutual surprise, that the total number of licensing-related documents to be produced is so large that some document control, in addition to the new system, is necessary. In fact, we raised the question whether it is reasonable to conclude that the licensing process is manageable. We also believe that the very large number of documents is a stimulus to raising basic questions about the NRC's licensing process and the need to analyze whether another process may be more efficient, indeed necessary for the nuclear waste program.
- (4) We discussed the appropriateness and applicability of the familiar two-step licensing process that has been used for nuclear power plants -- raising the issue of whether a continuous mode for the geological repository would be more germane. Our concerns focused on the difficulty of maintaining movement in the licensing process; the obvious difference between licensing a nuclear plant owned by an investor-owned utility and a repository built by another governmental agency; and the difference in the duration of the license, 40 years versus virtually "forever" for the repository. We questioned whether a more continuous type of licensing process would be preferable. That is, could the NRC staff more continuously follow the progress of the DOE, reviewing and signing off as identifiable tasks are completed by the DOE thus eliminating delays that could lead to expensive retrofits? The revised process should be carefully designed to maintain protection of the rights of all affected parties.


It is our understanding that the NRC agreed there must be, at the very minimum, a continuous exchange of information between the NRC and the DOE. At least one Commissioner stated the necessity of making sure that the NRC does not wait until just before the operation of the repository before identifying and addressing issues that surfaced during construction. We were encouraged by your reaction to our concerns and believe you will be investigating further the potential to make the process more responsive.

- (5) We also raised the question whether the lessons learned from the Kemeney, Rogovin and other investigations of the NRC and its activities have been applied to the NRC's nuclear waste licensing process.

I wish to return to one point that may not have been clear in our discussion. The number of licensing documents will be, by NRC staff estimates, very large. We have observed that the number given to us, 16 million, is more than the number of documents in a major university library. The proposal for a licensing support system by the NRC is an attempt to employ the most modern technology to accommodate this very large number and to reduce problems in discovery. As agreed, you will be testing to assure that the system will perform its task. Beyond that, if this licensing process is so large as to require a storage mechanism at or near the leading edge of the technology of document control, it raises a broader question. It seems that an extensive and insightful evaluation of the licensing and hearing process must be undertaken so as to discover other alternative processes, new rules, controls and technology that must be employed to maintain process movement and keep it from collapsing. We of the NARUC would appreciate your views on this matter and the results of any information on Staff or Commission investigation in this regard. We stand ready to assist in any way we can.

Again, on behalf of my fellow commissioners in the NARUC, I want to thank you and the NRC for being responsive to our request for meeting with you. We view that meeting as only the initial step toward developing a cooperative effort between the NRC and the NARUC in our mutual desire to make the licensing process more effective and more efficient.

Sincerely,



Edwyna G. Anderson  
Chairperson, NARUC  
Electricity Committee  
Chairperson, Subcommittee on  
Nuclear Waste Disposal

cc: James R. Asselstine  
Frederick M. Bernthal  
Thomas M. Roberts  
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