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**Date:** 3/27/98 3:43pm  
**Subject:** Comments

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'98 MAR 30 P2:35

Attached please find the Nuclear Energy Institute (NEI) comments on 10 CFR Part 2, Procedures Applicable to Proceedings for the Issuance of Licenses for the receipt of High-Level Radioactive Waste at a Geologic Repository; Proposed Rule (62 Fed. Reg. 60,789, November 13, 1997)

OFFICE OF SECRETARY  
RULEMAKING AND  
ADJUDICATIONS STAFF  
DOCKET NUMBER  
PROPOSED RULE **PR** 2  
(62FR60789)

If you have any question, please feel free to call.

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USNRC

Steven P. Kraft  
DIRECTOR,  
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'98 MAR 30 P2:35

March 27, 1998

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

OFFICE OF SECRETARY  
RULEMAKING AND  
ADJUDICATION STAFF

Attention: Rulemakings and Adjudication Staff

Subject: 10 CFR Part 2, Procedures Applicable to Proceedings for the Issuance of  
Licenses for the Receipt of High-Level Radioactive Waste at a Geologic  
Repository; Proposed Rule (62 Fed. Reg. 60,789, November 13, 1997)

Gentlemen:

On behalf of the nuclear energy industry, the Nuclear Energy Institute (NEI)<sup>1</sup> is pleased to submit these comments on proposed changes to the procedures for licensing high-level waste and spent nuclear fuel repositories. In general, NEI endorses the proposed changes.

The current procedures (promulgated on April 24, 1989 [54 Fed. Reg. 14,925]) were developed by the Nuclear Regulatory Commission (NRC) through a negotiated rulemaking process in which the nuclear industry was represented. The Licensing Support System (LSS) – required by the current rule – was intended to be a stand-alone, electronic document storage and retrieval system for (1) discovery of documents before the license application is filed; (2) electronic transmission of filings by the parties during the proceeding; (3) electronic transmission of orders and decisions related to the proceeding; and (4) access to an electronic version of the docket. Also included were procedures intended to provide for an efficient repository licensing proceeding aimed at assisting NRC in meeting the three to four year licensing requirement contained in Section 114 (d) of the Nuclear Waste Policy Act of 1982 (NWPA).

The proposed changes would upgrade the current procedures to take advantage of developments since 1989 in electronic document storage, retrieval, transmission, etc., especially the Internet. These changes are appropriate and help to resolve the industry's concerns with the LSS as originally conceived. In 1989, the industry

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<sup>1</sup> NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

questioned the cost-benefit of a stand-alone LSS (then estimated at \$200 million) given the changes that were beginning to occur in electronic document handling and are now being realized. The revised procedures would allow the use of improving technologies by the parties as the technologies become available without further changes to the rule. The changes will also save significant costs, because the requirement to design, build and maintain a stand-alone LSS is eliminated.

The proposed changes would not diminish, but rather assist in providing an efficient repository licensing proceeding, thereby helping NRC meet the three to four year licensing requirement as required by the NWPA. The parties will be better able to access licensing documentation and more easily participate in the proceeding. In addition, interested members of the general public will have more convenient access through the Internet. Thus, the proposed changes further the principles that underlie the purpose for which the LSS was created.

There were a number of important issues related to the proposed changes discussed at the February 24, 1998 LSS Advisory Review Panel (LSSARP) meeting, including the definition of documentary material, cost and equity concerns, compliance, and the need for the LSS Administrator and the LSSARP. Of these, only the definition of documentary material required additional, significant input. Several LSSARP members indicated that they would submit recommended definitions prior to the close of the comment period. It is recommended that NRC issue for comment a draft of the new definition, while the rest of the rule is issued as final. The rule can then be modified once the definition of documentary material is finalized. This approach would minimize any delay in implementing the revised rule pending the finalization of the definition of documentary material.

NEI appreciates the opportunity to comment on these needed proposed changes. If you have any questions, please do not hesitate to contact us.

Sincerely,

Steven P. Kraft