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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

EXEMPT SESSION
(Open to Public Attendance)

BRIEFING BY DOE ON WASTE MANAGEMENT REPORT

Room 1130
1717 H Street, N.W.
Washington, D. C.

Friday, March 17, 1978

The meeting of the Commissioners was convened at 9:40 a.m., pursuant to notice, VICTOR GILINSKY, Acting Chairman, presiding.

PRESENT:

VICTOR GILINSKY, Commissioner (Acting Chairman)
PETER BRADFORD, Commissioner

ALSO PRESENT:

R. LeGassie (DoE)
J. Shaheen (DoE)
S. Chilk
J. Shapar
L. Gossick
C. Smith
B. Snyder
J. Kelley
W. Bishop

P R O C E E D I N G S

COMMISSIONER GILINSKY: Well, we are here to hear about the Report of the DoE Task Force on Waste Management.

Roger LeGassie is the Chairman and has come here to brief us on it and we welcome you, Roger.

MR. LeGASSIE: Thank you, Mr. Chairman. We have some vu-graphs and I thought I would just try to take you quickly through a short presentation, and then I think we might want to discuss some of the things that I bring up in the presentation of others.

The first slide, please.

(Slide)

The most important point about this report, this Task Force effort is that it represents only the efforts of an internal Department of Energy task force. It is not official Department of Energy policy. While the document contains a number of recommendations and suggestions, they are those of the Task Force only. They don't commit the Department to actually make those changes or enter into those program revisions.

Rather, what is anticipated is that the Task Force Report is an input to an intergovernmental policy formulation activity. The President signed a letter to a number of government agencies last Wednesday appointing them as an

1 interagency review group. It will be chaired by the Department
2 of Energy. Its purpose is to develop an administration of
3 view of nuclear waste management policy, plans and programs;
4 and to produce a report itself by the First of October.

5 COMMISSIONER BRADFORD: Is that when this draft
6 report stops being a draft?

7 MR. LeGASSIE: I don't know that the word "draft"
8 will ever be taken off this report.

9 I think it serves its purpose by being an input
10 to this larger process. Decisions, I think, would not come
11 out of the interagency activity. And the reason we put "draft"
12 on the document, even though it is really a final report of the
13 Task Force is to emphasize the fact that it is not a decision-
14 al document and that no one is moving on the basis of the
15 recommendations in it, per se.

16 We do expect that this intergovernmental review
17 activity will have a substantial amount of public input of
18 going -- deliberately reaching out to get the views of
19 Congress, states, industry and the concerned public and so on,
20 as the slide indicates.

21 The objective of this is to develop an administration
22 view, not just the Department of Energy view of waste management
23 policy and what should be done, and to have a sufficiently
24 broad consensus in the Nation and an agreement among the
25 interested agencies that one has confidence that the resulting

1 plan and program can actually be accomplished on the schedule
2 that might come out of these discussions.

3 COMMISSIONER GILINSKY: Who will chair this new
4 Task Force?

5 MR. LeGASSIE: It will be the Department of Energy,
6 they will chair it and there has been no meeting yet of the
7 principals because the letter was just signed out by the
8 President day before yesterday.

9 COMMISSIONER GILINSKY: So they will form inter-
10 agency working groups?

11 MR. LeGASSIE: Yes..

12 COMMISSIONER GILINSKY: Has anybody been appointed
13 to run that?

14 MR. LeGASSIE: No. Within the Department I would
15 imagine that the Secretary of the Department is the official
16 designee to the Task Force. Within the Department John Deutch
17 has responsibility for nuclear waste management policy. And
18 so I would assume that he and his office would provide staff
19 assistance to the Department of Energy participation in terms
20 of the policy development function of that Task Force.

21 Next slide, please.

22 (Slide)

23 A number of findings have been highlighted in the
24 press announcement and elsewhere. I don't want to dwell at
25 length on these, but we do feel that the review has indicated

1 that there is a consensus in the technical community that
2 the approach of geologic disposal for nuclear waste manage-
3 ment is the valid approach to be following in terms of the
4 status of today's technology.

5 There are obviously other ideas that could be
6 developed over much longer time frames. Transportation,
7 space disposal and so on, but on the nature, you know, of
8 subsequent kinds of technology which are much further away
9 from validation than geologic disposal.

10 COMMISSIONER GILINSKY: Now, who are these independ-
11 ent technical experts. Do you mean from outside the govern-
12 ment?

13 MR. LeGASSIE: Yes. -- Well, both in and out. Some
14 of the groups that have made findings like these in the
15 United States involve the National Academy of Sciences, the
16 American Physical Society, the U.S. Geologic Survey has a
17 report in draft which will be published shortly which reiter-
18 ates their independent view that this is so; and there have
19 similarly been findings abroad of that kind. So these are
20 not governmental findings, they are opinions of reputable and
21 independent technical people.

22 COMMISSIONER GILINSKY: Which findings abroad are
23 you referring to?

24 MR. LeGASSIE: The HAIR Report of Canada, there
25 was, I believe, a legal finding by the German Government now.

1 And there have been other reports of groups commissioned by
2 foreign governments which say some of the things to those
3 reports prepared in the United States.

4 COMMISSIONER BRADFORD: What does the word
5 "independent" mean?

6 MR. LeGASSIE: Well, it means that in this context,
7 I think, not on the Department of Energy payroll. In other
8 words, not inside the funded program of the Department of
9 Energy.

10 COMMISSIONER BRADFORD: It could be a General
11 Electric research project?

12 MR. LeGASSIE: Well, actually in terms of something
13 like the American Physical Society and National Academy of
14 Sciences, they are people who are not even involved in the
15 nuclear industry. But I think with or without that adjective
16 our view is that there is a technical consensus in the
17 scientific community.

18 Now, this is as distinguished from the question of
19 whether or not a particular site, a particular media and a
20 particular repository design are indeed suitable. We are
21 talking about a generic view.

22 As you know, the government itself has never made
23 that generic finding because the -- an input to that would
24 be the generic environmental statement which the Department of
25 Energy is preparing. And that is a document which we need

1 to complete before, I think, there can be an official
2 government view of this, meanwhile, it is the basis of our
3 planning.

4 The second point is that reprocessing is not
5 required for the disposal of commercial spent fuel which is
6 to say we think that we can safely dispose of the waste from
7 commercial nuclear power either in the form of spent fuel
8 elements or in the form of reprocessed waste from reprocessing
9 plants in that we do not have to have reprocessing in order
10 to be able to safely dispose of the product of the commercial
11 nuclear power industry.

12 COMMISSIONER GILINSKY: This is based on what,
13 nuclear properties and things like that?

14 MR. LeGASSIE: Again, in discussions with the
15 technical people in the program and those external of the
16 program, we continually ask them questions about whether there
17 was anything in their view that was generically associated
18 with spent fuel which would mean that there would be a
19 problem of disposing of it such that reprocessing would be
20 required. And I think we found even more unanimity of opinion
21 on this question than we did the first one. That is
22 it might be in some ways more desirable not to have plutonium
23 there to put in the ground if you are a waste manager, but
24 there is nothing about the situation that means that you
25 cannot do it.

1 Again, this is a generic kind of finding and doesn't
2 say anything about a particular facility or a particular
3 media or a particular site. Those happen to be determined
4 on a case-by-case basis obviously.

5 The result of this in our desire to keep progress
6 on the waste management program and not get it entangled in
7 arguments about whether there should reprocessing or there
8 should not be reprocessing but because we as waste managers
9 have to have the ability to handle any kind of waste. Our
10 view is that if you put priority within the program on
11 demonstrating the capability to handle the existing military
12 waste on the one side, which have come out of reprocessing
13 operation, and spent fuel assemblies on the other side which
14 are the current product of the light water reactor fuel
15 cycle that if you do those two things in parallel that you will
16 have done the highest priority activity in the waste manage-
17 ment program, and that's what that third billet is trying to
18 say.

19 COMMISSIONER GILINSKY: Let me ask you, would the
20 facilities be significantly different or are there significant-
21 ly different requirements for placing one way as opposed to
22 the other or ---

23 MR. LeGASSIE: There could well be differences in
24 the thermal loading of the repository, but it is not clear
25 that the corridor or the size of the facility would

1 necessarily be different.

2 COMMISSIONER GILINSKY: Well, can't it be arranged
3 that the thermal loading will be the same?

4 MR. LeGASSIE: Well, you may not wish to or that
5 might depend upon the matrix in which you put the reprocessed
6 material and so on. There are a number of variables,
7 particularly when you go out through reprocessing that you
8 could control.

9 So it does appear that you could build a single
10 facility and then that facility could receive either spent
11 fuel or reprocessed material which had been petrified and
12 placed in canisters in some way so that the facility design
13 could be developed independently of exact knowledge of which
14 one or another material was going in to it.

15 We are saying here that means that as waste
16 managers we are able to proceed with the job of waste
17 management independently of the status of this other decision.

18 If we could have the next slide.

19 (Slide)

20 There is a recommendation of the Task Force report
21 which is really a strong vote of confidence in the Nuclear
22 Regulatory Commission, if I could put it that way, expresses
23 the view that the response, to be an independent and objective
24 regulator with a high degree of public credibility.

25 We think that the responsibility for the permanent

1 disposal of all forms of nuclear waste should be with the
2 Federal Government operationally, and all such facilities
3 should be licensed. This leads to recommendations which would
4 flow from this that we think or we suggest that the Department
5 of Energy should assume responsibility for the low-level
6 commercial burial grounds, integrate their operation with
7 those of the Department's own low-level burial grounds from
8 a managerial standpoint, that all of those low-level burial
9 grounds should then be subject to NRC licensing, that the
10 disposal of true waste should also be licensed by the NRC
11 and those would be the primary changes from the present
12 situation which flow from this language. We can come back
13 to that in just a moment.

14 MR. SHAPAR: That is strictly disposal and not
15 long-term storage, is that right?

16 MR. LeGASSIE: We are talking about ultimate
17 disposal, permanent disposal as opposed to interim storage.

18 So we do not think that the Hanford waste tanks,
19 which we view as interim storage, pending the development
20 of geological depositories should be licensed. There is one
21 interim storage activity which, if we conducted we think
22 should be licensed and that is the construction of away-from-
23 reactor storage pools which to receive fuel from reactors
24 prior to ultimate disposal. And if those were built by the
25 Department they would obviously supplant private facilities

1 that might otherwise be built by the same purpose. Those
2 private facilities would have been licensed. So we think
3 any such facilities built by the Department should be
4 licensed.

5 COMMISSIONER GILINSKY: Let me ask you, on that
6 Hanford tanks, why do you draw the line between interim and
7 permanent disposal as opposed to say those activities which
8 are -- have greater or lesser impact on the public health and
9 safety. In other words, I would think that those tanks are
10 more significant in that sense than say some of these low-level
11 burial sites?

12 MR. LeGASSIE: Well, first unless one takes the
13 view that the entire activities of the Department should be
14 licensed, then a line has to be drawn somewhere. This is where
15 the line presently is drawn, we think it is a workable situation.

16 Those tanks and the rate at which they are filled
17 and so on have fairly close connection with the operation of
18 the facilities from which the waste comes and we think it is
19 simply pragmatic and desirable to keep the situation the way
20 it is.

21 What we have done is to try to make sure that the
22 status of that situation receives a lot of public exposure.
23 Just recently there has been published a report of the
24 review of the National Academy of Sciences as to the status of
25 the waste situation at Hanford and so on, which is a public

1 overview of this. So I think it is simply a vote of
2 a somewhat pragmatic way. If we are not perturbing the present
3 situation which seems to be workable and recognizing that a
4 line has to be drawn somewhere and that decision is to some
5 degree an arbitrary decision.

6 COMMISSIONER GILINSKY: Is there some internal
7 DOE independent audit of those operations?

8 MR. LeGASSIE: Yes there is. There have been
9 procedures established now following some criticism of the
10 General Accounting Office and others in the past with respect
11 to the degree of internal Department overview and a larger
12 degree of overview has been established.

13 MR. KELLEY: In terms of planned duration where
14 exactly is the long term as distinguished to the short term.
15 There has been litigation over that, you know, and it was
16 thought of 20 years then there was a suggestion that that
17 line should be 50, so it was 50. Is there an understanding
18 as to where that line exactly hits?

19 MR. LeGASSIE: I think it is probably a mistake to
20 try to decide that it is 19 and a half years. What is
21 really significant about the situation is that the Department's
22 planning has clearly indicated its intention to remove the
23 material from its present mode of storage as rapidly as we can.
24 We are busy preparing the Environmental Impact Statements which
25 will allow us to make a decision with respect to the alternative

1 disposition of that material. We have laid out plans,
2 including this document which shows the time lines to get it
3 there, so I think our behavior is indicating that we are not
4 allowing this interim situation to simply drift and perpetuate
5 itself and thus become a long-term situation through negligence.
6 And as long as we are displaying that kind of vigorous attack
7 on the problem, I think it is clear interim storage, but is
8 not intended to be long-term storage.

9 MR. KELLEY: But it does turn on the Departmental
10 attention of what you are doing now as opposed to the
11 design life of equipment.

12 MR. LeGASSIE: I would not want to get in to the
13 legal basis for -- I'm aware since there is language in the
14 Act that there may be legal issues in terms of defining that
15 language and I don't think I can contribute to that discussion
16 because I'm not a lawyer.

17 COMMISSIONER BRADFORD: There are plenty of people
18 who are not lawyers.

19 (Laughter)

20 COMMISSIONER GILINSKY: Let me ask, what about the
21 facilities that convert the waste. Would those be licensed?

22 MR. LeGASSIE: We are not proposing -- if you are
23 talking about Department facilities, no.

24 COMMISSIONER GILINSKY: Well, I would presume
25 the would be DOE facilities that would turn the liquid waste

1 into solid waste.

2 MR. LeGASSIE: Again, we are not proposing that --
3 we are proposing that the licensing be with respect to the
4 ultimate disposal facilities themselves.

5 COMMISSIONER GILINSKY: So it is really the
6 repositories that you are talking about?

7 MR. LeGASSIE: That's right.

8 Now, as I say, what this language really adds that
9 is new is the low-level burial ground operation, the disposal
10 of transuranium and separately from this we have indicated
11 that if we were to build AFRs then it is recommended in the
12 report that those also would be licensed.

13 COMMISSIONER GILINSKY: Because I would think a
14 significant part of the risk would be connected with what
15 goes on above the surface. In other words the movement of
16 the facilities the ---

17 MR. LeGASSIE: Well, I'm sure the risk starts right
18 at the point of generation of the waste. So one can go -- the
19 argument leads one back eventually to cover every activity
20 and I do think it is simply a judgmental process as to whether
21 all is covered or some part, then a line has to be drawn.

22 Let's say the Task Force's emphasis and interest
23 was on waste management, and so we addressed the disposal
24 facilities. In our view, those should be licensed.

25 We also found, and we will come back to this point

1 briefly that the NEPA process inside the Department is, in
2 our view, in significant need of strengthening in terms of
3 the job that has to be done.

4 COMMISSIONER GILINSKY: What does that mean?

5 MR. LeGASSIE: Well, I would like to come back to
6 that point and there is a slide that is coming later that
7 will expand it.

8 If we could have the next slide.

9 (Slide)

10 I think we talked already about the importance
11 of away-from-reactor storage. Our view is that such storage
12 ought to be in place by 1983 in terms of implementing the
13 President's spent fuel policy offer. That's about the earliest
14 that it could be done in any event, assuming that one goes
15 through the licensing process which we do assume. So we would
16 think that in terms of say, planning between the agencies at
17 this recommendation or point of view of the Task Force if it
18 becomes operational that we would need to work closely with
19 respect to the scheduling and elements of licensing activities
20 because we think facilities of this kind should have to move
21 forward on an urgent basis.

22 COMMISSIONER GILINSKY: Have you seen our draft
23 environmental statement on this subject and I wonder whether
24 your analysis tracks with ours?

25 MR. LeGASSIE: I know that people in the Department --

1 my impression is that they have. I have not personally
2 looked at the document, but this is a subject -- here what I
3 think I am trying to do is simply flag some areas in which
4 there will be normal transaction between the agency because
5 of their near-term significance and I think this is one.

6 COMMISSIONER GILINSKY: Now, how critical is this
7 1983 if we don't have the facilities by 1983 are the reactors
8 going to be choked with fuel or is this the point at which it
9 is desirable to have it?

10 MR. LeGASSIE: I think it is dangerous to argue that
11 some truck goes over some cliff on June 17th at midnight,
12 so I don't know that it is possible to say that it is
13 critical. I think it is highly desirable and important. A lot
14 more sophisticated analysis would be necessary before one
15 could state the consequences with extreme confidence.

16 COMMISSIONER BRADFORD: What are you talking about
17 the volume in 1983?

18 MR. LeGASSIE: As I recall there are something --
19 there are numbers in the report and it is -- I think we are
20 talking about designing and building facilities that may
21 either hold 3,000 or 5,000 metric tons of fuel. There are
22 some economies of scale so if we talked about a 5,000 metric
23 ton facility, then that would be it, but it would take a
24 number of years for that facility to be filled.

25 COMMISSIONER BRADFORD: But you are saying about one

1 such facility by 1983?

2 MR. LeGASSIE: That's right. And ---

3 COMMISSIONER GILINSKY: But you could build such
4 a facility in stages?

5 MR. LeGASSIE: That's right, yes.

6 COMMISSIONER GILINSKY: So you really need the
7 opening of that facility to be around that time?

8 MR. LeGASSIE: Right. Then even in the minimum
9 cases we studied where there was no growth of nuclear power
10 at all, but simply the reactors that already had some stage
11 of licensing including a limited work authorization. Several
12 such facilities were needed a few years apart. So it is
13 clear that one would not be building just one.

14 We also recognize that we would want to proceed with
15 the present spent fuel policy offer and this includes establish-
16 ing a charge for storage and disposal which requires some
17 conception of the waste management program in order to develop
18 a charge. And within the Department we think that's a high
19 priority matter.

20 COMMISSIONER BRADFORD: That's both foreign and
21 domestic?

22 MR. LeGASSIE: Yes.

23 The next slide?

24 (Slide)

25 This is simply to indicate the scope of the report

1 with respect to the kinds of waste that are discussed in it
2 and there is discussion from the source to the point of perman-
3 ent disposal.

4 Could we have the next slide.

5 (Slide)

6 I have already referred to our view about assumption
7 responsibility for the low-level burial grounds and that these
8 should be licensed as well as DOE's own site.

9 I did not make the point then and I want to do so
10 now that we recognize that there is a variety of approaches --
11 a number of approaches to the licensing of these facilities,
12 because five of the six commercial burial grounds are presently
13 licensed under agreement state provisions. The six that are
14 licensed directly by the NRC. And the Task Force recognized
15 that one could either have either one of those, presumably
16 with some improvements in the standards and criteria and so
17 on from the present status or develop some intermediate kind
18 of situation. We were unable to decide between the merits
19 of one or another of these approaches and we think that really
20 the views of the states involved and the NRC itself and the
21 public ought to be sought in trying to develop a final
22 position on which variation or whether a variety of variations
23 might be pursued with respect to the continuation of this
24 licensing process once DOE became the operator.

25 So we recognize there is room for formulation there

1 that we have not tried to solidify further.

2 Next slide.

3 (Slide)

4 COMMISSIONER GILINSKY: How many DOE programs are
5 there?

6 MR. LeGASSIE: There are about 14 now that are in
7 operation. I'm not sure that all of those would remain active
8 in a few years. Some of those may be filled and we might
9 want to do some consolidation. So we are taking about licensing
10 those which continue in operation and would be continuing
11 to receive material for burial. And we assume there would be
12 some interim period established in order to lay that licensing
13 in place, because the standards and criteria in other material
14 with respect to that licensing are not yet available to us.
15 So once that was known there might be some period of time
16 necessary for us to make sure the operation was in compliance
17 with those standards and criteria before we could actually
18 seek a license.

19 So we are assuming that provision would be made
20 for getting from here to there.

21 COMMISSIONER BRADFORD: Is this assumption of
22 responsibility for the West Valley extent of the operation,
23 do you know?

24 MR. LeGASSIE: No, with respect to the rest of
25 West Valley we have indicated that we think the Department

1 should attempt to assist the State of New York and nuclear
2 fuel services in reaching an agreement as to getting the
3 West Valley site cleaned up and the waste in the hands of
4 the government, all of the waste now, not just the low-level.
5 We are talking about the high-level waste in the tanks and
6 the fuel in the storage pool.

7 So while it is not clear that the Federal Government
8 has some legal responsibility in the sense of the Department
9 of Energy, our view is that it is good public policy to get
10 that situation in hand and the Task Force has recommended that
11 the Department be forthcoming in that regard. But that would
12 have to be developed through discussions with the other
13 interested parties.

14 I guess we would turn now to the waste isolation
15 pilot plant which we found to be an important facility in the
16 Department's program. There has been some unfortunate
17 confusion as to what WIPP ought to be in the views of ERDA
18 that preceeded the Department and the initial stages of the
19 Department itself.

20 The Task Force has tried to sort that out and make
21 its own recommendation on this point. And what we have said
22 is here. First that WIPP should be a licensed facility. We
23 don't quite care which one of several mechanisms is used to
24 get that done, but we think that no matter what is done in
25 WIPP it should be licensed.

1 Secondly, that the basic mission that we see for
2 WIPP is as indicated there, it is a research and development
3 facility for salt geology.

4 COMMISSIONER GILINSKY: Maybe it ought to undergo
5 a licensing renewal.

6 MR. LeGASSIE: I'm sorry. I didn't hear what you
7 said.

8 COMMISSIONER GILINSKY: It should undergo a licensing
9 review.

10 MR. LeGASSIE: All right.

11 The primary volume mission of WIPP would be as a
12 facility to be the geologic -- you know -- for the geologic
13 disposal of transuranium waste, those primarily stored above
14 ground in Idaho.

15 COMMISSIONER GILINSKY: How are they storing that?

16 MR. LeGASSIE: In drums, 55-gallon drums and in
17 packages which have internal lining, various way. They are ---

18 COMMISSIONER GILINSKY: The drums are in containers
19 of some kind?

20 MR. LeGASSIE: No. The drums -- there are several
21 different kinds of containers. The photos I've seen show
22 either drums or packages. The drums have been stacked and
23 covered with earth on the top. There are packages which
24 have internal material inside the package.

25 COMMISSIONER GILINSKY: And what, just sitting

1 outside or ---

2 MR. LeGASSIE: The drums are sitting outside but
3 covered with earth at the top layer of the drum so the face
4 of the drums are exposed as one brings additional material
5 to the pad. But they are basically in above-ground storage
6 on an outside pad, but then covered to a degree.

7 It is not the kind of storage which one wants to have
8 as a permanent storage mechanism. And that has been recognized
9 and that is -- I think it has always been the primary function
10 of this facility is to receive this material in geologic
11 storage. You know, we stopped within the Department of burying
12 it in shallow burial ground in the early '70s.

13 COMMISSIONER GILINSKY: Before you leave this slide,
14 what is your time schedule for this?

15 MR. LeGASSIE: It would become operational in 1985
16 and we have talked about the submission of an environmental
17 report to the Nuclear Regulatory Commission this fall.

18 Now I recognize ---

19 COMMISSIONER GILINSKY: In other words, you are
20 planning to put waste in this facility in 1985?

21 MR. LeGASSIE: Yes.

22 The basis on which, I think there was preveious
23 correspondence with Department staff about the licensing would
24 not remain in place if these Task Force recommendations were
25 approved. So there obviously has to be some discussion about how

1 one would proceed. But let me complete my remarks on WIPP
2 which are on the next slide, and you might want to come back
3 to that point.

4 (Slide)

5 In addition to those two activities, TRU disposal
6 and R&D, neither of which would require a licensing under
7 present law as we understand, we recommend that there be
8 an additional mission, namely, that there be a demonstration
9 with a small "d" of the ultimate disposal of spent fuel in
10 this facility, that this be done with up to 1,000 fuel
11 assemblies. Our calculations indicate that it would use no
12 more than 20 acres of the available space for that purpose.
13 We recommend a technically conservative loading be used.

14 COMMISSIONER BRADFORD: What is the available space?

15 MR. LeGASSIE: The facility would be designed --
16 conceptually designed for 2,000 acres, each of two levels.

17 One would not obviously excavate that degree
18 initially. It would be a function of how rapidly there was
19 a need to expand it in order to accommodate the receipt of
20 waste, but in terms of conceptual design there are two levels
21 and each of those two levels could go to 2,000 acres. So this
22 20 acres is about one percent of the ---

23 COMMISSIONER BRADFORD: Would each of the levels
24 go through that?

25 MR. LeGASSIE: Yes.

COMMISSIONER GILINSKY: Now, does putting in spent

1 fuel pose any particular problems?

2 MR. LeGASSIE: We do not think so, those of us
3 on the Task Force who have looked at this do not think so.

4 In terms of our state of knowledge, but that is
5 obviously something you are going to have to review with us
6 if we proceed with this.

7 COMMISSIONER GILINSKY: And what about the
8 retrievability?

9 MR. LeGASSIE: What is said here is that we have
10 recommended that the loading of this material be done on
11 a technically conservative basis in terms of some parameter
12 like kilowatts per acre.

13 When one has done that, we think it would then,
14 as a consequence of that, it would be physically possible for
15 us to go back, remine passage ways and physically remove this
16 material, let's say within a 20-year period if somebody wanted
17 to. But where that is simply a consequence which follows from
18 the loading which we have recommended and we are trying to
19 inform the people of New Mexico that in our view that could
20 be done.

21 COMMISSIONER GILINSKY: Let me ask you.

22 Would the assemblies be packed ---

23 MR. LeGASSIE: They would be in canisters which
24 would be placed into holes which would be -- have been
25 prepared in the salt corridor and the canister would be

1 lowered into that hole. The hole would be filled and then
2 the whole passage way would be backfill.

3 COMMISSIONER GILINSKY: So basically you would
4 have a solid matrix?

5 MR. LeGASSIE: Yes. It is a mine. It is an under-
6 ground mine is what it is. One has gone into that mine,
7 mined tunnels so that you can traverse it ---

8 COMMISSIONER GILINSKY: And then fill it all up again
9 as you put in assemblies?

10 MR. LeGASSIE: Yes.

11 COMMISSIONER GILINSKY: So you have to mine it again
12 if you are going to retrieve them?

13 MR. LeGASSIE: That's right.

14 COMMISSIONER GILINSKY: They are not just hanging
15 out there?

16 MR. LeGASSIE: The idea is not to put these
17 assemblies down for the purpose of retrieving them later.

18 The idea is to put them down in ultimate disposal
19 configurations.

20 Now, it is not absolutely clear, but the impression
21 I have is that if we were to take these assemblies and say
22 that we wished to place them permanently away underground
23 that in effect we would be saying they were a waste from
24 our standpoint. And it would seem to me then that from where
25 I sit that the provisions of the present law would indicate

1 that in any such action on our part ought to be licensed.

2 That might be something that lawyers would have
3 to pour to decide one way whether or not what I have said
4 is correct. But if that was either not correct or if for
5 some reason it was decided that this would not be done and
6 one was back only to the elements on the first page, it is
7 still our view that -- within the Task Force that the WIPP
8 facility should be licensed. And that would then require
9 some action such as the legislation with respect to TRU
10 disposal and its license situation to insure that was done.
11 But we are quite serious about this view, and I think the
12 Department is already indicating to the citizens of New
13 Mexico that it will be a licensed facility some way, some how.
14 So they have the further assurance of a regulatory process
15 with respect to it and their ability to participate in such
16 a process.

17 MR. SHAPAR: Is that conclusion, however, like the
18 other conclusions subject to the middle review group?

19 MR. LeGASSIE: No, I think that WIPP is proceeding
20 on an independent schedule because it is a near-term action
21 and decisions cannot be deferred on it.

22 So what we are doing or going to New Mexico in
23 April to discuss the recommendations of the Task Force with
24 respect to WIPP. Try to explain what is intended and obtain
25 the views of the people in New Mexico. It has been indicated

1 that following those public meetings and discussions there
2 would be a decision in the Department about whether or not
3 to proceed with the plan -- whether or not to accept the
4 Task Force's recommendation on the spent fuel demonstration
5 and make that formally part of the project.

6 Again, it has been indicated that if that did not
7 happen that it is the Department's view that WIPP ought to
8 be licensed. So that is not just the Task Force view.

9 COMMISSIONER GILINSKY: This is not federally-owned
10 land is it?

11 MR. LeGASSIE: Well, there is some State land which
12 would have to be acquired, but the end result would be that
13 it would be on federally-owned land.

14 COMMISSIONER BRADFORD: Has the Department made a
15 commitment of some sort that the State of New Mexico has a
16 veto ---

17 MR. LeGASSIE: Yes, it has indicated to the State
18 that this facility would not be built in New Mexico without
19 the concurrence of the State.

20 COMMISSIONER BRADFORD: And how do you expect that
21 occur?

22 MR. LeGASSIE: The process by which that would be
23 done, obviously needs to be developed in consultation with
24 the State and those discussions and meetings haven't taken
25 place yet. Perhaps it will be a difficult process to work out,

1 but we have made a commitment in that regard.

2 COMMISSIONER BRADFORD: But until New Mexico
3 actually says yes are you going to go ahead or are you going
4 to go ahead unless they say no?

5 MR. LeGASSIE: Well, it obviously could work in
6 a number of ways.

7 The-- that has not been developed in detail and I
8 think our thinking also is that this decisional process in
9 New Mexico would be coordinated in some way or connected with
10 the licensing process, because it would seem to me that one
11 of the inputs to that decision might well be a demonstration
12 by the Department that an independent overview by the
13 Regulatory Commission as to the adequacy of the facility
14 had been achieved. Clearly, if we are unable to get a
15 license from NRC the State doesn't have to decide anything.
16 It has been decided.

17 So it would seem to me that the real question of
18 the State's view would arise on the successful achievement of
19 the license from the NRC.

20 COMMISSIONER GILINSKY: When you say the "State" does
21 that mean some State regulatory body or the governor?

22 MR. LeGASSIE: That again is a question that needs
23 to be discussed with the governor, and the people in the
24 state because it could be accomplished by a number of
25 different approaches. So both the timing and of the specific

1 mechanisms are going to be developed over some time period.
2 But we are not talking about some decision that we are
3 seeking from the State next Thursday either. There is a fair
4 amount of time, I think, to work out some mutually acceptable
5 procedures.

6 I don't know how much time we have here and I
7 want to let you ask everything you want. If we could have
8 the next slide.

9 (Slide)

10 We have indicated that the previously announced
11 schedule, which was established ---

12 COMMISSIONER GILINSKY: Could I just interrupt for
13 a moment?

14 MR. LeGASSIE: Yes.

15 COMMISSIONER GILINSKY: What kind of license is
16 involved here, are we talking about a materials license ---

17 MR. SHAPAR: This is a materials license.

18 COMMISSIONER GILINSKY: Is it?

19 MR. SHAPAR: Yes. It is not a production or
20 utilization facility and those facilities are the only
21 facilities we license under the Atomic Energy Act.

22 COMMISSIONER BRADFORD: You could reach that more
23 by a process of elimination than by saying it is really a
24 materials license.

25 MR. SHAPAR: It is based upon a fair and literal
reading of the Act. Facility as defined in the Act is a

1 production and utilization facility. I don't think anyone
2 is arguing that a disposal facility would be utilization or
3 production.

4 However, the contemplated procedures the staff has
5 been thinking about are very, very close to those that are
6 used in a facility licensing. In fact, I think we would be
7 rather hard put to distinguish between the two at least as
8 far as the staffs present thinking is concerned.

9 COMMISSIONER GILINSKY: But there is nothing in the
10 way of a construction permit?

11 MR. SHAPAR: Well, as I indicated in my prior remarks,
12 although it may not be called a construction permit the net
13 result of the process would be very close to that.

14 MR. LeGASSIE: Well, the answer or at least as I
15 understand it is essentially yes, there will be something
16 from our standpoint will feel like a construction permit.
17 Whether you call it that or not.

18 COMMISSIONER GILINSKY: Well, that's the important
19 part.

20 MR. LeGASSIE: This brings up a point that I do
21 want to make in the discussion with you, both with respect
22 to WIPP and the development of procedures for its licensing.

23 Similarly the National Waste Repository, which is
24 the subject of this slide.

25 (Slide)

1 It is extremely important to us for you to press
2 forward with the development and resolution of any questions
3 with respect to the nature of your process because we need to
4 better understand what it is that we have to be able to
5 say to you at what stage of the process and exactly what a
6 reasonable schedule for the process is or some approximation
7 of it.

8 This affects what we do this instant in the conduct
9 of our research and development program, our scheduling of when
10 certain elements of research will be done, when certain
11 site characterization activities will be done, whether we are
12 behind or ahead of schedule with respect to modeling of systems
13 and accident situations and so on. So we would really like
14 to know much more today than we do know from you in order to
15 define our program and its timing with much more assurance
16 that we will be able to have the work done and on the table
17 at the time that your licensing process will ultimately say
18 that has to be there. So we really feel that it is extremely
19 important to get developed a detailed view of the licensing
20 process and schedule with respect to both WIPP and the National
21 Waste Repository at the earliest possible date, because
22 will affect our instant conduct of research and development
23 activities.

24 This is a near-term problem for us in terms of
25 understanding whether we are moving rapidly enough or too slowly

1 in certain areas with respect to when information and
2 knowledge will be needed.

3 Now, the point that is on this slide is that
4 the 1985 date, which has been public for some time, for the
5 operation of a National Waste Repository and in the Task
6 Force's view cannot be met. Part of this is associated with
7 the fact that the ERDA program to characterize sites in 36
8 states ran into substantial difficulty, and basically, you know,
9 needs a lot of revision if we are going to get somewhere in
10 terms of characterizing potential sites in real states.

11 In addition to that, there was a conception of a
12 licensing process associated with that date which has not
13 withstood the test of your own staff's analysis of feasibility
14 and so there has to be some more realistic assessment of the
15 licensing process. Even at the present stage it is indicated
16 some time has to be allowed.

17 So we find the earliest revised date is 1988, but
18 that is still only the earliest revised date. It is not at
19 all certain that that date can be met or should be established
20 as a target. It would depend upon many things and this is
21 an area that we think the interagency task force has to
22 address.

23 COMMISSIONER GILINSKY: Where do you stand with
24 your search for sites?

25 MR. LeGASSIE: We are -- have not gotten very far at

1 the moment. We are now drilling in Louisiana and we are
2 talking to a number of other states about beginning to drill
3 in those states.

4 COMMISSIONER GILINSKY: Have you fixed on a medium?

5 MR. LeGASSIE: In terms of a date, like 1988, it
6 seems to me that that date would presume salt as a medium.
7 If the date were somewhat later then other media could be
8 considered.

9 In terms of knowledge, we are further ahead than
10 salt. It is a recommendation of the Task force that we
11 accelerate our efforts to look at and understand other media,
12 Basalt and granite and stop treating them like second cousins
13 because they may, on analysis, turn out to have virtues that
14 should be compared with the virtues and problems of salt.

15 We are concerned that we seem to have inherited
16 a program that basically had made its mind up about the media.
17 On the other hand, salt may be a perfectly adequate media.

18 COMMISSIONER BRADFORD: When did the decision seem
19 to have been made?

20 MR. LeGASSIE: Back in 1957 by the National Academy
21 of Science.

22 It is not really clear that after that initial
23 recommendation that other media were ever seen except as
24 possible back-ups. But we think the program of the Department
25 of Energy ought to be considerably broader.

1 If I could continue with the next slide.

2 (Slide)

3 There are cost estimates within the report. I
4 don't think I want to dwell on this with you.

5 Could I have the next slide.

6 (Slide)

7 All right, you asked me about what did we mean the
8 NEPA process. As far as I know this is the first time that
9 anybody has gotten on one piece of paper, hard to read or
10 not, a picture -- and I don't expect you to absorb that,
11 you know, it's a horror chart if you will -- of the actions
12 that have to be taken in order to proceed with the entire
13 waste management program of the Department. And there are
14 anywhere from 18 to 45 individual environmental assessments,
15 impact statements or reports, what have you, that have to be
16 accomplished based on that chart with in the next 15 years
17 or so if all of the things that are to be done in the
18 program that are now conceived actually get done. And our
19 point with respect to this chart is that this is a lot of
20 hard work. And we have been concerned that the organization
21 within the Department has not recognized the magnitude of
22 the job that has to be done here in terms of the kind of
23 staffing that is put this and the way it is approaching it.

24 So we have been concerned with the internal
25 Department organization to prepare impact statements in a way

1 that are acceptable and will survive review. And we do
2 recommend strengthening of this at every stage of the
3 process, starting within the program in the first place and
4 then strengthening the overview process inside the
5 Department in the Assistant Secretary for the Environment
6 in the second place and other aspects of the process.

7 COMMISSIONER GILINSKY: Who is preparing the generic
8 statement or the broad statement on the whole waste program?

9 MR. LeGASSIE: It's being done under the direction
10 of the program people and the contractor, if my memory serves
11 me correct is Battelle at Hanford.

12 And we have seen a preliminary review copy of what
13 is suppose to be the draft environmental impact statement
14 and there are in the report that you have, the Task Force
15 members who looked at this were rather critical of what they
16 looked at and feel concerned about the status of that
17 document.

18 Operationally inside the Department, I think that
19 document needs a lot of attention.

20 COMMISSIONER BRADFORD: What are the areas?

21 MR. LeGASSIE: They are indicated in the report.
22 They have to do generically with whether or not there is
23 enough information in the report, whether or not alternatives
24 need to be discussed in the report are in fact discussed. And
25 there are concerns of this character. There are some specific

1 things said in our report and this is sufficiently sensitive
2 that I wouldn't want to wing it. I would rather read the
3 exact words to you or point to the page and let you read them.

4 COMMISSIONER GILINSKY: When would you expect
5 the draft of that statement?

6 MR. LeGASSIE: I don't know. I don't think the
7 Department has been able to assess yet how long it is going
8 to take to do the things that need be done. But it is a very
9 important document and the fact that it needs the kind of
10 attention we are now finding it needs is an indication that
11 we have a problem.

12 If we could have the next slide, I think I am
13 essentially done.

14 (Slide)

15 There are some organizational recommendations which
16 include remarks about the environmental office. I guess ---

17 COMMISSIONER GILINSKY: Could you tell us a little
18 more about the present allocation of responsibilities in
19 dealings for waste management?

20 MR. LeGASSIE: All right.

21 There is a director of nuclear programs who is in
22 effect a deputy assistant secretary reporting to the assistant
23 secretary for energy technology. Under him he has a box
24 which is the director of the waste management program. That
25 then divides into two pieces, one of which is associated with
the terminal storage program and the other, which essentially

1 has the remaining elements that are inside energy technology.

2 In addition to that, that is to say the low-level --
3 DOE low-level burial grounds, TRU disposal, the plans for
4 managing the defense waste are all done inside the energy
5 technology assistant secretary in this chain I have just
6 described.

7 In a parallel chain, also reporting to the director
8 of all nuclear programs, is another office director who has
9 under him the interim storage of spent fuel. So that that is
10 separated into another section of the nuclear program,
11 although we find in this report that there are connections, we
12 think that are rather intimate and have recommended in that
13 billet that that be combined into the waste management
14 program.

15 In addition to that one then moves out of energy
16 technology into the assistant secretary for the environment.
17 The decontamination and decommissioning responsibilities
18 are with the assistant secretary for the environment. And
19 decisions there obviously determine something about the volume
20 of waste that has to be handled and its character. And we
21 think that it would be better for that to be integrated as
22 well.

23 In addition, the assistant secretary for the
24 environment is conducting the only studies that are now going
25 on in the Department on the possible suitability of the

1 seabed as an ultimate disposal location.

2 So that is how that is -- I would say that most
3 of the programmatic responsibilities are in fact well integrated.
4 We are not having difficulty now in terms of military versus
5 commercial and the integration of that has taken place in terms
6 of program management. It is just these few things -- those
7 two things really that are mentioned there, the interim
8 storage of spent fuel and D&D which we think should be added
9 to the present organization and the remark about systems
10 analysis is that we found basically that there wasn't any
11 capability in the waste management program to be doing this
12 kind of analysis and we felt it was badly needed, should be
13 added to the program.

14 COMMISSIONER GILINSKY: Could you expand on the
15 transportation item?

16 MR. LeGASSIE: Yes, that's really the reason I showed
17 the slide because that was the point I wanted to make.

18 We are concerned that when one begins to get into
19 the transportation of fuel from reactor sites to storage
20 facilities that are away from reactor sites and then eventually
21 from there to disposal locations, which may or may not be the
22 same location that there could be step changes in the size of
23 the transportation requirements and there are -- since there
24 is not a great deal of transportation of spent fuel going on
25 commercially there are only a small number of casks that have

1 actually been built and trucks and rail cars that are
2 prepared to receive this. We are not at all confident
3 that that system is institutionally going to be able to
4 take the load that is going to be laid on it. And we think
5 that is something that needs to be looked at in considerably
6 more detail.

7 So we are expressing concern about the status of
8 advanced planning in terms of receiving -- the beginning of
9 a significant load in transportation at some point in time
10 relative to where we are today.

11 COMMISSIONER GILINSKY: Do you expect this to be
12 government transported or commercially transported?

13 MR. LeGASSIE: We expect this to be commercial
14 transport using under the Department of Transportation
15 regulations and using canisters and casks and so on that have
16 been approved under those procedures in which you have
17 participated.

18 So it isn't that we think there is anything wrong
19 with the casks -- I mean it is not that the casks are a
20 problem. It is that we have a system that is not functioning
21 yet, that everybody is assuming we will be able to institution-
22 ally start up and run at a high level of activity starting from
23 a low level of activity. And there are questions about
24 insurance, about rights-of-way and things of that kind which
25 the previous task forces have indicated need attention, and

1 haven't been getting attention. And we are not at all sure
2 that the instant system will institutionally stand the
3 strain. Do you understand what I'm saying?

4 COMMISSIONER GILINSKY: I think so.

5 MR. LeGASSIE: So this is something which we think
6 our Department needs to address if we are going to depend
7 upon the ability to transport materials.

8 Could I have the next slide.

9 (Slide)

10 These are some points having to do with our status
11 of knowledge about technical facts, physical research
12 questions about different media, state of systems modeling
13 and so on. And we are saying here that we don't think the
14 program is where it ought to be, where we would like to see
15 it be in terms of its knowledge of these matters.

16 COMMISSIONER GILINSKY: How would you
17 characterize our present state of knowledge?

18 MR. LeGASSIE: Well, I would say that historically
19 the prior system had placed an emphasis on engineering and
20 had not done fundamental supportive work to underlie the
21 basis of that engineering approach. So I find -- my own view
22 is that we still have a substantial amount of such work to do.

23 I don't know how to characterize it with an adjective.

24 COMMISSIONER GILINSKY: It sounds like a geological
25 investigation. In other words, the characteristics of the medium

1 and so on?

2 MR. LeGASSIE: That's right.

3 COMMISSIONER GILINSKY: The impact of heat and ---

4 MR. LeGASSIE: That's right.

5 And in fact, there will be a study coming out by
6 the U.S. Geologic Survey, we understand shortly, I don't know
7 what the exact date is which we saw in the Task Force which
8 set forth in detail their view of what many of these areas
9 of investigation are that need attention.

10 COMMISSIONER GILINSKY: Now, did the Task Force
11 itself indicate what these areas are or make any judgment
12 about them?

13 MR. LeGASSIE: We have not attempted to describe
14 them in detail because we know that this other material will
15 be available that will do that. They are the character
16 indicated there on the slide in having to do with our
17 understanding of the physical chemistry of the systems, the
18 ability to model what happens through rather long time periods,
19 the repository systems if I can describe them that way,
20 geologic system and the material that has been placed in them
21 in an adequate way. And we feel that when we come to you
22 with a licensing request or a facility which have essentially
23 a lot of material in it, a significant powerful potential,
24 that we ought to know a lot more about these matters than we
25 now do, but it will be coming to you. So we have time to

1 get there from where we are now. The report is basically
2 in that significant area that needs attention within the
3 program in terms of expediting the rate of activity and
4 broadening the approach that is being used.

5 COMMISSIONER GILINSKY: Well, you seem to feel that
6 these gaps could be closed in a number of years?

7 MR. LeGASSIE: Yes.

8 We think that the information -- that this will not
9 turn out to be a schedule limiting problem as long as it is
10 addressed instantly.

11 COMMISSIONER GILINSKY: Did your group meet with the
12 Geological Survey?

13 MR. LeGASSIE: Yes, we did. Not as a survey, not as
14 a ---

15 COMMISSIONER GILINSKY: No, I understand.

16 MR. LeGASSIE: -- I mean, we met with individuals
17 who were working on this problem, working for the Survey as
18 we met with many individuals.

19 I guess I have one more slide which is self-
20 explanatory.

21 (Slide)

22 COMMISSIONER BRADFORD: Could you go back to the
23 program cost slide?

24 MR. LeGASSIE: Yes.

25 (Slide)

1 COMMISSIONER BRADFORD: Now what does that say?

2 MR. LeGASSIE: This is an estimate of the DOE
3 budget expenditures in 1977 dollars from now until the year
4 2000 and without any consideration of off-setting revenues
5 that would be received from the commercial power industry
6 and we think those would be substantial because some of the
7 repositories that are costed and built into this computation
8 are primarily to serve the commercial power industry.

9 We have two cases, the cases are described in
10 detail in the report. They differ in many respects, but from
11 the standpoint of this slide, perhaps the most important one
12 has to do with the fact that case one had 148,000 megawatts
13 of nuclear power in the year 2000 and case two had 380,000
14 megawatts of nuclear power in the year 2000.

15 Also, case two had a lower design basis for loading
16 repositories so that it took more repositories to handle a
17 given volume of waste. We were trying to establish some
18 ranges. As a result, what you see there is in case one we
19 have a cost estimate of \$13 to \$17 billion broken down into
20 components as shown and case two, \$18-\$23 billion.

21 Now, this includes all levels of waste in both
22 military and civilian waste. And the scheduling of the handling
23 of the military waste was such that it was dealt with by the
24 end of the century in this computation. That may not occur
25 in fact, but we wanted to make a computation which included

1 all of the waste covered in the report.

2 This does not include private costs and there are,
3 for example, the cost of transportation from the reactor to
4 the government which would be borne by the private party.
5 They are not in this computation, but if the government
6 transports from an interim storage facility to a waste
7 repository, that cost is included.

8 I would say the report called these guesstimates
9 rather than estimates which is to say something about how
10 they are really first-cut attempts to see what this looks
11 like.

12 MR. SMITH: Roger, did the report break out the
13 cost for military versus commercial?

14 MR. LeGASSIE: No, it deliberately did not do that
15 and there may be enough information in the report that if
16 somebody wants to attempt that on their own they can.

17 MR. SMITH: I didn't see it and I didn't remember it.

18 MR. LeGASSIE: We did not do that.

19 COMMISSIONER BRADFORD: In fact, if you had the
20 numbers that led up to this, you could arrive at a rough guess.

21 MR. LeGASSIE: Yes.

22 There is in progress this business of estimating
23 a charge for the civilian industry, and because that was
24 so we didn't want to make a division within the Task Force
25 report that might seem to be prejudging that charge calculation.

1 COMMISSIONER BRADFORD: I would think who ever was
2 making the charge would find that essential.

3 MR. LeGASSIE: Well, the basis on which that charge
4 is developed has got its own philosophy and methodology.

5 COMMISSIONER BRADFORD: Is that being developed
6 independently then of the Task Force's report?

7 MR. LeGASSIE: Yes, I mean everything, of course,
8 was independent of the Task Force work. We just came in and
9 took a look.

10 There is an informal activity in the Department
11 to develop this charge. It will have to be taken out for
12 public comment when it is ready for that exposure. So it is
13 something that isn't simply going to happen. It is going to
14 get a lot of public comment.

15 COMMISSIONER BRADFORD: What part of the Department
16 is working on the charge?

17 MR. LeGASSIE: That's under the people -- it's
18 Eric Beckjord and -- who is the director of -- and I don't
19 recall the exact title on who has the interim storage.

20 (Reporter's note: Mr. Beckjord's title is Assistant
21 Secretary for Energy and Technology.) So Eric Beckjord
22 and Mike Lawrence are the individuals in the line under
23 Bob Thorn who are doing this.

24 Well, I guess I would like to say that if one were
25 to take this report and look for the interactions between the

1 NRC and the Department of Energy that are upcoming in almost
2 any waste program, they are quite significant and of a large
3 variety. There are many things that if you would pursue
4 vigorously in terms of establishing process definitions,
5 the definition of what TRU material is which is another
6 matter you are reviewing, standards and criteria for
7 low-level waste handling which is another matter within
8 your system, there are many such things that would be very
9 helpful for us to have moved along with vigor inside the
10 Regulatory Commission and which would assist us in preparing
11 better to do the job that we have to do in terms of coming
12 to you with applications that are timely, and have the
13 information in they are suppose to have and so on.

14 I think if one is to give high priority to resolving
15 these issues of waste management that there are going to be
16 lots of opportunities for the two agencies to interact
17 admittedly in a regulatory and applicant framework, but never-
18 theless with a desire to at least reach toward decisions
19 in a timely way.

20 COMMISSIONER GILINSKY: Let's see, you are
21 familiar with the pace at which some of these things are
22 moving within NRC, do you want to be more specific?

23 MR. LeCASSIE: Well, not in the sense of an off-the-
24 cuff conversation.

25 The Task Force, you must remember, was a rather
short-time event. We looked at a lot of things in a few

1 months and in the course of this we talked with people about
2 these various activities stood. But I'm not familiar with each
3 one of these things personally, and in detail.

4 I think that one of the things perhaps the
5 Department and the NRC might do together is to be sure we
6 understand what the contemplated schedules on both sides are
7 and whether they are compatible and seem consistent in the
8 placing of high priority on the waste management task.

9 I think that that's a matter that could stand some
10 joint looking into and certainly try to get it done a little
11 more orderly inside the department, our own department now
12 that we have the Task Force out and perhaps a little clearer
13 view ourselves of the importance of various elements of the
14 program.

15 COMMISSIONER GILINSKY: I see, how do we interact.
16 Is there a point of contact at DOE?

17 MR. SMITH: Bill might want to address that. He
18 interacts with Collin Heaton and some of the others there on
19 the staff.

20 MR. BISHOP: I have been interacting through Heaton
21 on programmatic questions that come up.

22 COMMISSIONER GILINSKY: So they are kept informed
23 of the rate at which we are proceeding and what our schedules
24 are.

25 MR. BISHOP: The interacting on WIPP has become

1 quite formal.

2 MR. SMITH: I think that it does make sense, though,
3 for us to perhaps make sure the DOE has a report of everything
4 we are doing and the schedule that we are moving on and what
5 time frame we are going to arrive with certain regulations
6 and guides and look at that with respect to what you feel you
7 need.

8 MR. LeGASSIE: Yes, but to come back, for example,
9 to a point there is -- the report does contain a recommendation
10 that it is critical that we arrive at a clear understanding
11 of the licensing process for repositories and what the infor-
12 mation needs are at each point of time, so while I'm sure
13 there are substantial contacts between Collin Heaton and
14 Bill Bishop, about how we are heading towards getting there,
15 the feeling that the Task Force report had was that they
16 would like to be there this moment in terms of knowledge
17 because of the potential for affecting this programmatic
18 decisions that are being made in terms of where R&D money
19 are now being spent, because of the concern that you saw in
20 that one slide about the status of programmatic information.

21 COMMISSIONER GILINSKY: Well, I think we probably
22 will have to find a way to stay in closer touch with each other
23 and with the government-wide effort here.

24 MR. LeGASSIE: Also, I think that the contacts are
25 probably diverse rather, I'm not sure, Bill can speak, but in
the case of geologic repositories I understand that is the

1 contact point.

2 I'm less certain that low-level waste discussions
3 or decontamination or decommissioning discussions are always
4 through a single channel. I just don't know.

5 COMMISSIONER GILINSKY: Now, how do you deal with
6 other agencies, the other agencies that are involved such as
7 EPA. Do you have some formal mechanisms with them?

8 MR. LeGASSIE: I'm not really aware of the status
9 of this.

10 My own view is that I have found that the actors
11 inside the Department of Energy are -- who are concerned in
12 these matters are in a number of different places. Energy
13 Technology, Environment, the Legal Office, John Deutch's
14 office. I have found that within the Department of Energy
15 that the communication is not always very good. I found that
16 in connection with one activity with EPA it is one person in
17 the Department who is doing it, another activity with EPA
18 it is another person who is doing it. And getting the story
19 around the circuit has not always happened very well. So my
20 own feeling is this is something that needs to be looked at.

21 COMMISSIONER GILINSKY: Well, it sounds like the
22 government is going to have to get its act together.

23 MR. LeGASSIE: Yes. But I do see a significant
24 burden, perhaps, being laid on the Regulatory Commission by
25 our trying to proceed with WIPP by what we said about burial

1 grounds, about what we said about trying to move AFRs into
2 a licensing process at an early date. So I think that upon
3 analysis of the things that were said in this report were
4 done. They represent to some degree, an additional workload
5 perhaps on the NRC in terms of responding to it and even
6 some adjustments and emphasis in terms of priority in terms
7 of our view of the situation which could then have some
8 implications for you.

9 So I think it would be helpful to stay in contact
10 in discussions at the staff level about how this develops.

11 COMMISSIONER GILINSKY: Do you have any thoughts
12 on this, Mr. Smith?

13 MR. SMITH: No, I agree with what he said. We have
14 been looking at reevaluating our program with respect to
15 resources that we would need in order to meet DOE's program,
16 and Bill has actually already submitted something to me that
17 we are going over right now.

18 The only thing I would say that bothers me a little
19 bit, maybe it is not too much of a problem for us is that
20 it is a Task Force report. I suppose we won't really have
21 a definitive finding as to what government's policy will be
22 until October or November. At the same time, you know, we are
23 moving down a certain path and trying to use the resources
24 that we have to best advantage. So that perhaps might cause
25 us a little problem, but there is not anything that can be done

1 about it right now.

2 MR. LeGASSIE: I think the WIPP piece and the
3 AFR piece have been identified as something that would be
4 proceeding with a lot of emphasis regardless of the schedule
5 of the interagency, because they have near-term requirements
6 to move. So they are not quite as uncertain, I think, as
7 perhaps some other elements that were discussed here.

8 COMMISSIONER GILINSKY: I wonder, just as a final
9 point right here, you have been around for a long time and
10 watched task forces come and go on this subject ---

11 MR. LeGASSIE: I wish you hadn't said that.

12 COMMISSIONER GILINSKY: -- I think the problem
13 is being taken a lot more seriously than it ever has before,
14 I think there is no question about that. The President has
15 underlined it a number of times, but do you have any thoughts
16 on what went wrong in the past and how we might avoid it now
17 or in the future?

18 MR. LeGASSIE: It seems clear that there are at
19 least two fundamental conceptions which would have been better
20 not made. One was that the handling of waste is the last
21 thing that happens therefore it is the last thing we need to
22 get to. Looking backwards over history the system, whether it
23 ever said that to itself or not, seem to somehow behave that
24 way.

25 Secondly, I think there had been maybe simply

1 precipitated by the fact there was what appeared to be
2 a strong recommendation from the National Academy of
3 Sciences. I think too rapidly a lead to a view that specific
4 media and specific fundamental approach had been laid out
5 and it was clear that that's what ought to be done and all
6 one had to do now was worry about engineering problems about
7 how round the hole ought to be and how deep it ought to be,
8 and things of that kind, rather than to lay in a broad base
9 to support the technology as we do with all of the technologies.
10 We try to build a broad base underneath them and the whole
11 nuclear power industry is built on a very broad base, critical
12 experiments, all kinds of radiation work and so on, as you
13 well know.

14 So somehow the failure to see the desirability of
15 establishing a broad scientific base for waste management and
16 to initiate that early, to my view, is what we are not suffer-
17 ing from. And we are in the right, I think, now trying to
18 within the Department of Energy recognize this as a serious
19 issue, one critical to the nuclear power industry's
20 acceptability to the American public and to move on it with
21 a lot of priority.

22 COMMISSIONER GILINSKY: Thank you very much, Roger.

23 MR. LeGASSIE: Thank you for inviting me.

24 (Whereupon, the briefing in the above entitled matter
25 was concluded at 10:57 a.m.)

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