

**INDUSTRY PERSPECTIVES ON SITE
SUITABILITY**

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**NUCLEAR WASTE TECHNICAL
REVIEW BOARD MEETING**

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NUCLEAR ENERGY INSTITUTE

- NEI IS RESPONSIBLE FOR UNIFIED NUCLEAR ENERGY INDUSTRY POLICY
- MEMBERS: ALL UTILITIES THAT OPERATE NUCLEAR POWER PLANTS IN THE U.S., MOST OF THE SUPPORTING NUCLEAR INDUSTRY, AND UTILITIES AND SUPPLIERS WORLD-WIDE
- MERGER OF ANEC, NUMARC, USCEA AND NUCLEAR PROGRAMS AT EEI

THIS PRESENTATION WILL COVER

- INDUSTRY'S HISTORIC INVOLVEMENT IN THE 10 CFR 960 PROCESS
- INDUSTRY'S POSITION ON DOE'S "DRAFT PROCESS"
- INDUSTRY'S POSITION ON WHAT THE PROCESS SHOULD LOOK LIKE

HISTORY OF 10 CFR 960

- PREDECESSOR ORGANIZATIONS WERE INVOLVED FROM BEGINNING
- UNWVG SUBMITTED TWO SETS OF COMMENTS DATED APRIL 7 AND JULY 7, 1983
- EEI SUBMITTED COMMENTS ON APRIL 4, 1984 TO NRC REGARDING PRELIMINARY DECISION ON CONCURRENCE
- EEI/UWASTE SUBMITTED COMMENTS ON DOE'S ESSE IN JUNE 1992
- EEI/UWASTE PARTICIPATED IN THE 10 CFR 960 TASK FORCE IN 1993
- NEI HAS ALSO SUBMITTED COMMENTS AT BOTH OPPORTUNITIES DURING THIS CURRENT PROCESS

LEGAL CHALLENGES TO 10 CFR 960

- SINCE 1984, NUMEROUS LAWSUITS WERE FILED CHALLENGING THE ADEQUACY OF SITING GUIDELINES. CONSOLIDATED INTO NEVADA V. WATKINS
- UTILITY INDUSTRY INTERVENED THROUGH EEI/UWASTE
 - DECISION ADOPTED UTILITIES ARGUMENT THAT DOE'S REPOSITORY SITE SELECTION GUIDELINES WERE NOT JUDICIALLY REVIEWABLE

COMMENTS ON “DRAFT PROCESS”

- IN GENERAL, INDUSTRY SUPPORTS CONCEPTS LAID OUT IN DOE'S DRAFT PROCESS; HOWEVER, ...
 - NUCLEAR INDUSTRY BELIEVES THAT RULEMAKING TO CONFORM 10 CFR PART 960 TO CURRENT STATUTORY FRAMEWORK FOR REPOSITORY PROGRAM IS NECESSARY
 - PEER REVIEW PROCESS PROPOSED IS OVERLY CUMBERSOME AND MAY PROVE IMPRACTICAL TO IMPLEMENT
 - DRAFT PROCESS DOES NOT ACKNOWLEDGE THE EVOLUTION OF SITE CHARACTERIZATION SINCE PUBLICATION OF THE SCP

10 CFR 960 MUST BE CONFORMED TO CURRENT STATUTORY FRAMEWORK

- SITING GUIDELINES OF 10 CFR 960 NO LONGER REFLECT EXISTING STATUTORY FRAMEWORK
- GUIDELINES WERE ORIGINALLY DEVELOPED LARGELY FOR USE IN A COMPARATIVE EVALUATION OF THE SUITABILITY OF MULTIPLE SITES FOR A REPOSITORY
- NWPAA ELIMINATED PRE-CHARACTERIZATION ACTIVITIES, DIRECTING DOE TO PROCEED ONLY WITH CHARACTERIZATION OF YUCCA MOUNTAIN

**10 CFR 960 MUST BE CONFORMED
TO CURRENT STATUTORY
FRAMEWORK (CONT.)**

- WE RECOMMEND THAT DOE ESTABLISH APPROPRIATE GUIDELINES BY RULEMAKING TO PROVIDE CLEAR, UNAMBIGUOUS REGULATIONS PERTINENT ONLY TO SITE SUITABILITY AND ENSURE THAT DOE'S REGULATIONS ARE CONFORMED TO THE STATUTE AND ARE CONSISTENT WITH AGENCY'S INTENDED ACTIONS

10 CFR 960 SHOULD ALSO BE CONFORMED TO 10 CFR 60

- THIS WOULD ELIMINATE
DUPLICATION OF, AND REDUCE THE
POSSIBILITY FOR, CONFUSION
OVER APPROPRIATE
REQUIREMENTS AS SET FORTH IN
EACH REGULATION

- RATEPAYERS OF THIS NATION ARE
PAYING FOR DOE TO DETERMINE
WHETHER THE YUCCA MOUNTAIN
SITE CAN BE LICENSED UNDER
NRC'S 10 CFR PART 60

NRC SHOULD BE INVOLVED

- REGARDLESS OF WHETHER OR NOT DOE CONFORMS ITS REGULATIONS TO NRC'S REGULATIONS, NEI SUGGESTS THAT THE NRC BE INVOLVED AS AN EXTENSION OF THE CONCURRENCE PROCESS DEFINED IN SECTION 112 (A) OF THE NWPA
- INVOLVEMENT OF THE REGULATOR WILL ASSURE THAT THERE ARE NO ADDITIONAL MISUNDERSTANDINGS BETWEEN DOE AND THE NRC AS TO THE NATURE AND APPLICATION OF THE SITE SUITABILITY EVALUATION PROCESS

HOW SHOULD DOE DETERMINE SITE SUITABILITY?

- DOE SHOULD BE FOCUSED ON HOW NATURAL AND ENGINEERED BARRIERS PROTECT HEALTH AND SAFETY OF REAL PEOPLE AT THE ACTUAL SITE. THEREFORE, IT MAKES SENSE TO CONDUCT THE CHARACTERIZATION OF YUCCA MOUNTAIN WITHIN THE CONTEXT OF AN INTEGRATED PERFORMANCE MODEL THAT EMPLOYS A REALISTIC BIOSPHERE MODEL
 - THIS WOULD ALLOW DOE TO DETERMINE WHAT FACTORS ARE IMPORTANT TO WASTE ISOLATION, AND FOCUS RESOURCES ON THOSE FACTORS
 - THE SUB-SYSTEM PERFORMANCE CRITERIA OF 10 CFR 960 WOULD HAVE TO BE REPLACED WITH A TOTAL SYSTEM PERFORMANCE CRITERIA

HOW DOES THIS RELATE TO THE LICENSING PROCESS?

- FIRST OF ALL, THE “EPA STANDARD” HAS ALWAYS BEEN, AND HOPEFULLY IT WILL REMAIN, A “TOTAL SYSTEM” PERFORMANCE CRITERIA. THE QUESTION IS, HOW IS THE “EPA STANDARD” IMPLEMENTED? (I.E. 10 CFR 60)
- THIS LEADS TO THE POINT THAT NRC SHOULD ALSO REVISE 10 CFR 60 TO REFLECT TOTAL SYSTEM PERFORMANCE CRITERIA

CONCLUSIONS

- IN GENERAL, INDUSTRY SUPPORTS CONCEPTS LAID OUT IN DOE'S DRAFT PROCESS; HOWEVER, ...
 - THE NUCLEAR INDUSTRY CONTINUES TO BELIEVE THAT RULEMAKING TO CONFORM 10 CFR PART 960 TO THE CURRENT STATUTORY FRAMEWORK FOR THE REPOSITORY PROGRAM IS NECESSARY
 - THE PEER REVIEW PROCESS PROPOSED IS OVERLY CUMBERSOME AND MAY PROVE IMPRACTICAL TO IMPLEMENT
 - THE DRAFT PROCESS DOES NOT REFLECT THE EVOLUTION OF SITE CHARACTERIZATION SINCE THE PUBLICATION OF THE SITE CHARACTERIZATION PLAN

CONCLUSIONS (CONT.)

- DOE SHOULD CONDUCT THE CHARACTERIZATION OF YUCCA MOUNTAIN WITHIN THE CONTEXT OF AN INTEGRATED PERFORMANCE MODEL THAT EMPLOYS A REALISTIC BIOSPHERE MODEL
 - THIS WOULD ALLOW DOE TO FOCUS RESOURCES ON FACTORS IMPORTANT TO WASTE ISOLATION
 - THE SUB-SYSTEM PERFORMANCE CRITERIA OF 10 CFR 960 AND 60 SHOULD BE REPLACED WITH A TOTAL SYSTEM PERFORMANCE CRITERIA