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**U.S. House of Representatives**  
**Committee on Commerce**  
**Room 2125, Rayburn Office Building Washington,**  
**DC 20515-6115**

July 12, 1995

Jul 19 1995

Dr. John E. Cantlon  
Chairman  
Nuclear Waste Technical Review Board  
1100 Wilson Boulevard  
Suite 910  
Arlington, Virginia 22209

Dear Dr. Cantlon:

I appreciate the testimony you provided to the Subcommittee on Energy and Power at its June 30, 1995 hearing on the Department of Energy's (DOE) high-level nuclear waste program. As Chairman Schaefer agreed at the hearing, the record is being kept open in order to allow me and other members of the Subcommittee to ask additional questions.

In order to assist us in considering legislation to amend the Nuclear Waste Policy Act of 1982, I would appreciate your providing responses to the following questions. Since the Committee expects to take up this legislation in July, I request that you provide answers no later than July 17, 1995. I apologize for the abbreviated lead time, but the Committee's time frame is short and your input is very important.

1. In your testimony, you commended DOE for improving its high-level nuclear waste repository program, and stressed the need for stability in terms of Congress' directives regarding this program.
  - a. What impact do you think legislation directing DOE to develop interim storage by 1998 would have on the existing repository program? Assuming adequate funding, do you think the Department can handle both of these managerial responsibilities simultaneously?
  - b. Assuming adequate funding, do you think the 1998 deadline set by H.R. 1020 is a realistic date for DOE to open an interim storage facility?

- Is it realistic to expect DOE to submit a multi-purpose canister application to the Nuclear Regulatory Commission (NRC) by April 1996?
  - Is it realistic to expect DOE to submit an interim storage application to the NRC within six months of enactment?
2. Critics of DOE's repository program have suggested that two primary problems which have plagued DOE's waste program over the years are at least partially Congress' fault -- inadequate funding and unrealistic deadlines.
- a. Are these fair criticisms?
  - b. If so, are you concerned that Congress may make these mistakes again?
3. I am concerned that if Congress is not careful, it will assign DOE interim storage responsibilities which overwhelm the repository program.
- a. Do you share my concern that there is a danger that interim storage is likely to become de facto permanent storage?
  - b. What are the implications for defense waste disposal if the permanent repository program were delayed or abandoned? How important is it to put the repository program on a relatively fast track in order to deal responsibly with this defense material?
4. With respect to funding limitations, if budget pressures forced Congress to choose between interim storage and the repository, which would you advise us to make the higher priority?
5. Many critics argue that it is impossible for anyone to speculate intelligently about building a repository that can safely isolate radioactivity for 10,000 years.
- a. In your opinion, is a 10,000-year standard a reasonable basis on which to ask the NRC to license the repository?
  - b. Should Congress consider changing the current method of establishing a safety standard for the repository? What is your opinion of proposals, such as that included in H.R. 1020, under which Congress would set a specific standard? Do you see any dangers in this approach? Do you have any alternate suggestions?

Dr. John E. Cantlon

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6. H.R. 1020 permits DOE to begin constructing an interim storage facility before receiving final approval of its license application by the NRC. Do you see any drawbacks to providing DOE with this flexibility?

The Nuclear Waste Technical Review Board has made a valuable contribution to Congress' understanding of the difficult issues involved in managing the nation's spent fuel and defense high-level nuclear wastes. Please send your response directly to me as well as to Chairman Schaefer.

I appreciate the Board's ongoing assistance.

Sincerely,  
~~Sincerely,~~

A handwritten signature in black ink, reading "Frank Pallone, Jr.", written in a cursive style.

**FRANK PALLONE, JR.**

**Ranking Member**

Ranking Member

Subcommittee on Energy and Power

cc: The Honorable Dan Schaefer, Chairman  
Subcommittee on Energy and Power