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Dr. Franklin E. Coffman  
Deputy Assistant Secretary  
for Nuclear Waste Management  
and Fuel Cycle Programs  
Office of Nuclear Energy  
U.S. Department of Energy  
Washington, DC 20545

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Dear Dr. Coffman:

I want to thank you for providing a copy of the NWTs Program strategy for development of test facilities at candidate repository sites (letter to J. Martin dated January 27, 1982). The document outlines a DOE program strategy for development and operation of site characterization test facilities at depth. The strategy calls for development of test facilities in stages to support internal DOE programmatic decisions (e.g., selection of a site for a Test and Evaluation Facility - TEF) as well as meeting needs of high level waste repository licensing.

For several years, NRC has made every reasonable effort to encourage site exploration and data gathering. NRC has not subjected site investigations and exploration to formal licensing procedures. The procedural rule (10 CFR 60) provides all the flexibility needed to construct test facilities and excavate shafts to complete the job of site selection and characterization. However, we want to make sure that all of the facts needed to make licensing findings are available, and that we do not need to speculate on important points when formal licensing proceedings begin. 10 CFR 60 provides for the NRC staff to consult freely with the DOE in the data gathering phase to assure that there is early agreement on what are the important site issues and on what information will be needed to resolve these potential licensing issues.

We recognize that the NWTs Program strategy document is not site specific. Based on our experience in the waste management program and mining experience, it is almost impossible to generalize a formula for what investigation is required at what stage. Each site, to an extent, will have to be examined on a case-by-case basis. This is the main reason for the Site

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Characterization Report (SCR) review process. To a large extent the site characterization actions at each stage will depend upon the information learned and the problems encountered at the previous stage. While the strategy document is not site specific, we can offer the following observations on your strategy and the general matter of site characterization.

A two phased approach in underground testing seems sensible, with the first phase focused on making tentative determinations of site suitability, and on weighing the merits of alternative sites. The second phase would then be focused on gathering more detailed information to support a license application for the lead site. A prudent program may involve carrying more than one site into the latter phase in case unforeseen difficulties are encountered at the lead site.

So in principle, the general concept of staged site characterization as provided for in the strategy document is reasonable. However, the program for the site proposed for a license application should more thoroughly address findings required for a license application than it appears will be done from descriptions of testing in the strategy document. We have concern over whether what is laid out in the strategy document will be sufficient. The testing characterized for completion prior to licensing seems too limited to support the findings required in 10 CFR 60.31. Some of the testing described for the later phase (at-depth testing) may be needed and reasonable to complete prior to licensing.

Construction Authorization is the key step in the licensing process. It is important that DOE evaluate the findings required in 10 CFR 60.31 carefully to make sure all of the information required to support licensing will in fact be available. The licensing process would be confounded if an application is submitted without adequate supporting documentation. A poorly documented application would run the risk of a long drawn-out and contentious licensing process. An approach which leaves most of the testing on the lead site until after license application will greatly increase this risk.

Because there is some judgement required on the question of what type and how much information is appropriate for each stage it is important for DOE and NRC to meet at an early date to discuss this question. In this regard, it might be useful to see specific plans (e.g., BWIP - ES Phase II) for the exploratory test shaft, as soon as possible to discuss the question in detail and find some common ground. Also, there are some other

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specific comments we have on the strategy document that can be taken up. One concern is that the strategy seems to give priority to operation of Test and Evaluation Facilities and thus divert attention from basic site characterization activities.

The scope and timing of underground testing will certainly be a key issues in the BWIP SCR, as the SCR development and review process was intended as the principal mechanism for working out agreement on this matter. I have requested H. J. Miller to set up discussions with your technical staff. I understand that there are tentative plans for a meeting this month. However, due to the nearness of the BWIP SCR submittal date, this is none too soon. I hope you share my sense of urgency.

Sincerely,

ORIGINAL SIGNED BY

John B. Martin, Director  
Division of Waste Management

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