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MEMORANDUM FOR: John B. Martin, Director
Division of Waste Management

FROM: Hubert J. Miller, Chief
High-Level Waste Technical
Development Branch
Division of Waste Management

SUBJECT: TRIP REPORT - MEETINGS WITH STATES AND LBL
(WITHERSPOON)

On March 31 and April 1, 1982, I met separately with State officials in NRC Region 5 and with P. Witherspoon of Lawrence Berkeley Laboratories (LBL). The meeting with States was organized by the Office State Programs and Region 5 in Walnut Creek, Ca.

Meeting with States

I made a presentation on the high-level waste (HLW) licensing process, focusing specifically upon the upcoming site characterization report (SCR) review process and 10CFR60 provisions for state participation. (A copy of my viewgraph presentation is attached.) The following summarizes the major points of discussion:

1. There was very strong feeling among states that transportation of high-level waste or spent fuel must be considered to be as large an issue as long term waste disposal. N. Lewis of Washington stated his feeling was that this has been given little attention by DOE. The State people were concerned that no one agency seemed to feel responsible for, and, hence, no one was looking at impacts of transportation of waste to the repository. I indicated the SCR was an opportunity to be certain that this was highlighted as an issue to be addressed as DOE's programs of site characterization and repository development are carried out.

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2. I had a separate meeting with Nick Lewis (Chairman, Energy Facility Site Evaluation Council) to get his ideas on how Washington may want to participate in the NRC licensing process. He has been charged by the Governor with following events, and being the point of contact with DOE on Hanford activities. He stated that this has involved meetings about twice a year (with Alex Fleming head of Richland Office) and relations appear to be good. Lewis indicated, however, that he is looking to the NRC licensing process as the vehicle for guarding its interests. He further indicated the following:
- a. A memo of understanding (MOU) similar to those recently struck between NRC and Washington State in connection with several major reactor licensing proceedings (governing joint EIS and hearing activities) may be a practical way to get an early working agreement between NRC and the State. This could be a subagreement to an existing general MOU which exists between NRC and the State. (I have copies of these MOU's and agreements.)
 - b. A letter to the Governor pointing out the potential role for States in NRC HWL licensing as provided in 10CFR 60 is appropriate at this stage in addition to our working informally to get the ball rolling. He indicated he would be speaking to the Governor about the 10CFR60 provisions in the near future.
 - c. He would appreciate some background materials and possibly a more detailed briefing of key State people on potential issues to help them decide what issues they would be most interested in being involved in. He indicated in general that little detailed evaluation of technical activities at Hanford had occurred so far by the State. I promised to send him our recent Hanford trip reports to indicate what the major technical issues are and help him decide how the State would want to get involved. I also discussed with him some of the major issues including the question of location of the accessible environment which the State would undoubtedly need to be involved in deciding. We agreed that a briefing in Olympia of him and principal technical people at some time when we are in the state for business with RHO/DOE would be very useful.
 - d. He does not need to be informed of all technical meetings, at Hanford (I briefed him on our current activities) but would

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like to see copies of our review reports. I promised to send them to him and to continue notifying him in advance of any major technical reviews that we may conduct similar to those of the past.

- e. It is important to make early contact with the Yakima Indians. While they ceded land to the U.S. Govt. for use at Hanford, they have reserve rights to some of the land. He indicated a letter to the Yakima and other contacts, independent from any sent to the Governor, would be in order.
3. I discussed possible Oregon involvement with Don Godard (Administrator Siting and Regulation Oregon Department of Energy). He indicated that they have not followed DOE Hanford activities in detail and was uncertain about what involvement they would want. He indicated the State would probably want to get involved and he would be discussing it with other State officials upon his return. We agreed to get in touch soon to follow up. I promised to send him trip reports and other materials to help him in deciding on what roles the State may want to play. Godard indicated I might touch bases with Idaho and gave me a contact in the Governor's office.

Meeting with LBL

I met with Paul Witherspoon of LBL (also present were W. Stromdahl and K. R. Olson) from Washington to discuss work LBL is doing for DOE at Hanford, future work with NRC, and questions we are trying to address regarding site characterization and underground testing. The following summarizes our discussion:

1. LBL is advising RHO on what testing should be performed in Phase II of their underground testing (ESI). Witherspoon indicated RHO was considering opening substantial rooms, drifts and cross passages. His impression is that RHO will be able to, and is considering, conducting large scale tests from the bottom of a single shaft. He expressed the view that large scale testing as described in the report just completed for us under contract B-3110, "Experiments, Conceptual Design, Preliminary Cost Estimates and Schedule for an Underground Research Facility", must be performed to make conclusions about site suitability. Large scale openings and tests are a must.

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We discussed the matter of timing for beginning and completion of such test. He indicated they should start as soon as possible. We agreed that an important thing to understand right away was the feasibility and costs of doing such testing. He indicated Kaiser (mining consultant to RHO) felt it was very important to do a good bit of mining and exavation to understand conditions in the Umtanum.

We discussed characterization of a bedded salt site. Witherspoon indicated that a shaft and test facility would be needed at such a site just as it is for other media. He indicated that LBL could provide data supporting this. I indicated that we will pursue this further under Task I but that I did not want to repeat mistakes of the past on this contract looking at problems of site characterization on other than a highly site specific basis.

He indicated a desire to continue giving help to NRC on sites besides/BWIP and promised John Apps (geochemistry) and Charlie Wilson (hydrogeology) would be available as senior staff for our work. They are not working on RHO contract. I indicated we are still looking into the conflict of interest questions with lawyers and want this to be perfectly clean before settling anything regarding future work.

ORIGINAL SIGNED BY

Hubert J. Miller, Chief
High-Level Waste Technical
Development Branch
Division of Waste Management

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NRC
HIGH LEVEL WASTE
LICENSING ACTIVITIES

MARCH 31, 1982

HIGH LEVEL WASTE
REGULATION - 10 CFR 60

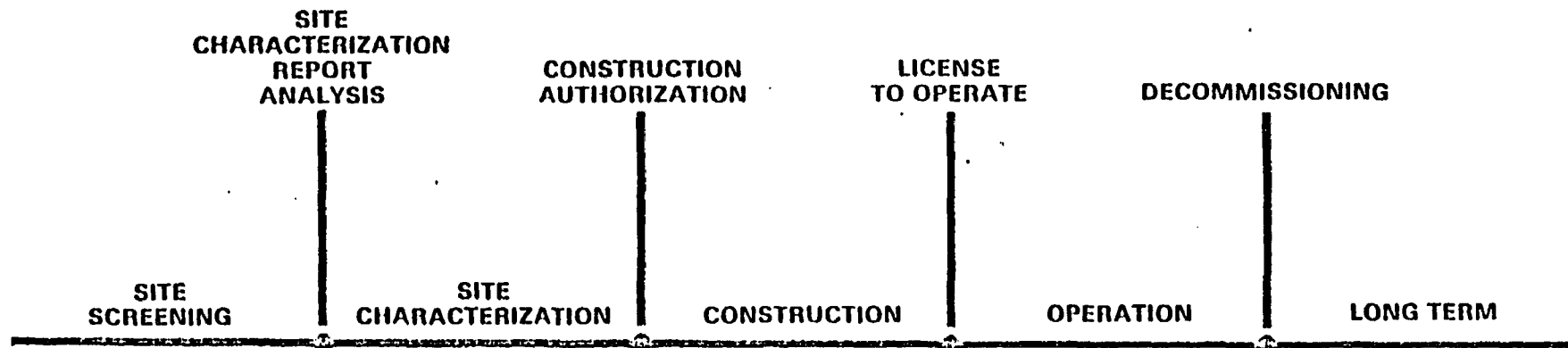
- STATUS

- PROCEDURAL RULE - FEBRUARY 1981
- TECHNICAL RULE - JULY 1982 (PROPOSED)
- SUMMER 1982 (FINAL)

- REGULATORY APPROACH

- CHARACTERIZATION OF AT LEAST THREE SITES
- AT DEPTH TESTING
- EARLY AGREEMENT ON ISSUES AND CHARACTERIZATION
PLANS - SITE CHARACTERIZATION REPORT
- SPECIAL ROLE FOR STATES

LICENSING SEQUENCE



DOE REPOSITORY DEVELOPMENT SCHEDULE

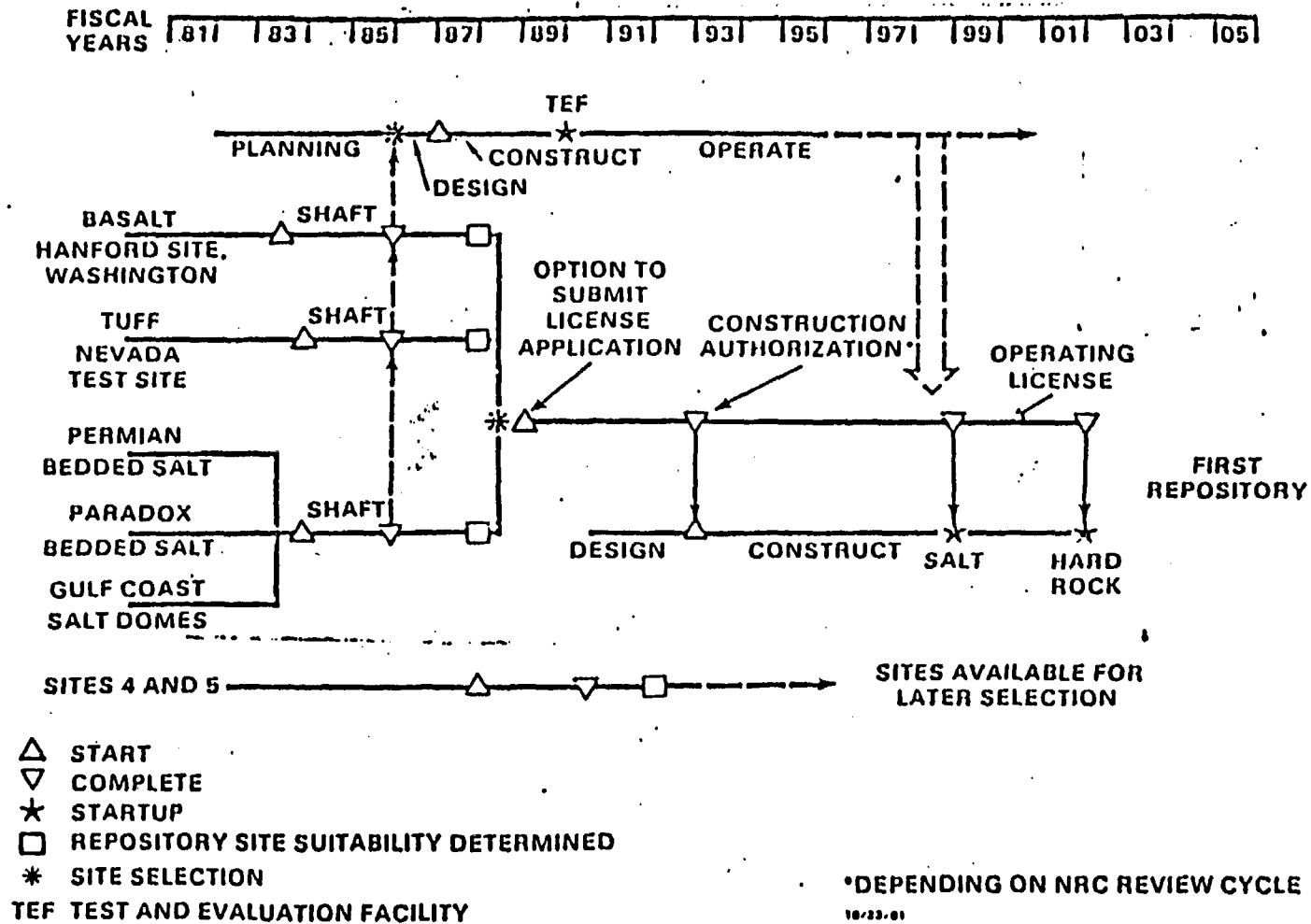


FIGURE 3-2

SITE CHARACTERIZATION
REPORTS (SCR)

- REVIEW SELECTION OF CANDIDATE SITES
- INFORMAL PROCESS FOR ALL PARTIES TO REVIEW DOE SITE CHARACTERIZATION PLANS
 - WHAT IS KNOWN ABOUT SITE
 - WHAT ARE ISSUES
 - WHAT INVESTIGATIONS ARE PLANNED FOR RESOLVING ISSUES
- NOT A LICENSE APPLICATION

SCR REVIEW PROCESS

- 0 NRC STAFF PRE-SCR ACTIVITIES
 - 0 CONDUCT SITE REVIEWS
 - 0 COORDINATE WITH STATES
- 0 SCR RECEIPT
 - 0 BWIP - SEPTEMBER 1982
 - 0 NTS - JUNE 1982
 - 0 SALT - JULY 1983
- 0 NRC SITE CHARACTERIZATION ANALYSIS
 - 0 BRIEF
 - 0 8 TO 10 MONTHS TO FINALIZE
 - 0 90 DAYS OF PUBLIC COMMENT
- 0 PERIODIC SCR UPDATES

ISSUES IDENTIFIED
IN NRC REVIEWS

BWIP

- . HYDROGEOLOGY
 - . RESOLVE CONFLICTING VIEWS ON GROUNDWATER
 - . TEST PROGRAM
 - . VERTICAL PERMEABILITY
- . STRESS FIELD
- . OTHERS
 - . SCOPE OF UNDERGROUND TESTING
 - . GEOPHYSICS
 - . GEOCHEMISTRY

NTS

- . ROCK STRENGTH AND STRESS FIELD
- . HYDROGEOLOGY
- . OTHERS
 - . FAULT INVESTIGATIONS
 - . SEISMIC EFFECTS OF NUCLEAR TESTS

STATE PARTICIPATION

- 10 CFR 60 - SUBPART C
 - GOVERNOR MAKES FORMAL PROPOSAL
ON STATE PARTICIPATION
 - NRC STAFF TO PROVIDE CONSULTATION
- NRC STAFF SEEKING VIEWS ON IMPLEMENTATION

WHAT ISSUES ARE IMPORTANT TO STATES?

- 0 ACCESSIBLE ENVIRONMENT
- 0 CANDIDATE AREA AND CANDIDATE SITE SELECTION
- 0 ENVIRONMENTAL AND INSTITUTIONAL EFFECTS
- 0 TRANSPORTATION AND SURFACE HANDLING
- 0 SELECTED GEOTECHNICAL QUESTIONS