

101.1/JJS/82/12/15

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Docket No.

PDR

LPDR

Distribution:

FROM: Joseph O. Bunting, Chief
Licensing Process and
Integration Branch

SUBJECT: SOME GENERAL COMMENTS ON DRAFT 1 OF DRAFT SITE
CHARACTERIZATION ANALYSIS

I have made a cursory review of the Draft 1 Site Characterization Analysis (SCA) on the BWIP SCR. The comments which are presented below, I believe, are relevant to all sections of this draft analysis.

As you know, the requirements for both DOE's SCR and NRC's SCA review of the SCR are spelled out in 10 CFR 60.11. As I read this regulation, the bottom line requirement in reviewing the DOE SCR for the Director NMSS, is to be able to make "an informed judgment" on the DOE site characterization program at its earliest possible stage so that: (1) DOE's proposed site characterization program will not render the site unlicenseable (e.g., techniques used constructing the exploratory shaft); and (2) DOE will obtain the necessary data required by NRC for use in its licensing proceeding.

Based on my reading of your Draft 1 SCA, I am uncertain whether DOE provided sufficient information to enable the Director to make such an informed judgment. Almost every section of the Draft 1 SCA indicates that DOE has not provided adequate or detailed information. However, from reading your Draft 1 SCA document, I can not tell whether the "inadequate data problems" would be of such importance that Mr. Davis could not make an informed judgment and would, therefore, have to object

OFC	: WMPI	: WMPI	:	:	:	:	:
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to DOE proceeding with the characterization of the BWIP site. Such an objection by the Director would be a very serious action; yet, 10CFR60.11 would require such a finding if sufficient information were not available in the DOE SCR. Enclosure 1 presents excerpts from 10CFR60.11 that describe, in part, the requirements NRC must follow in its review of the DOE SCR.

In response to the confusion concerning what is meant in Draft 1 by the use of such terms as "inadequate data," I have prepared a check list of the items cited in paragraph (a) of 10CFR60.11 which may be of use to you and your task group in preparing Draft 2 of the SCA. (See Enclosure 2.)

This check list asks whether the BWIP SCR meets 10CFR60.11(a). In the technical review area, I believe that provisions 6(ii) and 7 of 10CFR60.11(a) should be reviewed closely against your task force's area of expertise. For each site issue for which there is a Site Issue Analysis (SIA) written, your group could use this check list to make a determination as to the "adequacy" of the information provided by DOE. If the answers in your judgment are checked "Yes," then I suggest that the tone of the SCA reflect that your concerns are relatively minor. On the other hand, if they are checked as either "No" or "Yes, only procedurally," I strongly suggest that we regroup and discuss whether it would be more appropriate to go forward with such findings in our Draft SCA or send DOE a letter now indicating our specific concerns. Such action would be consistent with Mr. Davis' guidance of December 10, 1982.

Joseph O. Bunting, Chief
Licensing Process and
Integration Branch

Enclosures:

1. Excerpts from 10CFR60.11
2. Check List for SCR Requirements cited in 10CFR60.11(a)

cc: R. E. Browning

Pre-decisional J.O.B.

OFC : WMPI <i>J.S.</i>	: WMPI <i>B</i>	:	:	:	:	:	:
NAME : JJSurmeier	: JOBunting	:	:	:	:	:	:
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SITE CHARACTERIZATION REVIEW
 REQUIREMENTS
 PURSUANT TO 10 CFR 60.11

I. NRC DRAFT SITE CHARACTERIZATION ANALYSIS

10 CFR 60.11(d)

"The Director shall prepare a draft site characterization analysis which shall discuss the items cited in paragraph (a) of this section." [refers to 10CFR60.11(a). See provisions in Enclosure 2 of this memorandum.]

II. NMSS DIRECTOR'S OPINION IN NRC FINAL SITE CHARACTERIZATION ANALYSIS

10 CFR 60.11(e)

"...Included in the final site characterization analysis shall be either an opinion by the Director that he has no objection to the DOE's site characterization program, if such an opinion is appropriate, or specific objections of the Director to DOE's proceeding with characterization of the named site."

ENCLOSURE 1

OFC : WMPI	: WMPI	:	:	:	:	:
NAME : JJSurmeier	: JOBunting	:	:	:	:	:
DATE : 82/12/15	: 82/12/15	:	:	:	:	:

SCR REQUIREMENTS CITED IN 10 CFR 60.11(a)

	Does the BWIP SCR Meet 10 CFR 60.11(a) Provisions?		
	YES		NO
	In sufficient detail for NRC to adequately review and substantively comment on the proposed DOE SC activities	Only procedurally; but does not pro- vide sufficient information for the Director to make an informed judgment on DOE proceeding with characterization.	
10 CFR 60.11(a)			
<p>(1) a description of the site to be characterized;</p> <p>(2) the criteria used to arrive at the candidate area;</p> <p>(3) the method by which the site was selected for site characterization;</p> <p>(4) identification and location of alternative media and sites at which DOE intends to conduct site characterization and for which DOE anticipates submitting subsequent Site Characterization Reports;</p> <p>(5) a description of the decision process by which the site was selected for characterization, including the means used to obtain public, Indian tribal and State views during selection;</p>			

SCR REQUIREMENTS CITED IN 10 CFR 60.11(a)
(Continued)

	Does the BWIP SCR Meet 10 CFR 60.11(a) Provisions?	
	YES	
	NO	
10 CFR 60.11(a)	In sufficient detail for NRC to adequately review and substantively comment on the proposed DOE SC activities	Only procedurally; but does not provide sufficient information for the Director to make an informed judgment on DOE proceeding with characterization.
<p>(6) a description of the site characterization program including</p> <p>(i) the extent of planned excavation and plans for in situ testing,</p> <p>(ii) a conceptual design of a repository appropriate to the named site in sufficient detail to allow assessment of the site characterization program with respect to investigation activities which address the ability of the site to host a repository and isolate radioactive waste, or which may affect such ability,</p> <p>(iii) provisions to control any adverse safety related effects from site characterization, including appropriate quality assurance programs;</p> <p>(7) a description of the quality assurance program to be applied to data collection;</p> <p>(8) any issues related to the site selection, alternative candidate areas or sites, or design of the geologic repository area which DOE wishes the Commission to review.</p>		