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MEMORANDUM FOR: Regis G. Boyle, Group Coordinator
Institutional and Environmental Concerns
Review Group

THRU: John J. Surmeier, Section Leader
Policy Analysis Section

FROM: Rob MacDougall
Policy Analyst

SUBJECT: COMMENTS ON DRAFT SITE CHARACTERIZATION
ANALYSIS OF BWIP SITE SELECTION PROCESS

At your request, I've reviewed the draft site characterization analysis prepared prior to our receipt of the Department of Energy's (DOE's) Site Characterization Report (SCR) for the Basalt Waste Isolation Project (BWIP). Here are my comments:

1. The draft inadvertently promotes an impression at the outset that NRC is accepting DOE's site screening process uncritically. Half of it is devoted simply to describing DOE's process. More important, it is structured to track the steps in DOE's site screening process, rather than the issues we have to address arising from the elements required to be included in the SCR. Under Section 60.11(a) of the rule, these elements are:

1. "(2) the criteria used to arrive at the candidate area;"
2. "(3) the method by which the site was selected for site characterization;"
3. "(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;" and
4. "(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"

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It would promote the perception that we have made a good faith attempt at rigorous, systematic analysis if our review were structured according to the issues arising under these elements of the SCR.

2. Considering the likelihood that our analysis will be skeptically received by a suspicious public, the first paragraph of page 3-2 is especially troublesome. It says that our review will focus on the screening process that took DOE from the Hanford Reservation to the reference repository location. This conveys a false impression that we intend to avoid the critical issue of how DOE arrived at Hanford in the first place. The conclusion does point out that DOE has not shown how the Hanford site compares to those outside the Pasco Basin, but I doubt that the public would judge our review as complete if we devoted no more than a few sentences to address this fundamental part of the site selection process. I haven't seen the SCR, but if I can safely assume that its discussion of the siting process justifies what follows below, I would suggest we point out that:

a. Under current NEPA law, NRC will have to examine reasonable alternatives to authorizing construction at the site proposed by DOE, and in making that examination in the course of a licensing proceeding, NRC will have to determine that the alternative sites investigated by DOE are reasonable.

b. The process by which DOE selects the slate of alternative sites for characterization becomes especially critical in light of the possibility that Congress may enact pending legislation allowing NRC to consider only the sites characterized by DOE as alternatives under NEPA.

c. We see nothing in the prior nuclear-related federal land use approach to site screening that would disqualify a site selected under this approach as a reasonable alternative for location of a repository. (Note: DOE's National Siting Plan calls these concepts "approaches" rather than "guidelines.") However, we also see no evidence in the SCR that DOE comparatively examined all the federal nuclear reservations that fall into this category before choosing the Hanford site as a reasonable alternative for characterization.

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d. We also see no evidence in the SCR that DOE has undertaken a comparative evaluation of screening approaches other than prior nuclear-related federal land use in arriving at the selection of Hanford as the first site to be characterized. Since NRC will have to consider DOE's comparative evaluation at the licensing stage, we believe DOE should complete this evaluation soon before too much is invested in a site that may turn out to compare unfavorably with sites selected under other screening approaches.

3. Another thing likely to enhance a false impression about our critical intent is the format of our analysis. Since the first three pages are devoted almost completely just to describing DOE's process, it is easy for the reader to miss the beginning of our critical analysis at the bottom of page 3-3. Perhaps it would be useful to break out our comments with an underlined notation (e.g., NRC Comment:) preceding our remarks, which should be delivered in a separate paragraph where possible. Also, since the Federal Register notice of our receipt of the BWIP SCR points out that our Site Characterization Analysis (SCA) will have to be read in conjunction with the SCR, I don't think we need to devote so much valuable space to describing DOE's process and its rationale.

4. If DOE has failed to describe in the SCR "the means used to obtain public, Indian tribal and State views during selection" under Section 60.11(a)(5) above, we should be prepared to say so.

5. The conclusion section (3.4) should expand on the point made in the discussion of screening guidelines (3.3.1.). I believe we should recommend that in the future, transportation factors be given thorough consideration before the locality stage of the site screening process, since transportation impacts from construction and operation of a repository will not be limited to the locality of the proposed site alone.

6. The conclusion contains important points, but some of them (eg., in the first paragraph) are new and don't appear to be integrally related to the analysis preceding it. The conclusion should be presented as our judgments on the most important issues arising from DOE's description of its criteria, methods, alternatives, and and site screening decision process under Section 60.11(a). It would

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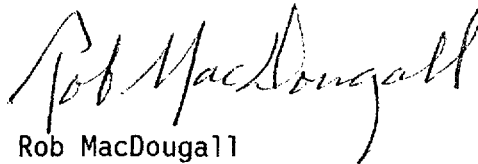
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thus track our previous discussions of each of the elements of the SCR (see comment 2.), reinforcing the thoroughness of our review.

7. Several good points in the conclusion itself could be strengthened for emphasis. For example, instead of saying in the second full paragraph that "NRC will find it difficult" to compare Hanford with sites selected from national and regional surveys under other screening guidelines, we should say that without a comparative analysis of the screening approaches by which DOE selected all the candidate sites on its current slate, DOE cannot expect NRC to be able to make timely NEPA determinations at the construction authorization stage.

Similarly, instead of saying in the last sentence of 3.4 that "NRC would be in a better position" to judge Hanford as a reasonable alternative, we could say that without consistent use of screening guidelines under the several approaches to site selection, DOE will not provide NRC sufficient basis to judge Hanford or any other site as a reasonable alternative.

In the last sentence of the first paragraph of this section, I'm not sure that we have to find that Hanford "compares favorably" to other sites in order to find it a "reasonable alternative." The phrase "compares favorably" suggests that the site has to be found superior to others to be considered a reasonable alternative. Perhaps it would be better to say that to find a site a "reasonable alternative," we have to find that alternatives to the site in question are "not obviously superior." As I understand it, this is the test used in NEPA analyses for reactor licensing, so it may have the advantage of familiarity.



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