

**From:** C. W. (Bill) Reamer  
**To:** TWD2.TWP7.DJB  
**Date:** 11/3/97 3:01pm  
**Subject:** irsr on unsat & sat flow under isothermal conditions

as to §4.3.1, suggest formulating 2d and 5th criterion to not use the words "staff should determine whether. . ." because the words don't appear to an essential part of the criterion (i.e., won't staff make a determination as to any and all criteria, and not just the 2d and 5th) and, in any event, because the words would literally be satisfied no matter what data and analyses DOE provided.

also, the 5th criterion on expert elicitation should not foreclose DOE's use of "another acceptable procedure" -- DOE is not required to use the BTP procedure because the BTP is not a regulation.

it would probably do for the 2d criterion to be "DOE has (1) appropriately. . . [etc.]"

the 5th could be " If DOE uses the expert elicitation process. . . it has followed the procedures described in the [BTP] or it has implemented another acceptable procedure."

other than the above, it looks ok.

NLO.

CC: TWD2.TWP7.NKS

As discussed in the IRSR, staff has identified nine open items under this key technical issue that can be resolved at the staff level. Other items will remain open pending future staff review and updates to this IRSR. It should be noted that all of the information and analyses necessary to demonstrate the methodology have not been qualified under DOE's Quality Assurance Program. It is necessary that appropriate data and analyses will be fully qualified before NRC's receipt of a DOE license application.

Finally, the enclosure should be viewed as a status report that provides the staff's most current views on present-day shallow infiltration at YM. The report will be updated in 1998 to address other subissues. We welcome a dialogue on this subject with DOE, the U.S. Nuclear Waste Technical Review Board, NRC's Advisory Committee on Nuclear Waste, State of Nevada, and other interested parties. If you have any questions about this letter, please contact Neil Coleman of my staff at (301) 415-6615, or via internet mail service (nmc@nrc.gov).

Sincerely,

Newton K. Stablein, Acting Chief  
Engineering and Geosciences Branch  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

Enclosure: As stated

cc: See attached list

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