



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 19, 1996

Mr. Stephan J. Brocoun, Assistant Manager
for Suitability and Licensing
Office of Civilian Radioactive Waste Management
Yucca Mountain Site Characterization Office
U.S. Department of Energy
P. O. Box 98608
Las Vegas, NV 89193-8608

SUBJECT: QUALIFICATION OF EXISTING DATA

Dear Mr. Brocoun:

Thank you for your letter of May 31, 1996, on the qualification of existing data. This letter provides our comments on the subject.

1. Recognizing the importance of the subject, we propose to discuss the contents of your letter and this letter at the next NRC/DOE QA technical meeting. We will schedule the meeting to allow time for DOE to digest the contents of this letter. Hopefully, the meeting minutes will eliminate the need for further correspondence on the issue.

2. We need to have the terms used in your letter (that is, qualified data, accepted data, unqualified data, existing data, non-Q data, and extant technical information) defined and understood in a manner acceptable to both DOE and NRC. We propose the following:

Qualified data are defined as

- data collected by DOE's site characterization program after NRC's acceptance of DOE's (and its involved contractors') 10 CFR Part 60, Subpart G, QA program, plus
- accepted data (see below), plus
- unqualified/existing data (see below) that have been qualified in accordance with NUREG-1298

Accepted data are defined as data accepted by the scientific and engineering community as established fact including, for example, data found in engineering handbooks (such as density tables) and the gravitational law.

Based on previous correspondence and the above definitions, we believe the following definition can be used to define both unqualified data and existing data:

- data developed by DOE's site characterization program prior to NRC's acceptance of DOE's (and its involved contractors') 10 CFR Part 60, Subpart G, QA program, plus
- data developed outside DOE's site characterization program, for example, by oil companies, national laboratories, or universities, plus
- data published in technical/scientific publications, plus
- "non-Q data" (see below)

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Non-Q data are defined as data collected by DOE's site characterization program after NRC's acceptance of DOE's (and its involved contractors') Subpart G QA program but not collected in accordance with that program.

Extant technical information is defined as data and other information published in technical/scientific publications and peer reviewed media - a subset of unqualified data/existing data.

We believe that the minutes of the next NRC/DOE QA technical meeting can reflect a "meeting of the minds" regarding these definitions such that no further correspondence in this regard will be required.

The clarification provided on Page 2 of your May 31, 1996, letter concerning the conduct of data evaluations is acceptable to the staff as is the discussion on accepted data on the same page. However, the paragraph on Page 3 of your letter (and Page 1 of its Enclosure 1) regarding the role of technical review as a means of qualifying data needs further discussion that, we believe, can also take place at the next NRC/DOE QA technical meeting. The reference in the text of your letter to Blocks 4, 6, 7, and 8 of the flow diagram leads the staff to understand that DOE's position for "data not critical to support analyses for safety and waste isolation" has - as indicated by the arrows after Blocks 6, 7, and 8 - "No qualification needed." That means, to us, that technical review does not qualify such data because there is "No qualification needed." We believe that the weight given to "extant technical information" (technically reviewed but not qualified) during licensing will be dependent upon each individual's assessment of the quality of that information. While such information may constitute much of the basis for the site description in a License Application as it is determined by DOE to be defensible (based on the technical review), it should not be considered "qualified data" as defined above.

DOE comments on the draft HLW "Procedure on the Use of Existing Data" [for Issue Resolution] (Enclosure 1 of your letter) will be considered as the procedure is finalized.

A written response to the above is not requested. If you have any questions, please call Jack Spraul of my staff on (301) 415-6715.

Sincerely,



John H. Austin, Chief
Performance Assessment and High-Level
Waste Integration Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

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