



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

February 6, 1996

Mr. Stephan J. Brocoum, 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: U.S. DEPARTMENT OF ENERGY (DOE) POSITION ON QUALIFICATION OF EXISTING DATA**

Dear Mr. Brocoum:

Thank you for your letter of January 31, 1996, on the subject noted above, and its enclosure, "YMSCO Approach to Qualifying Existing Data." This letter provides our comments on the submittal.

The definition of "unqualified data" in the enclosure to your letter (from Revision 5 of DOE/RW-0333P<sup>1</sup>) is analogous to the definition of "existing data" in U.S. Nuclear Regulatory Commission's generic technical position on qualification of existing data for high-level nuclear waste repositories (NUREG-1298). The enclosure uses both terms - apparently interchangeably. In this letter we will use the NUREG's "existing data."

The enclosure states that it is U.S. Department of Energy's (DOE's) intent to focus on the option of equivalent quality assurance (QA) programs for qualifying existing data. This is acceptable. However, the enclosure goes on to say that DOE's intent is to compare the controls that were used while collecting the existing data to present day controls "at a programmatic level instead of looking at equivalent procedure steps that are required by today's standards." This presents a problem to the NRC because, as DOE is well aware, it is much easier to write an acceptable QA program description than it is to develop and implement acceptable procedures. Therefore we recommend that, to qualify existing data, DOE compare the controls that were used while collecting the data to present day controls at the procedural level instead of at the programmatic level. DOE should also have evidence that the procedures were actually followed.

The enclosure then discusses the acceptance of technical data generated outside the project that are nationally recognized and routinely accepted by the technical community. The commitments in the discussion are acceptable to the staff, and we suggest that such data - determined by DOE to be technically

<sup>1</sup> Revision 5 of DOE/RW-0333P was submitted to the NRC by DOE (Milner) letter to NRC (Holonich) dated December 28, 1995. It is being reviewed by the NRC staff.

correct, suitable for their intended use, and accepted as factual for use in support of quality-affecting activities - be called "accepted data" and be so identified in DOE data bases. Although NUREG-1298 states: "All data used in support of the license application that is important to safety or waste isolation must ultimately be qualified to meet the QA requirements of Subpart G of 10 CFR 60," accepted data can be used to support or corroborate qualified data.

A written response to the recommendations and suggestion above is requested. If you have any questions, please call Jack Spraul of my staff on (301) 415-6715.

Sincerely,  
(original signed by)  
John H. Austin, Chief  
Performance Assessment and High-Level  
Waste Integration Branch  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

- cc: R. Loux, State of Nevada
- J. Meder, Nevada Legislative Counsel Bureau
- W. Barnes, YMPO
- C. Einberg, DOE/Washington, DC
- M. Murphy, Nye County, NV
- M. Baughman, Lincoln County, NV
- D. Bechtel, Clark County, NV
- D. Weigel, GAO
- P. Niedzielski-Eichner, Nye County, NV
- B. Mettam, Inyo County, CA
- V. Poe, Mineral County, NV
- W. Cameron, White Pine County, NV
- R. Williams, Lander County, NV
- L. Fiorenzi, Eureka County, NV
- J. Hoffman, Esmeralda County, NV
- C. Schank, Churchill County, NV
- L. Bradshaw, Nye County, NV
- W. Barnard, NWTRB
- R. Holden, NCAI
- A. Melendez, NIEC
- R. Milner, DOE HQ
- R. Arnold, Pahrump, NV
- M. Stellavato, Nye County, NV
- D. Horton, YMPO

**DISTRIBUTION:**

File Center	<input checked="" type="checkbox"/> PUBLIC	ACNW	<input checked="" type="checkbox"/> LSS	CNWSA
NMSS r/f	PAHL r/f	MBell	DBrooks	RWeller
KMcConnell	SWastler	On-Site Reps	MBell	RJohnson

S:\DWM\PAHL\JGS1\DataQ-01.Ltr

OFFICIAL RECORD COPY

In small box on "OFC" line enter: C = Copy, N = No copy  
In small box on "DATE" line enter: M = E-mail distribution, H = Hard copy

OFC	PAHL	C	PAHL	C	OGG	PAHL		
NAME	JGSpraul/kv		JTroma		WReamer	JAustin		
DATE	02/28/96	H	02/28/96	H	02/29/96	02/16/96		

Delete file after distribution: Yes  No