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

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JUL 16 1990

LETTER TO: Distribution

SUBJECT: Issuance of Letter Containing NRC Comments on the Department of Energy's (DOE) Progress Report on the Scientific Investigation Program for the Nevada Yucca Mountain Site for the Period September 15, 1988-September 30, 1989

The purpose of this letter is to provide you with copies of the subject letter, which was transmitted to DOE on June 25, 1990. You are hereby invited to review and comment upon the enclosed letter as you deem appropriate.

As required in 10 CFR 60.18(i), the NRC will soon publish in the Federal Register a notice of availability of the subject letter and announcement of a public comment period. The letter has been placed in NRC's Public Document Room (PDR) and local Public Document Rooms (LPDRs) in Las Vegas and Reno. Comments received on the letter will likewise be made available in the PDR and LPDRs.

If you have any questions regarding the subject letter, please contact King Stablein of my staff at (301)-492-0446.

John J. Linehan, Director
Repository Licensing and Quality
Assurance Project Directorate
Division of High-Level Waste Management

Enclosure:
As stated

Distribution:

R.J. Miller, Governor, State of Nevada
R.R. Loux, NWPO, State of Nevada
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

JUN 25 1990

Dr. John Bartlett
Director
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
Washington, D.C. 20585

Dear Dr. Bartlett:

SUBJECT: NRC STAFF COMMENTS ON DOE SITE CHARACTERIZATION PLAN (SCP) PROGRESS REPORT FOR PERIOD SEPTEMBER 15, 1988-SEPTEMBER 30, 1989

On March 2, 1990 the U.S. Department of Energy (DOE) transmitted the "Progress Report on the Scientific Investigation Program for the Nevada Yucca Mountain Site" (SCP Progress Report) for the period September 15, 1988-September 30, 1989 to the U.S. Nuclear Regulatory Commission (NRC). Following are the NRC staff comments on that Progress Report.

In the transmittal letter (Watkins to Carr, dated March 2, 1990) and in the Foreword, Executive Summary, and Introduction to the Progress Report, it is stated that the report has been prepared in accordance with the requirements of Section 113(b)(3) of the Nuclear Waste Policy Act of 1982 (NWPA). Although DOE does not make reference to requirements in NRC's regulation 10 CFR 60.18(g) specifying the schedule for issuance of progress reports and the contents of those reports, the description given by DOE of what the progress report contents should be appears generally consistent with the requirements of Part 60. In particular, DOE explicitly acknowledges the need to discuss the progress and results of site investigations, repository and waste-package designs, and performance assessments, as well as changes to DOE's site characterization program resulting from progress and results in those areas.

However, based on the NRC staff review of the subject Progress Report, it appears that the reporting of progress and results may not in actuality be wholly consistent with Part 60. For example, when reporting progress or work done in some area, DOE should not merely report that some particular work has been completed, but should also include significant results, at least in summary form, of the work completed. In addition, references to where details of the results can be found should be cited in the report. Of course, those references should be provided to NRC with the progress reports unless they have been previously provided or are available in the open literature. For the subject Progress Report, there are a number of references not provided to NRC that may be unavailable except through DOE. Also, computer codes referred to in the progress reports should be available to NRC upon request.

Another NRC staff observation related to what information needs to be reported is that all important site characterization activities should be included in

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the progress reports. This includes the status of study plans under development and summary results of ongoing site monitoring activities, such as seismic, hydrological, and meteorological monitoring, which were not reported.

It was also noted by the NRC staff that the progress of and changes to the site characterization program would be most easily tracked by interested parties if reporting were done systematically down to the activity level as discussed in the SCP (e.g., Activity 8.3.1.2.1.3.1 - Assessment of Regional Hydrologic Data Needs in the Saturated Zone), a level of detail more closely related to the actual collection of data than the study level (e.g., Study 8.3.1.2.1.3 - Characterization of the regional ground-water flow system). This approach was adopted in the Yucca Mountain Project Technical Status Report (TSR) for April-September 1989, and the NRC staff considers it a simple but effective method for communicating progress in a large and complicated site characterization program.

One topic that is not mentioned in the Progress Report as needing to be covered is progress toward resolution of NRC Site Characterization Analysis (SCA) concerns. In Part 60.18(g), it is stated that "Other topics related to site characterization shall also be covered if requested by the Director." In my July 31, 1989 letter transmitting the NRC staff SCA of DOE's SCP, it was requested that DOE address progress on addressing NRC SCA concerns in SCP progress reports. Also, DOE should include similar information on NRC concerns regarding DOE's study plans communicated in letters to DOE. In addition, DOE should specify where within the progress reports information provided represents progress toward closing open items resulting from past NRC-DOE interactions or from NRC reviews of DOE documents.

This letter is intended to transmit the information contained within for DOE's use during preparation of future SCP progress reports. There is no need for DOE to respond to the observations herein unless it disagrees with them or needs clarification of them.

In closing, if DOE wishes to discuss with NRC any aspects of SCP progress reports, we are available to meet with you and your staff as needed. Mr. John Linehan of my staff (FTS 492-3387) can be contacted if there are any questions regarding this letter.

Sincerely,

Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards

cc: R. Loux, State of Nevada
C. Gertz, DOE/NV
S. Bradhurst, Nye County, NV
M. Baughman, Lincoln County, NV
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