

*This & previous
corresp. in file does
not relate to siting
Guidelines fm NWPA
no*

3109.3/MJB/82/10/27/0

- 1 -

WM- /
PDR
(Return to WM, 623-SS)

Distribution:

- WM file
- WMHL r/f
- NMSS r/f
- JBMartin
- REBrowning
- MJBell & r/f
- HJMiller
- JOBunting
- RBUTeck
- WOlmstead
- PDR - OK per MSB

WMHL: 3109.3

OCT 28 1982

Mr. Wade Ballard, Jr., Acting Director
Division of Waste Repository Deployment
NE-22
U. S. Department of Energy
Washington, DC 20545

Dear Mr. Ballard:

Your advance draft of the DOE "Site Recommendation Guidelines" has been received by the Nuclear Regulatory Commission. We are pleased to have the opportunity for early review of this important aspect of the DOE repository program.

As noted in the introduction, the Guidelines are drawn largely from previously published DOE documents, NWTS 33(1) and (2) which cover program objectives, functional requirements, system performance criteria and site performance criteria. As we understand the legislation, the guidelines are factors that the Secretary of Energy will consider in recommending to the President, sites for further characterization. As we have expressed in reviews of those documents as well as of the draft National Siting Plan (NWTS-4), the "Guidelines" are general factors to be considered and evaluated in site selection and appear to be reasonable factors.

As you know, there are two versions of the HLW bill pending in Congress, each providing different roles for NRC in developing the guidelines as well as different specific factors to be included in the guidelines. The House bill specifies a "consultation" role for NRC, while the Senate bill requires NRC "concurrence" on the DOE guidelines. Therefore, the criteria will need to be reviewed in light of the final legislation.

Nevertheless, for such qualitative guidelines, the process by which they are implemented is crucial. Therefore, we believe DOE needs to go further in an appropriate document to tell the reader specifically how the siting factors will be applied. We expect the process of implementing the guidelines will include explicit documentation of how the factors have been considered and weighed (at least in qualitative terms) in arriving at specific site selection decisions. Also note that selection of a site for a license application to construct a repository

OFC :	:	:	:	:	:	:
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NAME :	:	:	:	:	:	:
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will require DOE to satisfy the siting criteria that NRC will establish when 10 CFR Part 60 is published in final form.

We look forward to continued consultation on the guidelines and their implementation. Please contact me or Hub Miller for follow-up efforts on this matter.

Sincerely,

ORIGINAL SIGNED BY

Michael J. Bell, Chief
High-Level Waste Licensing
Management Branch
Division of Waste Management

*See previous concurrence.

OFC	:	WMHT*	:	WMHT	:	WMHL*	:	WMP	:	OELD	:
NAME	:	RBUeck:Imc	:	HMiller	:	MJBell	:	JOBunting	:	W0lmstead	:
DATE	:	82/10/27	:	10/27/82	:	10/29/82	:	10/27/82	:	10/28/82	:

Benson - No legal objection

will require DOE to satisfy the siting criteria that NRC will establish when 10 CFR Part 60 is published in final form.

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Sincerely,

Michael J. Bell, Chief
High-Level Waste Licensing
Management Branch
Division of Waste Management

*See previous concurrence.

OFC	:	WMHT*	:	WMHT	:	WMHL	:	WMPI	:	OELD	:	:
NAME	:	RBUleck:1mc	:	HJMiller	:	MJBell	:	JOBunting	:	W01mstead	:	:
DATE	:	82/10/27	:	10/ /82	:	10/ 27/82	:	10/ /82	:	10/ /82	:	:

In any case, the legislation will likely call for consultation and coordination between DOE and the EPA and USGS as well as the NRC in developing siting guidelines. We suggest that perhaps the most effective way to consult with the Federal agencies about the guidelines and their implementation among is to meet at an early time on them. Such a meeting would afford the opportunity to discuss in detail questions the agencies may have about the guidelines and their implementation, given that DOE's recommendations for site characterization must be made by January 1, 1984, and on other matters relating to the guidelines provisions contained in the pending legislation.

We look forward to continued involvement in development of the guidelines. Please contact Mike Bell of my staff for followup efforts on this matter.

Sincerely,

John B. Martin, Director
Division of Waste Management

OFC :	WMHT	:	WMHT	:	WMHL	:	WMPI	:	ELD	:	:
NAME :	RUTENISK	:	HMiller	:	MBell	:	JBunting	:	Olmstead	:	:
DATE :	9/15/82	:	9/ /82	:	9/ /82	:	9/ /82	:	9/ /82	:	:



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

WMHT: 3104.1

Mr. Wade Ballard, Jr., Acting Director
Division of Waste Repository Deployment
NE-22
U.S. Department of Energy
Washington, DC 20545

Dear Mr. Ballard:

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As noted in the introduction, the Guidelines are drawn largely from previously published DOE documents, NWTS 33(1) and (2) which cover program objectives, functional requirements, system performance criteria and site performance criteria. As we understand the legislation, the guidelines are factors that the Secretary of Energy will consider in recommending to the President sites for further characterization. As we have expressed in reviews of those documents as well as of the draft National Siting Plan (NWTS-4), the "Guidelines" are general factors to be considered and evaluated in site selection and appear to be reasonable factors. However, for such qualitative guidelines, the process by which they are implemented is crucial. Therefore, we believe DOE needs to go further in the ~~guidelines~~ document to tell the reader specifically how the siting factors will be applied. We expect the process of implementing the guidelines will include explicit documentation of how the factors have been considered and weighed (at least in qualitative terms) in arriving at specific site selection decisions.

In your letter you requested NRC concurrence on the draft guidelines if possible. It is not appropriate at this time for NRC to concur or not concur on the draft guidelines. There are several versions of HLW bills pending in Congress, each providing different roles for NRC in developing the guidelines. The House bills, as you know, specify a "consultation" role for NRC, while the Senate bill requires NRC "concurrence" on the DOE guidelines.

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consult with
In any case, the legislation will likely call for consultation and coordination between DOE and the EPA and USGS as well as the NRC in developing siting guidelines. We suggest that perhaps the most effective way to ~~obtain consensus~~ among the Federal agencies about the guidelines and their implementation is to meet at an early time on them. Such a meeting would afford the opportunity to discuss in detail questions the agencies may have about the guidelines and their implementation, given that DOE's recommendations for site characterization must be made by January 1, 1984, and on other matters relating to the guidelines provisions contained in the pending legislation.

We look forward to continued involvement in development of the guidelines. Please contact Mike Bell of my staff for followup efforts on this matter.

Sincerely,

John B. Martin, Director
Division of Waste Management



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

10/14

Mike B.

Wade B. is out this week. maybe we might be able to get it done just tell Wade we're just getting any return calls and send it on the basis we have heard and taken some steps to deal with his comments.

Hab - Mike Sajef this to Ballard, but has not made telephone contact w/ Wade since

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State as well as different specific factors to be included in the guidelines

~~*Guaranteeing*~~

10/14

Hab

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We look forward to continued involvement in development of the guidelines. Please contact Mike Bell of my staff for followup efforts on this matter.

Sincerely,

John B. Martin, Director
Division of Waste Management

Consult with