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NOTE TO: File

FROM: Joseph J. Holonich, Senior Project Manager  
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Subject: CLARIFICATION OF LAST PARAGRAPH ON PAGE 10 OF THE SANDIA  
OBSERVATION AUDIT REPORT

The purpose of this note is to clarify the last paragraph on page 10 of the Sandia observation audit report (J. Linehan, NRC to Ralph Stein, DOE, November 4, 1988). In that paragraph, the staff identifies the fact that unqualified data is contained in the Reference Information Data Base (RIB), and that this data is used in the exploratory shaft facility (ESF) design and analysis activities. The staff further states that no standard deficiency report was issued by the Department of Energy (DOE) audit team because no requirement was violated. There are two issues that need to be clarified in this paragraph.

First, it should be noted that the data contained in the RIB does not necessarily need to be qualified. Only if the data is to be used for licensing does it need qualification. Not all parts of the ESF will be used to support licensing; therefore, the data used in the design in those areas can remain unqualified. In the last paragraph of its report, the staff talks as if there was a violation simply because Sandia did not qualify the data. If the data contained in the RIB and used in the design of the ESF does not support any licensing activities, it can be unqualified.

The second point of clarification deals with the information in the observation audit report and that contained in the proposed Design Acceptability Analysis being done by DOE to demonstrate that the Title I ESF design is acceptable. In the Design Acceptability Analysis, the staff took the position that DOE did not have to qualify the design data, rather it only had to show that the data was properly applied in its use. In the Sandia observation audit report, the staff questioned the quality of the data being used in the ESF design, and further stated that the staff would expect future DOE audit teams to identify any obvious departures from NRC requirements, in this case NUREG-1298, "Qualification of Existing Data for High-Level Nuclear Waste Repositories." Although the Design Acceptability Analysis and the Sandia observation audit report do not disagree, a clarification of their differences is needed. In the Design Acceptability Analysis, the staff position applies only to the DOE effort to demonstrate the acceptability of the ESF, Title I design, e. g., the proper application of the data. It is not a blanket statement absolving DOE of the need to qualify data used in the ESF design and analysis. If during any ESF design activity, DOE

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finds that the design or analysis will be used to support licensing in the future, DOE must qualify any data associated with those activities. This is consistent with the statements in the observation audit report. On the other hand, if DOE is not using ESF-related data to support licensing, it does not have to qualify the data. This is not clear in the observation audit report.

**ORIGINAL SIGNED BY**

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