

1. INSTANT ABOVE CLASSIFICATION, UNCLASSIFIED, OR RESTRICTED DATA

2. MESSAGE CONTAINS WEAPON DATA  
 YES  NO

U.S. DEPARTMENT OF ENERGY  
**TELECOMMUNICATION MESSAGE**  
(See instructions for instructions)

FOR PERSONAL USE		EMERGENCY USE ONLY	
ACTION	<input type="checkbox"/> Routine <input checked="" type="checkbox"/> Priority	<input type="checkbox"/> Immediate	<input type="checkbox"/> (ASAP)
INFO	<input type="checkbox"/> ... <input type="checkbox"/> ...	<input type="checkbox"/> ... <input type="checkbox"/> ...	<input type="checkbox"/> ... <input type="checkbox"/> ...

3. TYPE OF MESSAGE

Single Address  
 Multiple Address  
 File Address  
 Batch Message  
 Teletype

4. USE WHERE REQUIRED

FOR COMMUNICATION CENTER USE

FOR COMMUNICATION CENTER USE

MESSAGE IDENTIFICATION

NO. \_\_\_\_\_ DTG \_\_\_\_\_

6. FROM

USDOE-NV  
 DONALD L. VIETH, DIRECTOR  
 WASTE MANAGEMENT PROJECT OFFICE  
 LAS VEGAS, NV

7. DATE

*Donald L. Vieth*  
 Director of Nuclear Energy Research

DATE 4/6/84

9. TO
- S. M. COPLAN, NRC, WASHINGTON, D. C.
  - J. W. BENNETT, DOE/HQ (RW-20) GTN
  - M. W. FREI, DOE/HQ (RW-23) GTN
  - R. W. LYNCH, SNL, 6300, Albq., NM
  - J. E. BOUDREAU, LANL, LOS ALAMOS, NM
  - J. F. DEVINE, USGS, DENVER, CO
  - KENNETH STREET, LLNL, LIVERMORE, CA

COMMUNICATION CENTER ROUTING

69 69  
 84 APR 5 1984

WM Record File 102.5

WM Project WM-11

Docket No. \_\_\_\_\_

PDR

LPDR

Distribution: Scoplan

(Return to WM, 623-SS)  
*original not rec'd*

UNCLASSIFIED/N O N W D/NARR THIS FAX IS A FOLLOW-UP TO CLARIFY MY TELEPHONE CALLS TO YOUR OFFICE ON MARCH 29, 30 AND APRIL 2 EXPLAINING THE BASIS FOR MY REQUEST FOR A POSTPONEMENT OF THE WORKSHOPS AND DATA REVIEW UPON WHICH WE HAD PREVIOUSLY AGREED. I HAVE TWO FUNDAMENTAL REASONS FOR REQUESTING THE POSTPONEMENT. THE FIRST IS THE CONFLICT WITH THE PREPARATION OF THE ENVIRONMENTAL

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WM DOCKET CONTROL CENTER

8404300098 840406  
 PDR WASTE PDR  
 WM-11

BE BRIEF - ELIMINATE UNNECESSARY WORDS

10. ORIGINATOR (On separate lines, Enter Name, Routing Number, & Ext. No.) DLVieth 575-3662	11. CLASSIFIED BY (If different from Originator) SAME	12. DOWNGRADING/DECLASSIFICATION STAMP (If Required) UNCLASSIFIED
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ASSESSMENT (EA) AND THE SECOND IS THE ISSUES RAISED BY THE UNITED STATES GEOLOGICAL SURVEY (USGS) AND THE NATIONAL LABORATORIES REGARDING THE RULES FOR THE DATA REVIEWS.

THE DEPARTMENT HAS RECENTLY CLARIFIED THE FINAL REVIEW AND APPROVAL PROCESS FOR COMPLETING THE EA. THIS WAS COMPLETED PURSUANT TO OUR VERBAL AGREEMENT, AN AGREEMENT THAT I MADE IN GOOD FAITH ASSUMING A SIGNIFICANTLY LESS DEMANDING EFFORT FOR THE DOCUMENT'S REVISION. HAVING EVALUATED THE REQUIREMENT WITH MY SUPPORTING ORGANIZATION, I AGREED THAT I COULD NOT COMPLETE BOTH THE WORKSHOPS AND THE DATA REVIEWS EFFECTIVELY WHILE GIVING FIRST PRIORITY TO WRITING THE EA. AT THIS TIME (THE END OF APRIL TO THE FIRST OF JUNE) THE EA WILL HAVE TO BE UPDATED TO REFLECT THE REVISIONS IN THE SITING GUIDELINES ESTABLISHED BETWEEN DOE AND NRC AS A BASIS FOR ACHIEVING CONCURRENCE. I HAVE HAD THE KEY PEOPLE IN THE SUPPORTING ORGANIZATIONS WORKING 60-PLUS HOURS PER WEEK SINCE NOVEMBER TO WRITE THE EA AND COVER OTHER SUNDRY FIRE FIGHTS THAT PRESENT THEMSELVES ON A WEEKLY BASIS. IN ORDER TO GET THE DOCUMENT REVISED FOR A JUNE 1 SUBMITTAL TO HQ WILL REQUIRE A HEAVY PUSH OF EQUALLY DEMANDING TIME REQUIREMENTS ON MY KEY STAFF. I, IN GOOD CONSCIENCE, CANNOT ASK THEM TO DO MORE. IN VIEW OF THE PRIORITIES ESTABLISHED BY MY DEPARTMENT, I CAN ONLY REQUEST A POSTPONEMENT UNTIL I HAVE MET THE SECRETARY'S MILESTONES.

IT IS MY UNDERSTANDING THAT A MAJOR REASON TO HAVE THE WORKSHOPS IS TO PREPARE THE NRC TO COMMENT ON THE EA. TO HELP REDEEM MYSELF IN THIS REQUEST FOR ANOTHER DELAY, IS TO OFFER A NEAR FINAL DRAFT EA TO NRC AT AN EARLY DATE (JUNE 2) FOR EXAMINATION AND TO CONDUCT THE WORKSHOPS TO EXPLAIN THE LOGIC AND DATA THAT WAS USED IN THE ANALYSIS AT THE SITE AGAINST THE SITING GUIDELINES.

AFTER I AGREED TO THE DATA REVIEWS, I ATTEMPTED TO EXPLAIN THE CONCEPT TO MY CONTRACTORS AND THEY RAISED SOME POINTS OF A TECHNICAL NATURE THAT I COULD NOT ADEQUATELY EXPLAIN. PURSUANT TO THIS INTERACTION I BELIEVE WE NEED TO EXPLORE AND CLARIFY THE SITUATION. FIRST IT WAS POINTED OUT TO ME THAT ON SITE DATA REVIEWS ARE NOT COVERED IN THE MORGAN/DAVIS AGREEMENT OR THE PROPOSED DOE/NRC SITE SPECIFIC AGREEMENT. CONSEQUENTLY, QUESTIONS OF GROUND RULES CAME UP. IT IS NECESSARY TO NOTIFY THE PUBLIC OF THE REVIEW. IF A MEMBER OF THE PUBLIC SHOWS UP, DO THEY HAVE TO BE ADMITTED AND BE INVOLVED? FOR THE NATIONAL LABORATORIES, THE DATA FILES ARE IN SECURED AREAS. THIS MEANS THAT ONE GUARD FOR EVERY THREE PERSONS WILL BE REQUIRED TO BE WITH THEM AT ALL TIMES.

IT IS OUR EXPERIENCE THAT NRC WILL INVOLVE CONSULTANTS WHO ARE FOREIGN NATIONALS, SOME OF WHOM MAY BE FROM COUNTRIES THAT HAVE NOT SIGNED THE NON PROLIFERATION TREATY. IN THESE CASES THERE ARE STANDARD REQUIREMENTS OF SEVERAL WEEKS TO SEVERAL MONTHS TO OBTAIN CLEARANCES TO ALLOW THESE PEOPLE TO ENTER THE SECURED AREAS. IF THIS BECOMES AN ESSENTIAL OPERATIONAL FROM THE NRC VIEWPOINT WE MAY HAVE TO RELOCATE ALL OUR DATA FILES OUTSIDE OF THE SECURED AREAS WHICH WILL CREATE SERIOUS OPERATIONAL PROBLEMS FOR US. THE QUESTION WAS ALSO RAISED ABOUT THE DEFINITION OF "DATA FILES." BEFORE WE BEGIN THESE REVIEWS, WE WOULD LIKE TO SETTLE ON A DEFINITION OF DATA AND WHAT FILES WILL BE REVIEWED. THE LABORATORIES AND FEDERAL AGENCY THAT SUPPORT THE NNWSI PROJECT HAVE WELL ESTABLISHED POLICIES FOR THE REVIEW AND APPROVAL OF TECHNICAL DATA TO ASSURE ITS QUALITY AND ACCURACY BEFORE IT IS RELEASED TO THE PUBLIC. IT IS OUR UNDERSTANDING THAT NRC WOULD LIKE TO COPY RAW DATA AND PLACE IT IN THE PUBLIC DOCUMENT ROOM WITHIN A TIME FRAME BEFORE IT HAS BEEN FULLY CHECKED.

WHILE IT HAS BEEN INDICATED THAT LITTLE TIME OF NNWSI PROJECT PARTICIPANTS WOULD BE INVOLVED, WE HAVE BEEN ADVISED THAT SIGNIFICANT TIME OF STAFF IS ACTUALLY REQUIRED TO GO THROUGH LABORATORY NOTEBOOKS AND FILES.

I RECOGNIZE THAT THESE PROCESSES HAVE GONE ON AT OTHER CONTRACTORS IN THE PROGRAM. HOWEVER, I BELIEVE THAT YOU RECOGNIZE THAT WITH THE NATIONAL LABORATORIES AND THE USGS, I HAVE A SIGNIFICANTLY DIFFERENT SET OF CIRCUMSTANCES.

I ALSO RECOGNIZE THAT NRC HAS A RIGHT TO KNOW WHAT IS GOING ON IN THE NNWSI PROJECT. CONTRARY TO COMMENTS I HAVE HEARD, WE ARE NOT ATTEMPTING TO STONEWALL NRC INVOLVEMENT. I BELIEVE THAT IT IS ESSENTIAL THAT WE MEET TO DISCUSS THE ISSUES SO THAT ALL PARTIES CAN BE INFORMED AND KNOWLEDGEABLE OF THE RIGHTS, RESPONSIBILITIES, AND PREOGATIVES OF EACH. I PROPOSE WE MEET ON THURSDAY, APRIL 12, OR FRIDAY, APRIL 13 IN THE AFTERNOON SO THAT THESE ISSUES CAN BE AIRED. I WILL WORK WITH PAUL PRESTHOLT TO ESTABLISH THE AGENDA FOR THE MEETING.