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March 20, 1985

WM S/F 3103	RLJohnson
WMRP r/f	KStablein
NMSS r/f	RJWright
CF	TVerma
REBrowning	PPrestholt
MJBell	RCook
DMAusshardt	JGiarratana
JGDavis	KGano(O)
RECunningham	PDR
WJOImstead	
JTGreeves	
MRKnapp	
JBunting	
HJMiller & r/f	
RREoyle	
JLinehan	
JKennedy	
SCoplan	

Dis. Address:

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Mr. Ben C. Rusche, Director
 Office of Civilian Radioactive
 Waste Management
 U.S. Department of Energy
 Washington, D.C. 20585

Dear Mr. Rusche:

The NRC staff has completed its review of environmental assessments (EAs) issued by the DOE on December 20, 1984, in support of the site-selection process established by the Nuclear Waste Policy Act (NWPA) of 1982 for the first geologic repository. The EAs contain assessments of the nine potentially acceptable sites that DOE has identified for the first repository in accordance with the requirements of Section 112 of NWPA and General Guidelines for the Recommendation of Sites for Nuclear Waste Repositories (10 CFR 960--the siting guidelines) developed pursuant to Section 112. The NRC staff, in conducting its review, attempted to give essentially equal attention to all nine EAs.

The NRC staff recognizes the magnitude of the DOE effort -- the nine EAs consisted of about 9,000 pages supported by more than 3,000 reference documents -- and the difficulty of its ranking process since this called for a consideration of the many, widely varying conditions and situations which exist at nine sites.

These NRC comments should be viewed as a part of the continuing interface between the staffs of the DOE and NRC which will lead to early identification of potential licensing issues. In addition, our comments are influenced by the provisions of the NWPA for NRC to adopt the DOE Environmental Impact Statement (EIS) to the extent practicable. We believe the EAs and DOE's reaction to the NRC comments will affect the ability of DOE to produce an EIS that NRC can adopt. As DOE is aware, adoption of the EIS and early identification and resolution of potential licensing issues will have significant impact on ultimate resource needs and schedules in this important national program. Therefore, we believe that the opportunity afforded by the EAs for early interaction between NRC and DOE on site issues will be beneficial to the progress of the repository program.

Our comments focus on some significant areas where, we believe, reexamination by DOE is necessary. The substance of our comments is founded principally on our view of the existing factual support for the DOE conclusions, the treatment of uncertainty in DOE's use of existing data, and on logical alternative treatments of data which, we believe, may lead to logical alternative or modified conclusions. In no case did the staff conclude that a disqualifying condition was clearly present or a qualifying condition clearly absent at the

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site being investigated. NRC has not attempted, nor do we consider it appropriate for NRC to attempt, a rating of sites.

We believe that resolution of our comments could be achieved by DOE reexamination of existing data and, based on this reexamination, a reconsideration by DOE of its conclusions as they may affect findings on individual guidelines and thus the comparative ranking of sites. We recognize as you do that, at this stage of the site investigation and screening process, there is inherent uncertainty in many site features and that final resolution of uncertainties--such as those alluded to in our comments--must await detailed site characterization.

The staff presents its comments in two parts. First, it presents major comments. Second, detailed comments are presented on each of the chapters of the EA. The major comments are those comments which the staff considers may potentially lead DOE to a change in EA findings with respect to a specific guideline or may affect DOE's comparison of sites. In some of the detailed comments, the staff identifies areas where discussions supporting EA findings are more certain than we believe the data supports. If such supporting discussions were considered in the comparison and ratings of sites, these detailed comments could be as significant as those labeled major comments. In its comments, the staff attempted to describe the significance of the comment and actions which may be appropriate for resolution.

Recognizing the importance of the decisions that the DOE is making in the repository site-selection process and in view of the schedules that are prescribed in NWPA, we are available to meet with DOE representatives to discuss our comments to assure that they are clearly understood.

Sincerely,

John G. Davis, Director
Office of Nuclear Material Safety
and Safeguards

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*See previous concurrence page.

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E :JJLinehan*	:RJWright*	:NKStablein*	:RJJohnson*	:RRBoyle*	:HJMiller*	:MRKnapp*
E :85/03/20	:03/ /85	:03/ /85	:03/ /85	:03/ /85	:03/ /85	:03/ /85