

ENCLOSURE 2

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MEMORANDUM FOR: The File  
FROM: Hubert J. Miller, Chief  
Repository Projects Branch  
Division of Waste Management  
SUBJECT: QA AND STAFF EA COMMENTS

The question has arisen about whether NRC should be commenting on matters of quality assurance in its review of the DOE repository EAs. Given that the actions being taken by DOE are site screening decisions and not regulatory in nature (i.e., they involve early site screening decisions and not selection of a single site for repository development), quality assurance matters are not being raised by the staff in its review.

This position is based on and is consistent with the following:

1. NRC Siting Guidelines concurrence action. The Commission made its concurrence subject to delineation by DOE in the Guidelines of the information needed at each stage of the repository development process (including site screening). In concurring in the Guidelines the Commission recognized that information available at early stages, when many sites were being investigated, would be "reconnaissance level" information, with much of it obtained from secondary sources. It was clear, therefore, that much of the information would not have been collected under formal quality assurance programs. Quality assurance per se was not an issue in the Guidelines concurrence process.
2. 10 CFR 60 and related reg. guides (e.g. RG 4.17) do not require DOE to implement quality assurance programs prior to start of site characterization. Nor do these licensing documents require DOE to discuss the effect that absence or presence of quality assurance programs and records has on site screening evaluation and uncertainties in these evaluations.
3. In reactor alternative site evaluations and site screening decisions, QA has not been required.
4. Not raising QA and its effect on uncertainties in decisions being made at this stage is consistent with our not raising the issue of specifically how much information is required to make the site screening decision. Appropriate latitude is provided to DOE in NWPA and the Guidelines to make these calls. DOE must decide what is an acceptable level of risk or

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uncertainty in making these decisions after receiving public comments, completing their consultation process with States and Tribes and finalizing the EA's. Again, in this connection it is important to note that DOE is not making a final site selection.

- 5. The EA review plan does not envision or require staff comments on QA matters.

One suggestion made is that we merely recommend that DOE recognize in the EA that lack of QA records is a source of uncertainty. Presumably, this comment would be made with the idea that DOE should somehow factor this explicitly into their decision. The literal or logical result of this comment, however, would be for DOE to explicitly examine the wide variety and enormous number of different data sources (many thousands when all nine sites are considered) with respect to quality assurance. This matter of qualifying existing data is one which is being given considerable attention in the ongoing discussion between NRC and DOE staffs; however, this is being done in the context of what will be needed for the sites that are selected for site characterization and potential licensing. To suggest that DOE should do such an examination before the site screening decision is to ratchet DOE enormously and is unnecessary. It could not be supported given NRC's role in site screening decisions. To make the general comment and not expect DOE to take it seriously (i.e., to evaluate the effects the absence or presence of QA programs have on the many sources of data being considered) would be disingenuous.

NRC has made QA a major licensing issue for the past several years in a highly visible way and is continuing to do so. Documentation of this includes:

- 1. Comments on the several versions of DOE Mission Plan.
- 2. 10 CFR 60.
- 3. Staff QA Review Plan and the letter transmitting it to DOE.
- 4. Meeting minutes from site visits and briefings of DOE projects and management.

A detailed program of consultation and guidance on specific QA implementation issues that must be resolved before site characterization is underway. In addition, we have encouraged DOE to put into place a QA program before it is required by the regulations and to have programs which exceed the "bare minimum legal requirements."

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Finally, the staff had developed a detailed and comprehensive set of comments questioning areas where we believe DOE has not adequately reflected uncertainties which exist with current or available information. It is believed that this will be recognized by all for what it is -- a rigorous and objective critique of DOE's work. Making a comment on QA just to be "covering the base" and thus to be assuring that there is public confidence in the job NRC is doing is unnecessary.

This matter has been discussed with Wolf (ELD) who stated he had no legal objections one way or the other on the matter. IE (Altman) was consulted and feels similarly.

In summary, it is not appropriate nor is it necessary for NRC to be commenting on QA matters in its review of the EA's.

Hubert J. Miller, Chief  
Repository Projects Branch  
Division of Waste Management

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