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2001 S STREET, N.W.

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WASHINGTON, D.C. 20009

TELEPHONE (202) 328-3500

GAIL MCGREED
ELLYN R. WEISS
WILLIAM S. JORDAN, III
DIANE CURRAN
DEAN R. TOUSLEY

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MEMORANDUM TO: REB

Enclosure sent to DC5 -
ltr to REB fm Tousley
dated 3/20/85.

March 22, 1985

FROM: Dean Tousley
ASSOCIATE ATTORNEY FOR THE
YAKIMA INDIAN NATION

TO: Recipients of YIN Comments on Draft Hanford EA

RE: Errata

Please correct the following errors in the recently submitted Comments of the Yakima Indian Nation on the Draft Environmental Assessment for the Hanford Site, Washington under the Nuclear Waste Policy Act, Volume 1:

- On page 2, Executive Summary, fifth bullet: "Pre-emplacment ground water travel times are underestimated" should be "Pre-emplacment ground water travel times are overestimated."
- On page 6, General Comments, Comment # G-1, line 3 of Discussion: insert "compliance" between "to" and "with". The clause should read as follows: "...refers to compliance with the EPA standards."

For your convenience, corrected replacements for pages 2 and 6 are enclosed.

Also enclosed is an additional, bound copy of the comments.

Enclosures

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PDR WASTE
WM-10 PDR

- Several problems exist in the waste package subsystem performance analysis.
 - Corrosion is the only failure mechanism used in the analysis, in spite of the fact that NRC has questioned whether horizontal boreholes can be held open under the stresses encountered. Mechanical failure of waste packages is ignored.
 - All sorption data are derived from short term laboratory tests which were not conducted under the expected conditions to be encountered at depth. Therefore, the results are highly suspect.
- RHO tends to overestimate or underestimate the following critical parameters:
 - Pre-emplacement ground water travel times are overestimated.
 - Pre-emplacement ground water travel times are based on a conceptual flow model which has not been accepted by the scientific community. The RHO conceptual model has no vertical component of flow. Additionally, the NRC has stated "Further, a range of defensible models which bracket all reasonable interpretations" should have been used (USNRC, 1984). A reasonable alternative interpretation is discussed in the technical appendix (i.e., vertical flow) - this alternative is not currently being considered in travel time estimates used in the EA.
 - Ground water travel times use an effective porosity much higher than measured in two tests done in the Grande Ronde flow tops. An arbitrary decision was made to depend on "expert judgement" rather than real data. Use of real data would have resulted in a substantially shorter travel time.
 - Errors have been committed in ground water travel time analyses and large differences exist in the results provided by the various models used to support the findings. These variations are indicative of the very large uncertainties which surround these preliminary estimates of ground water travel time.

GENERAL COMMENTS

Introduction

The Yakima Indian Nation comments presently being submitted are preliminary. Due to the extremely limited time period for review of the lengthy EA and thousands of pages of references, the late receipt of many of those references by the YIN and its contractors, and the late approval of YIN consultation and cooperation funding for FY-85, these comments are submitted this date under protest. The YIN reserves the right to supplement these comments as need be over the next several weeks.

YIN Comment #: G-1

Statement of Issue: DEA conclusions based on projections of compliance with Environmental Protection Agency Standards for Protection of the Environment from Radioactive Waste Disposal, proposed 40 CFR § 191, are invalid due to the lack of finally promulgated standards.

Discussion: One of the most important findings in the DEA is the finding of compliance with the post-closure system guideline, 10 CFR § 960.4-1, which, in turn, refers to compliance with the EPA standards. The DEA predicts the likelihood of such compliance for the Hanford Site based on a Working Draft #4 of the EPA standards. However, since the likelihood of changes in the final standards vis-a-vis Working Draft #4 appears high, these conclusions are meaningless. DOE cannot reach any conclusions about the likelihood of compliance with the EPA standards until those standards are promulgated in final form.

Recommendation: DOE must not issue final EAs which are not based on analysis against finally-promulgated EPA standards. If there are significant changes in the final standards compared to those draft standards on which the EAs are based, the EAs should be re-issued in draft form for comment.

YIN Comment #: G-2

Statement of Issue: The same DOE contractor that has a billion dollar stake in the selection of the Hanford site for a repository should not be used to analyze the feasibility of a Hanford repository. This presents a conflict of interest.

Discussion: Rockwell Hanford Operations, which has been the prime contractor in the site analysis and selection process, will, as things now stand, also be the contractor during the site