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Mr. Robert E. Browning, Director
Division of Waste Management
U.S. Nuclear Regulatory Commission
Mail Stop 623-SS
Washington, D.C. 20555

RE: NRC Site Technical Position 1.1

Dear Mr. Browning:

Enclosed are the comments of the Yakima Indian Nation on NRC's Site Technical Position 1.1, Hydrologic Testing Strategy for the BWIP Site. We apologize for the delay in transmitting these comments, and appreciate your consideration in awaiting their receipt.

Please contact the Yakima Nation's hydrologic consultant, Linda Lehman, if you have any questions concerning the substance of these comments. She can be reached at (612) 894-9359.

Sincerely yours,

Dean R. Tousley

Dean R. Tousley
ASSOCIATE ATTORNEY FOR
THE YAKIMA INDIAN NATION

Enclosure

cc: Melvin Sampson
Russell Jim
James B. Hovis
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COMMENTS OF THE YAKIMA INDIAN NATION

ON NRC SITE TECHNICAL POSITION 1.1

In general the NRC BWIP Site Technical Position 1.1 Hydrogeologic Testing Strategy for the BWIP site offers sound guidance to the DOE. We are in agreement with the philosophy that DOE should revise their testing strategy in order to determine a way to integrate data collected in the past with the newly collected data. All available data should be used in their conceptual models. We recommend similar strategies be developed for other areas, such as geomechanics, model conceptualization, design and performance assessment. The following comments are offered for your consideration.

Appendix A Stage 1.E

Comment:

Technical Position 1.1 states that DOE should solicit reviews from the NRC and other interested parties as an approach to developing a consensus on the baseline. It would be preferable for RHO and DOE to develop criteria in advance to describe what length of time is required for baseline data collection in order to determine whether or not the flow system is actually in equilibrium. The minimum number of seasons over which measurements must be made

should be agreed on, as well as the amount of seasonal fluctuation to be expected in order to justify the assumption that steady state conditions exist. Realistically, no less than two or three years worth of data should be collected to enable identification of short term and seasonal trends.

Appendix A Stage 2

Comment:

Since considerable money will be spent using analyses that assume Darcian flow, it may be prudent to establish a procedure to test this assumption as a byproduct of the testing plan. An example of this type of application is given in John J. Hickey, "Field Testing the Hypothesis of Darcian Flow Through a Carbonate Aquifer", Ground Water, Vol. 22, No. 5, 1984.

Since Darcian flow is being assumed, does this mean the NRC and DOE have reached a consensus on the applicability of Darcy's law? If so when was this done and how was it demonstrated?