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MEMORANDUM FOR: BWIP Group Coordinators

FROM: Robert J. Wright, BWIP Project Manager

SUBJECT: PRODUCTION OF DRAFT NUREG 0960

As you know, the material for the draft NUREG is due for delivery to CRESS by COB Wednesday, March 2, 1983. The CRESS output, draft NUREG 0960, is expected to be reproduced and distributed, for management review, on Friday, March 4, 1983. The transmittal letter is Attachment 1.

Between now and COB March 2, several tasks need to be done in your area of responsibility. Here is a check list.

1. Adjust your chapter(s) to conform to the standard outline. Ensure that section headings conform to the standard. See item 1, Attachment 2.
2. Make sure that the conclusions conform with the text and both are accurate. In the text use the same syntax as in the conclusions. Provide to me reference page(s) for each of the numbered comments that begin on page C-8 of Draft 3. See item 2, Attachment 2.
3. Make sure the text adequately covers the BWIP plans as identified in Volume 3 of the SCR. See item 3, Attachment 2.
4. Review Appendix C to ensure that it correctly handles your issues -- especially Table C-4, pages C31 and C34.
5. Continue scrubbing appendices: to eliminate material not useful in support of the DSCA; to ensure compatability with the text; and to determine that we support all recommendations and suggestions in the appendices.
6. Double check all references to 10 CFR 60 and draft EPA standard for accuracy. Citations should read "10 CFR 60" and "EPA standard".

OFC : : : : : : : :

 NAME : : : : : : : :

 DATE : 83/02/28 : : : : : : : :

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- 7. Discuss with me the handling of all outside comments (from RES, ELD, Lowenberg, Jackson, Thomas). ELD comments are Attachment 3. I am interested mainly in the comments you elected not to accommodate. With respect to the editorial comments of Ann Thomas, I recommend that all be accommodated unless an unacceptable change in meaning is involved.
- 8. On March 2nd and 3rd, I shall be circulating the transmittal memo (Attachment 1) for your concurrence.
- 9. Ron Uleck will supply you with a standard paragraph for "comparison of issues" in section 3 of your chapter(s). Modify this, as needed, for your purposes.

ORIGINAL SIGNED BY

Robert J. Wright
BWIP Project Manager

Enclosures:

- 1. Transmittal Memo - 3/4/83
- 2. Group Coordinators - 2/28/83
- 3. ELD Comments

OFC	:	WMHT	:	:	:	:	:	:
NAME	:	RJW:ls	:	:	:	:	:	:
DATE	:	83/02/28	:	:	:	:	:	:

WM-10/RJW/83/02/25/0

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March 4, 1983

WM-10

MEMORANDUM FOR: Branch Chiefs, WMHL, WMHT, WMPI
FROM: Robert Wright, WMHT
SUBJECT: TRANSMITTAL OF DRAFT NUREG 0960

Attached for your review, and for review ^{by} of NMSS management, is draft NUREG 0960, "Draft Site Characterization Analysis" for the Basalt Waste Isolation Project.

As you know, we are working under a stringent production schedule, in order to provide DOE with early guidance on the BWIP site characterization program. This schedule calls for the draft NUREG to be delivered to the printers on Monday, March 14, 1983.

With this in mind, I would like to have in my hands, ^{COB} by ⁸ March 8, any comments which you wish to have incorporated in the document.

Responsibility for the technical content of this document rests with myself and, more importantly, the BWIP review coordinators. The areas of technical responsibility are shown below:

Group Coordinator

Area of Responsibility

OFC	:	:	:	:	:	:
NAME	:	:	:	:	:	:
DATE : 83/02/25	:	:	:	:	:	:

Boyle	Environmental/institutional matters
Cook	Waste form and package
Greeves	Design of underground facility; quality assurance
Justus	Geochemistry
Knapp	Performance assessment
Prestholt	Geology
Verma	Hydrogeology

On the concurrence copy of this memorandum, each group coordinator has indicated his assent to the soundness of technical content in his area of responsibility. *Concurrence indicates the satisfaction of ^{the} coordinator with the treatment, in all parts of the DSCA, of the material in his area of responsibility.*

Robert J. Wright, WMHT

Enclosure:
Draft NUREG 0960

OFC :	:	:	:	:	:	:
NAME :	:	:	:	:	:	:
DATE : 83/02/25	:	:	:	:	:	:

GROUP COORDINATORS

1. CONFORM ON CHAPTER OUTLINE. ESP. W.R.T. THINGS THAT HAVE EITHER CHANGED OR BEEN POINTS OF CONFUSION
- .1 Introduction
 - .2 - Background.
 - .3 Analysis of Issues
 - ~~Analysis of Issues~~ ... First part should stand out. ~~(them a. of analysis.)~~ Evaluation of the adequacy and completeness of the BWIP identification ~~and characterization~~ and potential licensing issues.... The staff considers.... (state conclusion of our analysis....). Old section - .1.3. (Where is Ulick's standardized writing on this?)
 Then proceed to evaluate status of issues (Ulick)... ~~is~~ ^{analyze} The characterization in SCR of what's known and not known ~~is~~
 - .4 site characterization Analysis of plans.. as before
 - .5 Summary.



LET'S GET SOME POSITIVE FEEDBACK TO ASSURE THERE IS UNDERSTANDING AND CONFORMANCE ON THIS.

2. CAREFUL READING OF CONCLUSIONS IN THEIR AREA. AND INPUT ON
- Assure ~~is~~ ^{conclusions} right or get ~~is~~ ^{them} changed.
 - Assure that comments are exactly the way they read in chapter. I.e. Conclusions must be based on material written in chapter.

2.1 CON'T

- Assure general points in C.S are reflected in Chap. comments

3. ADEQUATELY REFLECT BWIP PLANS AS IDENTIFIED IN INTEGRATED LOGIC DIAGRAMS.

4. PRESENTATIONS / BRIEFINGS ON MONDAY, TUESDAY OF NEXT WEEK.

- BWIP PLAN
- JLC COMMENTS.

• SEE ATTACHED — QUESTIONS FOR BWIP TEAM



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

Attachment 3

Wagner et al

February 18, 1983

MEMORANDUM FOR: Robert E. Browning
Division of Waste Management
Office of Nuclear Material Safety & Safeguards

FROM: William J. Olmstead
Director and Chief Counsel, Regulations Division
Office of the Executive Legal Director

SUBJECT: DRAFT SITE CHARACTERIZATION ANALYSIS ON THE BWIP SCR

The following comments are forwarded in response to your memorandum of February 8, 1983 on the captioned subject.

1. Page C-1. In addition to the identified "central question," there is a second fundamental concern to be addressed in our review: will site characterization activities adversely affect the site? Also, the text of the SCA may be inadequate in its treatment of this topic.
2. Page C-1. The "two basic questions" -- besides being three -- are not "basic." The basic questions are those dealing with information to be obtained and with adverse, safety-related, effects on the site.
3. Page C-3. There is no EPA standard (except in proposed form), so it cannot be concluded, by DOE or anyone else, that the EPA standard would be satisfied. More generally, the many references to the EPA standard and NRC rules appear to be inconsistent and confusing. Perhaps the various documents should be reproduced in the SCA, with all references accurately keyed to the proper version.
4. Page C-11. Delete the portion of the first paragraph on Item 11. beginning "that will be of concern." With or without agreement, the program can be well targeted. More important, we should be concerned with the adequacy of performance assessment to meet our licensing needs, whether or not others are satisfied.
5. Page C-12. The followup plans are important. Keep in mind that in a licensing proceeding any issue raised in the SCA is likely to be grounds for litigation. The staff will be asked how it has resolved each of its concerns, and a systematic followup system will be helpful in enabling the staff to address all the issues and to prepare appropriate responses.
6. Page 1-2. The discussion of other statutory interfaces between NRC and DOE is misleading. Per conversations, with Mr. Miller, we recommend combining the

Let's
cut back
on especially
new stuff and
current
rule

first two full paragraphs -- retaining only the first sentence of the first paragraph and the last sentence of the second paragraph.

In the third paragraph: (1) delete "therefore" and (2) revise the second sentence to read "By identifying these concerns in a timely manner, they can be resolved in an orderly way that will contribute to the completion of license reviews according to the schedules specified by law."

7. Page 8-1. The following revised language is proposed:

As noted in Chapter 1, new legislation has been enacted since DOE submitted the SCR on November 12, 1982. The legislation, the Nuclear Waste Policy Act of 1982, Pub. L. 97-425, 42 USC 10101, now addresses site-selection and environmental factors (i.e., NEPA issues) through procedures outside the site characterization program. Thus, in contrast to the NRC regulatory approach, under which a site characterization report was to discuss the method by which the site was selected for site characterization, the Waste Act provides that this information is to be included in an environmental assessment prepared by DOE which is subject to public review in accordance with other specified procedures. The site characterization plan which is to be submitted for NRC review under the Waste Act is concerned with activities proposed to be conducted at the site and not with the site selection process. In the light of the new statutory direction, this draft site characterization analysis will not consider site-selection and environmental factors that lack safety significance.

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The staff observes that under the Waste Act the Commission retains responsibilities under the National Environmental Policy Act. However, pursuant to the new law, any environmental impact statement prepared in connection with a repository proposed to be constructed by DOE will, to the extent practicable, be adopted by the Commission in connection with the issuance of a construction authorization and license. Accordingly, the omission of a treatment of NEPA issues in this document is not intended to imply that they will not be considered in other contexts as provided by law.

8. Page 9-1. The relationship of "performance assessment" (Chapter 9) to "performance confirmation" (described in Part 60) is unclear. The appropriate question is whether DOE has designed a performance confirmation program that is appropriate; if that is the question, then Chapter 9 is inadequate. If the objective of Chapter 9 is something else, then the analysis needs to explain how performance confirmation plans are being evaluated.

See Comment 1. relative to the "central question."

Performance assessment does not assure conformance with numerical criteria; it may, however, assess conformance.

9. Page 9-2. The judgments that are critical in this context are policy judgments; although they must be made in the light of the Commission's expertise, it is misleading to characterize them as "expert judgments."

The use of probabilistic assessment needs to be explained in terms that more closely parallel the staff's recommendations to the Commission in connection with Part 60.

If the staff wishes to complete determination (2) prior to initiation of licensing proceedings, it will be necessary to carry out rulemaking to accomplish this objective. The objective seems reasonable and achievable, but it will be necessary to scope out the task and determine schedules, resources, etc. that may be required.

10. Page 9-3. Definitions should conform to 10 CFR Part 60.
11. Page 9-5. See prior comments (4 and 9) regarding consensus and agreement and expert judgment.

Additionally, the statement about "compliance with the numerical criteria" implies that these criteria are less flexible than is the case. The issue should be stated, instead, in terms of whether the techniques are appropriate to the approval or specification of numerical criteria that would be used for purposes of licensing.

12. Page 9-6. See prior comments regarding consensus and agreement.
13. Page 11-1. I see no reference to any DOE plans for evaluating natural resources at the site, the exploitation of which could affect the ability of the site to isolate radioactive wastes.
14. Appendix C. Definitions should conform to 10 CFR Part 60 (and the version of Part 60 being referred to should, here as elsewhere, be stated explicitly). Environmental issues should be eliminated. (See Comment 7, above.) In Figure C-1, the cross-section should depict the limit of the engineered barrier system.

15. Appendix T, Section 1.2.1.3. The EPA is responsible for establishing generally applicable environmental standards for the protection of the general environment from radioactive material. The text should be revised accordingly.

William J. Olmstead
Director and Chief Counsel
Regulations Division
Office of the Executive
Legal Director

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