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January 22, 1993

Richard L. Bangart
Director, Division of Low-Level Waste Management
and Safeguards
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Subject: Attached Text in Support of the Draft Environmental Impact
Statement, South Clive, 11 e (2) Material Disposal Site

Dear Mr. Bangart:

As agreed upon in our telephone conversation of 1/18/93, we are forwarding with this letter the subject document working draft for your staff review. Please understand that this submission is not a PNL deliverable manuscript and has not gone through formal clearance. If changes are made to the text by NRC, we will need to review and concur with the final draft if PNL is to claim partial authorship.

We will continue to work on our formal deliverable draft EIS, due on January 29. This manuscript will be formally cleared through DOE-RL and we have asked John Surmeier to communicate directly to the appropriate DOE individuals NRC's interest in a speedy review.

We anticipate that the final document will be fully acceptable to both PNL and NRC and pledge that every effort will be made to meet this goal. PNL has greatly benefited from a long relationship with the NRC. We look forward to assisting the NRC in future efforts.

Sincerely,

Richard L. Skaggs
Richard L. Skaggs
Department Manager
GEOSCIENCES DEPARTMENT

Mark T. Murphy
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Senior Research Scientist
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Enclosures

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To[Malcolm R. Knapp, Director
Program Management, Policy Development
and Analysis Staff, NMSS

From[Richard L. Bangart, Director
Division of Low-Level Waste Management
and Decommissioning, NMSS

Subject[STOP WORK ORDER ON TASK 2 OF L2093

We request that a stop work order be issued immediately on Task 2 of L2093, the Pacific Northwest Laboratory's (PNL) Technical Assistance in the Preparation of an Environmental Impact Statement of Envirocare of Utah, Inc. license application. The contractor has not yet agreed to or requested schedules nor provided products of sufficient quality that they could be used. The Envirocare license application is one of high visibility both within and outside the agency. It was imperative that the Envirocare Draft Environmental Impact Statement (DEIS) be completed on schedule as well as satisfying the National Environmental Policy Act (NEPA) requirements. As outlined below, PNL did not produce such a document.

The task description attached to the March 4, 1991 Standard Order for DOE Work (SOEW) called for a 4 week interval between PNL receipt of the applicant's response to questions and completion of the draft DEIS. PNL's proposal for the task, dated May 21, 1991 also called for a 4 week interval. On October 4, 1991, an SOEW was issued that established a new contract for PNL uranium recovery fee-recoverable work, under which this task was performed. Item 10 of the Statement of Work addressed quality assurance. Among other things, this section required "For all draft and final reports..." independent review and verification of all numerical computations. "In addition, all reports, ...must be reviewed by the performing organization's management and approved with two signatures, one of which is for the performing organization's management at a level above the program manager."

On November 16, 1992, PNL indicated that the information provided by Envirocare on November 4, 1992, was sufficient for PNL to prepare the DEIS. December 21, 1992 was agreed to by PNL as the date to NRC of the draft DEIS. This date was almost 7 weeks after receipt of an acceptable ER and 5 weeks after PNL verified that the ER was satisfactory. The DEIS that PNL was to provide to us on December 21, 1992 was a draft document and as such was required to meet the quality assurance requirements in item 10 of the SOW.

LWM staff encountered the following problems with the drafts provided by PNL:

1. The December 21, 1992, draft had not been reviewed and approved by PNL management. We were told by the PNL project manager that the document sent to us was a "working draft" but that the official draft DEIS, with PNL management approval would be delivered a week later. Even the second draft DEIS that was provided to NRC on January 23, 1993 could not be reviewed by PNL management without further delay that was unacceptable to LLWM if it were to have any chance in meeting its January 29, 1993 completion milestone. This January 23, 1993, deliverable was more than a month late.

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2. The December 21, 1992, draft was incomplete; it was missing the appendices, abstract, summary, figures, some tables, forward, description of the proposed plan, list of preparers, results of the scoping process, index and a benefit-cost evaluation. The May 21, 1991, PNL proposal stated that PNL would "Prepare all portions of the Draft Environmental Impact Statement (DEIS) except for safeguards, following the outline in Appendix A to Subpart A of 10 CFR Part 51." Many of the missing items are specifically called for in Appendix A to Subpart A of Part 51.

3. Information on the missing sections was faxed to PNL on about January 16 along with some draft sections which were requested to be included. A new outline had been provided by PNL a few days earlier.

4. The revised draft was provided on January 23, 1993. This draft was an improvement over the December 21 draft but was still incomplete as to the required sections. Corrections and additions which had been faxed by NRC were in many cases not included. The new draft was too late to be of any assistance in meeting a tight schedule (final DEIS to NRC publications by February 1, 1993).

5. Both drafts received from PNL were deficient in the following areas:

A. Compliance with NEPA and 10 CFR Part 51

Required sections, such as abstract, summary, forward, etc. were missing.

Results of the scoping process were not discussed.

The treatment of alternatives was confused and disorganized.

B. Radiological assessment and impacts

The radiological assessments in both drafts were inadequate and in some cases were incorrect.

The radiological assessment provided in the January 23 draft showed doses to both workers and the public well above the requirements in 10 CFR 20. Much of the interactions among NRC, PNL, and Envirocare in the fall of 1992 related to the dose modeling in the ER and the fact that it did not provide sufficient information to show compliance with Part 20. When PNL agreed that Envirocare's November 4 submittal was adequate, PNL was essentially agreeing that the submittal was adequate to show that the site was licensable.

C. Other technical deficiencies

The socioeconomic description and assessment was very sketchy and did not contain a great deal of the information which had been provided by the applicant in its ER.

The groundwater evaluation was in error as to the rate of water

movement both vertically and horizontally.

The annual maximum quantity of material to be disposed of was low by a factor of ten. The transportation assessment did not provide an accident analysis for the maximum level of transportation by rail and truck to the facility.

6. A significant amount of the text was lifted verbatim by PNL from the applicant's ER. Typographical errors present in the ER continued through both PNL drafts. In some cases, only portions of a section were taken from the ER, omitting text that was referred to in the parts used. Little to no assessment of any impacts was done by PNL. The May 21, 1991 PNL proposal stated that PNL would "Conduct independent measurements and analyses, if necessary;" and "Evaluate the environmental impacts, including those of alternatives to the proposed action, of receiving and placing the 11e.(2) materials." In conclusion, staff has lost confidence in the performance of PNL to deliver an adequate Final Environmental Impact Statement (FEIS) on the Envirocare license application. It is not in the best interest of the Government to permit PNL to continue to expend resources on Task 2 of L2093.

There is still a need for technical assistance support in completing the FEIS. We have discussed this issue with Mr. Beveridge and are optimistic that we will be able to obtain another National Laboratory's services in the near future.

Richard L. Bangart, Director
Division of Low-Level Waste Management
and Decommissioning, NMSS

NOTE: ORIGINATED BY JS, REVIEWED AND NOT SENT BY RLB