

SEP 27 1993

Mr. Phillip A. Niedzielski-Eichner  
Project Administrator/Policy Advisor  
Nuclear Waste Repository Project Office  
P. O. Box 1767  
Tonopah, Nevada 89049

Dear Mr. Niedzielski-Eichner:

As requested in your September 16, 1993, letter, I am enclosing my comments on the draft summary of my presentation. If you have any questions, you may reach me at (301) 504-3387.

Sincerely,

*JS/*

Joseph J. Holonich, Director  
Repository Licensing and Quality  
Assurance Project Directorate  
Division of High-Level Waste Management  
Office of Nuclear Material Safety  
and Safeguards

Enclosure:  
As stated

cc: Les Bradshaw, Nye County, NV

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Joe Holonich, Nuclear Regulatory Commission

Joe Holonich, Director of Repository Licensing and Quality Assurance Directorate in NRC's Division of High-Level Waste Management, explained NRC's repository licensing program. NRC is an independent regulatory agency responsible for licensing of civilian use of radioactive materials, including storage, transportation, and disposal of radioactive waste. Mr. Holonich's Division is one of four under the Office of Nuclear Materials Safety and Safeguards. Out of a total staff of about 3000, 60 are devoted to the high-level waste management.

The NRC has three basic roles with respect to a repository. First, NRC develops regulation and guidance. The NRC's regulation for repository licensing is 10 CFR Part 60. NRC has also developed guidance for how to prepare a repository license applications (License Application Format and Content Regulatory Guide) and for how the NRC staff will review the license application (License Application Review Plan). Second, NRC staff is working with DOE to identify and resolve technical issues before DOE formally submits the license application. This is the current phase of the program. The staff will also prepare comments on the sufficiency of site characterization, which will accompany DOE's recommendation of a site to the President. Third, NRC will review DOE's license application to determine whether DOE has demonstrated compliance with NRC regulations.

NRC is carrying out its pre-application responsibilities by (1) reviewing DOE's technical work, (2) conducting its own independent modeling and research, (3) monitoring and reviewing DOE's quality assurance activities, and (4) interacting with DOE, the State of Nevada, local governments, and the public in meetings, technical exchanges, and site visits. DOE and the NRC have a formal agreement that establishes procedures for their interactions. This agreement was revised in June and encourages more active public participation in DOE/NRC interactions. In addition, NRC has two on-site representatives for Yucca Mountain, John Gilray and Phil Justice.

Because NRC cannot review all DOE activities, it relies heavily on DOE's quality assurance (QA) program. In particular, NRC looks to DOE's QA program to provide a structured and systematic way of gathering and analyzing data, and to ensure that work is done properly. The integrity of DOE's record keeping is especially important in this regard.

NRC is also developing its License Application Review Plan, which provides detailed guidance to the NRC staff for reviewing DOE repository license application. Consisting of about 100 individual plans, the Review Plan is both generic and specific to Yucca Mountain. The Plan is being developed iteratively ~~in cooperation with DOE~~, well before DOE plans to submit an application (2001). DOE currently submits an annotated outline for the license application every 6 months. NRC hopes that this early focus on the review plan will expedite the license review process, and allow the NRC staff to complete its review within 18 months. The staff's findings on whether DOE can comply with 10 CFR Part 60 will be documented in the safety evaluation report.

*using the License Application Format and Content Regulatory Guide and NRC reviews of DOE activities*

## Discussion

- *What is the basis of EPA's standards; does EPA do its own independent research?* EPA does its own assessment of ability of a geologic media to isolate waste. The new standard will be based on the NAS's study, which is itself based on expert testimony and review of the literature.
- *Why was the scheduled NRC/DOE technical exchange canceled in July?* ~~In a letter to DOE, NRC~~ requested a meeting to address concerns about DOE's QA program, the design of the Exploratory Studies Facility (ESF), and other issues. DOE canceled the planned meeting because it was not prepared. DOE hopes to be have the meeting before the end of the year.
- *Does NRC believe problems with DOE's QA program are with the program itself or its implementation by the M&O contractor?* NRC is more concerned with implementation by the M&O.
- *Are the EPA release standards for MRS and WIPP the same?* No. The rule has two subparts, one for management and one for storage.
- *What is NRC's role in the EIS process?* NRC adopts DOE's EIS to the extent practicable; DOE prepares its own EIS and NRC collaborates to the extent it would with any other applicant.  
*would comment on the draft like other non-cooperating federal agencies*
- *Would the general EPA standards for WIPP apply to another repository if Yucca Mountain is not selected?* Maybe, the standards apply to any facility other than Yucca Mountain. Congressional action would probably be required.
- *Would the NAS standard being developed for Yucca Mountain apply to another site if Yucca Mountain is not acceptable?* This will be specific to Yucca Mountain. Congressional action would be required to proceed to consider other sites.
- *How can local governments participate in the NRC's license application review?* Under 10 CFR Part 2, NRC convenes a hearing board to which interested parties can submit contentions. (Action: NRC will send a copy of 10 CFR Part 2 to questioner.)  
*Provided by letter dated*
- *If Yucca Mountain is not suitable are we back to square one--is there any way to develop a general standard?* Congress will have to step in. A general standard exists that applies to WIPP, but Congress excluded Yucca Mountain from this standard. NRC's policy is to do as much as possible generically.