

REVIEW PLAN FOR
NRC STAFF REVIEW OF DOE
ANNOTATED OUTLINE
JUNE 11, 1993

DIVISION OF HIGH-LEVEL WASTE MANAGEMENT
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
U.S. NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555

ENCLOSURE 2

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1.0 INTRODUCTION

The Department of Energy (DOE) is responsible under the Nuclear Waste Policy Act of 1982, as amended (NWPA), for carrying out a comprehensive national program that has as its goal the eventual construction of geologic repositories for the permanent disposal of high-level nuclear waste (HLW). At the staff's suggestion, DOE has undertaken the development of an annotated outline (AO) for license application (LA) for a geologic repository. This is being carried out as an iterative process by DOE with revisions being developed and provided to NRC on an initial semi-annual, and later, annual basis.

The NRC staff is conducting an on-going process of pre-licensing reviews consultations with DOE on its program. These are described in the Overall Review Strategy (ORS). One of the pre-licensing review strategies in ORS is for the staff to review and comment on the AO. By implementing this strategy, the staff is able to give DOE timely guidance on its interpretation of the applicable regulatory requirements and the staff can comment on what information it believes is needed to prepare a complete and acceptable LA. The guidance in this review plan provides the framework for implementation of the AO review strategy.

2.0 PURPOSE, OBJECTIVES, AND SCOPE

2.1 Purpose

The primary purpose of the AO review is to provide guidance regarding a complete and high-quality LA to DOE for consideration in the next iteration of the AO. Guidance is provided in the form of AO open items and evaluations of DOE's resolution of open items.

New AO open items, i.e., LA substantial objections, comments, or questions (as these terms are defined in Appendix A to this Review Plan) that the staff presents in its written review of the AO, and the staff's evaluation of DOE's resolution of AO open items, will be entered in the staff's Open Item Tracking System (OITS) that is being used to track the progress toward resolution of NRC open items. Staff review of a particular iteration of the AO may result in resolution of open items if DOE has proposed certain items be resolved based upon the material in the AO.

2.2 Objectives

To accomplish the purpose of the NRC staff review of the AO, the following specific objectives must be achieved:

1. Identify and document as AO open items new concerns with the accuracy of DOE's understanding and interpretations of 10 CFR Part 60 and staff guidance regarding a complete and acceptable LA.
2. Evaluate DOE's resolution of AO Open Items and document staff agreement with DOE resolution, if appropriate.
3. Document potential changes to the AO, FCRG and LARP that will be necessary to maintain appropriate consistency among the structures and formats of these documents.

2.3 Scope

While each AO review should focus primarily on the most recent revisions provided to DOE, the staff may provide comments on any part of the AO during each review cycle. Periodic reviews of the entire AO shall be scheduled by the staff to follow completion or revision of major guidance documents including DG-3003, "Format and Content for the License Application for the High-Level Waste Repository" (FCRG) and NUREG-1323, "Draft License Application Review Plan for a Geologic Repository for Spent Nuclear Fuel and High-Level Radioactive Waste Yucca Mountain Nevada Site" (LARP). Upon completion of such reviews, the staff shall provide comments to DOE reflecting any major format or structural changes to the FCRG which would also need to be made to the AO.

3.0 Approach

The staff should use the FCRG and the applicable section of the LARP (Review Strategies) as appropriate in conducting its review. This should include how well DOE is following the FCRG.

4.0 Resolution of NRC Open Items

If DOE has proposed in its letter transmitting the AO that one or more NRC open items be resolved based upon material specified in the AO, the staff will make a determination whether it agrees with DOE that those open items are resolved. The NRC staff is to review the material presented to support resolution and needs to indicate agreement on complete or partial resolution (certified by signature or the appropriate Section Leader and Branch Chief) and, if necessary, an explanation of why the material provided for resolution is inadequate. The results of the NRC staff's evaluations should be documented in the format provided in Section 6.0 and will be recorded in OITS and included in the letter to DOE.

5.0 Activities and Products

The review consists of the following steps:

1. The Project Manager (PM) transmits the AO revision to all holders of DOE controlled copies of the AO (Branch Chiefs, Section Leaders FCRG/AO team members).
2. Training session is held for reviewers.
3. Review is conducted (with a review status meeting held at the midpoint of review, if requested by reviewers or PM).
4. Comments and questions provided to PM by Section Leaders, with Branch Chief approval.
5. The PM determines whether the HLWM Director and Deputy Director need to be briefed on the comments. If so, a briefing is done.
6. The PM prepares a letter from the Project Director to DOE transmitting the detailed technical comments and questions.

7. The Project Director issues the cover letter and review package to DOE with copies sent to the State and affected units of local government and Indian Tribes.
8. The PM updates the OITS by arranging for entry of the new open items resulting from the review and for recording of progress toward resolution of the existing open items based on the Review.

APPENDIX A
DEFINITION OF OPEN ITEMS
IDENTIFIED IN STAFF REVIEW
OF DOE'S A0

DEFINITION OF OPEN ITEMS
IDENTIFIED IN NRC STAFF REVIEW
OF DOE'S AO

Comment: a concern with the accuracy of DOE's understanding and interpretations of 10 CFR Part 60 or staff guidance regarding a complete and acceptable LA.

Question: a major concern with the presentation of information in the AO, such as missing information that should be in the AO, level of detail, contradictions, and ambiguities that preclude understanding a part of AO, thereby preventing the staff from being able to comment. NRC would recommend timely DOE response to such questions. Questions should be reserved for major items; minor inconsistencies, etc., should not be included.

APPENDIX B

FORMAT FOR COMMENTS AND QUESTIONS ON DOE'S AO

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Section x.x.x.x "Title"

COMMENT (or QUESTION) x

Comment/Question aligned with left margin.

BASIS

Aligned with left margin.

RECOMMENDATION

Aligned with left margin.

APPENDIX C

**FORMAT FOR THE EVALUATION OF DOE RESPONSES
TO OPEN ITEMS**

FORMAT FOR THE EVALUATION OF DOE RESPONSES
TO OPEN ITEMS

Section x.x.x.x "Title"

COMMENT (or QUESTION) x

Comment/Question aligned with left margin.

EVALUATION OF DOE RESPONSE

- o The response....
- o The response...
- o The NRC staff considers this comment (open/closed).