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OCT 19 1990

Mr. Dwight Shelor, Acting Associate Director
for Systems Integration and Regulations
Office of Civilian Radioactive Waste Management
U. S. Department of Energy, RW 30
Washington, D.C. 20585

Dear Mr. Shelor:

SUBJECT: SEPTEMBER 5, 1990 MANAGEMENT MEETING MINUTES

Enclosed are the minutes from the September 5, 1990 management meeting between the staff of the U.S. Nuclear Regulatory Commission (NRC) and representatives from the U.S. Department of Energy (DOE), the State of Nevada, and Nye County, Nevada. At the meeting, topics discussed included the need to revise the procedural agreements between the NRC and DOE, the use of DOE's experience gained from the Waste Isolation Pilot Project by the Office of Civilian Radioactive Waste Management, preparation of staff Technical Positions, DOE's agreements between the Occupational Safety and Health Administration and the Mine Safety and Health Administration, and a visit by DOE to the Center for Nuclear Waste Regulatory Analyses.

The next meeting is scheduled for October 23, 1990. If you have any questions on the enclosed minutes, please feel free to contact the responsible NRC staff member for the meeting, Mr. Joe Holonich. Mr. Holonich can be reached at (301) 492-3403 or FTS 492-3403.

Sincerely,

/S/

John J. Linehan, 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: R. Loux, State of Nevada
C. Gertz, DOE/NV
S. Bradhurst, Nye County, NV
M. Baughman, Lincoln County, NV
D. Bechtel, Clark County, NV
D. Weigel, GAO
P. Niedzielski-Echner, Nye County, NV

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Enclosure

On September 5, 1990, staff from the U.S. Nuclear Regulatory Commission (NRC) met with representatives from the U.S. Department of Energy (DOE), Nye County, Nevada, and the State of Nevada. The meeting was a management meeting and was to discuss items of mutual interest. A list of attendees is provided in the attachment.

The first item discussed at the meeting was the need to revise the NRC/DOE procedural agreements to make them up to date with current practices. In this area, DOE noted that one of the agreements was six years old, and that there may be inconsistency between the procedures being followed by DOE and NRC and the procedural agreements. The staff believes that DOE had identified a need but suggested that the agreements be updated as needed rather than completely revised. The reason for this was that the original agreements were difficult to finalize; therefore, the staff was concerned that the same problem would exist if the agreements would be totally revised. Both DOE and the NRC agreed that two individuals would be charged.with reviewing the agreements and making recommendations on what changes should be made. The results of this review would be discussed at the next management meeting.

Following this discussion, the staff raised an issue concerning how DOE was using experience gained from the Waste Isolation Pilot Project (WIPP) in the high-level waste program. In its discussion, the staff noted that because of limited resources, it cannot review everything published on WIPP. Therefore, it needed a mechanism to provide insight into those activities pertinent to the civilian high-level waste program. One approach would be to hear from the DOE Office of Civilian Radioactive Waste Management (OCRWM) on how it is using WIPP experience and incorporating it into the OCRWM program. In response to the NRC points, OCRWM stated that due to resource limitations, it was not doing much with WIPP because its geology and waste form were different from the Yucca Mountain site. The NRC then clarified that it just wanted to keep cognizant of WIPP activities that might have an effect on the OCRWM program and recognized that many WIPP activities might not fall in this category. As an example, the staff noted that the methodologies for demonstrating compliance with the U.S. Environmental Protection Agency standard were similar for WIPP and Yucca Mountain. DOE proposed that a discussion be held at the next management meeting on what its proposal for future work in this area would be. In addition, DOE suggested that a technical exchange on WIPP activities may be appropriate.

Next on the agenda was a discussion of DOE's relationship with the Occupational Safety and Health Administration (OSHA) and the Mine Safety and Health Administration (MSHA). DOE reported that in early 1989 it had started to receive assistance from OSHA. The assistance included the participation of OSHA on DOE inspections of its facility. The results of this participation showed that DOE was not complying with OSHA requirements. Besides providing inspectors, OSHA also is allowing DOE to send personnel to three two week courses on OSHA requirements as well as allowing DOE inspectors to get on-the-job training by participating on OSHA inspections. In addition, DOE noted that OSHA will be doing inspections of new DOE construction. With respect to MSHA, DOE noted that it was working on developing a Memorandum of Understanding (MOU) with MSHA to cover the Department although there is an existing one between MSHA and the Yucca Mountain Project. This department wide MOU

would cover tunneling work being done by DOE. The MOU between the Yucca Mountain Project and MSHA agrees to the inspection of OCRWM activities for determining compliance with MSHA requirements, but there is no specific plan that clearly lays out what will be done between the Yucca Mountain Project and MSHA.

The fourth topic discussed covered the development of NRC's Technical Positions (TPs). In this discussion, DOE suggested that the staff consider the possibility of developing a collective way for the staff and DOE to determine the helpfulness of TPs. This collective approach would address areas where TPs need to be done. DOE also discussed the option of issuing its own technical position or topical reports for staff review. When TPs are to be developed by the staff, DOE requested early notice so it can provide information on a DOE position for NRC staff consideration in development of the NRC TP. In response to the DOE discussion, the staff noted that DOE had raised some good points, and noted that while the staff would welcome development of information by DOE for consideration by the staff, DOE must recognize that a TP is an "NRC staff" position. It further stated that the reason TPs were issued was to address controversial areas as to what would be acceptable to meet the regulations. DOE noted that it would like feedback on areas where the NRC was considering issuing a TP before the staff issued its public comment draft. The staff agreed that at the next management meeting it would discuss the present topics for TPs so DOE will be aware of what areas are being considered. Finally, the staff asked DOE about its plans to issue topical reports. DOE noted that it was not prepared to discuss this topic yet.

DOE then proposed a visit by its staff to see the NRC's Center for Nuclear Waste Regulatory Analyses' regulatory data base and discuss its capabilities. The visit would be an informal information gathering trip, and could also involve an explanation of the Systematic Regulatory Analysis software and hardware. The number of DOE participants would be four or less. DOE requested that the visit take place relatively soon and noted that four to six weeks was a reasonable time. The NRC staff agreed on the merits of such a trip and indicated it would get back to DOE with a proposed time and agenda.

The final item discussed was the status of DOE's response to the Site Characterization Analysis comments, which DOE reported would be complete in November.

At the close of the meeting, it was agreed that the next management meeting would be in October. In addition, Nye County, Nevada noted that it would like to closely follow when DOE provided input to TPs.

Joseph J. Holonich Oct 17, 1990
Joseph J. Holonich
Office of Nuclear Material
Safety and Safeguards
U.S. Nuclear Regulatory Commission

Linda Desell 10/16/90
Linda Desell
Office of Civilian Radioactive
Waste Management
U.S. Department of Energy

Attachment

NRC

J. Holonich
J. Linehan
S. Coplan
W. Belke
P. Prestholt*
R. Browning
P. Altomare

DOE

B. Dalrymple
S. Brocoum
D. Shelor
L. Desell
S. Goel
D. Dobson*
C. Gertz*

Bishop, Cook, Purcelt, Reynolds

S. Echols

State of Nevada

C. Johnson*

Nye County, Nevada

E. Holstein

* Via telephone.