



Department of Energy

Washington, DC 20585

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Project Directorate  
Division of High-Level Waste Management  
Office of Nuclear Material Safety  
and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

References: (1) Ltr, Holonich to Shelor, dtd, 3/12/93  
(2) Ltr, Shelor to Holonich, dtd 3/22/93

Dear Mr. Holonich:

The U.S. Department of Energy (DOE) has conducted an informal review of the revised U.S. Nuclear Regulatory Commission (NRC) Review Procedure for Study Plans (enclosure to Reference 1). This review focused on the relationship between the 1993 DOE/NRC Level of Detail Agreement and Review Process for Study Plans (enclosure to Reference 2) and the revised NRC Study Plan Review Plan (SPRP). DOE has several concerns related to apparent inconsistencies between the SPRP and the DOE/NRC agreement.

It is not clear how point 3 of the DOE/NRC agreement will be addressed in the SPRP. Point 3 clearly states that the "NRC will notify DOE within 90 days as to whether or not NRC identified any objections to DOE starting work" on a proposed study. In section 3.0, the SPRP states, "reviews are to be transmitted to DOE ordinarily within three months after NRC receipt of the study plans. If the NRC elects to transmit detailed technical comments, these comments are to be transmitted to DOE ordinarily within six months." Step 10 of Section 4.2 of the SPRP states that, "the lead prepares a draft package containing the results of the review. For any study plan requiring detailed technical comments, the reviewer may elect to include those comments in this review package or to submit detailed comments as a separate package." The DOE is concerned that for those study plans that are selected for a detailed technical review, the SPRP does not clearly indicate whether DOE will be notified within 90 days (or 30 days for an expedited review) of any identified objection.

Attachment 2 of the agreement identifies a set of not-readily-available references that "DOE will supply upon request." Section 4.1.1 of the SPRP states that not-readily-available references "need to be provided to NRC at the time the study plan is issued," although step 7 of Section 4.2 of the SPRP states that NRC reviewers "may identify" not-readily-available references that "they wish to have furnished by DOE." DOE is concerned that Section 4.1.1 is clearly not consistent with the agreement even though Section 4.2. appears to be consistent.

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Paragraph 3 of Section 1.0 of the SPRP states that, "an up-to-date list of individual test procedures will be identified in the SCP and will accompany all DOE study plans transmitted to the NRC." This statement appears confused. It is consistent with Point 4 of the agreement which states that DOE will supply NRC with an up-to-date list of technical procedures at the time that the study plan is submitted, but the SPRP reference to the Site Characterization Plan (SCP) is in error.

Objective 5 of Section 2.2 of the SPRP states that the NRC staff review should determine whether a study plan "references a QA program." Nowhere in the DOE content requirements for descriptions of studies in SCP study plans (Attachment 1 to the Level of Detail Agreement) is there a requirement to reference a quality assurance (QA) program in a study plan. Appropriate Office of Civilian Radioactive Waste Management QA-implementing documents assure that study plans are developed and study activities are performed under QA programs accepted by the NRC.

If you have any questions, please contact Mr. Chris Einberg of my office at 202-586-8869.

Sincerely,



Dwight E. Shelor  
Associate Director for  
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cc:

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