



Department of Energy
Washington, DC 20585

MAR 23 1990

John J. Linehan, Director
Repository licensing and Quality
Assurance Project Directorate
Division of High-Level
Waste Management
Office of Nuclear Material
Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Linehan:

Enclosed please find a copy of the licensing protocols for your information, as discussed at the interactions meeting of March 20, 1990.

If you have any questions please feel free to call me or Jane Stockey of my staff at 586-4590.

Sincerely,

Linda J. Desell

Linda J. Desell
Licensing Branch
Office of Civilian Radioactive
Waste Management

Enclosure:

- 1) Department of Energy, Office of Civilian Radioactive Waste Management, Licensing Protocol - Technical Meetings, Technical Exchanges and Site Visits.

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Department of Energy
Office of Civilian Radioactive Waste Management
Licensing Protocol - Technical Meetings

Introduction

Throughout the pre-licensing phase of repository development, the DOE plans to conduct several types of interactions with the NRC. Currently, these are: (a) Management Meetings; (b) Technical Meetings; (c) Technical Exchanges; and (d) Site Visits. Interactions (b), (c), and (d) are public meetings open to participation by the State of Nevada, and the affected units of local government. Management Meetings are conducted between Department of Energy Office of Civilian Radioactive Waste Management (OCRWM), and DOE organizational elements (e.g., Yucca Mountain Project Office), as appropriate, and the Nuclear Regulatory Commission Office of Nuclear Material Safety and Safeguards (NRC-NMSS) management to discuss major non-technical issues related to program policy, schedule, scope, and major commitment of resources. Technical Meetings are conducted between the OCRWM, DOE organizational element, program participant, and NRC-NMSS staff and management to address technical and/or regulatory issues or policy. Technical Exchanges are between OCRWM, DOE organizational element, program participant, and NRC-NMSS technical staff regarding a specific technical and/or regulatory topic, the primary purpose of which is to promote a better mutual understanding of the topic prior to developing officially established technical or regulatory positions. Site visits provide an opportunity for NRC staff to observe and discuss site characterization activities during their conduct.

Technical Meetings provide the opportunity for the OCRWM, DOE organizational element, and NRC-NMSS management and technical staff to address issues that may have an affect on licensing the repository prior to the start of formal licensing proceedings. A Technical Meeting is the proper forum to officially establish or change technical and/or regulatory positions, to negotiate commitments, and to agree to future courses of action.

The following is guidance for the establishment and conduct of Technical Meetings. This guidance is applicable to all OCRWM, DOE organizational element, and program participant personnel who may participate in a Technical Meeting.

Primary Responsibilities

The Associate Director, Office of Systems Integration and Regulations (OSIR), through the Chief, Licensing Branch (RW-331) is responsible for the coordination of all interactions with the NRC. Accordingly, the Chief of the Licensing Branch, (RW-331),

or his designee, is the point of contact for all aspects regarding the conduct of all Technical Meetings. For interactions involving YMPO, the YMPO Director, Regulatory and Site Evaluation Division (RSED), or his designee, will be the primary point of contact within the Project Office and will be consulted regarding the scheduling, planning, and preparation of pre- and post-meeting materials.

The OCRWM and/or DOE Program organizational element(s) that is (are) functionally responsible for the topic of a Technical Meeting [i.e., the Technical Lead Group(s)] has (have) the responsibility for preparation for, and participation in, the Meeting.

Planning for Technical Meetings

Identification of Topics Topics proposed for Technical Meetings are expected to be identified by both the DOE and NRC. Within the DOE, OCRWM Branch Chiefs and DOE organizational elements will identify topics to RW-331 which they believe warrant a Meeting with the NRC. Similarly, RW-331 will apprise the OCRWM Branch Chiefs and DOE organizational elements of potential topics identified by the NRC. RW-331 will maintain cognizance of all potential Meeting topics.

Scheduling of Technical Meetings Technical Meetings are usually planned at regularly scheduled DOE-NRC Technical Meetings on DOE-NRC interactions. However, a Technical Meeting may be scheduled whenever the OCRWM-OSIR (in coordination with the affected Program organizational elements) and the NRC-NMSS management agree that a topic warrants discussion.

Determination of Meeting Scope Upon scheduling a Meeting, the objective and agenda of the Meeting will be agreed to by the OCRWM, DOE organizational elements, and NRC-NMSS management, as well as specific rules or limitations applicable to the conduct of the Meeting. Finalization of the agenda will usually be preceded by a teleconference involving the above parties and the State of Nevada to discuss a proposed agenda. Any significant changes to the agreed-upon agenda prior to the Meeting must be approved by the OCRWM, DOE organizational elements, and NRC-NMSS management at least 10 working days prior to finalization of the pre-meeting materials.

Identification/Role of Participants Upon the decision to proceed with a Technical Meeting, the OCRWM and/or the DOE organizational element(s) that is (are) functionally responsible for the topic of the discussion will be designated as the Technical Lead Group(s) by RW-331. The Technical Lead Group(s) have the lead responsibility for the technical content of the material to be presented and discussed at the Technical Meeting. RW-331 and the Technical Lead Group(s) will identify the appropriate OCRWM, DOE

organizational element, and program participant personnel to attend and/or participate in the Meeting. All responsible Branch(s) or Division(s) are to ensure that participants are properly informed of the scope and rules or limitations imposed on the Meeting.

Coordination RW-331 will coordinate the logistics (e.g., date, time, location) for the Meeting with the NRC and affected DOE organizational element.

Notification of State and Affected Parties The NRC is responsible for providing official notification to the State of Nevada and the affected units of local government of scheduled Meetings and for issuance of the DOE-NRC agreed upon agenda. RW-331 will ensure that scheduled Technical Meetings are included on the DOE Licensing Public Service Information Announcements System.

Preparation The Technical Lead Group(s), with the assistance of RW-331, is (are) responsible for the planning and preparation for the Meeting. The general format of the Meeting is the presentation of material relevant to each topic and, if necessary, followed by a question and answer period lasting to the end of the allotted time period per topic. A brief action plan that defines the activities needed to be completed prior to the Meeting should be prepared by the Technical Lead Group(s) in coordination with RW-331. An example of an action plan is provided as Attachment 1. Scheduling of activities will be dependent on the specific Meeting topic and must accommodate a proper balance between the availability of resources, possible impacts on other activities, and the importance and urgency of the issue(s) to be discussed at the Meeting. As a final planning step, the agenda must be annotated to provide a brief description of the points to be made at the Meeting. The annotated agenda will be submitted to the Associate Director, OSIR, and the Associate Director and/or DOE organizational element Associate Director/Division Director of the Technical Lead Group(s) for their review and approval prior to completing the preparation of the pre-meeting materials.

Pre-meeting Materials It is the responsibility of the Technical Lead Group(s), in consultation with RW-331, to prepare any necessary pre-meeting materials for distribution to the NRC, the State of Nevada, and affected units of local government. Formal distribution of pre-meeting materials should be made approximately three weeks prior to the Meeting, but in all cases must be completed at least ten working days prior to the Meeting.

Dry Run A presentation rehearsal will be provided for the Associate Director, OSIR or designee and other invited management at least ten working days before the Meeting. The rehearsal will be a complete presentation of the material to be presented at the

Technical Meeting and not a "working meeting" for the purposes of developing the presentation. The presentations will be revised in accordance with comments and directions received at the rehearsal and, if required, a second rehearsal will be scheduled.

Conduct of Meeting

General Conduct Participation and attendance at the Meeting will be limited to those personnel previously identified and agreed to by RW-331 and the Technical Lead Group(s). RW-331, or his designee, will chair the Technical Meeting for the DOE and conduct the Meeting in accordance with the agenda. The previously designated DOE spokespersons will be the focal points for the technical discussions during the Meeting. They may refer questions to other DOE, or program participant personnel as deemed appropriate.

Technical Meeting Documentation

Meeting Record A record of the Meeting will be prepared by DOE and NRC representatives. The information provided in the record should include: (1) the date and location of the Meeting; (2) a brief statement of the purpose and principal objectives of the Meeting; (3) a summary of the Meeting, including brief descriptions of the presentations, key discussions, agreements or commitments made, and any items or proposed actions for which resolution was not obtained. (Note: agreements or commitments are not binding on either agency until they have been documented in official agency correspondence at the appropriate management level.) The record should also provide any remarks or observations regarding the Meeting that the DOE, NRC, State of Nevada, or the affected units of local government wish to enter into the record. A copy of the attendance list, agenda, viewgraphs, and handouts should be included as attachments to the record. The Meeting summary must be signed by RW-331, or his designee, and the NRC spokesperson. The NRC is responsible for distribution of the Meeting record.

Meeting Follow-up

After each Meeting, RW-331 will coordinate with the Lead Technical Group(s) any follow-up actions needed to address actions resulting from the Meeting (e.g., open items). RW-331 will maintain cognizance of required actions until closure of the item is complete.

ATTACHMENT 1

Example Action Plan for DOE-NRC Technical Meeting

- | <u>ACTIVITY</u> | <u>DATE*</u> |
|--|--------------|
| 1. DOE-NRC management identify topics for Meeting | |
| 2. DOE-NRC schedule Technical Meeting | |
| 3. DOE-NRC management establish scope of Meeting, develop agreed-upon agenda and identify any required pre-meeting materials. | |
| 4. Designate OCRWM and/or DOE organizational element Technical Lead Group(s). | |
| 5. Licensing Branch coordinate Meeting logistics with NRC. | |
| 6. NRC notify State of Nevada and affected parties of scheduled Meeting and issue the agreed-upon agenda. | |
| 7. Licensing Branch (and DOE organizational element(s) as appropriate) and Technical Lead Groups(s) plan Meeting. Includes annotation of Meeting agenda to highlight major points of discussion. | |
| 8. Initiate preparation of pre-meeting materials and Meeting presentations. | |
| 9. Associate Director, OSIR and DOE organizational element Associate Director/Division Director of the Technical Lead Group(s) review annotated agenda. | |
| 10. Complete preparation of pre-meeting materials. | |
| 11. OCRWM and DOE organizational element review pre-meeting materials. | |
| 12. Associate Director, OSIR and DOE organizational element Associate Director/Division Director of the Technical Lead Group(s) review and approve pre-meeting materials. | |
| 13. Submit pre-meeting materials to the NRC, State and affected local governments. Must be received at least 10 working days prior to the Meeting. | |

14. Dry run for Associate Director, OSIR and other management (1 to 2 weeks prior to Meeting with the NRC).

15. Revise meeting material as necessary.

16. Meet with NRC.

* Dates when activities should be completed are dependent on the complexity and urgency of the topic.

Department of Energy
Office of Civilian Radioactive Waste Management
Licensing Protocol - Technical Exchanges

Introduction

Throughout the pre-licensing phase of repository development, the DOE plans to conduct several types of interactions with the NRC. Currently, these are: a) Management Meetings, b) Technical Meetings, c) Technical Exchanges, and d) Site Visits. Interaction types b), c), and d) are public meetings open to participation by the State of Nevada, and affected units of local government. Management Meetings are conducted between Department of Energy Office of Civilian Radioactive Waste Management (OCRWM), and DOE organizational elements (e.g., Yucca Mountain Project Office), as appropriate, and the Nuclear Regulatory Commission Office of Nuclear Material Safety and Safeguards (NRC-NMSS) management to discuss major non-technical issues related to program policy, schedule, scope, and major commitment of resources. Technical Meetings are conducted between the OCRWM, DOE organizational element, program participant, and NRC-NMSS staff and management to address technical and/or regulatory issues and policy. Technical Meetings may be a forum for the expression of technical / regulatory policy, negotiation of commitments, and acceptance of actions on the part of both agencies. Technical Exchanges are between OCRWM, DOE organizational element, program participant, and NRC-NMSS technical staff regarding a specific technical and/or regulatory topic, the primary purpose of which is to promote a better mutual understanding of the topic prior to officially established technical or regulatory positions. Site visits provide an opportunity for NRC-NMSS staff to observe and discuss the site characterization activities during their conduct.

Technical Exchanges provide an opportunity for DOE and NRC technical staff to discuss topics within their area of expertise (e.g., geology, hydrology, seismology, waste package design, repository design). Exchanges are not to be used as a forum to officially establish or change technical and/or regulatory positions, or extract commitments, or agree to courses of action. For example, a discussion of the mechanism of a process, the occurrence of a particular event, or the technical aspects of regulatory interpretations would be appropriate for discussion during a Technical Exchange. Agreement to conduct additional investigations, additional analyses, or commitment to a given regulatory perspective or position is not appropriate for an Exchange discussion.

The following is guidance addressing the planning, conduct, and documentation of Technical Exchanges. This guidance is applicable to all OCRWM, DOE organizational element (e.g., YMPO), and program participant personnel.

Primary Responsibilities

The Associate Director, Office of Systems Integration and Regulations (OSIR), through the Chief, Licensing Branch (RW-331) is responsible for all interactions with the NRC. Accordingly, the Chief of the Licensing Branch, (RW-331), or his designee, is the point of contact for all aspects regarding the conduct of all Technical Exchanges.

The OCRWM and/or DOE program organizational element that is functionally responsible for the topic of the proposed discussion has the responsibility for preparation for, and participation in, the Exchange.

Planning for Technical Exchanges

Identification of Topics Topics for Exchange discussions are expected to be identified by both the DOE and NRC. Within DOE, OCRWM Branch Chiefs and DOE organizational elements identify topics which they believe warrant discussion with the NRC to RW-331. Similarly, RW-331 will apprise the OCRWM Branch Chiefs and DOE organizational elements of topics identified by the NRC. RW-331 will maintain cognizance of all potential topics of discussion.

Scheduling of Exchanges Technical Exchanges are usually planned at regularly scheduled DOE/NRC Technical Meetings on DOE/NRC Interactions. However, an Exchange may be scheduled whenever the OCRWM/OSIR (in coordination with affected DOE organizational element(s)) and the NRC-NMSS management agree that a topic warrants discussion.

Determination of Scope of Discussion Upon agreement on a topic, the scope (agenda) of the Exchange along with any specific rules or limitations that will apply to the conduct of the discussion will be agreed to by OCRWM, the affected DOE organizational element(s), and NRC-NMSS management. This will usually be achieved by a teleconference involving the above parties and the State of Nevada. It is preferred if this occurs prior to the official notification for the Exchange, (i.e., ten working days prior to the scheduled date for the Exchange).

Identification/Role of Participants RW-331 and the OCRWM and/or DOE organizational element(s) that is (are) responsible for the discussion will identify the appropriate OCRWM, DOE organizational element, and program participant personnel to attend and/or participate in the Exchange. Participants must be properly aware of the topic, scope, and rules or limitations imposed on the discussion. It is the responsibility of the responsible Branch(s) or Division(s) to ensure that participants are properly informed prior to the Exchange.

Coordination RW-331 will coordinate the logistics (e.g., date, time, location) for the Exchange with the NRC.

Notification of State and Affected Parties The NRC is responsible for providing official notification of scheduled Exchanges to the State of Nevada and the affected units of local government. RW-331 will ensure that notification of scheduled Exchanges are included on the DOE Licensing Public Service Information Announcements system.

Preparation The OCRWM and/or DOE organizational element(s) that is (are) functionally responsible for the topic of discussion has (have) the lead responsibility for preparing for the Exchange. Due to the less structured nature of these interactions, the degree of required planning and preparation will vary depending on the topic, but it is specifically intended to be significantly less than the preparation required for a technical meeting (e.g., a practice presentation is not required). The Exchange may simply be an open discussion or it may involve presenting prepared materials. The degree of preparation and planning is determined by the responsible Branch(s) or Division(s) in consultation with RW-331, based on the scope established for the Exchange.

Conduct of the Discussions

General Conduct Attendance and participation at the Exchange will generally be limited to personnel previously identified and agreed to by RW-331 and the OCRWM and/or DOE organizational element(s) responsible for the discussion. A member of the responsible Branch or Division will be selected to chair (moderate) the technical discussion. The Chief, RW-331, or his designee, will monitor the Exchange to ensure that the discussion is confined to the agreed-upon topic and scope. During the discussion no commitments, open items, or actions are to be established.

Policy on Documentation The exchange of draft documents or other unpublished materials other than copies of any presentations is not appropriate; however, the use of such materials to support the discussions is encouraged. Requests from the NRC for copies of draft documents or unpublished material requires a written request from NRC-NMSS management to the Associate Director, OSIR.

Presentation materials (e.g., viewgraphs, handouts, charts, etc.) should be prepared recognizing that little if any control can be exercised over their dissemination once presented as part of the Exchange.

Technical Exchange Documentation

Exchange Record At the conclusion of the Exchange, a record of the discussion will be prepared by the DOE and NRC representatives. The record should simply provide the date and location of the Exchange; a list of attendees; and a brief summary paragraph describing the topic of discussion. In general, it is expected that the record will consist of one page or less exclusive of attachments (e.g., list of attendees, any viewgraphs or handouts). The record shall not summarize the actual discussions that took place since it is not the vehicle for documentation of positions, commitments, or actions. It is not necessary for it to be signed by DOE and NRC representatives; however, general agreement on its form and content will be obtained from RW-331, or his designee. NRC is responsible for officially distributing the Exchange records.

Department of Energy
Office of Civilian Radioactive Waste Management
Licensing Protocol - Site Visits

Introduction

Throughout the pre-licensing phase of repository development, the DOE plans to conduct several types of interactions with the NRC-NMSS. Currently, these are: (a) Management Meetings; (b) Technical Meetings; (c) Technical Exchanges; and (d) Site Visits. Interactions (b), (c), and (d) are public meetings open to participation by the State of Nevada, and the affected units of local government. Management Meetings are conducted between Department of Energy Office of Civilian Radioactive Waste Management (OCRWM), and DOE organizational elements (e.g., Yucca Mountain Project Office), as appropriate, and the Nuclear Regulatory Commission Office of Nuclear Material Safety and Safeguards (NRC-NMSS) management to discuss major non-technical issues related to program policy, schedule, scope, and major commitment of resources. Technical Meetings are conducted between the OCRWM, DOE organizational element, program participant and NRC-NMSS staff and management to address technical and/or regulatory issues and policy. Technical Exchanges are between OCRWM, DOE organizational element, program participant, and NRC-NMSS technical staff regarding a specific technical and/or regulatory topic, the primary purpose of which is to promote a better mutual understanding of the topic prior to officially established technical or regulatory positions. Site visits provide an opportunity for NRC-NMSS staff to observe and discuss technical activities (e.g., site characterization) during their conduct.

DOE is required by regulation (10 CFR 60.18(h)) to permit the NRC-NMSS to visit and inspect the locations and observe the performance of specific activities during site characterization. Such NRC-NMSS activities are referred to as site visits. As used in this protocol, the term site visit is defined as any activity by the NRC-NMSS which requires access to the DOE organizational element location or work area (e.g., Yucca Mountain site or Yucca Mountain Project (YMP) participant laboratory). For example, a site visit may be the observation of a specific site characterization activity, such as borehole drilling, or it may be a technical field trip. NRC-NMSS Audit Observation and NRC-NMSS YMP On-site Representative activities are expressly excluded from the scope of this protocol.

The following is guidance for the establishment and conduct of NRC-NMSS site visits. This guidance is applicable to all OCRWM, DOE organizational element (e.g., YMPO), and program participant personnel who may participate in a site visit.

Primary Responsibilities

The Associate Director, Office of Systems Integration and Regulations (OSIR), through the Chief, Licensing Branch (RW-331) is responsible for the coordination of all OCRWM interactions with NRC-NMSS. Accordingly, the Chief of the Licensing Branch, RW-331, or his designee, is the initial point of contact for the conduct of all site visits. Following the initial agreement to a visit, the DOE organizational element with technical authority for the work being executed at that location is responsible for scheduling, planning, ensuring site access, and supervising the site visit. For site visits conducted at YMPO, the Director, Regulatory and Site Evaluation Division (RSED), or his designee, will assume primary responsibility for these activities.

The OCRWM and/or DOE program organizational element with technical authority for the work being executed in the area of interest for a site visit has the responsibility for preparation for, and participation in, the visit. For YMPO, the Division Director that is functionally responsible for the technical area of interest for a site visit has the responsibility for preparation for, and participation in, the visit.

Planning for Site Visits

Identification of Issues Site visits are expected to be suggested by both the DOE and NRC-NMSS. Within the DOE, OCRWM Branch Chiefs and DOE organizational elements with technical authority for the work (e.g., YMPO Division Directors) will identify issues to RW-331 which they believe warrant a site visit. Similarly, RW-331 will apprise the OCRWM Branch Chiefs and DOE organizational elements of potential site visits identified by the NRC-NMSS. RW-331 will maintain cognizance of all potential site visits.

Scheduling of Site Visits Site visits are usually planned at regularly scheduled DOE/NRC-NMSS Technical Meetings on interactions. However, a site visit may be scheduled whenever the OCRWM-OSIR, in coordination with the affected DOE organizational element(s) and the NRC-NMSS management agree that a site visit is warranted.

Determination of Site Visit Scope Upon scheduling a site visit, the objective and scope of the visit will be clearly defined and an agenda for the visit will be developed and agreed to by OCRWM, the affected DOE organizational element(s), and NRC-NMSS management. Formalization of the agenda will usually follow a teleconference involving the above parties and the State of Nevada to discuss a proposed agenda.

Identification/Role of Participants The OCRWM and/or the DOE organizational element(s) that is (are) functionally responsible for the technical area of interest (e.g., YMPO Division Director) and RW-331 will identify the appropriate OCRWM, DOE organizational element, program participant personnel to participate in the visit.

Coordination RW-331, with input from the responsible DOE organizational element(s) (e.g., YMPO Division), will coordinate the logistics (e.g., date, time, location) for the site visit with NRC-NMSS.

Notification of State and Affected Parties NRC-NMSS is responsible for providing official notification to the State of Nevada and the affected units of local government of scheduled site visits and for issuance of the site visit agenda, if there is one. RW-331 will ensure that scheduled site visits are included on the DOE Licensing Public Service Information Announcements.

Site Access The DOE organizational element(s) (e.g., YMPO Division) that is (are) functionally responsible for the technical area of interest for the visit should ensure that all site visit participants are able to obtain the required access to the "site" as appropriate. For YMP the badging of NRC-NMSS representatives should be coordinated through the NRC-NMSS On-site Representative, and the State of Nevada and the affected local governments should be contacted by the responsible YMPO Division to provide the information required for the badging of their representatives.

Preparation The OCRWM and/or DOE organizational element(s) (e.g., YMPO Division) that is (are) functionally responsible for the area of interest is (are) responsible for the preparation and conduct of site visits. Due to the nature of site visits, the degree of preparation will vary depending on the purpose and scope of the visit. RW-331 will assist in preparation as requested. Distribution of any site visit related material prior to the visit (e.g., background information, maps, etc.) will be made in coordination with RW-331. This material should be distributed at least 10 working days prior to the site visit.

Conduct of Site Visits

Entrance Meeting Upon arrival at the site, an entrance meeting should be conducted. The purpose of the entrance meeting is to reiterate the purpose and scope of the visit to all participants and to address any general questions or concerns.

General Conduct Attendance and participation in the visit will be limited to those personnel previously identified. During the visit NRC-NMSS is to be afforded access to areas of interest, subject to compliance with requirements for identification, security access control, radiological protection, and personnel safety. However, NRC-NMSS access is not to interfere with the conduct of work. The underlying purpose of all site visits is for the NRC-NMSS to gain a better understanding of a technical area (e.g., site characterization activities). Therefore, information should be exchanged freely between the DOE and NRC-NMSS during the site visit. However, no commitments, positions, open items, or future courses of action are to be established during the visit. The exchange of draft documents or other unpublished materials is inappropriate. Requests from the NRC-NMSS for copies of draft documents or unpublished material will be handled through the normal channels (i.e., a written request from NRC-NMSS to the Associate Director, OSIR).

Exit Meeting At the conclusion of the site visit, an exit meeting should be conducted. The purpose of the exit meeting is for NRC-NMSS to briefly present any observations resulting from their visit.

Site Visit Documentation

Visit Record A formal record of the site visit signed by DOE and NRC-NMSS representatives is not required. However, the OCRWM and/or DOE organizational element(s) that is (are) functionally responsible for the technical area of interest (e.g., YMPO Office Division) shall prepare a summary of the site visit for distribution to appropriate OCRWM and the DOE organizational element(s) management (i.e., RW-331 at a minimum). The information provided in the summary should include: (1) the date and location of the visit; (2) a brief statement of the purpose and principal objectives of the visit; and (3) a general summary of the visit. A copy of the attendance list, agenda, and handouts should be included as attachments for the record. NRC-NMSS has agreed to send the DOE an information-copy of their staff's trip reports for site visits.