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#### MINUTES

#### U.S. NUCLEAR REGULATORY COMMISSION/U.S. DEPARTMENT OF ENERGY

#### **BI-MONTHLY MANAGEMENT MEETING**

#### FEBRUARY 8, 1995

On February 8, 1995, staff from the U.S. Nuclear Regulatory Commission met with representatives of the U.S. Department of Energy (DOE), Office of Civilian Radioactive waste Management (OCRWM) for a bi-monthly management meeting. These management meetings provide an opportunity for items of mutual concern in the high-level waste program to be discussed by NRC and DOE management in an open public forum. This meeting was held by videoconference between DOE offices in Las Vegas, Nevada and DOE Headquarters in Washington, D.C. In Washington, D.C. attendees represented the NRC, OCRWM, United States Nuclear Waste Technical Review Board, and NRC and DOE contractors. In Las Vegas, attendees represented the NRC, OCRWM, the State of Nevada, Clark County and Nye County. The other Affected Units of Local Government were notified of the meeting but did not attend. Attendance lists are included (Attachment 1).

The first topic discussed was DOE's plan for preparing a repository Environmental Impact Statement (EIS), required by the Nuclear Waste Policy Act. Major facets of plans currently in the scoping process were described. NRC concerns about the planning interface with site suitability and licensing efforts were discussed. NRC will give DOE feedback on this issue at a later time, once a point of contact is designated and it is determined whether or not NRC will be a cooperating agency. Attachment 2 shows the overheads presented on EIS development.

There was also a discussion on harassment and intimidation. NRC stated that it had prepared and was circulating for internal comment a letter on the subject. The concerns were discussed at the July 26, 1994 NRC/DOE management meeting and at the August 27, 1994 s akeholder's meeting. The NRC staff's draft letter begins the formulation of a process for forwarding incidents or events to DOE for action. It acknowledges NRC's limited role because DOE is not at this time a licensee, but makes clear that harassment is not acceptable during site characterization. DOE described its program to implement its own intolerance of harassment. NRC indicated that it has no reason to have a concern with DOE's programs on handling harassment and intimidation allegations and will continue to closely monitor DOE's programs.

DOE then described its quality concerns program. Established in 1991, the program investigates only those issues defined as affecting quality. Other issues are logged and transferred to the appropriate area of responsibility for resolution. Attachment 3 provides more detail on the quality concerns program.

The NRC discussed its overall review strategy (ORS) based on NUREG-1495 and DOE provided feedback on this document. Pre-licensing review strategies and license application review strategies were discussed in terms of using the ORS to define the philosophy that guides the NRC staff review and the License Application Review Plan to implement the review. The NRC staff does not see a

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Enclosure

The next presentation by DOE provided an approach to limit the types of documents to be submitted in accordance with NRC's proposal at the December 6, 1994 DOE-NRC Management Meeting. DOE agreed to focus its submittal of documents to NRC to four types: progress reports, License Application Annotated Outline (AO), topical reports, and study plans. DOE noted that it retains the prerogative to make individual submittals of information that would be included in the AO or progress reports to the NRC, when appropriate. These individual submittals would then be "rolled up" into the AO or progress reports. DOE reiterated the need to establish a mechanism for NRC review of the AO and AO sections to produce documentation of sufficiency for referencing in a license application, similar to a topical report Staff Evaluation. The next Annotated Outline was scheduled to be submitted in late March 1995. NRC stated that it will not give a complete review of the AO, but will document draft technical evaluations associated with review of the AO, giving detailed comments only as chapters or information are added. It ias noted that the optimum schedule would match AO preparation by DOE and LARP chapter preparation by NRC. Noting that there have been some problems with the topical report submittal and review process to this point, the NRC announced that Dr. Michael Bell would be their contact point for issues and concerns related to the topical report process. The DOE stated that Dr. Stephan Brocoum would be the corresponding DOE point of contact for topical report process questions and concerns.

See Attachment 5 for further details on reducing the number of documents that DOE submits to NRC. DOE inquired about the status of various submittals and informed NRC of upcoming submittals. Attachments 6 and 7 provide priority lists of DOE/YMSCO and DOE/HQ document submittals.

After noting that the date of the next bi-monthly management meeting would be April 12, 1995, the meeting was adjourned.

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Pauline P. Brooks High-Level Waste and Uranium Recovery Projects Branch Division of Waste Management Office of Nuclear Material Safety and Safeguards U.S. Nuclear Regulatory Commission

Priscilla C. Bunton Regulatory Integration Division Office of Civilian Radioactive Waste Management U.S. Department of Energy

#### NRC/DOE BI-MONTHLY MANAGEMENT MEETING February 8, 1995 Washington, D.C. Attendance List

#### **ATTENDEE**

#### **ORGANIZATION**

#### PHONE NO#

Sophia Angelini	DOE/GC-S2	202-586-6975
Lake Barrett	DOE/RW-2	202-586-6850
Michael Bell	NRC/ENGB	301-415-7286
Pauline Brooks	NRC/HLUR	301-415-6604
Priscilla Bunton	DOE/RW-36	202-586-8365
Mark Delligatti	NRC/HLUR	301-415-6620
Earl Easton	NRC/IMNS	301-415-7277
Christian E. Einberg	DOE/RW-36	202-586-8869
Dan Fehringer	NWTRB	703-235-4473
Dave Fenster	M&O/WCFS	703-204-8866
Richard Goffi	Roy F. Weston, Inc.	202-646-6743
John Greeves	NRC/HQ	301-415-6708
Joe Holonich	NRC/HLUR	301-415-7238
Philip Justus	NRC/ENGB	301-415-6745
Mal Knapp	NRC/HQ	301-415-7437
Christophe- Kouts	DOE/RW-36	202-586-9761
Bill Reamer	NRC/OGC	301-415-1640
John L. Russell	CNWRA	703-416-1129
Sandy Schneider	DOE/EM-40	202-586-8289
Jim Sheldon	DOE/EM-40	202-586-8289
John Thoma	NRC/HLUR	301-415-7293
Robert Waxman	AOB/GC	202-586-6979

#### NRC/DOE BI-MONTHLY MANAGEMENT MEETING February 8, 1995 Las Vegas, Nevada Attendance List

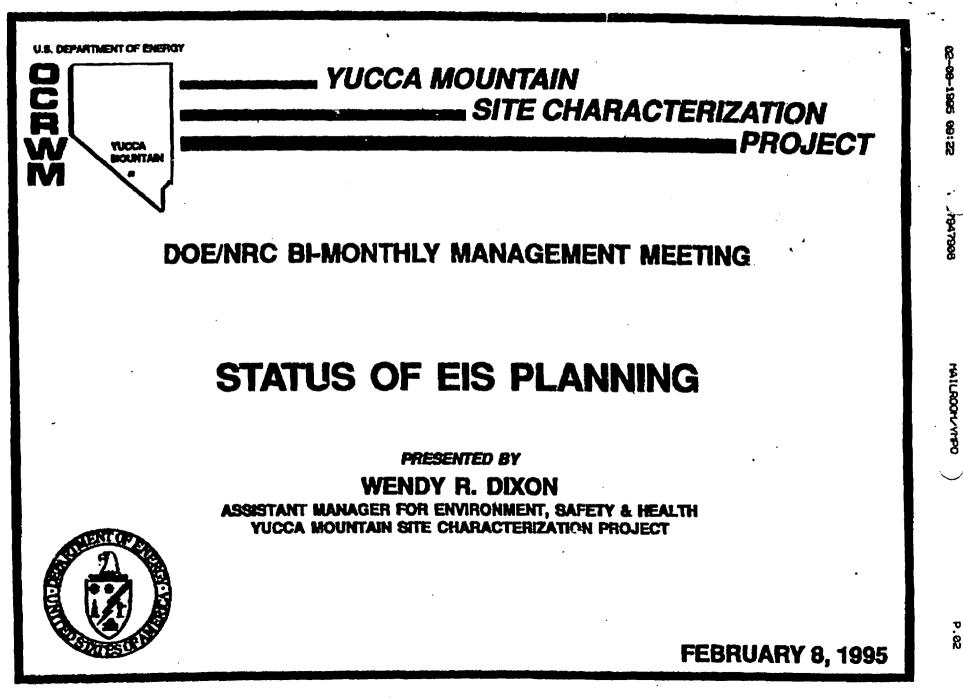
#### **ATTENDEE**

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#### **ORGANIZATION**

Stephen Brenner Wendy R. Dixon Steve Frishman **Bob Gamble** April V. Gil Donald G. Horton SE LeRoy Ed McCann Malachy Murphy Steve Nesbit Susan L. Rives Jim Replogle Norman T. Simms E. v. Tiesenhausen Judy Treishul Bernard J. Verna Nancy Voltura Jean Younker

DOE/AMSL DOE/YMP **NV NWBO** M&O/WCFS DOE/YMP/AMSL DOE/OQA M&O Las Vegas M&O/SAIC Nye County M&O Regulatory & Licensing DOE/YMSCO DOE/EFO M&O Clark County NM Nuclear Waste Task Force DOE/FFO DOE/OCRWM Quality Concerns Program **M&O** 



#### **Coordination with Nuclear Regulatory Commission**

- NWPA requires NRC to adopt the EIS prepared by DOE, to the extent practicable, in connection with issuance of construction authorization and license [Sec. 114(f)(4)]
- DOE will involve NRC early in the EIS development stage
  - Brief NRC on DOE's approach
  - Develop effective DOE/NRC communication with identified points-of-contact
  - Obtain NRC input
  - Address NRC questions, comments, and issues
- NRC will be kept informed and involved throughout
  the EIS process

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### **Repository EIS Objectives**

- Prepare an EIS to accompany site recommendation, as required by NWPA
- Develop an EIS in compliance with the NWPA, CEQ and DOE regulations, and consistent with NRC regulations
- Prepare an EIS that will also satisfy environmentally related Congressional land-withdrawal issues
- Prepare an EIS that can be adopted, to the extent practicable, by NRC
- Prepare an EIS to provide the technical basis for evaluating the environmental, socioeconomic, and transportation siting guidelines

### **Nuclear Waste Policy Act**

### The Yucca Mountain EIS need not consider:

- The need for the repository
- Alternatives to geologic disposal
- Alternative sites to Yucca Mountain

### **EIS - License Application Coordination**

- EIS and License Application teams will coordinate data, design, and analyses
- EIS will utilize input to the Advanced Conceptual Design (ACD), which will also eventually support the License Application
- A preliminary safety analysis will be needed to bound potential radiological impacts to workers, the public, and the environment
- EIS will focus on environmental impacts and will not duplicate the detailed License Application assessment of containment and waste isolation

### DOE Implementing Procedures (10 CFR 1021)

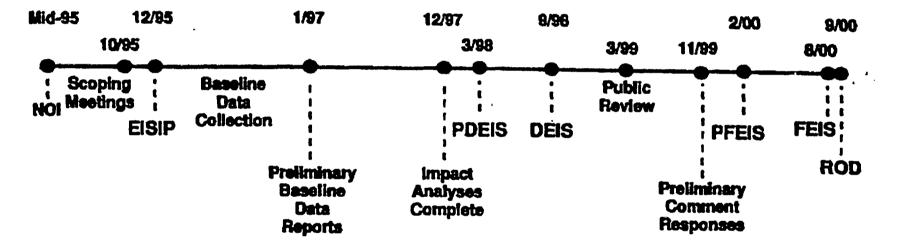
- Notice of Intent and Scoping
- EIS Implementation Plan
- Draft EIS for Public Review
- Final EIS
- Record of Decision
- Mitigation Action Plan

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### **Plans for EIS Development**

- Plan to initiate public scoping process by publishing Notice of Intent in mid-1995
- An EIS Implementation Plan will be published in fate 1995 following completion of Scoping
  - Explains scope of the EIS
  - Responds to public comments
  - Provides annotated outline of the EIS

### **PROPOSED REPOSITORY EIS SCHEDULE**



Extended timelines allowed for:

- Thorough Public Scoping Period
- Preliminary Baseline Data Report preparation includes environmental, socioeconomic, transportation, interim site suitability, bounded performance assessment, advanced conceptual design, and system safety and reliability
- 6 month DEIS Public Review Period

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### **Objectives of Scoping**

- Invite Federal, State, Affected Units of Government and other local agencies and Indian Tribes and the public to participate
- Determine appropriate scope and significant issues, identifying and eliminating issues determined not to be significant
- Determine data gaps in existing databases
- Allocate assignments among cooperating agencies
- Identify related environmental assessments being prepared

### **EIS Public Involvement**

- Public involvement is a critical component of NEPA. The public will be kept informed throughout the process.
- The Notice of Intent (NOI) initiates the scoping process wherein affected agencies and interested persons are invited to participate in the process [40 CFR 1501.7 (a)]
- The draft EIS and associated public hearings are the second stage when an agency requests comments from Federal, State, and local agencies, Indian Tribes, and the public. The agency responds to these comments in the final EIS (40 CFR Part 1503)

#### EIS Baseline Data Collection and Impact Analyses

- Standard EIS categories will be evaluated, e.g. air quality, terrestrial ecosystems, cultural resources, geology, hydrology, tectonics, socioeconomics, transportation
- One of the unique characteristics of this EIS is the timeframe

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### **Alternatives to be Considered**

- EIS need only consider *reasonable* alternatives, not every possible alternative
- EIS need only provide as much information and detail as is necessary to provide a reasonably thorough discussion of the significant aspects of the probable environmental consequences
- As specified in the NWPA, EIS required for the repository need <u>not</u> consider:
  - Need for the repository
  - Alternatives to geologic disposal
  - Alternative sites to Yucca Mountain

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## Alternatives to be Considered

- (Continued)
- Various repository operational scenarios that may affect key design features of the repository
  - Waste package design
  - Surface and subsurface facilities design
- Purpose is to assist with meaningful comparison of potential environmental impacts of constructing and operating a repository
- Use bounding assumptions to capture a range of reasonable possible effects from different operational scenarios

# Alternatives to be Considered

- Preliminary planning for EIS alternatives includes:
  - Analyze proposed repository construction, operation, and closure operating scenarios for alternatives
  - Evaluate design features for alternatives that reduce or avoid adverse anvironmental impacts
  - Evaluate potential rail corridors in Nevada

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#### **EIS - Design Interfaces**

- EIS must include sufficient design both to adequately assess impacts to the environment and the public, and to evaluate and propose mitigation
- A description of solid, liquid, and gas effluents and emissions must be listed, including pollution-control technologies
- Transportation requirements must be addressed
- Design must be sufficiently developed to project construction, operation, and closure impacts including required resources, workforce, and schedules

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### **Technical Information Needed**

- Three different drivers exist for generation of site data
  - Preparation of Environmental Impact Statement (40 CFR 1500 and 10 CFR 1021)
  - Preparation of a License Application (10 CFR 60)
  - Site Suitability Determination (10 CFR 960)

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# Technical Information Needed

- NEPA, licensing, and site suitability represent three different sets of requirements
- Data required for the EIS is specific to CEQ requirements and will include a smaller subset of the data requirements for licensing and site suitability There is an abundance of data available
  - Ten-plus years of site monitoring and characterization
  - Key challenge: ferret-out the appropriate data set
- Technical criteria guidelines for EIS data needs will be developed in 1995
- The decision on which data is appropriate for use in the EIS will be made as EIS Scoping is conducted

#### Technical Areas That Support Both the Suitability Determination and EIS Preparation

- EIS will provide technical basis for evaluating environmental, socioeconomic and transportation siting guidelines
- EIS will make use of other site suitability determination analyses, as required, to address specific environmental impact issues

### EIS-Site Suitability-Licensing Coordination

- Interfaces between EIS and suitability and licensing organizations have been made and will continue
- Early coordination indicates that there will be an abundance of data available for the EIS
- Additional data needs will be defined through EIS scoping
- EIS team will assign a lead person to coordinate with site characterization organizations
- Same "experts" will do the performance assessment analyses required for EIS, suitability, and licensing
- Agency and public comments also will be addressed by the appropriate "experts"

PREPARED FOR DOE/NRC BIMONTHLY MANAGEMENT MEETING February 8, 1995

PRESENTED BY NANCY A. VOLTUBA, MANAGER, OCRWM QUALITY CONCERNS PROGRAM

- ESTABLISHED JULY-1991; USING BEST PRACTICES OF EXISTING INDUSTRY PROGRAMS AS MODEL
- MEETS NRC HLWM STANDARD REVIEW PLAN (CRITERIA 1.17)
- PROVIDES FOR EARLY IDENTIFICATION AND RESOLUTION OF ISSUES IN EFFORT TO MINIMIZE POTENTIAL LICENSING IMPACT
- SENIOR MANAGEMENT DIRECTED PROGRAM; QCP REPORTS TO DIRECTOR, OQA
- PROGRAM ENCOURAGES SUBMITTAL OF ISSUES USING A CONFIDENTIAL REPORTING SYSTEM ...24 HOUR "HOTLINE" WITH "800" NUMBER; FORM LETTER MAIL-IN SYSTEM; PERSONAL CONTACT/INTERVIEW PROCESS
- INVESTIGATIONS BASED ON IDENTIFYING ISSUE-RELATED FACTS
- INVESTIGATION REPORTS ISSUED TO OCRWM MANAGEMENT & ARE AVAILABLE TO CONCERN ORIGINATOR, UPON REQUEST

#### **SCOPE:**

- A SYSTEM DESIGNED TO RESOLVE QUALITY CONCERNS, ENVIRONMENTAL SAFETY & HEALTH CONCERNS and DIFFERING PROFESSIONAL VIEWS / DIFFERING PROFESSIONAL OPINIONS
- THIS PROGRAM-WIDE SYSTEM IS DESIGNED TO ALLOW INDIVIDUALS TO CONFIDENTIALLY RAISE ISSUES WITHOUT FEAR OF RETALIATION OR REPRIMAND; PROVIDES FEED-BACK ON ISSUE RESOLUTION.
- ISSUES INVESTIGATED BY QCP ARE ONLY THOSE DEFINED AS AFFECTING QUALITY... ONCE LOGGED OTHERS ARE TRANSFERRED TO AREA OF RESPONSIBILITY FOR REVIEW AND RESOLUTION., i.e.; PERSONNEL, ENVIRONMENT, SAFETY & HEALTH, etc.

- ACCEPTS, LOGS & TRACKS CONCERNS RECEIVED
- CONCERNS CAN INCLUDE ANY TOPIC, i.e.; QUALITY; MANAGEMENT DECISIONS; POLICY POSITIONS; DIFFERING PROFESSIONAL VIEWS or OPINIONS; ISSUES FROM OTHER DOE SITES ARE ACCEPTED
- QUALITY-RELATED CONCERNS ARE EVALUATED BY QCP; CORRECTIVE ACTION IS DOCUMENTED VIA THE OCRWM QA PROGRAM
- NON-QUALITY RELATED CONCERNS, i.e.; WASTE, FRAUD & ABUSE; OR HEALTH & SAFETY ISSUES, ARE TRANSFERRED TO RESPONSIBLE OFFICE WITH FOLLOW-UP ON RESOLUTION BY OCRWM QCP
- APPLIES TO ALL OF OCRWM ... BOTH DOE AND CONTRACTOR EMPLOYEES

#### METHODS OF OUTREACH & AWARENESS TRAINING:

- OCRWM MANAGEMENT'S ENDORSEMENT OF QCP IS PART OF QCP TRAINING VIDEO WHICH DESCRIBES THE PROGRAM, HOW IT FUNCTIONS & METHODS AVAILABLE FOR EMPLOYEES TO ACCESS QCP OFFICE
- QCP VIDEO IS PART OF OCRWM ORIENTATION
- BROCHURES, FLYERS & "MAIL-IN FORMS" ARE DISPLAYED AT OCRWM & CONTRACTOR OFFICES
- ACCESS TO QCP VIA "800" HOTLINE NUMBER, PERSONAL INTERVIEWS OR SUBMITTING WRITTEN INFORMATION
- EXIT PROCESSING SYSTEM WHEN PERSONNEL LEAVE PROGRAM - ANOTHER AVENUE TO REPORT CONCERNS

**ELEMENTS ESSENTIAL FOR SUCCESS:** 

- ACTIVE MANAGEMENT SUPPORT OF THE PROGRAM
- MANAGEMENT INVOLVEMENT, WHEN NECESSARY
- MANAGEMENT ESTABLISHES & ENFORCES A POLICY OF "NO REPRIMANDS & NO REPRISALS"
- CONFIDENTIAL MEANS OF REPORTING ISSUES
- · CONDUCT INDEPENDENT INVESTIGATIONS
- MANAGE OWN OPERATIONS
- ABILITY TO IDENTIFY AND RESOLVE CONDITIONS THAT
   NEED TO BE CORRECTED

#### SUMMARY OF NRC'S OVERALL REVIEW STRATEGY

NUREG-1495

February 8, 1995

#### PURPOSE OF OVERALL REVIEW STRATEGY (ORS)

- Policy to Guide the NRC Staff in Meeting Program Goal
- <u>Program Goal</u>: Commission Construction Authorization Decision within the 3-Year Statutory Mandated Time Period.
  - 18 Months for Staff Review of the License Application (LA) and Preparation of Safety Evaluation Report
  - 18 Months for Hearing
- Policy for:
  - Development of License Application Review Plan (LARP), Independent Assessment Methods, and Research
  - LA Review
  - Pre-LA Review

#### LICENSE APPLICATION REVIEW STRATEGIES

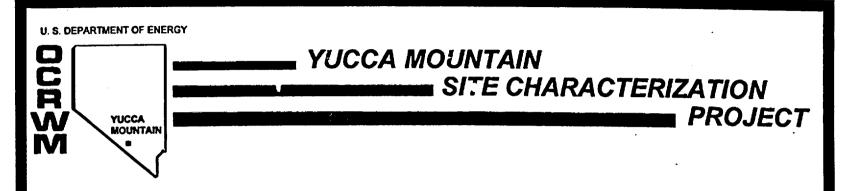
- Acceptance Review
- Compliance Reviews
  - Verify with Confidence the Acceptability of DOE's Compliance Demonstrations
  - General Information Review: All General Information
  - Safety Review: All Information in Safety Analysis Report
  - Detailed Safety Reviews
- Use Results of Pre-License Application Reviews
- DOE Responsible for Documenting a Complete Demonstration of Compliance in its License Application Regardless of Staff Review Strategies

#### PRE-LICENSE APPLICATION REVIEW STRATEGIES

- Provide Timely Guidance and Avoid Delaying DOE's Program
- Use the Draft License Application Review Plan
- Review DOE's License Application Annotated Outline and Document Staff Evaluations (New Initiative) and Open Items; Supports Commission Preliminary At-Depth Site Characterization Analysis and Waste Form Proposal required by NWPA
- Detailed Reviews for Key Technical Uncertainties and Open Items--Including In-Field Verifications, Meetings, and Technical Exchanges
- Open Interactions with DOE and Other Parties
- Identify/Track DOE Resolution of Potential Licensing Issues as Open Items

#### STRATEGIES FOR DEVELOPING THE LICENSE APPLICATION REVIEW PLAN (LARP)

- Develop the LARP to Guide the Staff's License Application and Pre-License Application Reviews
- Develop the Draft LARP Early and Revise It Iteratively, Based on New Information and Implementation Experience
- Develop a Common Organizational Structure for LARP, License Application Annotated Outline, and License Application Based on the System/Subsystem Structure of the Format and Content Regulatory Guide for the License Application



**DOE/NRC BI-MONTHLY MANAGEMENT MEETING** 

### **DOE DOCUMENT REDUCTION**

PRESENTED BY APRIL V. GIL LICENSING TEAM LEADER ASSISTANT MANAGER FOR SUITABILITY AND LICENSING YUCCA MOUNTAIN SITE CHARACTERIZATION OFFICE



**FEBRUARY 8, 1995** 

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### Background

 December 1994, NRC proposed approach to reduce number of DOE submittals to NRC at December 6, 1994 DOE-NRC Management Meeting

# **NRC Proposal**

- Limit submittals to 4 types:
  - Progress Reports
  - License Application Annotated Outline (LA AO)
  - Topical Reports
  - Study Plans
- Reference other DOE reports or documents not among the four types above

# **DOE Proposal**

- Progress Reports
  - DOE will include SCA Open Item responses and Study Plan Open Item responses beginning with PR12
  - DOE needs to be able to identify and submit, with request for timely review, those SCA and Study Plan items needed to facilitate issue resolution



#### • LA AO

- DOE will use the LA AO to document and summarize those reports that are applicable to licensing, and reference these reports
- These reports would be provided to NRC upon request
- Includes TSPAs, QA plans, other reports needed to demonstrate compliance
- DOE needs timely and substantive comments on each LA AO revision submitted; suggest Staff Evaluation Reports for each LA AO revision as an option



- LA AO cont'd
  - Alternatively, the NRC will state the acceptability of information in each LA AO revision, and provide comments and questions

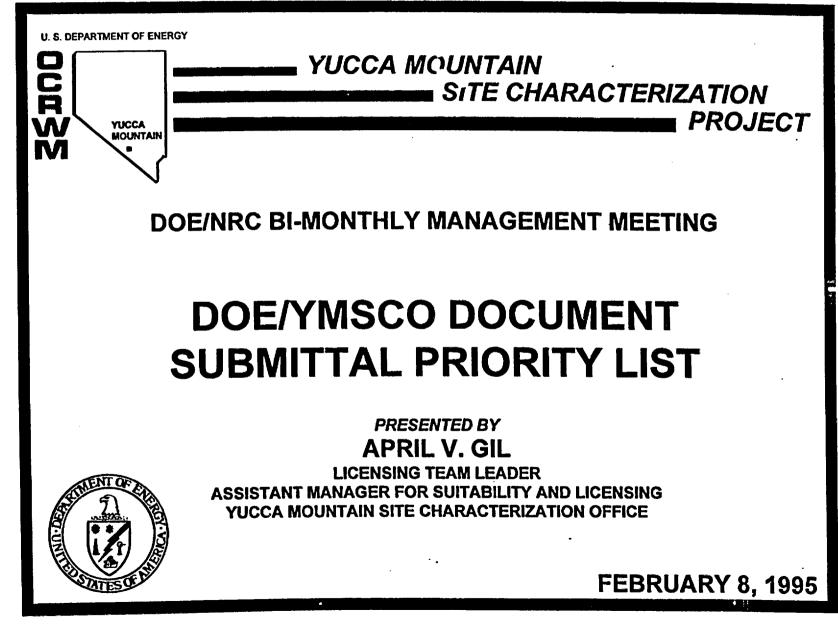
#### DOE Proposal (Continued)

- Topical Reports
  - DOE will use Topicals for appropriate topics (e.g., methodologies)
  - For certain items DOE needs NRC Staff Evaluation Reports to document acceptability (e.g., seismic)

# Summary

DOE believes this proposal is in keeping with the NRC approach to licensing

Improves DOE and NRC focus on a complete/high quality LA in 2001



### **DOE/YMSCO** Priority List

- Substantially Complete Containment feedback on supplemental responses on SCA Comment 80 and Question 47, submitted by letter of 9/20/94
- Response to DOE Petition for Rulemaking (4/19/90) requesting quantitative accident dose criteria for a geologic repository
- Seismic Topical Report II response to the DOE letter of 1/26/95, responding to NRC concerns on the annotated outline for Seismic Topical Report II, and providing a revised annotated outline for that report
- Study Plans:
  - 1) 8.3.1.2.2.6, Rev. 1, "Characterization of gas phase movement in the unsaturated zone"
  - 2) 8.3.1.3.5.1/2, "Dissolved species concentration limits and colloid behavior"

# **Upcoming Priority Submittals**

- Study Plan 8.3.1.17.3.6, "Probabilistic Seismic Hazards Analyses" (March 1995)
- 50% design review for design package 8A (April 1995)
- Seismic Topical Report II Seismic Design Methodology for Yucca Mountain (June 1995)
- Erosion Topical Report Supplemental Responses end of February, 1995
- LA AO end of March, 1995

#### **DOE/NRC BI-MONTHLY MANAGEMENT MEETING**

### DOE/HQ DOCUMENT SUBMITTAL PRIORITY LIST

PRESENTED BY CHRISTOPHER A. KOUTS DIRECTOR, REGULATORY INTEGRATION DIVISION OFFICE OF PROGRAM MANAGEMENT AND INTEGRATION



#### **FEBRUARY 8, 1995**

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### **DOE/HQ Priority List**

- Multipurpose Canister response to the DOE letter of 8/29/94, notifying the NRC that the DOE will be requesting a letter of "no objection" with respect to 10 CFR Part 60 requirements for multipurpose canisters
- Applications for certification of GA-4 and GA-9 transport casks (submittals in August 1994 and July 1994, respectively)
- Response to DOE Petition for Ruleinaking (12/93) to Exempt High-Level Vitrified Waste Canisters from 10 CFR 71.63(b) Requirements

# **Upcoming DOE/HQ Priority Submittals**

- Burnup credit topical report for storage and transportation (May 1995)
- Multipurpose canister Safety Analysis Report (Spring 1996)

