

MINUTES  
U.S. NUCLEAR REGULATORY COMMISSION/U.S. DEPARTMENT OF ENERGY  
QUARTERLY MANAGEMENT MEETING  
OCTOBER 23, 1996

On October 23, 1996, staff from the U.S. Nuclear Regulatory Commission, Division of Waste Management met with representatives of the U.S. Department of Energy (DOE), Office of Civilian Radioactive Waste Management (OCRWM) for a quarterly management meeting. The meeting was held at NRC headquarters in Rockville, Maryland with a video conference connection to the Yucca Mountain Site Characterization Office in Las Vegas, Nevada, DOE Headquarters in Washington, DC and the Center for Nuclear Waste Regulatory Analysis, in San Antonio, Texas. Other attendees at these locations represented the State of Nevada; Nye County, Nevada; Nuclear Energy Institute (NEI); the Center for Nuclear Waste Regulatory Analysis and DOE contractors. This periodic meeting provides a forum for management level discussions of issues and concerns associated with the Yucca Mountain Site Characterization project and other aspects of the Civilian Radioactive Waste Management System program. Major topics of discussion included an update of the Program Plan and Budget, the legislative process, an update on Office of Waste Acceptance and Storage and Transportation (OWAST) activities, and regulatory and licensing issues and topics. Attachment 1 provides the meeting agenda and Attachment 2 lists the attendees.

The meeting was opened with a brief discussion regarding the need to keep the lines of communication open and information flowing directly between the two agencies. It was agreed that every effort would be made to make information available directly, rather than through presentations at Nuclear Waste Technical Review Board meetings, through more effective use of the video conference capabilities in order to limit the need to travel. In addition, Margaret Federline, Deputy Director, Division of Waste Management, Nuclear Materials Safety and Safeguards (NMSS), NRC, noted the following several points:

The NRC staff is working to produce their annual report on issue resolution. This report will summarize the NRC and CNWRA activities and progress on the NRC key technical issues (KTIs).

The NRC staff is interested in seeing the DOE TSPA Viability Assessment Plan. The main interest is to see how the TSPA will be completed as related to the viability assessment.

DOE indicated that the funding level for FY98 of 324 million is close to the program plan, therefore, DOE will be implementing the program as planned. DOE also informed NRC that both HQ and Yucca Mountain have been re-organized to focus the program on products, not technical areas (see Attachment 3). DOE noted, however, that the DOE personnel interacting with NRC has not changed, but the number of interactions between NRC and DOE in FY 97 will increase.

In a discussion on the Multiple Purpose Canisters (MPC), DOE indicated the Topical Safety Analysis Report (TSAR) on the Dry Transfer System was submitted in September, 1996; the TSAR for Phase 1, Interim Storage, is still expected to be submitted in May 1997 and the Actinides report in March, 1997.

NRC informed DOE that the NRC HLW budget for FY97 has been cut to 14 million dollars, which is below the 17 million minimum needed to fund work in the 10 Key Technical Issues for FY97. As a result, the NRC has reduced CNWRA work on the

Container Life and Source Term, Radionuclide Transport, and Repository Design and Thermal Mechanical Effects KTI's. NRC will have partial FTEs in some of these reduced areas and some activity has been rolled into other KTI's. As a result, the NRC will have limited capability to review DOE submittals. The NRC is currently preparing a letter to DOE defining exactly what the NRC review capabilities will be as a result of this reduced budget, however, DOE should inform NRC when DOE needs feedback on specific documents. NRC is also preparing to meet with the Office of Management and Budget (OMB) on the impacts of the reduced budget. NRC noted that reduced work in the above KTI's may result in more conservative NRC licensing decisions, thereby, potentially raising DOE's costs for licensing. NRC indicated that this aspect should be monitored at the management meetings.

Although an exact date for the DOE's issuance of the Notice of Proposed Rulemaking (NOPR) for 10 CFR Part 960 has not been determined, DOE did provide a generic time line for completion of the rulemaking (see Attachment 4). DOE indicated that the NOPR was in the last stages of concurrence, but still awaiting OMB's determination that it is not a significant rulemaking. NRC indicated that a Commission Paper was currently under preparation providing options for NRC comment on the rulemaking. NRC's approach is dependent on the Commission decision, but the schedule will be attached to the paper for Commission consideration.

As a follow up to previous management meeting discussions concerning DOE's process for documenting important decisions in its HLW program, DOE noted that its paper on Decision Documentation is in concurrence.

As a means of reinforcing its importance, NRC raised the need for top management attention to issues of harassment and intimidation in the workplace. DOE indicated that the issue is taken seriously at the top levels including on-going issues at Millstone and reactors in the Northeast. DOE intends to have a meeting next fall to discuss such issues, provide training, discuss changes at DOE, and revise procedures. NRC and DOE agreed that a video conference be held to discuss the content of this meeting.

NRC informed DOE that CNWRA would be presenting a paper at the Geological Society of America (GSA) on probability of volcanism at Yucca Mountain. NRC indicated that more specific information on this issue is available to DOE through the GSA abstract, NRC's annual report, CNWRA deliverables or the Issue Resolution Status Report. CNWRA indicated that DOE was on their distribution list, however, their list can be revised if the appropriate persons are not receiving the documents. NRC will obtain and provide to DOE any CNWRA generated data needed.

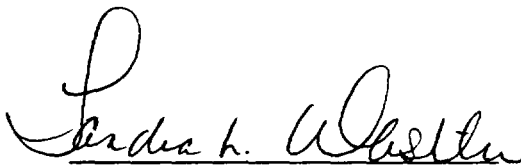
DOE indicated that Seismic Topical Report #3 may be started in FY97 and completed in FY98 (see Attachment 5). DOE would like NRC to review the topical report so NRC concerns can be factored into the License Application Design. NRC indicated that they have agreed to review DOE critical documents as resources permit and if DOE considers this critical, they will try to accommodate the review.

NRC raised the continuing concern regarding what appears to be a increasing trend in deficiencies in the Quality Assurance Program, as noted by corrective actions issued at the U.S. Geological Survey QA Audit and two Los Alamos National Laboratory QA Audits. NRC indicated that these programs appear to be relying on the overall QA program to catch the problems, rather than the line management

noting and correcting the problems. DOE indicated that consolidation of the QA program would allow better focus and reduce deficiencies. DOE and NRC indicated that top management needs to remain focused on the issue and re-emphasize the importance of QA.

NRC noted that DOE was to begin procurement of the necessary equipment to implement the Licensing Support System (LSS) and was concerned that DOE would be purchasing a system defined in the 1988 rulemaking which has been overtaken by technology. NRC noted that a paper is currently at the Commission requesting a decision on the approach for implementing LSS in light of the new technology. DOE indicated a delay in procurement could be accepted if there was a strong indication that the requirements of 10 CFR Part 2 would become easier to meet. DOE and NRC agreed to continue communication in this area as a Commission decision is reached.

The meeting concluded without significant closing remarks.



Sandra L. Wastler  
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 Bunton  
Regulatory Coordination  
Division  
Office of Civilian  
Radioactive Waste Management  
U.S. Department of Energy

ATTACHMENT 1

# NRC/DOE MANAGEMENT MEETING AGENDA

October 23, 1996

Video Conference

2:00 EST

- **OPENING REMARKS** ALL
  
- **PROGRAM STATUS**
  - Budget/Legislative Update DOE
  - NRC Budget Reduction and Program Impacts NRC
  - Status of WICS DOE
  - DOE Reorganization DOE
  - Are there specific questions or issues that NRC can answer that would benefit DOE program or long-range planning? DOE
  
- **REGULATORY AND LICENSING**
  - Status Update on 10 CFR 960 DOE
  - Treatment of New Information in Expert Elicitation Process DOE
  - Status of DOE Position Paper on Decision Documentation DOE
  - Proposed Modification to Progress Report DOE
  - Recurrent QA Concerns NRC
    - \*LANL Audit of CL-36
    - \*LANL Audit of Volcanism
    - \*Followup on Plans Regarding USGS QA Results DOE
  
- **CLOSING REMARKS** ALL

5:00 EST Adjourn

ATTACHMENT 2

NRC-DOE MANAGEMENT MEETING ATTENDANCE LIST  
 October 23, 1996  
 Videoconference between  
 DOE DC/Forestal - Las Vegas/YMSCO  
 NRC/Rockville - CNWRA/San Antonio

PRINTED NAME	ORGANIZATION/COMPANY	PHONE
Priscilla Bunton	DOE	202-586-8365
Alan Brownstein	DOE	202-586-4973
John Austin	NRC	301-415-7252
John Greeves	NRC/NMSS	301-415-7358
Steve Frishman	NV/NWPO	702-687-3744
Judy Treichel	NV/NW Task Force	702-248-1127
John O. Thoma	NRC	301-415-7293
Michael Bell	NRC/NMSS/DWM	301-415-7286
Margaret Federline	NRC/NMSS/DWM	301-415-6708
R.E. Spense	DOE/YMPO	702-794-5584
Nick Stallavato	Nye County	702-295-6142
Mike Lugo	M&O/TRW	702-795-4761
Hans Ebner	YMSCO PMO	702-794-1460
Jill Schrecongost	DOE/YMSCO	702-794-5436
John Rosenthal	YMP/PMO	702-794-1393
Jerry King	M&O	702-295-4897
Ron Ruth	M&O	702-295-5074
Ken Ashe	M&O	702-295-5563
Tim Hawe	DOE	702-794-1411
Richard Powe	OQA/QATSS	702-794-1480
Linda Desell	DOE/YMSCO	702-794-1352
Paul Harrington	DOE/YMP	702-794-5415
Stephen Brocoun	DOE/YMP	702-794-1359
Donald Horton	DOE/OQA	702-794-5568
Carol Hanlon	DOE/YMP	702-794-1324
Chris Einberg	DOE	202-586-8869

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PRINTED NAME	ORGANIZATION/COMPANY	PHONE
Susan Rives	DOE	702-794-7905
April Gil	DOE/YMPO/AMSL	702-794-5578
Chad Glenn	NRC/OR	702-388-6125
Lake Barrett	DOE	202-586-6850
Wes Patrick	CNWRA	210-522-5158
Ali Hagi	M&O	702-794-4873
Richard Goffi	Weston	202-646-6743
John Gandi	YMP/IM	702-794-1313
David Warriner	DOE/YMP	702-794-1478
Tim Sullivan	DOE/YMP	702-794-7915
Claudia Newbury	DOE/YMP	702-794-1361
Mark Wisenberg	M&O/TRW	202-488-6742
Bob Gamble	CRWMS M70/WOFS	202-488-6730
Ray Wallace	USGS	202-586-1244
Dan Fehringer	NWTRB	703-235-4473
Steve Hanauer	DOE	202-586-5847
Dwayne Weigel	GAO	202-572-6876
Colin Heath	CRWMS M&O	202-488-6740
Ralph Anderson	NEI	202-739-8111
Buhdi Sagar	CNWRA	210-522-5252



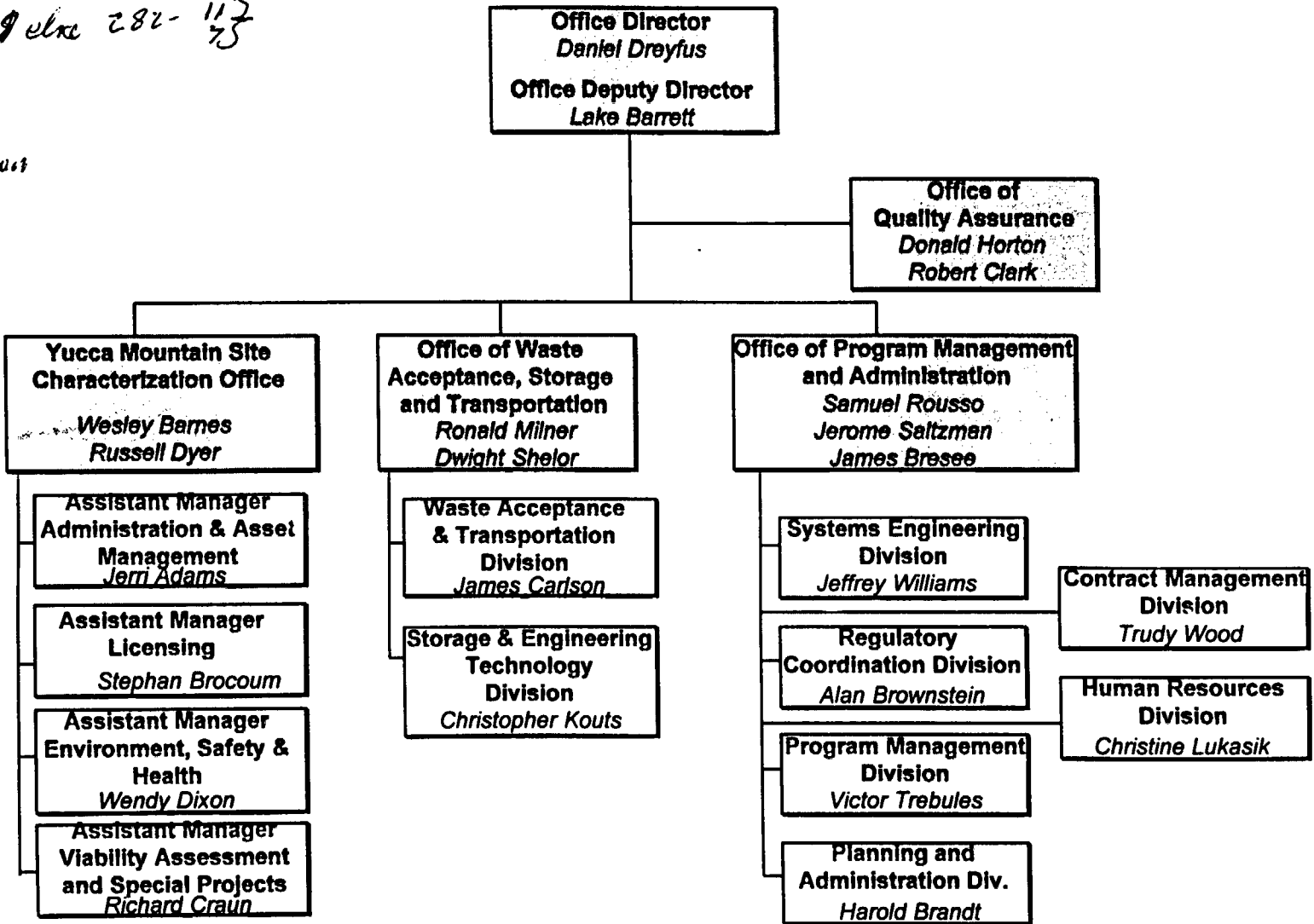
ATTACHMENT 3

Ralph Anderson - MEI

# Office of Civilian Radioactive Waste Management

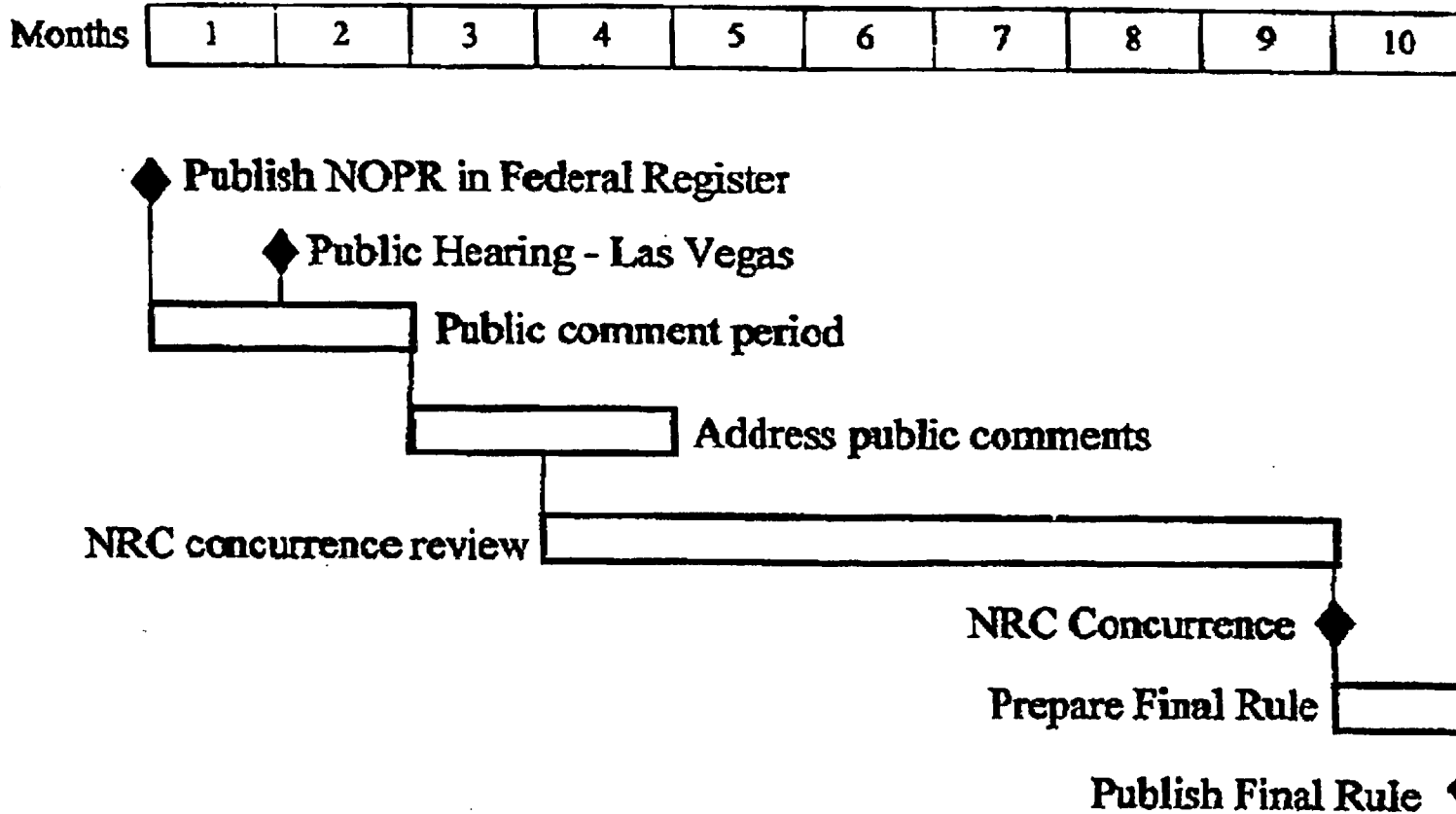
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ATTACHMENT 4

# Schedule - 10 CFR 960 Rulemaking



ATTACHMENT 5

**U.S. Department of Energy  
Office of Civilian Radioactive Waste  
Management**

**Status of DOE Seismic  
Topical Reports**

**PRESENTED TO  
DOE/NRC Management Meeting**



**PRESENTED BY  
Dr. Stephan Brocoum  
Assistant Manager for  
Suitability & Licensing**

**October 23, 1996**

# **Brief History of DOE's Seismic Design Approach**

- **November 1993 - A series of three reports was discussed at the technical exchange**
  - The NRC staff commented in its December 9, 1993 meeting summary (letter, Reamer to Shelor) that the first topical report should discuss the purpose of the three reports and how they are linked
- **Submitted first two Topical Reports**
  - Topical Report I - June 1994
  - Topical Report II, Rev I - October 1996

# **NRC-DOE Communications Regarding Topical No. 3**

- **July 25, 1996, the NRC staff closed all of its comments on the first seismic topical report in a letter noting**
  - **the first report (TR 1) “ is limited to describing the seismological assessment methodology, the staff expects to have further comments on: how the methodology will be implemented. Implementation will be assessed in the context of our review of TR2 and TR3.”**



## **NRC-DOE Communications Regarding Topical No. 3 (continued)**

- It also stated “when DOE provides the final information regarding the seismic design criteria and design inputs that DOE indicated would be contained in TR2 and TR3 respectively, we anticipate that a PER will be developed that addresses DOE’s seismic design basis.”**

## **Conclusion**

- DOE and NRC discussed nearly three years ago a three-part topical report approach to address Seismic Hazards
- Topical reports 1 and 2 have been developed to support this strategy, and have been accepted by NRC
- The third topical report is scheduled for completion in late 1998; feedback from NRC would be early enough to support LA design
- We anticipate NRC's capability to review Topical Report #3 and issue a PER (Prelicensing Evaluation Report)