MAR 1 0 1992

Mr. John P. Roberts, Acting Associate Director
for Systems and Compliance
Office of Civilian Radioactive Waste Management
U.S. Department of Energy, RW 30
Washington, D.C. 20585

Dear Mr. Roberts:

SUBJECT: MINUTES FROM THE OCTOBER 28, 1991, PROCEDURAL AGREEMENTS MEETING

Enclosed are the minutes from the October 28, 1991, procedural agreements follow-up meeting. The purpose of the meeting was to discuss unresolved issues from the September 12, 1991, procedural agreements meeting involving proposed changes to the existing "Procedural Agreement Between the U.S. Nuclear Regulatory Commission (NRC) and the U.S. Department of Energy (DOE) Identifying Guiding Principles for Interface During Site Investigation and Site Characterization" (Morgan-Davis Agreement), and the "Agreement Between DOE's Office of Geologic Repositories Projects and NRC's Division of High-Level Waste Management During the Site Investigation and Characterization Programs and Prior to the Submittal of an Application for Authorization to Construct a Repository" (site-specific agreement).

During the meeting, both DOE and NRC staff reviewed a line-by-line draft markup of the procedural agreements document. There were nine unresolved items identified from the previous procedural agreements meeting, of which five were closed. The four remaining open items are discussed below.

First, Item 4 (See enclosed minutes) remains a concern to both the NRC and DOE. This item involves the revision of the data management section (Section 3C) in the site-specific agreement. DOE staff indicated that they felt NRC was requiring them to develop and implement a data management system designed to facilitate NRC evaluation of site characterization data to fulfill their regulatory responsibilities, versus addressing DOE's own data management needs. Although NRC does not agree with this interpretation, further discussions will be conducted between NRC and DOE technical staff to address this concern. Both parties agreed to review currently proposed language to work towards a consensus on the expression of the agreement.

Second, Item 5 is of concern because of the proposed wording of the acquisition of samples appendix (Appendix 5) in the site-specific agreement. DOE proposed to replace this appendix with the Yucca Mountain Project Office's (YMPO's) procedure for requesting and acquisition of core samples, currently used when dealing with the State of Nevada, contractors, and other requesting agencies. DOE also stated that YMPO would draft a Waste Sampling Acquisition Procedure that would become part of this section. This is in reference to the "NRC Request for Borosilicate Glass Samples" letter, dated May 30, 1991, which stated that a procedure for acquisition of waste samples could be covered in the site-specific agreement versus a separate agreement. The NRC responded

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that it would have to review all of DOE's procedures for sampling acquisition prior to agreeing to any proposed changes.

Finally, Items 7 and 8 are of concern because they deal with DOE's proposed changes to the NRC On-Site Representative (OR) appendix (Appendix 7) in the site-specific agreement. Specifically, DOE proposed revisions that require the NRC OR to go through the project's Regulatory Interactions Branch in order to interface with any of DOE's contractors. Additionally, DOE proposed the change that would require the NRC OR to go through the cognizant DOE manager to gain access to relevant site records. In both cases, NRC objected to the proposed revisions because it believes that these changes are more restrictive in nature than the language in the existing agreement, thus reducing the NRC OR's flexibility. Neither NRC or DOE staff could agree on mutually acceptable language, and both parties agreed to elevate this issue to higher management for resolution.

If you have any questions on the enclosed minutes, please contact Bob Carlson, the NRC staff Project Manager responsible for the meeting. He can be reached at (301) 504-2435.

Sincerely,

Original Signed by
for Joseph J. Holonich, Director
Repository Licensing and Quality
Assurance Project Directorate
Division of High-Level Waste Management
Office of Nuclear Material Safety
and Safeguards

Enclosure: As stated

Mr. 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-Eichner, Nye County, NV
C. Thistlethwaite, Inyo County, CA
V. Poe, Mineral County, NV
F. Sperry, White Pine County, NV
R. Williams, Lander County, NV
P. Goicoechea, Eureka County, NV
L. Vaughan II, Esmeralda County, NV
C. Schank, Churchill County, NV

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