

Dr. Robert E. Browning MS 623 SS



Department of Energy

Richland Operations Office
P.O. Box 550
Richland, Washington 99352

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for Cook

William J. Purcell
Associate Director
for Geologic Repositories
Office of Civilian Radioactive
Waste Management, HQ

APPENDIX 7 - AGREEMENT CONCERNING THE NRC ON-SITE REPRESENTATIVE (OR) FOR THE REPOSITORY PROJECTS DURING SITE INVESTIGATION AND CHARACTERIZATION

Enclosed is the subject document. A last discussion was held with the BWIPO NCR-OR, Mr. Frank Cook, on Tuesday, January 15, 1985. All items were resolved with the NRC-OR with the exception of a portion of Item 4. The NRC-OR still believes that all draft analysis documentation should be released even prior to peer review and clearance, especially that material generated by subcontractors. BWIPO does not agree with the NRC position and recommends that the position put forth in Item 4 remain as it is. BWIPO would consider a rethinking of the position if the NRC would consider a compromise to their current position of public release. If the NRC would agree to some form of confidentiality until the final version of the document could be arrived at, a different posture by BWIPO might be possible.

We will support your efforts to resolve the outstanding issue or other questions which might arise through your review or discussion with NRC.

O. L. Olson

O. L. Olson, Project Manager
Basalt Waste Isolation Project Office

BWI:JEM

Enclosure

cc, w/encl:
J. O. Neff, SRPO
D. L. Vieth, NV
C. R. Head, HQ

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APPENDIX 7

AGREEMENT CONCERNING THE NRC ON-SITE REPRESENTATIVE (OR) FOR THE REPOSITORY PROJECTS DURING SITE INVESTIGATION AND CHARACTERIZATION

INTRODUCTION

The purpose and objective of the on-site representative (OR) is as identified in item 1 of the Base Agreement for this Appendix, that is, to serve as a point of prompt informational exchange and consultation and to preliminarily identify concerns about investigations relating to potential licensing issues. (The provisions of this appendix also apply to other NRC personnel assigned to the OR's office.)

The following points are agreed to:

1. The OR can attend any scheduled on-site or off-site technical meetings relating to the repository program following proper DOE notification. The OR will notify the cognizant DOE project personnel responsible for the meeting by memorandum, telephone, or personal contact, of his intention to attend at least 24 hours in advance of the meeting. (Exceptions are allowable if prior meeting notification has not been provided.) If objections to the OR attendance are voiced for any reason, the reason should be specified. If the OR does not agree with the objection to his attendance it will be raised to a higher management level for resolution. If resolution cannot be achieved, the OR will not attend the meeting in question.
2. In order to pursue and facilitate the various formal NRC technical informational exchanges, OR contacts with respective DOE personnel or technical communicators identified in Appendix 1 of the Base agreement will be made whenever practical.
3. For the OR to carry out his function it will be necessary to communicate verbally with a variety of program participants. The OR shall arrange for all individual sessions with on-site prime contractor staff and off-site subcontractor staff by contacting the proper prime contractor section or department manager or proper DOE Team Leader. The OR's will avoid discussions with personnel when it would appear to disrupt their normal duties and will schedule a discussion period at a later convenient time. Communication means meeting with or calling on the telephone. It is the option of the person being communicated with as to whether he desires the presence of his supervisor or a third party to be present. No record of these conversations is required; however, questions which are raised or other issues which come up will be reported to cognizant DOE project personnel as soon as practical, either verbally or in writing by either communicator as the situation may warrant.

4. DOE field offices, DOE prime contractors and their subcontractors will provide to the OR access to records which could be pertinent to NRC's future licensing activities. The OR may copy or receive copies of any records of raw data upon request to the participant storing the data, provided specified quality control activities have been performed that are pertinent to that raw data to assure its authenticity, accuracy, or precision. Records and reports which document analysis or reduction of raw data or contain information deduced by reason (vs. measurement or direct observation) will not be made available to the OR to copy or receive for retention. Only that documentation of the above nature which has been peer reviewed by the prime contractor, cleared and approved by DOE shall be released.
5. Draft documents required by the Nuclear Waste Policy Act of 1982, such as the EA and SCP, which have not been approved by DOE, will not be provided to the OR without DOE approval. Documents of this type will be made available only by the licensee, DOE, and not the DOE contractor.
6. The OR does not have the authority to direct DOE's contractors to do work. Any requests for work or action items that may be developed due to OR activities must be formalized to DOE through NRC Division of Waste Management in writing. Furthermore, the OR does not establish the NRC Technical Positions nor does he establish licensing issues. However, it is the OR's responsibility to identify concerns relating to potential or established licensing issues to DOE.
7. The OR's will attend meetings upon request by the DOE field office or prime contractor on-site whenever possible. The OR will provide records in his possession to project participants upon request for copying or, if convenient, a copy will be provided. However, records which may not be available in accordance with FOIA regulations may not be provided.
8. The OR and DOE will make arrangements which allow for weekly or more frequent information exchanges to discuss pending DOE plans and program status, and any problem areas requiring attention of either or both parties.

This Appendix 7 will be distributed to all project-specific prime contractors and subcontractors so that the provisions, agreements, and requests noted below can be implemented and observed. The activities of the OR are not intended to interfere with or replace normal business channels identified in other NRC/DOE agreements.