

MAY 22 1992

Mr. John P. Roberts, Acting Associate Director  
for Systems and Compliance  
Office of Civilian Radioactive Waste Management  
U.S. Department of Energy  
1000 Independence Ave, SW  
Washington, DC 20585

Dear Mr. Roberts:

SUBJECT: ANNOTATED OUTLINE FOR THE REPOSITORY LICENSE APPLICATION

This letter is in response to your April 24, 1992, letter transmitting the "Mined Geologic Disposal System Annotated Outline Skeleton Text for the Preparation of a License Application" (AO). While the staff of the Nuclear Regulatory Commission will be as responsive as possible to the Department of Energy's (DOE's) requests for review and guidance, the staff believes that there are several significant concerns related to the purpose of the AO and the relationship of the AO to the Site Characterization Plan (SCP), study plans, SCP progress reports, and the Early Site Suitability Evaluation (ESSE).

Your letter states that DOE views the AO "...as the key to providing NRC with DOE's understanding and interpretation of the regulatory requirements, and the implementation of these requirements in [DOE's] systems engineering and site characterization activities." This appears to be a different view from the one expressed by DOE representatives at the February 6, 1992, meeting where the AO was described as primarily a DOE management tool. Your letter further states that the AO is viewed by DOE as "...a mechanism to facilitate active exchanges, both internal and external, for the identification, clarification, and resolution of issues in a timely manner...." This appears to add a new dimension to issue resolution, as discussed at the February 6, 1992, meeting. At that meeting the DOE representatives stated that the AO and associated topical reports would not change the existing issue resolution process and mechanism, previously agreed to by the NRC staff and DOE, and implemented in the SCP and the SCP progress reports.

Also at the February 6, 1992, meeting, the DOE representatives agreed to provide a brief statement on AO development. The NRC staff believes that it would be helpful to have that statement before undertaking future AO reviews. It will be particularly difficult for the NRC staff to determine the appropriate review of the AO iterations until it has a clearer understanding of the purpose of the AO and how DOE proposes to incorporate the AO into the existing program framework. For example, DOE has not yet provided a clear description of how the AO fits together with other program documents such as the ESSE or the SCP progress reports. The staff would find it useful to understand how each of these documents relates to the issue hierarchy, performance allocation, and issue resolution processes contained in the SCP and to be discussed in the SCP progress reports. I hope that this information can be provided to the staff at the June 3, 1992, technical exchange. NRC does not have resources available to review an increasing number of documents. Without a clear understanding of how DOE intends to proceed with the development and presentation of site characterization and licensing data and

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information, the NRC staff is unable to make informed decisions relative to the expenditure of resources on the review of various documents submitted by DOE.

Based on the statements of the DOE representatives at the February 6, 1992, meeting that future versions of the AO would be sent to NRC for the staff's information and to facilitate NRC's guidance to DOE, but not for review and comment, resources for an extensive review of the April 17, 1992, version of the AO were not planned. Therefore, the NRC staff cannot meet the May 1992, deadline for comments suggested in your letter. However, we are prepared to discuss any concerns on the AO at the June 3, 1992, technical exchange. This will provide DOE with insight into any specific issues that the NRC staff may have. It is anticipated that the staff could provide its formal comments by the end of June 1992.

Mark Delligatti, of my staff, is the project manager with responsibility for NRC activities related to the AO. Mr. Delligatti can be reached at (301) 504-2430.

Sincerely,

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

- cc: R. Loux, State of Nevada
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