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Department of Energy

Nevada Operations Office

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OCT 12 1984

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BRIEFING BY NRC ON REGULATORY REVIEW PROCESS AND ROLE OF INSPECTION AND ENFORCEMENT

I wanted to set down in writing some of my thoughts concerning and reactions to the briefing given to the staff of OCRWM on Wednesday September 26, 1984, by NRC.

First, the position presented by Ben was extremely strong as to his commitment for OCRWM to satisfy the requirements of NRC, and it provided all of the project managers with unequivocal guidance in this area. I share Ben's understanding of the pivotal role NRC will play in the execution of the repository program and his enthusiasm to assure that the projects and their contractors understand the NRC requirements. It is certainly a valuable effort on the part of NRC to establish this briefing to give the projects and their contractors a thorough insight regarding the nature of the regulatory review process.

I want to make a few comments on the Bill Ohlmstead briefing. It is an excellent and motivating presentation that details the regulatory hearing process and the numerous factors that can affect its speed and success. Bill is extremely familiar with the process and its pitfalls; he has learned well from his personal involvement in many such hearings and is very capable of communicating this information. I think Bill's presentation was better last year when it contained more examples of how one can get into trouble. It appears that instead of downplaying the lawyers tricks, they just shortened the presentation. They need to focus on explaining the significance of these problems in terms of the review process and the methods to avoid them.

Somehow we need to find a way to impose upon the good graces of NRC to allow him to work with the project managers and their lawyers so that we can fully understand and document, in an orderly way, these experiences. You may remember that I jokingly suggested that Bill be given a detail to DOE for six months so that we could capture much of his understanding. I recognize that this may not be an allowable situation since it would stress the regulatory/regulatee relationship. On the other hand, we might consider the potential for NRC to hold workshops or a series of seminars to present this

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WM Project 11

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Distribution: HDM

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material in a tutorial manner. We have entered into an agreement (Morgan/Davis) with NRC that is specifically designed to facilitate communication between our agencies. NRC was particularly anxious to enter into this agreement so they could be assured of the ability to get information from the DOE projects. This attitude on the part of NRC can be readily seen in their early demand that we provide them data within five days after it was acquired. However, there is an obverse side of that coin; that is, DOE should have equal right for access to information that is currently in the sole possession of NRC and is important for the Department to do a competent job. In my case, as an example, between June and September we conducted one workshop and three data reviews to provide information to NRC to facilitate their review of the EA. The following table identifies some of the details of these interactions.

<u>DATE</u>	<u>ACTIVITY</u>	<u>NRC PEOPLE INVOLVED</u>	<u>DOE AND CON- TRACTOR PEOPLE INVOLVED</u>	<u>DOE AND CON- TRACTOR MAN HOURS INVOLVE</u>
7/10- 7/12	GEOCHEMISTRY WORKSHOP	10	42	Est 2,000
7/17- 7/20	CONCEPTUAL DESIGN DATA REVIEW	15	20	Est 1,200
7/24- 7/27	HYDROGEOLOGY DATA REVIEW	15	14	Est 750
9/17- 9/28	GEOLOGY DATA REVIEW	14	22	Est 1,200

As a result of the signing of the site-specific agreement we can expect to have such interactions on a monthly basis. These meetings are primarily conducted by DOE so the NRC staff can more efficiently do their job. Because of the heavy investment of DOE's time in helping NRC do its job, I think it is perfectly reasonable to ask NRC for a reverse courtesy.

I would like to further comment on the timeliness of their actions. Just to clarify the basis for my point, is the fact that this briefing was given to the project managers August 25, 1983. The value of this briefing was obvious then with respect to communicating the appropriate insight to my staff and contractors. I asked Seth Coplan in October 1983, for the NRC to bring the team to the field. By the time this briefing will be given to my staff, as much as 1 1/4 years will have passed. I am disturbed and puzzled by the philosophy that is implied; that is, if NRC wants something it must be supplied to them quickly, when we need some help from NRC we get it when they jolly well get around to it.

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The briefing given by Ted Ankrum on Quality Assurance requirements was fairly interesting. The problems of reactor construction are certainly a basis for improved action. The NNWSI Project agrees with the need to have a strong QA program and fully understand its importance in the regulatory review. However, the examples Ted gave were totally related to construction of reactors. When Ted gives his presentation to my contractors, it will be to people not involved in construction but people involved in collecting data. We know a reactor is approved by reviewing the design, fabrication and construction; by contrast, a repository site will be approved based on the review of a description of the earth. We need to consider how effectively he might be in getting the point about adequate QA across to them. In addition, it will become obvious that I&E will not get involved until a facility's construction is started after the regulatory review. In effect, I&E will not get involved until the data collection and its review is well out of the picture.

It is my evaluation that the structure of this presentation is flawed and may do much more harm than good. In effect, it might tell the researched that QA only applies to construction. This is definitely the wrong message. I need to have a presentation on QA that focuses on the data-taking operation and its importance in the regulatory review. I&E does not seem to be the organization that has demonstrated an understanding of the depth and scope of this problem. You might want to go back in the records and look at the difficulty we had in trying to get QA programs going in the 1979 - 1980 time frame. Trying to get researchers to understand the QA requirements presented in terms of design, fabrication and construction was the fundamental stumbling block.

As a specific follow up to the meeting, I want to request that OCRWM help in getting additional material. I need copies of the "Ford Report" for USGS (Bill Dudley), SNL (Tom Hunter), LANL (Don Oakley), LLNL (Larry Ramspott), SAIC (Mike Spaeth), Westinghouse (Jim Wright), and WMPO (Don Vieth).

I also need to probe into our understanding of the regulatory review process. Bill Ohlmstead indicated that 10CFR Part 2 were the "rules of practice" for regulatory hearings. Is it our understanding that these will be the rules followed for reviewing the CAA and license application? Can we make an official request of NRC that they indicate what they believe will be the rules of practice for our hearings? I know it was an item they reacted to, but there were no commitments or agreements on their part to clarify the situation. Can we put that request in a letter to them along with the confirmation that Bill Ohlmstead will send us a copy of his chart that shows the sequential steps for implementing 10CFR Part 2?

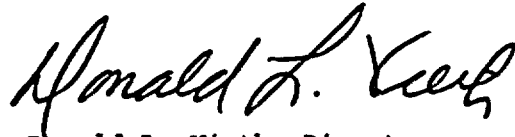
Another action item NRC picked upon was my request to supply information on the "discovery process." Can we include this point in our follow up letter to them?

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I hope that these points will be useful to you in giving feedback to NRC. I am anxiously awaiting their visit to my contractors as well as the NVO Office.



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WMPO:DLV-115

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