

OCT 13 1988

MEMORANDUM FOR: Robert E. Browning, Director
 Division of High-Level Waste Management
 Office of Nuclear Material Safety
 and Safeguards

FROM: John J. Linehan, Chief
 Project Management and Quality Assurance Branch
 Division of High-Level Waste Management
 Office of Nuclear Material Safety
 and Safeguards

SUBJECT: APPROVAL OF PROPOSED TECHNICAL POSITION

Enclosed is a scope developed by the Project Management and Quality Assurance Branch (HLPM) on a proposed Technical Position (TP) dealing with the application of existing Regulatory Guides (Reg Guides) to the above ground repository facilities. It was prepared using the Division's work plan on the development of TPs. Based on the enclosed information, HLPM is recommending that approval be given to begin work on the TP. The scheduled completion date for the TP is estimated to be October 1989 and the resource impact to the Division will be approximately 0.5 FTE. A second TP will be developed that covers below ground repository facilities; however, work on it will not begin until Fiscal Year 1990.

In accordance with the HLWM work plan, those parties receiving copies of this memorandum by cc are encouraged to provide recommendations on the need to develop the proposed TP. All recommendations should be provided to the Director within ten work days of the date of this memorandum. If you require any additional assistance, please contact the HLPM project manager responsible for the develop of the proposed TP, Joe Holonich at extension 23403.

ORIGINAL SIGNED BY

John J. Linehan, Chief
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10/ /88

Approved, R. E. Browning

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Projected Scope for the Technical Position on
Application of Existing Regulatory Guides to
Surface Design of the Repository

1.0 Regulatory Evaluation

The need for this Technical Position (TP) arose because of a request from the Department of Energy (DOE) in 1987. In a July 15, 1987 letter, DOE asked the staff to identify what Regulatory Guides (Reg Guides) or Regulatory Positions within Reg Guides were applicable to the high-level waste (HLW) program.

There are several advantages to using positions already established in Reg Guides. First, there are resource savings since the Division of High-Level Waste Management (HLWM) staff does not have to develop these or similar positions independently. Secondly, referenced guides and positions are useful because the methods and information cited have been examined by the NRC staff and found to be an appropriate means for meeting the regulations. And, finally, these guides are familiar to and have been implemented by the nuclear industry.

Based on the request from DOE and the fact that a TP of this nature would be useful, the HLWM staff performed a cursory effort on developing one. During this effort, the staff used a report prepared by the Battelle Memorial Institute that contained preliminary work in this area. The Battelle report is entitled "Evaluation of Regulatory Guides Potentially Useful to Geologic Repository Development." The Battelle work involved reviewing all existing Reg Guides as of September 1983 and determining what Guides or positions in guides applied to the HLWM program. As a result of this effort, Battelle provided a list of issued Reg Guides and their applicability to different sections in 10 CFR Part 60. Because the Battelle report contains a reference to all sections of 10 CFR Part 60 that are associated with an applicable Reg Guide and could be covered by the TP, there is no need to restate these regulations and performance objectives.

2.0 Proposed Guidance

In its development of the TP, the HLWM staff will use the Battelle report as a basis for establishing what Reg Guides or positions from Reg Guides it wants to use. The Office of Nuclear Regulatory Research (RES) has reviewed the report to determine if the methodology used by Battelle was acceptable. Based on its evaluation, RES concluded that the information in the Battelle report was sufficient to represent those Reg Guides or positions that could be applied to above ground repository facilities. Using the Battelle information and any new Reg Guides issued since September 1983, the HLWM staff will review the appropriate Regulatory Positions to determine if

the positions contained in them should be applied to the HLW repository. It should be noted here that although a particular Reg Guide can be applied to the HLW repository, the HLWM staff may choose not to endorse that position. The review of the Battelle report and identification of adoptable positions will be done in all HLWM branches since the effort involves all disciplines. The results of this second cut will be those Reg Guides or Regulatory Positions in Reg Guides that the HLWM staff wants to apply to the above ground repository facilities.

This information will then be placed in the proposed TP. Before describing the particular sections of the TP, it would be helpful to state that the TP will contain a table which identifies what Reg Guides and Regulatory Positions are applicable to the different sections of 10 CFR Part 60. Specific information that will be provided in the table includes:

- (1) the design area of the facilities that is covered by the applicable Reg Guide, i.e. quality assurance, radiological protection, or seismic design;
- (2) the applicable Reg Guide;
- (3) any or all Regulatory Positions in the applicable Guides; and
- (4) those sections of 10 CFR Part 60 to which the Reg Guide or Regulatory Positions are being applied.

In Section 1.0, "Introduction," the TP will contain background information that discusses why the staff has chosen to endorse positions in already issued Reg Guides as well as a description of how the staff adopted those Reg Guides endorsed in the TP. The introduction will be similar to the information contained in the previous paragraphs of this scope. Section 2.0, "Regulatory Background," and Section 3.0, "Technical Positions," will be short in that they will note that the applicable sections of 10 CFR Part 60 as well as the staff's position are identified in the table contained in the TP. Similarly, Section 4.0, "Discussion," will be short since any amplification of the staff's positions can be found in the referenced Reg Guide. Some information on how or why the staff eliminated certain Reg Guides may be provided.

Although it will not be placed in the TP, the HLWM staff will be required to document why a particular Reg Guide was or was not adopted. This documentation will be maintained by the lead for the TP and will serve as a source of background information.

The amount of resources needed to develop this TP is approximately 0.5 FTE. This represents the technical evaluation of adoptable Reg Guides as well as project management. The schedule for completion of the TP contained in the attachment is consistent with the one presented in the HLWM Commission paper. Because of this, integration into the overall HLWM program has been considered.

3.0 Justification for Staff vs DOE

The main reason that the HLWM staff should undertake this effort is that there are a number of Reg Guides that have been identified as being applicable to the above ground repository facilities. It is important that the staff determine what applicable positions it wants to apply to the HLW program. In certain circumstances, the Regulatory Position may be applicable, but the staff may want to develop a more conservative position for the repository. If this were the case, and the staff left the adoption of Reg Guides to DOE, it would be difficult to establish a single position. Hence, by having the staff review positions it believes are appropriate for the HLW program, the staff will have eliminated any confusion. It is the staff's job to develop guidance that can be used by DOE to demonstrate compliance with the regulations. This TP simply takes already established guidance and endorses its use in the HLW program.

4.0 General Information

This section of the scope contains a discussion of the information requested in items (4), (5), (6), and (7) of Section 4.1, "Scope Development," in the HLWM work plan for TP development.

Item (4) requires that the scope describes how the proposed TP fits into the overall HLWM license review process. As previously discussed, the TP would adopt Reg Guides for use in the HLWM program. By using previously issued NRC positions, the HLWM would have the knowledge that the information had been used in a number of cases by the nuclear industry, had been subjected to the hearing process, and had undergone a public review. Because the TP would serve as a guide on how the HLWM staff intends to use already established NRC positions, it would allow the HLWM staff the flexibility of adopting and endorsing NRC positions that have been through a fairly rigorous process.

The information should be in the form of a TP since the HLWM staff may not endorse all of the applicable Reg Guides. For those positions endorsed by the staff, it would be beneficial to have had the opportunity for public comment. The TP process allows for such comments. In addition, a TP is more authoritative than a letter to DOE. Finally, although this information needs to be incorporated into the HLWM review plan, it also needs to be presented to DOE as guidance.

In response to Item (5), the project schedule for completion of the TP is contained in the attachment. Because this TP has a unique format, the types of information contained in it does not lend itself to being placed in an annotated outline. Therefore, the annotated outline required in Item (6) need not be provided.

With respect to Item (7) and the need to identify preliminary meetings, no meetings are required before issuance of the public-comment draft or for comment resolution. This is justified since the staff is only endorsing already developed NRC positions.

ATTACHMENT A
MILESTONE AND SCHEDULES

| Schedule | | | |
|--|----------------------|--------------------------|-------------|
| Milestone | Elapsed Time (wk) | Accumulated Time (wk) | Date |
| Initiate need for TP | 0 | 0 | 6/88 (c) |
| Obtain Program, Planning and Status Assessment System (PPSAS) number | 1 | 1 | 9/30/88 (c) |
| Scope complete | 8 | 9 | 9/30/88 (c) |
| Determination on need for TP | 1 | 10 | 10/7/88 |
| Notify special parties of the staff intent to issue a TP | 3 | 13 | (1) |
| Preliminary meeting, if necessary | 3 | 16 | (1) |
| Internal draft | 16 | 32 | 2/7/89 |
| Internal NRC comments | 4 | 36 | 3/7/89 |
| Public-comment draft | 8 | 44 | 5/7/89 |
| <u>Federal Register Notice/ transmittal to Advisory Committee on Nuclear Waste</u> | 3 | 47 | 6/7/89 |
| Public comment period closed | 8 | 55 | 8/7/89 |
| Evaluation of comments and Revisions of TP | 6 | 61 | 9/21/89 |
| Public meeting on disposition of comments | 2 | 63 | (1) |
| ANCW meeting | 2 | 65 | 10/5/89 |
| Complete Final TP | 4 | 69 | 11/5/89 |
| Issue Final TP | 4 | 73 | 12/5/89 |

(1) Not needed.