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SECOND ANNUAL MEETING

WITH STATE AND TRIBAL REPRESENTATIVE IN
THE HIGH-LEVEL WASTE PROGRAM

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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SECOND ANNUAL MEETING
WITH STATE AND TRIBAL REPRESENTATIVE IN
HIGH-LEVEL WASTE PROGRAM

Embassy Square Suites
2000 N Street, N.W.
Court B Conference Room
Washington, D. C.

Tuesday, June 30, 1987

The second annual meeting convened at 9:10 a.m. before
Robert Browning, presiding.

Vbw

P R O C E E D I N G S

1
2 MR. BROWNING: Ladies and gentlemen, I would like
3 to welcome you to the second annual NRC meeting on the NRC
4 piece of the high level waste repository program.

5 I might announce that there's plenty of seats up
6 here in the front row for those people who are coming in
7 later, if you are having difficulty finding a seat in the
8 back of the room.

9 The purpose of this meeting is twofold. First to
10 inform the interested state and tribal officials about
11 significant planned and ongoing NRC Staff activities in the
12 high level waste repository program and, second, to provide
13 an opportunity for the NRC Staff to become more informed
14 about state and tribal concerns as they affect our
15 regulatory activities.

16 Many of you have also probably heard about the
17 recent reorganization at NRC but may not be certain as to
18 exactly what that means to the affected state and Indian
19 tribes interested in the high level waste repository
20 program.

21 We scheduled this issue for our first discussion
22 on the NRC part early today, so that speakers from both our
23 new Office of Governmental and Public Affairs, Mr. Harold
24 Denton, and our Office of Nuclear Material Safety and
25 Safeguards, Mr. Robert Bernero, would be available to talk

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1 to you and answer any questions you might have with regard
2 to the impact of that reorganization on the program.

3 At this point, I would like to turn the program
4 over to Rob MacDougall, who will be chairing the meeting
5 today.

6 I personally plan to stay throughout the full
7 session, because the piece that I am most interested in is
8 the piece that we have scheduled towards the end of the
9 session, which is to listen to your concerns, questions, et
10 cetera. So I will be available throughout the day, if any
11 of you have any questions either on the formal agenda or if
12 they want to talk to me on the side.

13 With that, I will turn it over to Rob MacDougall.

14 MR. MAC DOUGALL: Thanks, Bob.

15 I am pleased to be emceeding this gala event.

16 I am sorry to say that we found out too late that
17 this room turns out to be one of the hottest in the
18 building, after they had already set us up and everything,
19 so we will have to ask your indulgence.

20 Also, we had a lot more folks show up than had
21 told us were going to be here. So I hope we will have
22 enough chairs for all of you by the time we get rolling.

23 I just wanted to start with the first
24 housekeeping amendments, so that you know how we are going
25 to be conducting business here. As you probably noticed, we

Vbw

1 have a court reporter, and in order for him to get
2 everything down on the r^ecord, we would appreciate it, if you
3 would try to use the microphone at the back of the room when
4 you ask questions and make comments, identify yourself by
5 name and your affiliation. That would help a lot.

6 Phone messages will be delivered by the hotel
7 staff to the back of the room here. There's a message board
8 over there that will have your messages on it. If you don't
9 already know, for your information, if you need to have
10 calls returned or whatever, the phone number for the hotel
11 is Area Code 202 659-9000.

12 Finally, the last housekeeping amendment.

13 There are copies of NRC documents that are
14 related to the discussions we are having here today in the
15 back of the room. We have made 30 to 50 copies of various
16 documents. Since there's obviously more of you than there
17 are of documents, if some of you wind up running out going
18 to the table, and we have handed out the last ones, see
19 either me or Nancy Still, who is in the back of the room
20 with the pink suit.

21 Nancy, wave.

22 Okay. We are very honored today to have Mr.
23 Harold Denton appearing before us.

24 VOICE: Are transcripts going to be available?

25 MR. MAC DOUGALL: Yes, the transcript will be

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1 made available on request.

2 Anyway, I would like to introduce Mr. Harold
3 Denton. Those of you who were "glued to the tube" around
4 March of 1979 probably remember his face well. He was the
5 principal NRC spokesman during the TMI 2 -- I guess it is
6 officially called an "incident." We owe him a great debt
7 for his credible showing at that point. He was then, and
8 until recently, was the Director of our Office of Nuclear
9 Reactor Regulation. He had served in that capacity since
10 1978. Before that, he was Assistant Director of Site
11 Radiation Safety and later Assistant Director of Site Safety
12 in the Reactor Licensing Organizations of the Atomic Energy
13 Commission, which was the predecessor regulatory agency to
14 the NRC.

15 He is also the recipient of several distinguished
16 awards -- the NRC's Meritorious Service Award in 1977 and
17 the NRC's Distinguished Service Award in 1980. And he was
18 also among the first senior federal executives to be honored
19 with the Presidential Distinguished Executive Award.

20 Without further ado, Harold.

21 MR. DENTON: I am pleased to be here today on
22 behalf of the Chairman. I did work for almost a decade in
23 reactor licensing, and I decided I wanted to do something
24 tougher in life, and that is, figure out how to get along
25 with the various constituents in this vast country.

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1 One of my jobs is to try to help the Commission
2 get along with Congress, the Governors, help them get along
3 with states, local governments and Indian tribes, and the
4 other is to get along with our international allies. And
5 then finally, public relations, which just follow naturally,
6 if we would do a good job on the first three.

7 I did want to start the morning by telling you a
8 story that I think might be appropriate concerning two moose
9 hunters up in Alaska. I don't know if we have any Alaska
10 representatives here today or not. But they happened to be
11 Texans. They were Billy Bob and Billy Joe, and they were
12 moose hunters. They flew up to Alaska and each managed to
13 shoot a moose.

14 When the time came to be flown out of the
15 backwoods, the pilot say, "No way can this plane take out
16 myself and you two and two moose."

17 The hunters said, "Well, last year the pilot had
18 no trouble taking off. I don't know why you're hesitating
19 to try to fly us out of here."

20 And as you know, these pilots don't want to be
21 outdone by each other, so he said, "Okay, I'll give it a
22 try."

23 So they loaded the two moose on the plane, rolled
24 down the little runway and took off and went about 300 yards
25 and crashed. Fortunately, no one was hurt. The pilot was a

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1 little dazed. The pilot got out of the plane and said,
2 "Where are we? Where are we?"

3 And Billy Bob said, "I know where we are. It's
4 the same place we crashed last year."

5 (Laughter.)

6 We have a few crashed in the NRC, as you know, on
7 and off, and one of the things we want to do here today is
8 to try to avoid that kind of scenario in our relationship
9 with those of you represented here today.

10 The group that I represent does now report
11 directly to the Commission and to the Chairman. So I have
12 an opportunity to take the issues that are of most concern
13 to you, if you are not getting satisfaction through the
14 normal process, you can go through Frank Young, whom many
15 of you know, who is in the back of the room there, who is
16 responsible -- Frank, you want to raise a hand there -- that
17 is in charge of our state and local government and Indian
18 tribe relations. Frank used to be a legislator in New
19 Mexico and has a lot of experience in this area.

20 Dean Kunihiro is here -- where's Dean -- from
21 Region V, the Public Relations Officer out of Walnut Creek.
22 He is another person you ought to get to know and deal with.

23 The Agreement State Program is still operated by
24 Don Nussbaumer. I don't know if Don is here this morning.

25 And I see Virgilio in the back.

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1 Perhaps you know these members of the Staff.
2 These are the people we will be looking to to find out how
3 good a job we are doing in hearing your complaints and
4 getting them back to the Chairman.

5 I would like to think that we can work with you
6 in what I call a proactive manner rather than a reactive
7 manner. I think many of the problems we have experienced in
8 the past are assuming that everybody understand the rules of
9 the game and that the process is straight and the umpires
10 are chosen and then the process proceeds from there.
11 Certainly, in this arena, it is not like reactor licensing,
12 where the rules are already frozen.

13 There are several unique aspects to high level
14 waste. First of all, the licensee is not a private utility.
15 It is the U.S. Government, it is the Department of Energy.

16 We have dealt with the Department of Energy on
17 previous matters such as the Clinch River Reactor and the
18 FFTF reactor in the State of Washington. One unique thing
19 is the rules of the game, and I know that a lot of you have
20 ideas on how this process should proceed, and that is
21 certainly something we would cooperate with you in.

22 I brought along some copies of the recently
23 proposed Strategic Plan. We are trying to get out of the
24 mode of being what I call a firefighting type agency and put
25 down our goals, and what we really want to accomplish.

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I guess, Frank, you have copies available --

2

MR. YOUNG: Yes, we do.

3

MR. DENTON: -- back there.

4

This plan has not yet been approved by the Commission. It is a Staff plan. But I thought you might like to see how it dealt with the issue that you will be facing. We assume in that plan -- and this plan was written last year -- that state and local governments and Indian tribes will be increasingly interested in the regulation and oversight of high level waste activities. I take it from the turnout today that was a fair assumption.

12

We listed as specific strategic goals for the Commission the following. I just want to touch some of them for you.

15

As a strategy, we want to promote a coordinated and effective intergovernmental approach to nuclear safety. That is, we want to initiate programs to increase cooperation and communications between the NRC and state and local governments and Indian tribes to promote increased awareness and activities relative to nuclear safety.

21

22

Second, take timely action to implement these regulatory authorities.

23

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25

We think it is important to strengthen our relationship, so that everybody understands what the NRC's role is.

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1 You probably know that we don't design reactors.
2 We don't operate reactors. Our sole job in life is public
3 health and safety. And it is the same job in regulating
4 high level waste. We are not charged with finding the site
5 or doing the economics, but making sure that whatever DOE is
6 with high level waste does adequately protect public health
7 and safety.

8 The second major goal we have is to provide
9 timely, accurate and complete information to the public with
10 respect to our activities. We take that to be a serious
11 goal, and I think that they have a good start toward trying
12 to do that.

13 Specifically, with regard to many of you, we do
14 want to find ways to keep you fully apprised of everything
15 we are doing and convey to you what our policies, plans and
16 activities are, so that you won't have to second-guess or you
17 won't have to sit and wonder what the NRC is doing, and we
18 are willing to go the extra mile to try to explain and
19 encourage back and forth communication and participation,
20 recognizing that ultimately somewhere in this process, our
21 roles may be different. You may be ultimately opposed to
22 some action that we are being asked to license, or you may
23 be in favor of it, but ultimately, our job in life is to be
24 an arm's length regulator and to come to a decision, based
25 on technical merit and independent of all other

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1 considerations that might be involved.

2 "Mr. Burke, of your Study Program, impressed the
3 Chairman when he spoke before the Commission the other day,
4 when he talked about honesty, openness and willingness.

5 I think I can speak for the Chairman, when he
6 says that they are the keys to a successful program, and we
7 hope to try to exhibit those characteristics. We couldn't
8 agree more.

9 I hope you have a successful meeting today.

10 Perhaps we have time for a question or two, if
11 anyone has it at this time. Otherwise, we will proceed and
12 recognize Bob Bernero, who will get into a bit more of the
13 technical issues involved.

14 If you have a question about the policy parts of
15 the program, perhaps I could answer them.

16 (No response.)

17 MR. MAC DOUGALL: I was just asking Bob if he
18 wanted an introduction. He is shaking his head.

19 MR. DENTON: Let me introduce him, even though he
20 doesn't want an introduction.

21 Bob has long been one of the intellectual gurus
22 in our outfit. He has played a major role in developing the
23 probabilistic risk approach to reactor safety. He is known
24 worldwide in that field of how do you calculate the
25 likelihood of accidents and the consequences for accidents.

Vbw

1 We shifted him from reactors into the waste
2 management area, because we thought we needed to bring that
3 sort of approach to this specialty. I think he's got a very
4 challenging assignment.

5 Bob?

6 MR. BERNERO: Thank you, Harold.

7 Good morning to all of you.

8 Harold gave you an idea of the trend in NRC that
9 is a policy of greater focus on our interaction with other
10 parties, with other governmental bodies, with state and
11 local government, with the Indian tribes and, for that
12 matter, a very important thing, our relationship with the
13 Congress, our relationship with other governments, as well.

14 I would like to pick up on that and talk to you
15 about some of the more specific mechanics of the NRC's
16 organizational structure, because some of the names are
17 different. I am one of the different names, and some of you
18 have not seen me before.

19 Hugh Thompson, our Director, is also a new name to
20 you.

21 I would also like to explain the structure of our
22 office, Nuclear Material Safety and Safeguards, and what
23 portions of it you may encounter in this consideration of
24 and evaluation of the high level waste repository program.

25 First of all, let me talk about the

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1 responsibilities within NRC which are vested in the Office
2 of Nuclear Material Safety and Safeguards. This office, our
3 office, NMSS, has the responsibility to implement the
4 Nuclear Waste Policy Act now.

5 You all recognize that DOE has the fundamental
6 responsibility to manage the program, to go out to find
7 repository candidate site or sites, to evaluate them. Many,
8 many actions. And the great majority of the federal
9 resources disposed to this are through the Department of
10 Energy.

11 Nevertheless, the NRC has a very important role
12 of providing oversight, interaction with other interested
13 and responsible parties such as yourselves and ultimately,
14 we have the responsibility to license the facility.

15 Now, it is more than one facility, and I am sure
16 you are aware that a geologic repository is a facility that
17 we would have to license under our 10 CFR Part 60.

18 In addition, if there is a monitored retrievable
19 storage spent fuel facility, an MRS, we also have the
20 statutory responsibility to license such a place.

21 We, right now, have the storage of spent fuel at
22 every reactor site in the United States and the NRC, through
23 our process of licensing reactors, already licenses the
24 storage of spent fuel in great quantity.

25 We have begun, again, through our statutory

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1 authority, to license dry storage of spent fuel at reactor
2 sites. Some of you may be aware, there are two eastern
3 sites, where we have, through our existing statutory
4 authority, licensed the storage of spent fuel for a long
5 term, decades of storage in dry casks that are set on the
6 ground right near the reactor, essentially on the reactor
7 site .

8 We also have a statutory responsibility to
9 certify the containers or casks which are used to transport
10 spent fuel or high level waste.

11 In the Nuclear Waste Policy Act, it was
12 envisioned that we would have at least an oversight, an
13 advisory role to DOE, because DOE has statutory capability
14 or responsibility to certify casks; however, there are
15 changes afoot in this. Don't be surprised if you see
16 developments which would bring NRC more into the
17 certification of casks used for high level waste. Just
18 recently, we had a major meeting with the Department of
19 Energy on transuranic waste. They expressed their desire to
20 have a cask designed, in fact, possibly more than one cask
21 designed for the movement of transuranic wastes between
22 various sites in the United States and, among other things,
23 ultimately to the WIPP facility in New Mexico, and their
24 desire to have that cask certified by the NRC, not reviewed
25 by the DOE.

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1 So we have many statutory responsibilities that
2 we would handle through the Office of Nuclear Material
3 Safety and Safeguards.

4 Turning back to the repository programs for a
5 minute, one of the important things we have to focus on is
6 the ability for the NRC to provide meaningful oversight of
7 this program, to stay close enough to it to see that the
8 technical work is done thoroughly and completely and to
9 provide what Harold Denton properly referred to as the arm's
10 length regulation of that work, so that we can truly make a
11 responsible, competent, independent licensing decision.

12 Now in order to do that, we must take pains that
13 we don't paralyze the program, that we don't put the program
14 into an endless round, a never-ending round of questions and
15 answers. It is a very delicate balance for us to make sure
16 that the information is properly obtained and properly
17 shared with all the interested parties. That is why we are
18 so very interested in having an open communication with you
19 people who are responsible yourselves for the siting and
20 location of repositories.

21 Now if you look at our new division structure in
22 the Office of Nuclear Material Safety and Safeguards, there
23 are four divisions, three of them. In fact, for that
24 matter, all four, in one way or another, will have something
25 to do with the high level waste repository.

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1 The first division has the longest name. It is
2 Fuel Cycle Medical, Academic and Commercial Use Safety. One
3 of these days, we are going to change that name to something
4 shorter, but basically, these are people who license fuel
5 cycle facilities, fuel fabrication. They also license the
6 storage of spent fuel. So that this group is the one
7 associated with MRS type reviews. They would work and do
8 work closely with our Division of High Level Waste on that
9 matter.

10 We have another division called Safeguards and
11 Transportation. In that division, we have the vested
12 responsibility for the review and certification of casks
13 used to move high level wastes and nuclear spent fuel.
14 They, too, work closely with the Fuel Cycle Division and
15 with the High Level Waste Division because of the
16 interaction in their jurisdiction.

17 Then, of course, we have the Division of High
18 Level Waste, which is, in essence, the group that you see
19 here today and will be doing much of the talking to you.

20 Last and certainly not least, we have a Division
21 of Low Level Waste Management and Decommissioning. This
22 group -- its title is quite descriptive of what it does.
23 This group has an interaction with the high level waste
24 program in a very important area. That is the line of
25 demarcation between high level waste and low level waste.

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1 As you know, it is not a simple definition that
2 divides high level waste from low level waste, and we have,
3 for instance, a group of wastes that we refer to as greater
4 than Class C wastes. The Low Level Waste Division is
5 responsible for that but works very closely with our High
6 Level Waste Division on that. And it is possible, if you
7 follow some of our correspondence with DOE on this matter,
8 it is possible that the high level waste repository might
9 also include the disposal of some greater than Class C
10 wastes, which is lower in activity level and certainly lower
11 in heat level than the high level wastes, but a little more
12 difficult for the surface disposal of a low level waste
13 program.

14 Now our Division of Waste Management, in
15 particular, the high level waste management, has the lead
16 responsibility for interacting with DOE. These are the
17 people who have the site residents. Right now, we have X
18 site residents at the Hanford site and at the Nevada site.
19 As the program develops in the Texas site, the Deaf Smith
20 County site, we expect to have a resident there as well.

21 This group is one of the primary contacts that
22 you will have. They are the ones that organized this
23 meeting. And, in collaboration with our new and strongly
24 organized Office of Government and Public Affairs, they are
25 the ones that you should speak to. They are the ones that

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1 you should call on when you see problems, when you have
2 difficulties yourself.

3 Now, your participation is a fundamental part of
4 our review, and we have tried to build our review schedule
5 and will continue to do so to allow the proper time and the
6 proper interaction with you.

7 Now the site characterization plans for the three
8 sites are now promised by DOE to later this year and one
9 early next year. We are trying to manage our schedule of
10 interaction with DOE and our review of those programs to
11 have your active participation in a properly tuned and a
12 constructive way.

13 Now there's going to be a negotiated rulemaking
14 that we think will be a very effective tool by which you can
15 participate in the review of the high level waste repository
16 program. And I think negotiations will start on this about
17 September this year. I understand Rod McDougall and Chip
18 Cameron are going to be talking about this further as the
19 day goes on.

20 I invited your attention to that, and I think it
21 is going to be a unique thing. It has been done before by
22 other agencies, and where you have clearly responsible
23 parties, such as yourselves, I think it is an excellent way
24 for us to try to get an effective program done in a
25 reasonable period of time.

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1 Now last, I would just like to emphasize that our
2 agency is trying to look openly and publicly to the outside
3 parties, such as states and tribes and other governments, to
4 do our work, to do it objectively, to do it openly. We take
5 our responsibilities very seriously. We respect your
6 responsibilities and take them very serious, and that is the
7 reason we are meeting here today, the reason we want to hear
8 from you, to participate with you in this process.

9 Recently, we had the benefit of a meeting with
10 our Commission -- on the 16th of June, if I remember the
11 date correctly. It was very constructive. The Chairman was
12 very pleased. We were very pleased. We hope you were. And
13 we look forward to communications such as that, as time goes
14 on.

15 Thank you. Yes.

16 MR. DAVENPORT: Jim Davenport, from the State of
17 Nevada.

18 You mentioned a number of responsibilities that
19 the agency has and spoke about the statutory basis for each
20 of those. I have never seen a matrix put out by the agency
21 of the specific statutory references on which those
22 functions are based. It would be interesting if you could
23 put something like that together. I know many of the Atomic
24 Energy Act sections, which are sometimes difficult to
25 discover, or at least for me to find, which you are relying

Vbw

1 on.

2 MR. BERNERO: We have such a listing. I know we
3 have it broken down by each of our divisions. What are
4 their statutory responsibilities and the tracing back to the
5 appropriate statute.

6 I am quite sure we can make that available. .

7 MR. MAC DOUGALL: The Federal Register notice
8 that contains our Part 60 Rule, the licensing of a
9 repository, for example.

10 MR. DAVENPORT: That one I know.

11 MR. BERNERO: But all the spent fuel and the cask
12 and everything else.

13 Let me make the commitment that we will make that
14 available in some compendium form, so that you may know the
15 Part 60 or the Part 61, which is the low level waste. You
16 may know that fairly well, but how much do you know about
17 Part 71?

18 MR. DAVENPORT: That's my point. So we can get a
19 full list of all those parts of the Reg.

20 MR. BERNERO: That would be very useful, and I
21 will make that commitment. We will provide that to you. It
22 is a matter of just collating it. Yes.

23 MS. KANY: Senator Judy Kany, from Maine. .

24 I was interested in your introductory remarks, in
25 which you mentioned that two nuclear power plants had

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1 licensed for long-term dry storage of spent fuel.

2 I wonder if you could identify those. I am not
3 familiar with that.

4 MR. BERNERO: Yes. One is the Surry plant, which
5 is in Virginia, just across the river from Williamsburg.
6 The other is the H. B. Robinson plant, which I think is in
7 South Carolina; isn't it, Harold? H. B. Robinson. It
8 belongs to Carolina Power & Light.

9 In both cases, they are what we call dry storage,
10 large casks in the yard, components.

11 MR. SMITH: Ben Smith from the State of
12 Tennessee. Two weeks, Hugh Thompson testified before a
13 Senate subcommittee on nuclear regulation about the MRS
14 project. His comments were based -- or seemed to be a
15 ringing endorsement of the need for the project.

16 I am just curious. You mentioned several times
17 about the arm's length regulator rule of NRC and the
18 objectivity that you want to maintain.

19 How do you reconcile that with testimony about
20 the need for a project that you are going to license later
21 on? It seems that GAO feels that not enough has been done
22 to establish the need for this project, and there is a large
23 question about the need for an MRS.

24 How do you reconcile this testimony with your
25 role as an arm's length regulator?

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1 MR. BERNERO: I am quite familiar with Hugh
2 Thompson's testimony on that, because I participated in the
3 preparation. He and I have discussed this at some length.

4 One should draw a careful line about the need for
5 an MRS. The NRC's position is that it is not needed for
6 health and safety, as I said, as we just mentioned a minute
7 ago. We have licensed the storage of spent fuel for
8 longterm at reactors for many years. We have now licensed
9 two sites for long-term, decades-long storage at two
10 reactors in dry casks. And we could foresee the public
11 health and safety being served with that sort of approach.

12 What we have recognized, publicly, is the
13 programmatic potential, if DOE justifies the need for an MRS
14 as part of the repository program.

15 There are certain attendant programmatic
16 advantages of simplifying the attention on the storage and
17 the collection of and storage and possibly the consolidation
18 of spent fuel high level waste at one or more MRS type
19 facilities.

20 This subject came up in a Senate hearing just
21 yesterday, where I was testifying. It is a programmatic
22 advantage, in that the NRC would have large volumes of
23 material at one or two or three sites rather than have it at
24 all of the reactor sites, which now number about 50.

25 So it is not -- we have not and do not take the

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position that it is needed, in the sense, needed for public health and safety.

We recognize, though, that there are certain programmatic efficiencies associated with it.

V/bc

1 MR. SMITH: We think there's deficiencies that
2 are being overlooked encouraging consolidation at the
3 reactors and resulting in less casks moving through the
4 States. We'd like to see more of the waste moved by rail
5 and large shipments. And we think there are some
6 improvements to public health and safety that can be made
7 independent and, instead of building an MRS, we think NRC
8 should look at those as well as the programmatic factors.

9 MR. BERNERO: Again, the points you're making
10 were made very effectively at the Commission meeting on the
11 16th. We're trying to walk the line of distinction between
12 the programmatic needs and balances, which is DOE's
13 responsibility, and the health and safety needs and
14 balances, which is the responsibility we have.

15 So we're not so actively pursuing the
16 programmatic balance that you cite. We see that as the DOE
17 responsibility.

18 Anyone else?

19 (No response.)

20 MR. BERNERO: Thank you very much. I'll turn it
21 over to Rob.

22 MR. MACDOUGALL: Thank you, Bob. Next on our
23 agenda is a discussion of two rulemakings we figured would
24 be of interest to you in our consultations with you. And I
25 think may have been mentioned by a number of you.

V/bc

1 One of them is on the conforming rule with Part
2 51, which is the heart of our Code of Federal Regulations,
3 Chapter 10, that deals with our responsibilities under the
4 National Environmental Policy Act.

5 As you know, the Nuclear Waste Policy Act of 1982
6 changed our NEPA responsibilities with respect to licensing
7 a repository and called upon the Commission to adopt, quote,
8 "to the extent practicable", DOE's Environmental Impact
9 Statement, selecting the site for development in connection
10 with our own decision on issuing a construction
11 authorization for a repository at the site proposed by DOE.

12 The other rule that we figured would be of
13 interest to you, the definition of high level waste, which
14 Bob alluded to in his remarks earlier, I guess you're
15 reasonably familiar with that issue, just the nature of it
16 anyway, from Bob's remarks.

17 But we're lucky to have with us Dan Fehringer,
18 who is really the person where the rubber meets the road on
19 rulemaking in both of these areas. Dan has a degree in
20 engineering, a Ph.D. in Health Physics. He formerly worked
21 at the Atomic Power Laboratory in Pittsburgh before coming
22 to the NRC in 1977.

23 He's done a lot of work in performance
24 assessment, which led him to become involved in
25 establishing the performance objectives for our Part 60

V/bc

1 repository licensing rule. And in the last two years, he's
2 ^eben sweating over the definition of high level waste and the
3 adoption of EPA standards in addition to his NEPA rulemaking
4 responsibilities.

5 So, Dan, if you'd like to give us your thoughts.

6 MR. FEHRINGER: Thank you. I have props so I'll
7 speak from the viewgraph projector. If my voice starts to
8 fade, just wave your hand, I'll turn the volume back up.

9 Slide.)

10 You have copies of these viewgraphs in your
11 handout package which may not be very legible at this
12 distance. Everything I'm showing you is in paper form in
13 your folders. I want to give you a status report on two
14 rulemakings that are currently underway, and a third that
15 will be initiated very soon.

16 These are the conformance of Part 60 with the EPA
17 high level waste standards -- the definition of high level
18 waste and the ground rules by which we at the NRC will adopt
19 DOE's environmental impact statement.

20 Slide.)

21 First, we have the amendments to conform Part 60
22 to the EPA standards. As you may recall, we proposed the
23 amendments in June of last year. Let me summarize very
24 briefly what the amendments were that we proposed.

25 We proposed to take everything of substance in

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1 the EPA standards and insert them directly into Part 60.
2 There were a few changes necessary in terminology so the
3 wording would match up with the existing text of Part 60.

4 But we had no intent to make any change of any
5 substance in the requirements that EPA had included in their
6 standards.

7 We published proposed amendments, received public
8 comments. We've been preparing a final rule package. We
9 expect the final amendments to go to the Commission early
10 next month, next month being July.

11 In my view, there are no changes of substance
12 from what we proposed last year in June. Substance may be
13 in the eye of the beholder, so let me summarize what the
14 changes were from the proposed ruling. You can draw your
15 own conclusions.

16 First, many of the comments we received attacked
17 the EPA standards themselves rather than our adoption of
18 those standards. And there was no way we could respond to
19 that. We could not go change the existing EPA standards
20 that were in final form.

21 So those comments may have had merit to the
22 people making the comment, but we were not able to
23 accommodate comments of that type.

24 Second, we have some additional changes in
25 terminology that we found to be necessary. One example is

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1 the term "undisturbed performance from the EPA standard,"
2 which we had said in the proposed amendments was the same as
3 our term "anticipated process event".

4 Some comments said that there was a subtle
5 difference. We don't see the difference, but if it will
6 make you happy, we'll just adopt EPA's term and drop the
7 term that was formerly in Part 60.

8 So now the EPA standard in Part 60 will have
9 exactly the same wording.

10 We are including an additional explanation of
11 what the term "reasonable assurance" means. We had some
12 explanation of that in the proposed amendments. A number of
13 comments requested a better explanation and we've attempted
14 to provide that better explanation.

15 There were also a number of comments involving
16 the monitoring requirement that we had proposed. We think a
17 lot of people either did not understand the requirement we
18 were proposing or were encouraging us to adopt a more
19 stringent standard than was present in the EPA high level
20 waste standards.

21 So we have provided a very extensive discussion
22 of exactly what we mean by monitoring after repository
23 closure. We'll summarize that for you.

24 Many comments said they were glad to see that we
25 were requiring monitoring of groundwaters for radionuclides

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1 indefinitely after repository closure.

2 That was not in fact what we meant to require.
3 We think that monitoring, first of all, is not a proper way
4 to ensure the safety of the repository. We do not think
5 monitoring can be relied on to last for any significant
6 period of time after repository closure.

7 And, second, we recognize that even if
8 radionuclides are released in groundwater, that will not
9 occur any time soon after repository closure.

10 At least a couple of centuries will have elapsed
11 before any activity would show up at a monitoring location.
12 And by then, there's very little assurance that monitoring
13 would still be in place. The institutions that provide
14 monitoring would not likely have that longevity.

15 The type of monitoring we do want to require is
16 any monitoring that can be a supplement to the performance
17 confirmation program. For example, it might be possible to
18 monitor regional groundwater flow as the repository system
19 returns to a state of equilibrium after repository
20 construction.

21 That monitoring would provide confirmatory
22 information that would allow one to have more confidence in
23 the groundwater flow models than were used in the initial
24 licensing of a repository.

25 Or, alternatively, if they showed a significant

V/bc

1 deviation, there would be a need for more study.

2 In either case, the information could be useful
3 in confirming the analyses that were used to license the
4 repository. We anticipate that such monitoring would last
5 only a decade or two, the type of length of time during
6 which you can rely on institutions to be present and to
7 provide the monitoring.

8 And I want to emphasize that we did not intend,
9 nor did EPA intend, to require indefinite monitoring of
10 groundwater for radionuclide contaminants. We do not
11 prohibit. The Department of Energy and the States together
12 want to provide for that type of monitoring.

13 Our rules permit it but we do not think it's a
14 proper way to achieve safety of waste disposal.

15 The next to the last item on this viewgraph, we
16 try to provide some additional clarification of the limits
17 we were placing on reliance on institutional controls.

18 There is no change of substance in my mind but we
19 did not have the best wording in the proposed amendments.
20 We tried to improve upon that in the final amendments.

21 Finally, we have revised some of the wording that
22 is in the procedural part of Part 60 describing the analyses
23 DOE is to submit to the NRC to demonstrate how the
24 repository will perform after closure.

25 Again, in my mind, no change of substance, but an

V/bc

1 area the public commented on that, Hey, we need some
2 clarification.

3 And to reiterate, the staff work is essentially
4 complete on the final amendments. We expect they will be
5 submitted to the Commission early next month.

6 Slide.)

7 The second rulemaking that had been initiated
8 involved definition of the term "high level waste".
9 Currently, wastes are classified by the source where they're
10 generated. A waste that originates in the first cycle
11 reprocessing stream of a facility for separating uranium and
12 plutonium and spent fuel is classified as high level waste.

13 Waste from any other source is currently
14 classified as low level waste.

15 There has been a need recognized for many years
16 to develop a definition that is more key to the hazard of
17 the waste material, and we have initiated a rulemaking to do
18 exactly that.

19 We published an advance notice of proposed
20 rulemaking in February of this year. The original public
21 comment period was to close in April. We received a number
22 of requests for an extension of the comment period, and an
23 extension was granted. And the extended public comment
24 period closed yesterday.

25 I have not received very many comment letters so

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1 far, they're still working their way through the system.

2 We did receive a number of letters that were
3 meant to be received by the NRC before the close of the
4 original public comment period.

5 Those comments are generally supportive of the
6 approach that is being taken to the extent that the approach
7 tries to correlate waste classifications with the hazard of
8 the waste material.

9 When it gets down to specifics then, there is not
10 total agreement with the approach that we had suggested,
11 although there is more agreement than might have been
12 expected.

13 One area that I guess shouldn't have been
14 surprising, but it was to me, was two or three letters
15 suggested that we use a dual classification system.

16 If waste would be high level based on source,
17 then it remains high level. If it would be high level based
18 on risk, then it goes into the high level category.

19 The notion being: Push as much waste as possible
20 into the high level waste classification.

21 We'll consider the merits of that, but it gets
22 you away from the idea of having a risk-based classification
23 system.

24 We have no intention to reclassify the current A,
25 B and C categories of low level waste. That is an area that

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1 some comment letters have already keyed on. Some comment
2 letters have asked us to redefine Class C waste as high
3 level.

4 In the letters that I've seen so far, no good
5 rationale has been presented for doing so. And in the
6 absence of such a rationale, we plan to leave the existing
7 waste classes as they are.

8 Finally, some comments argued for a nuclide by
9 nuclide classification rather than the fuel systems as
10 proposed in the advanced notice.

11 Let me illustrate what that was:

12 Slide.)

13 First, the definition of the term in the Waste
14 Policy Act provides two criteria for identifying high level
15 waste, wastes that are highly radioactive and that require
16 permanent isolation.

17 Keying on those two criteria, we have proposed a
18 classification system that can be illustrated in this
19 manner.

20 Slide.)

21 On the vertical axis of the concentrations of
22 short-lived nuclides. Those are the nuclides that make a
23 waste highly radioactive.

24 On the horizontal axis are the concentrations of
25 the long-lived nuclides. Those are the ones that make a

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1 waste hazardous for long periods of time and require
2 permanent isolation.

3 With this classification system, we would .
4 essentially draw the universe of wastes into four quadrants.
5 Those in the upper righthand quadrant would be both highly
6 radioactive and in need of permanent isolation, and they
7 would then be classified as high level.

8 Waste in the other three quadrants would remain
9 in the low level category.

10 Some of the public comment has suggested that we
11 ought not take such a literal interpretation of the term
12 "highly radioactive".

13 Slide.)

14 Moving back to Congress' wording, the term
15 "highly radioactive" is a key part of this, but some
16 comments suggest that we ought to interpret that in more of
17 a layman's way; leave "highly radiotoxic" or "highly
18 hazardous" for the word "highly radioactive".

19 And then classify wastes nuclide by nuclide. For
20 example, the cesium and strontium capsules at the Hanford
21 site would not be classified as high level waste as proposed
22 in the advanced notice, but perhaps they should be.

23 They are relatively-short-lived. There are major
24 quantities of radioactivity in those cannisters. Because
25 there's such a large initial inventory, they will remain

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1 highly radioactive for fairly long periods of time. Perhaps
2 they should be classified as high level wastes without
3 requiring the conformance with the system that had been
4 proposed in the advanced notice.

5 This is one area that we will be examining and
6 see if we can work out a nuclide by nuclide classification
7 system, rather than requiring the two different
8 characteristics to be present simultaneously.

9 Beyond that, I cannot very well characterize the
10 comments that have been received. They range over a wide
11 spectrum. Many seem not even to quite be on the subject
12 matter.

13 There are a lot of hidden agendas obviously
14 present in the comments. And until I've gotten the rest of
15 the comment letters and had an opportunity to draw some
16 reasonable summaries, I'd like to let the analyses of
17 comments wait until another date.

18 We do plan to have a proposed rule ready to
19 submit to the Commission in the spring of next year. That
20 will have an analysis of the public comment and a proposed
21 definition of the term "high level waste".

22 MR. BROWNING: Dan, I think you might want to
23 emphasize that once the Commission acts on it, then the
24 proposed rule would go out for public comment.

25 MR. FEHRINGER: Yes. This first step in the

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1 rulemaking process wasn't advanced notice of proposed
2 rulemaking. We are required by the Administrative
3 Procedures Act to allow at least one opportunity for public
4 comment on the proposed rule.

5 In this particular rulemaking, we have allowed
6 two. We have issued the advanced notice of proposed
7 rulemaking. Now we will go back to the Federal Register
8 with the proposed rule. There will be another opportunity
9 for you to review and comment on what we are proposing.

10 Then, after that, we eventually get to a file
11 rule on the subject.

12 Slide.)

13 The final rulemaking that we are just now
14 initiating involves adoption of the DOE Environmental Impact
15 Statement.

16 The Waste Policy Act has changed the way we
17 approach our NEPA responsibilities in reactor licensing. We
18 require the applicant to submit an environmental report. We
19 use that environmental report to prepare our own
20 environmental impact statement to support our decision on
21 issuing a license for that reactor plant.

22 The Nuclear Waste Policy Act changes the rules
23 that we worked under. The Waste Policy Act directs DOE to
24 prepare an environmental impact statement rather than an
25 environmental report.

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1 That Environmental Impact Statement is to be
2 issued for public comment by the Department of Energy and
3 submitted to the President, along with the recommendation of
4 the preferred site from among those characterized.

5 Then the Waste Policy Act directs the NRC to
6 adopt DOE's EIS to the extent practical. This rulemaking
7 will try to set out the ground rules under which we will
8 adopt DOE's EIS and define in a more precise way what that
9 term, "to the extent practicable" means.

10 The Waste Policy Act also provides for judicial
11 and congressional review of DOE's EIS before the NRC makes a
12 licensing decision for a repository.

13 As soon as DOE finalizes its EIS, a 180-day clock
14 starts in terms of the Waste Policy Act for challenges to
15 that EIS in the court system.

16 Essentially, the Waste Policy Act allows you to
17 go straight to the top, bypass the NRC, and challenge DOE's
18 EIS directly in the courts. When that has been done, there
19 will be a precedent for a legal constraint on the NRC's
20 review of DOE's EIS; to the extent the court has ruled that
21 EIS is valid, the NRC will have to abide by that ruling.

22 In the federal pecking order, the NRC is lower
23 than the courts. We cannot undo what the courts have done.
24 That puts quite a constraint on us as far as a review of
25 DOE's EIS.

V/bc

1 We will of course review the draft EIS, as any
2 federal agency would, and supply our comments on it. The
3 real question is: What review does that EIS receive in our
4 formal license review of DOE's application?

5 Is there a question here? Yes?

6 MR. DAVENPORT: Yes. What does the agency intend
7 to do if the litigation challenging the Environmental Impact
8 Statement is prolonged for two to five years?

9 MR. FEHRINGER: That is one of the questions that
10 we're trying to address in this rulemaking. If the court
11 rules in a timely manner, there will be a legal constraint
12 on us.

13 If the court postpones its decision, then that
14 leaves us in a form of limbo and that's one of the things we
15 have to consider as we develop this proposed rule.

16 The specific answer I don't know yet. We don't
17 have a proposal developed yet, but that's one of the things
18 we're trying to resolve.

19 MR. DAVENPORT: The second question would be:

20 To what extent would you regard that judicial
21 constraint as you describe it limiting on the substantive
22 issues that were discussed in the environmental impact
23 statement?

24 Would the NRC regard those issues as being closed
25 to fact-finding or the finding of adequacy or of compliance

V/bc

1 with NRC regulations in the license proceeding itself?

2 MR. FEHRINGER: You're getting on another one of
3 the touchy subjects in this rulemaking. To the extent that
4 a court has directly ruled on the adequacy of some
5 particular part of the EIS, I think that is the case. It's
6 not an NRC decision; it becomes a matter of law.

7 If DOE stated in their EIS that there were no
8 rare and endangered species at a particular site and a court
9 agreed with that, I think that matter would be closed.

10 MR. DAVENPORT: But that's not the issue that
11 would be before the court. The question of the adequacy of
12 an environmental document is not a finding that the facts in
13 there were true, or that the conclusions were sound. It's a
14 determination that the document was adequate under NEPA.

15 That's a different determination.

16 MR. FEHRINGER: Right. I understand. And that
17 is one of the reasons we're having difficulty wrestling with
18 this. One of the things that may happen is that new
19 information will be developed between the time DOE prepares
20 its EIS and the time that a licensing board reaches its
21 decision.

22 The treatment of that new information, of course,
23 is a possibility for NRC review. DOE will in some way need
24 to evaluate the radiological impacts of the proposal, which
25 touches very directly on the NRC's public health and safety

V/bc

1 responsibilities and we definitely have a responsibility to
2 review radiological safety of the facility.

3 How all of that feeds back into the adequacy of
4 the EIS is a question that we are wrestling with, but we
5 don't have the answer for you because we don't have a
6 proposal ready to go to the Commission yet.

7 The points you're raising are the ones that we
8 are concerned about.

9 Another question in the back?

10 MR. GOVER: Kevin Gover from the Nez Perce Tribe.

11 What would be the timing on these DOE issues,
12 this EIS? What's the timing for when the Commission adopts
13 that EIS as its own or as the operative EIS?

14 MR. FEHRINGER: The way I envision it, and I
15 think it's an agreed view on the staff, is that our adoption
16 occurs simultaneously with our decision either to issue a
17 license or to reject the license application.

18 So we adopt them as much as three years after DOE
19 finalizes its EIS.

20 MR. GOVER: How then are you going to reach any
21 further information?

22 It seems to me a new issue necessarily requires
23 some sort of an amendment to the EIS.

24 MR. FEHRINGER: New information can be treated in
25 one of two ways. DOE has some degree of responsibility to

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1 supplement its own EIS when new information arises. But,
2 depending on the timing and where the new information came
3 from, there's a possibility that the NRC might need to issue
4 a supplement.

5 We would evaluate the new information and prepare
6 our own supplement to DOE's EIS. Exactly which criteria
7 would cause DOE to supplement versus the NRC to supplement
8 is another question we need to address.

9 Yes, Mr. Davenport?

10 MR. DAVENPORT: What is your opinion about, well,
11 with reactor licensing you have the environmental report
12 submitted at the time of the application. If it's not
13 submitted with the application, does the proceeding begin?
14 I believe it's not ripe to begin until the report has been
15 filed.

16 MR. FEHRINGER: I believe we would consider DOE's
17 license application incomplete unless there was an EIS. But
18 the way the license policy act is set up, I don't believe
19 that could happen. DOE must go to the President.

20 MR. DAVENPORT: The commencement of the
21 proceeding then before the NRC has got to commence with the
22 finding by the Commission that the DOE's EIS is adoptable
23 rather than at the end of the proceeding?

24 MR. FEHRINGER: No, I don't think that follows.
25 In particular, I think our decision to adopt would come at

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1 the end precisely because we would want to see if new
2 information comes out of our license review that would
3 affect our decision to adopt.

4 MR. DAVENPORT: Is the DOE's application to the
5 NRC complete without an accompanying adequate EIS?

6 MR. FEHRINGER: You qualified it with adequate.
7 DOE submits a license application and an EIS. That
8 constitutes a complete application without any judgment
9 having yet been passed on the adequacy either of the
10 application or the EIS. That's what our license review is
11 all about, is examining the adequacy of that application.

12 If all the paperwork is in order when DOE brings
13 it to us, we can say that it's all there, without having yet
14 made the judgment on whether it is adequate or meets all the
15 regulatory criteria.

16 MR. DAVENPORT: So what you're saying is that the
17 determination of whether the NRC can adopt the EIS will not
18 be made until the completion of licensing or the
19 construction authorization.

20 MR. FEHRINGER: Right. That's the way we're
21 viewing it. Yes...

22 MR. PATT: I'm Ralph Patt from the State of
23 Oregon.

24 Did I understand you to say that the monitoring
25 system would be useful in watching the return to the

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1 normalization and verification of groundwater models if the
2 leakage was observed during this monitoring period, which
3 you also said is only for approximately a decade after
4 closure and then the monitoring system would be abandoned,
5 sealed off?

6 My question is, during that 10-year period, if
7 you would see a leakage, then you could retrieve. My concern
8 is why isn't a monitoring system for greater than 10 years
9 being considered?

10 VOICE: Would you repeat the question, please?

11 MR. FEHRINGER: Yes. The question goes back to
12 the earlier rulemaking on adopting the DOE standards. It
13 deals with the monitoring provision that we are adding to
14 Part 60.

15 The question involves the length of time I had
16 said I envisioned monitoring persisting only for a decade or
17 about that period of time. I don't mean to prejudge how
18 long monitoring should be continued.

19 But that is approximately the length of time
20 during which I envision that useful information could be
21 obtained. Monitoring for a century likely would not produce
22 any more information than one could obtain in a period of a
23 decade or thereabouts.

24 But the exact length of time remains to be
25 determined based on the specific type of monitoring that is

V/bc

1 feasible at a particular site and particular site
2 conditions.

3 MR. PATT: I'm not sure I understand the
4 rationale for saying that a hundred years monitoring
5 wouldn't produce any more information than 10 years. I
6 don't understand the rationale on that.

7 MR. FEHRINGER: The question is: Why would
8 monitoring for a hundred years not produce any more
9 information than monitoring for a decade?

10 It's a judgment on how long it takes things to
11 develop in a repository. The heat transfer reaches not a
12 state of equilibrium, but it reaches close enough to a state
13 of equilibrium to permit some degree of verification of the
14 analyses that were used in the original licensing review.
15 Same thing with the return of groundwater flow systems to
16 some state of equilibrium.

17 I don't mean to say that there would be no
18 information obtainable in longer periods of time. It's our
19 judgment that, in a decade or so, one can obtain enough
20 information to get all of the good out of monitoring that is
21 likely to be available.

22 Admittedly, one could monitor for 10,000 years
23 and continually obtain more and more information. It's our
24 judgment on how long we think one could obtain useful
25 information without having this centuries long nuclear

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1 priesthood committed to a repository site.

2 But, again, I want to emphasize the period of
3 time is not fixed in our amendments. We're suggesting a
4 period of about a decade. We think that will be correct in
5 most cases, and it will be a decision based on the specifics
6 of the site and of the type of monitoring that needs to be
7 done at that site.

8 Yes...

9 MS. ZIMMERMAN: Susan Zimmerman, the State of
10 Texas.

11 Getting back to the EIS, you said that the NRC
12 might submit their own supplement to DOE's EIS. Is there
13 going to be ability for States or Tribes to challenge the
14 supplements with new information?

15 MR. FEHRINGER: Yes. If were to supplement DOE's
16 EIS, we would use the normal draft comment and final
17 approach so you could challenge by commenting on the draft.
18 And then, under the terms of the Waste Policy Act, you would
19 have a 180-day period to go to court to challenge our
20 supplement, just as you could challenge DOE's supplement or
21 DOE's original EIS.

22 I've talked some about the constraints that we
23 might face in adopting DOE's EIS. Additional congressional
24 review may have occurred before we receive a license
25 application. But the legislative history of the Waste

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1 Policy Act also makes it clear that the NRC does have a
2 residual NEPA responsibility.

3 I don't want to give the impression that we're
4 trying to avoid any NEPA decision. What we're trying to do
5 is figure out exactly what our NEPA responsibility is with
6 the different conditions which the Waste Policy Act imposes
7 on us.

8 There's a range of alternatives that we might
9 pursue in adopting the EIS. There are two extremes. There
10 could be unquestioning NRC adoption, hide behind whatever
11 else has occurred and say DOE's EIS is fine and, therefore,
12 it is fine for us as well; at the other extreme, there's a
13 completely independent NRC review.

14 Ignore whatever the courts or Congress might have
15 said and do our own evaluation of DOE's EIS. That also is
16 not very satisfying. We'd be tilting at windmills. So
17 we're trying to find a proper approach in between those two
18 extremes. I wish I could tell you what we've decided upon.
19 We haven't reached a staff proposal yet. And I just wanted
20 to make you aware of some of the conditions and constraints
21 we're wrestling with as we try to develop a decision.

22 There's one more question. Yes?

23 MR. POWER: Max Power, State of Washington.

24 Are you going to deal with the question of the
25 adequacy of the number of viable alternatives in the rule?

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1 MR. FEHRINGER: I think that's specified in the
2 Waste Policy Act. There's no reason for anyone to challenge
3 that. As I recall, the Waste Policy Act set certain
4 constraints on DOE's EIS as well, including the
5 consideration of the need for a repository and things of
6 that sort.

7 Yes...

8 MS. KANY: I would assume that the requirement of
9 the EIS would make it absolutely certain that at least two
10 sites would have to be characterized regardless of the
11 changes in the end.

12 Is that a correct assumption?

13 MR. FEHRINGER: You're getting at the possibility
14 that characterization might be stopped before it was
15 completed at one of the three sites and, therefore, there
16 might be only two or even only one site that is fully
17 characterized?

18 MS. KANY: There has been a discussion of that
19 possibility, let's say simply characterizing the Nevada site
20 and seeing how that goes. But it just occurred to me that
21 EIS really would have to have gone at least that far,
22 another site also.

23 Is that correct?

24 MR. FEHRINGER: I'd have to defer to someone else
25 on that. My knowledge of the Waste Policy Act is not quite

V/bc

1 that deep.

2 MR. BROWNING: I think the people are considering
3 honing in on just one site to characterize and seeing where
4 that passes. Have in mind changing the law. So that would
5 be acceptable without alternatives being raised.

6 And then the NEPA aspect of the process. It.
7 depends on what legislative changes are made, if any are
8 made.

9 MR. GOVER: If no changes were made, would you
10 agree that they have to completely characterize all three
11 sites in order to meet the ^{NEPA} ~~new~~ requirements ^{for} alternative?

12 MR. FEHRINGER: Let me defer to Mr. James Wolf,
13 our legal counsel back there.

14 MR. WOLF: That's an easy question to answer
15 because that's precisely what's the subject of litigation
16 currently involving DOE's decision and reading of the act,
17 it would not require a characterization of three sites.

18 So I would say that's a matter for the courts to
19 rule on and I don't think it's proper for me to answer.

20 MR. DAVENPORT: That's incorrect. That issue is
21 not the subject of any pending litigation. The litigation
22 that I think you're referring to is the litigation raising
23 the question of whether the preliminary determination of
24 suitability can be made now or later.

25 MR. WOLF: You're right.

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1 MR. DAVENPORT: Which is not the same question as
2 the one that was asked over here.

3 MR. WOLF: If the preliminary determination of
4 suitability can, in fact, be made in advance, it is not
5 apparent to me that there is any rigid requirement for full
6 characterization of three sites. Then the question is
7 really the rule of reason.

8 And the argument would be made, I presume, by DOE
9 that they've done a reasonable effort to identify
10 alternative sites. And having done so, they've concluded
11 the one site that characterized is all that's needed.

12 I grant you, that would be a somewhat different
13 issue.

14 If, on the other hand, the courts should rule
15 that you have to go ahead and characterize three sites, then
16 the issue about whether or not one would be sufficient
17 wouldn't arise. It was in that context, assuming that the
18 court might rule that we have to characterize three sites,
19 that I indicated that the answer would be resolved.

20 MR. FEHRINGER: Any other questions?

21 If not, we're at our scheduled break time.

22 I thank you.

23 MR. MACDOUGALL: Why don't we come back in 15 or
24 20 minutes? It's now about 22 after 10. So we'll see you
25 at around quarter of or so.

J/bc

1 (Recess.)

2 MR. MACDOUGALL: Welcome back to the boiler room.
3 Again, our apologies for the heat. It would be nice to say:
4 If you can't stand the heat, get out of the conference room,
5 but you might lose a little in the translation of the
6 proceedings here.

7 To help me with my master of ceremonies activity,
8 we tried to recruit Vanna White, but she turned us down, so
9 you're going to have to put up with me for the balance of
10 the day.

11 Our next item on the agenda, which Bob Bernero
12 referred to earlier this morning, they seem to have, on the
13 spot, recruited me to have something to say about it.

14 Fortunately, I don't have to worry about it
15 because we've got someone here who has been working on it
16 just about fulltime in addition to his other extracurricular
17 activities. He's still working for the Commission, after
18 hours activities, I should say.

19 But, Chip Cameron is a senior attorney with our
20 Office of the General Counsel. He was formerly on the
21 technical staff in the Office of Nuclear Regulatory
22 Research. So he has both a technical background and a legal
23 background.

24 He was also an associate professor at the
25 University of Rhode Island Law School, taught environmental

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1 and natural resources law.

2 Of getting on with it, let me introduce Chip
3 Cameron to talk about the licensing support system, or the
4 negotiated rulemaking in connection with the licensing
5 support system. Chip...

6 MR. CAMERON: Thank's a lot, Rob. I know that
7 most of you are aware of the Commission's efforts to use
8 negotiated rulemaking to implement an electronic information
9 management system called the licensing support system, or
10 LSS, for use in the Commission's high level waste licensing
11 proceedings.

12 What I'd like to do today is just give you a
13 brief description of both the licensing support system
14 objectives and the negotiated rulemaking process, and let
15 you know what the status of those efforts is as of today.

16 The basic concept of the licensing support
17 system, and I think Avi Bender is going to be talking a
18 little bit more about this, is to develop an electronic
19 information management system that would contain all of the
20 documents relating to the DOE license application.

21 For an example, it would contain the license
22 application itself and any supporting documentation for the
23 license application.

24 It would also contain all potentially relevant
25 documents that had been generated by DOE, NRC, or any of the

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1 other parties to the high level waste licensing proceeding.

2 The idea would be that all parties to the
3 licensing proceeding would place their documents into the
4 licensing support system, and then all parties would have
5 access to the licensing support system.

6 We think that the LSS would accomplish the
7 following objectives. It would provide comprehensive and
8 easy access to all potentially relevant licensing
9 information.

10 We would like to establish the information base
11 for the high level waste licensing proceeding to the extent
12 practicable as far in advance of the submission of the DOE
13 licensing application, as possible.

14 We think the LSS would facilitate review of the
15 relevant licensing information by all parties, and also by
16 the licensing boards through the provision of full text
17 search capability to these documents that are in the system.

18 And we would also like to reduce the time
19 associated with the physical submission of motions and other
20 documents associated with the licensing proceeding by
21 providing for electronic transmission of these documents.

22 Because all of the relevant information for the
23 licensing decision would be readily available through access
24 to the licensing support system, we think that the initial,
25 time-consuming physical production and on site review of

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1 documents could be eliminated.

2 In summary, we believe that the licensing support
3 system is the best way to provide for effective review of
4 the license application, not only by the NRC but effective
5 review by all the parties to the licensing proceeding.

6 We also think that the LSS will enable the NRC to
7 meet the statutory timetable required by Section 114.B of
8 the Nuclear Waste Policy Act for the Commission's review of
9 the DOE license application and a decision by the Commission
10 on a construction authorization for the repository.

11 To implement the use of the LSS in the high level
12 waste licensing proceeding, the Commission would have to
13 initiate a rulemaking setting up the provisions for use of
14 the system. And we intend to pursue this rulemaking through
15 the use of a concept that is known as negotiated rulemaking.

16 In negotiated rulemaking, the representatives of
17 organizations that are likely to be affected by the rule,
18 including the Commission, convene as a group over a period
19 of time to try to reach a consensus on what the rule should
20 look like.

21 Now, the agency then uses this consensus as the
22 basis for a proposed rule, which it issues for notice and
23 comment. Notice and comment, the comments are evaluated and
24 a final rule is issued.

25 Now this is different from the traditional

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1 rulemaking process where the agency develops a proposed rule
2 basically on its own and issues it for comment. The
3 comments come back in and then the agency issues a final
4 rule. It's a one-way dialogue essentially between the
5 Commission and individual commentors. And the negotiated
6 rulemaking process, the parties that are likely to be
7 affected and who have knowledge of the rulemaking areas sit
8 down with the agency and try to hammer out the rules for the
9 particular subject area.

10 We think this type of process is particularly
11 appropriate in terms of the development of the LSS because
12 we think that it will help to establish the credibility of
13 the LSS, the fact that all the relevant documents have been
14 entered into the system and that system is free from
15 tampering.

16 In addition, because it's a new process for the
17 management of the licensing proceeding, we feel that it's
18 important that affected and knowledgeable organizations
19 participate directly in developing the rules for operation
20 of the system.

21 The Commission, on December 18, 1986, issued a
22 notice in the Federal Register announcing its intent to use
23 a negotiated rulemaking to develop the rules for
24 implementation of the LSS.

25 This particular notice, which I believe is back

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1 on the table, invited expressions of interest from
2 organizations that might want to participate on a
3 negotiating committee. It also invited comments on the
4 feasibility of negotiating this particular rule; and it also
5 invited comments on a list of issues that we thought have to
6 be considered in developing the LSS.

7 We received 24 comments on the rule. Six of
8 these comments were from first round repository States,
9 either where the three sites were or adjacent States or one
10 of the five nominated sites.

11 We received two comments from second round. We
12 returned to second round repository States. We received
13 three comments from Tribal governments that would be
14 affected by the first repository, and we received a comment
15 from the National Congress of American Indians, representing
16 the interests of second round Tribes that would be affected
17 by the second repository or by the transportation of high
18 level waste.

19 Three national environmental groups commented on
20 the Commission's intent to conduct a negotiated rulemaking,
21 three industry organizations and two federal agencies -- the
22 Department of Energy, the Department of Interior and the
23 National Association of Regulatory Utility Commissioners
24 commented, as well as three individuals.

25 Now, in addition to the solicitation of public

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1 comments on this idea, the Commission had retained the
2 Conservation Foundation, who has an expertise not only in
3 negotiated rulemaking but mediation generally, to assist us
4 in conducting this negotiated rulemaking.

5 Two of their basic tasks are to help convene the
6 negotiating committee and also to facilitate the negotiating
7 committee.

8 The convening is essentially to look at
9 feasibility of conducting the negotiation by talking to
10 organizations that might be affected by the rule.

11 The facilitation is where the Conservation
12 Foundation will chair the sessions of the negotiating
13 committee and try to help the participants on the
14 negotiating committee to arrive at a consensus.

15 The facilitator in that role does not represent
16 the NRC. The NRC is only one of the parties on the
17 negotiating committee. The facilitators' interest in that
18 role are to assist the committee as a whole.

19 Now, one of the things that the Conservation
20 Foundation did for us was to do a feasibility study of
21 conducting this negotiation. And we received that report
22 from the Conservation Foundation on May 26th of this year.

23 The staff, on the basis of public comments, on
24 the basis of the Conservation Foundation feasibility report
25 developed a recommendation to the Commission in the form of

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1 a Commission paper, SECY 87-140, for future reference.

2 But the recommendation is in front of the
3 Commission at this time and we expect a vote shortly from
4 the Commission on whether to proceed with our
5 recommendation.

6 I can't really talk about some of the specifics
7 in our recommendation, but I can talk about some of the
8 general points. I would just like to emphasize that any of
9 the things I say about what the staff recommendation is
10 could be changed by the Commission action on this particular
11 recommendation.

12 The Conservation Foundation in their feasibility
13 report recommended that the Commission proceed with the
14 negotiated rulemaking. It was also the general sense of the
15 commentors on the proposal that the Commission should
16 proceed with negotiated rulemaking. And these comments of
17 support were from both sides of the repository siting
18 issues, both those who were in support of a repository
19 siting and those who were critical of the repository siting
20 process.

21 So the staff recommendation was to proceed with
22 negotiated rulemaking, and that's the recommendation that is
23 in front of the Commission at this time.

24 The staff recommendation is in the form of a
25 Federal Register notice that would be issued that would

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1 identify the groups who would be invited to participate on
2 the negotiating committee.

3 It also describes the negotiated rulemaking
4 process, and it has a detailed response to the public
5 comments that were submitted in response to the
6 December 18th Federal Register notice.

7 Again, I can't discuss the specifics or who the
8 participants are going to be. I can say that all those who
9 requested participation in response to the December 18th
10 Federal Register notice will be able to participate on the
11 negotiating committee.

12 In addition, the committee is going to be
13 chartered under the federal advisory committee act. That
14 means that the negotiating committee sessions are going to
15 be open to the public, written comments can be submitted by
16 the public in response to the discussions that take place,
17 and there will be minutes kept of each negotiating committee
18 meeting that will be public.

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1 I also might add, as with any other rulemaking,
2 if there is a consensus developed as the basis of a proposed
3 rule, the public, generally, will have a right to comment on
4 that proposed rule.

5 When the Commission does approve or if they do
6 approve, which I anticipate that they might, after
7 Commission review and approval, the Federal Register Notice
8 will announce the establishment of the Negotiating Committee
9 and the Conservation Foundation, at that time, acting in
10 their role as facilitator, will send letters of invitation
11 out to those groups who have been identified to participate
12 on the Negotiating Committee.

13 Also available as part of the recommendation to
14 proceed is the conservation feasibility report that will be
15 available to the general public as well as to all the
16 participants on the Negotiating Committee and there will
17 also be a background paper that was prepared by the NRC
18 Staff, that has an extensive discussion of what the existing
19 legal framework is for the disclosure of documents in a
20 Commission licensing proceedings.

21 It will also contain a more detailed analysis of
22 the issues that we think are going to be important for
23 establishing the licensing support system, as well as
24 various options to deal with those particular issues. Now
25 these issues that the Commission has identified in the

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1 background paper are not intended to serve as a rigid agenda
2 for the Negotiating Committee but to serve as a preliminary
3 agenda, which the Negotiating Committee can revise, as they
4 feel appropriate, either by adding, subtracting,
5 prioritizing, whatever.

6 Howard Bellmon, of the Conservation Foundation is
7 going to serve as the facilitator for the negotiations,
8 assisted by Timothy Mealey, of the Conservation Foundation,
9 and Matthew Lowe of TI Systems.

10 The negotiations are scheduled for a nine-month
11 period, beginning in September 1987. The first meeting is
12 tentatively scheduled for September 16th and 17th at the
13 Conservation Foundation here in Washington. This first
14 meeting will be followed by a two-day meeting every month
15 thereafter through May of 1988.

16 Approximately half of these meetings will be in
17 Washington, D.C., the rest will be in regional locations
18 throughout the country.

19 The first meeting that I mentioned is scheduled
20 for September. It is going to be organizational in nature.
21 The participants at that meeting will focus on what ground
22 rules they want to follow for conducting the negotiations.
23 Such things as confidentiality of certain materials dealing
24 with the press, how consensus will be arrived at, whether
25 they want to have subcommittees. These types of

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1 organizational issues.

2 And the facilitator is preparing some draft
3 guidelines for consideration by the Negotiating Committee,
4 so they won't be walking in there cold to the first meeting.

5 We also have planned a one-day course, conducted
6 by the Conservation Foundation on the principles of
7 negotiation. In other words, how you negotiate.

8 The second meeting, which would be in October of
9 '87, would be an attempt to familiarize all of the
10 participants on the committee with the technical and legal
11 background for this particular negotiation. The Commission
12 has engaged a contractor to provide this training session
13 for the participants.

14 If we do reach a consensus on a proposed rule,
15 the Commission will issue it as a proposed rule, unless it
16 is inconsistent with our statutory authority or is not
17 appropriately justified, in terms of the rationale required
18 for any agency rulemaking under the Administrative Procedure
19 Act.

20 If there is no consensus, the Commission will
21 proceed to promulgate or develop the rule on its own. And I
22 might mention that even if there is no consensus on all
23 issues or on many issues, we feel that the process of
24 sitting down with all of the affected organizations will
25 help to develop a lot of information, in terms of proceeding

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1 with this rulemaking, identifying alternatives, prioritizing
2 issues, things like that.

3 So we think it is going to be beneficial, no
4 matter what happens.

5 A few final points. DOE, in their comments on
6 the Commission's intent to conduct this negotiated
7 rulemaking, emphasized its commitment to coordinate the
8 design of the licensing support system with the negotiated
9 rulemaking and to make any changes required as a result of
10 the negotiated rulemaking.

11 So there is no danger here of the Department of
12 Energy developing a system that is going to be inconsistent
13 with whatever comes out of the negotiated rulemaking.

14 Also, in this respect, I might mention that to
15 insure that there is a single focus for decisionmaking on
16 this issue, that is, the negotiated rulemaking committee,
17 the Department of Energy and the NRC have disbanded the
18 Interagency Coordinating Committee, which was known as the
19 ICC, which was originally designed to develop some
20 preliminary discussion on these types of issues.

21 We are going to try to provide as much background
22 material to the participants on the Negotiating Committee as
23 possible, because we would like everybody to be as well-
24 prepared and as educated on this subject as possible when
25 they sit down at the negotiating table.

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1 In that regard, I mentioned, we are providing the
2 background paper. We are providing the training session as
3 the second negotiating session, and we will ensure that
4 there is some provision of technical assistance throughout
5 the negotiations to answer any questions that the committee
6 would like to see addressed.

7 One final point that I think is important that
8 was emphasized in the Conservation Foundation feasibility
9 report. They concluded that not only would it be possible
10 to achieve a superior result through the use of negotiated
11 rulemaking in this case, but that the negotiated rulemaking
12 process could contribute positively to other working
13 relationships between participants in the high level waste
14 licensing process. So we hope that it has some spillover
15 effects besides just trying to reach a substantive results
16 on the licensing supports system.

17 I would be glad to answer any questions.

18 MR. STEVENS: A couple of questions come to mind.

19 David Stevens, from the State of Texas.

20 A couple questions come to mind.

21 One, I think, is relating to the comment that you
22 will be willing to accept a consensus, unless.

23 Why don't you just quit there, instead of giving
24 the qualifications that you did? In other words, with the
25 expectation that you are going to get good out of this

Vbw

1 exercise, why not accept the consequences of the effort you
2 are going into?

3 The second question is, that DOE will commit
4 itself to making whatever changes come out, even though they
5 are proceeding on the line of development at the present
6 time. Is there some way in which you are getting -- I guess
7 the expression is reasonable assurance that that is going to
8 happen? Because I think some of us are concerned that as
9 you go down the line, it is a little difficult to pull
10 people back from that without them either justifying or
11 trying to defend the activity that they have taken as a
12 preferred alternative.

13 MR. CAMERON: In response to your first question,
14 I definitely agree with you, and I think that the
15 Commission, in their action so far, agrees with you, that we
16 expect that any consensus that emerges from the Negotiating
17 Committee is going to be a good product, but naturally, we
18 don't want to just make a blanket statement that we are
19 going to promulgate anything that comes out of the
20 Negotiating Committee, because it has to be consistent with
21 our statutory authority, including the requirement that
22 rules that are issues as proposed rules have an adequate
23 rationale behind them, but I would agree with your general
24 conclusion that we expect a good product from the
25 Negotiating Committee.

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1 In regard to the second question, in addition to
2 the Department of Energy going on record, public record that
3 they will coordinate the design of the LSS with the
4 negotiated rulemaking and will make any changes. As far as
5 I understand the Department's contractor, in terms if the
6 design of the LSS, it is going to be keeping an eye on what
7 the Negotiating Committee is doing, as well as perhaps
8 providing some information to the Negotiating Committee.

9 I mean, we are aware of, I think, there has been
10 a lot of concern that we would have the Department of Energy
11 out there with their system, and we would have the
12 negotiated rulemaking over here, and that it would be too
13 late to try to change something in the Department of
14 Energy's design.

15 I think the Department of Energy is aware of
16 those concerns and has recognized the needs for the two to
17 be consistent.

18 MR. HESTER: Dan Hester, with the ~~Union of~~ *Umatilla*
19 ~~Concerned Scientists~~ *Indians*. Have you given any thought to what
20 happens, if a moratorium, as proposed by Congress, if you
21 proceed with a negotiated rulemaking? As you know, there
22 are a number of bills that are, as yet, not introduced, but
23 could be.

24 My concern is that you might not have the right
25 parties at the table, in the event that a bill gets

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1 introduced, and the Commission suggests that the site
2 selection process was not proper, they would have to go back
3 to square one.

4 Have you given any thought as to whether or not
5 you would proceed with those negotiations, if something like
6 that were to occur?

7 MR. CAMERON: Yes. We have tried to factor that
8 in. We invited a broad expression of interests to
9 participate on the committee, and I think that the
10 participants that we identified are going to be inclusive of
11 whatever would come out of the siting process. We also feel
12 that even if there is a moratorium, that ultimately, there
13 is going to be a recommended site somewhere down the site
14 for the repository. We feel that that would just give us
15 more time, in terms of a moratorium, to really establish
16 this licensing support system, so that we can start getting
17 documents into the system as soon as possible and make it
18 operational as soon as possible. Because we always think
19 about, well, there's plenty of time to do things, because
20 the license application is now set for, I guess, 1995, but I
21 think that with this particular issue, we need all the time
22 that we can get.

23 Also, it is going to be more beneficial to any
24 potential parties to the proceeding, as well as NRC, to have
25 a system operational as soon as possible, but I think your

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1 point about the affected parties is a good one. That is why
2 I think that our identification of a broad group of
3 potentially affected parties is going to take care of that
4 issue.

5 MR. HESTER: Regardless of a moratorium, you will
6 proceed on schedule?

7 MR. CAMERON: I think that is our plans at this
8 point. Regardless of a moratorium, we would like to
9 proceed, but if that does come about, if it does become a
10 reality, whatever particular form the moratorium takes, is
11 going to have to be looked at to see if maybe we should put
12 this on.

13 MR. PROVOST: Don Provost, State of Washington.
14 I am just curious about when a system might be
15 operational and what the current costs might be, what the
16 current costs of the system might be.

17 MR. CAMERON: In terms of the operational date,
18 Don, it depends on when we get out of the rulemaking. But I
19 can give you some idea on that. We anticipate having a
20 final rule out, if everything proceeds, and if the
21 Commission approves it, and if we reach consensus, we would
22 like to have a final out in October 1988. We are talking
23 about, you know, a year and a half, something like that, a
24 little over a year. That will be quite an accomplishment,
25 but I think then the hard work begins of trying to implement

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1 those rules, in terms of the design and operation of the
2 system. That ties in with whatever DOE's procurement
3 process is, in terms of design of the system.

4 I imagine that one of the things that is going to
5 have to be addressed by the Negotiating Committee is how are
6 we going to implement this and what sort of administrative
7 mechanism are we going to have for implementing the design
8 and operation of the system, and what timetable are we going
9 to operate under, in terms of having potential parties to
10 the licensing proceeding place their documents into the
11 licensing support system.

12 That, to us, is an issue for the Negotiating
13 Committee to try to arrive at at this point. So timing, in
14 terms of what is possible, from the standpoint of building
15 the system, and costs are going to have to be considered by
16 the Negotiating Committee, in terms of general cost-benefit.

17 I think that the Commission believes that LSS, at
18 least the general concept, is the most cost-effective
19 approach to doing this licensing proceeding rather than just
20 using hard copies of documents.

21 There will be choices presented to the
22 Negotiating Committee about what way to go on particular
23 issues, and we are going to try to provide specific costs of
24 alternatives, so that the committee can factor those in

25

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1 I am sorry I don't have a ballpark cost on
2 implementing the system. I don't know if anybody else would
3 brave enough to volunteer a suggestion on that, but we are
4 definitely going to take costs into account in the
5 Negotiating Committee proceedings.

6 MR. DAVENPORT: Did you see the article yesterday
7 in the "New York Times" that the presence of computers in
8 the service industry have brought about a lessening of
9 output overall? They have brought about a reduction in
10 output.

11 MR. CAMERON: I didn't see the article, and I
12 don't know what particular aspects they were talking about
13 I guess that there is not -- there hasn't been a lot of
14 empirical studies on the use of systems such as we are
15 planning to set up. The Securities and Exchange Commission
16 has a system that they are trying to establish called EDGAR,
17 that would have all filings to the Securities and Exchange
18 Commission submitted electronically, and there would be full
19 text search capability of those. The General Accounting
20 Office examined that, and while the thought -- I think that
21 they thought it was a sound proposal. They thought more
22 attention had to be paid to the cost-benefits, which is the
23 same thrust of your question.

24 All I can say in response to that is that that is
25 something that the Committee is going to have to be aware of

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1 in negotiating a resolution of particular issues to make
2 sure that what we have is technically possible and
3 economically possible to meet the objectives, and that we
4 don't set up some pie in the sky scheme that actually is
5 going to detract from our objectives of easy and
6 comprehensive access to licensing information.

7 MR. DAVENPORT: I guess what I think is reality,
8 though, though we need a system which is as complex as you
9 are anticipating for this project, it may not be a
10 timesaver. It definitely will be a facilitator, in terms of
11 making sure that you have exhausted your analysis of
12 research and discovery, but it may not be a timesaver. It
13 may be the long gainer of the process.

14 MR. BROWNING: What do they mean by "output" in
15 the article? Number of documents produced? Legal cases?

16 MR. DAVENPORT: They are looking at it in
17 straight economic terms, the amount of work and the profit
18 that has been able to be generated by large service
19 industries that depend on the computer for their basic
20 support. The accounting industries, the insurance
21 industries, the service sector. It is a very preliminary
22 study. I don't mean to suggest that.

23 MR. CAMERON: Just to wrap up, in response to
24 your question. I think that is a good point. And I know
25 that what we are going to do, besides trying to develop some

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1 more information for the committee before it sits down, is
2 to take a closer look at some of the cost-benefits,
3 including issues like that.

4 MR. WHITE: I believe that article was referring
5 almost exclusively to office automation.

6 MR. DAVENPORT: But that is what this is.

7 MR. WHITE: I don't think so.

8 MR. CAMERON: In a sense, there is some
9 connection. But I guess I don't think -- there is not going
10 to be a complete overlay between the conclusions there and
11 the conclusions for this, if that was your particular point.

12 Anybody else?

13 (No response.)

14 Thank you.

15 MR. MAC DOUGALL: Thank you, Chip, for a
16 comprehensive rundown of your activities.

17 Now we get to the more or less "show and tell"
18 part of our presentation, with Avi Bender, who has been with
19 us for several years, who has been working with DOE in the
20 development of this, NRC's transitional licensing support
21 system, that DOE will eventually be taking over.

22 Avi, if you want to begin your presentation.

23 MR. BENDER: Nancy, could you just dim the lights
24 a little bit. We have a slide show.

25 Chip has done a real good job giving you an

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1 overview of the rulemaking process. And a very important
2 part of this system, whenever you hear the word "system,"
3 the first thing that comes to mind is something that is
4 computerized, but a system really has several components.
5 One are the procedures, two are the users, which will be you
6 in the future, and then the technology.

7 My discussion is going to focus on the
8 technological aspect and what we at NRC have done through
9 the past several years.

10 I do invite you during the breaks to go over t to
11 the back of the room wher we have a demonstration of our
12 system..

13 (Slide.)

14 This is really the tip of the iceberg or maybe
15 just an ice cube, if you take a look at it.

16 These documents are piling up at a rate of
17 hundreds, if not thousands, on a weekly basis, not only at
18 the NRC but, obviously, also at DOE, DOE contractors and
19 other government agencies, which have some responsibility
20 for the high level waste program. But the question that
21 comes to mind is, these are documents that included
22 correspondence, memoranda, summary notes, which trace the
23 history of events, things that have taken place over the
24 past several years, which document the potential resolution
25 of issues.

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1 Then in the 1990s, the question is going to come
2 up about the status of certain findings dealing with
3 specific technical issues.

4 One needs to be able to somehow trace back and be
5 able to get access to those documents, so that you have a
6 clear understanding of the sequence of events, things that
7 have taken place that have brought you to this point in
8 time.

9 Traditional methods of getting access to
10 information have really proved to be ineffective and one of
11 the major reasons for NRC delays of the previous licensing
12 reactors procedures has been, as Chip mentioned, the ability
13 to get access to information quickly.

14 I am not just talking about access to the actual
15 physical copy of a document, but imagine the need to quickly
16 find access to, let's say, as an example, all volcanic
17 related issues dealing with the Yucca Mountain site in Las
18 Vegas.

19 Unless you have a very good indexing scheme, you
20 are really unlikely to be able to get that kind of
21 information. So what we are trying to do here is develop a
22 system that will literally allow you to enter into the
23 depths of those documents, if that is what you wish to do,
24 and pull out relevant information which can help you in your
25 evaluation.

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1 This is really not only getting ready for the
2 licensing procedure in the 1990s, but also to help our
3 Technical Staff today, as they have to do their day-to-day
4 activities.

5 (Slide.)

6 If we were to somehow boil down all of the
7 requirements of this system to just a few succinct
8 statements, I can best describe that as a system that will
9 have to give you the capability to retrieve the documents
10 you are looking for. It has to be complete, if there is to
11 be credibility, and it has to be unitary design. Unitary
12 design doesn't necessarily mean that you are talking about
13 as single computer system.

14 As you know, DOE has offices scattered throughout
15 the country and so does the NRC. What that means is, that
16 the system has to have a common thread which ties it
17 together, and that will be procedures. And the negotiated
18 rulemaking will go a long way in trying to provide the
19 nature and scope of this system.

20 It is very important for the credibility of that
21 system. Whether it is perfect or not, will be difficult to
22 determine, but I think it will be up to the negotiated
23 rulemaking to set the standards and define what is an
24 acceptable level of recall of these documents.

25 (Slide.)

Vbw

1 Several years ago, we started on the pilot
2 project to demonstrate to DOE the concept of what we were
3 talking about, and we recognized that very quickly, we
4 needed to develop some kind of an interim approach to deal
5 with the documents that are just piling up, as I showed you
6 in the other slide.

7 We signed an agreement recently, a new principle,
8 which is in all of your handouts, which describes the basic
9 concepts and approach that the NRC and DOE are going to be
10 taking in developing the LSS. Part of that requires both
11 agencies to begin to generate something immediately, not so
12 much developing a final system but to begin the process of
13 developing the documents that are going to be created. So
14 as part of that, we have started a project to digitalize our
15 information, put it into a full text search retrieval
16 system, and as I mentioned before, I can talk all I want
17 about that, but once you see what it actually does, that
18 will speak for itself.

19 (Slide.)

20 The system is basically integrated hardware
21 components, which are found off the shelf. It is state of
22 the art, but it is relatively common nowadays. These have
23 been put together and tied, using software programs. And
24 the thousands of documents that are being scanned into his
25 system will be available for either surrogate search, which

Vbw

1 means the traditional search of bibliographic information
2 and also will give you a contents search, which means full
3 text search, like some of the LEXIS systems and NEXUS that
4 are out there on the market, and also give you the original
5 image of the document, which would be important in legal
6 proceedings.

7 (Slide.)

8 This is a picture of the monitor. You can see
9 that for yourself later on.

10 On the lower portion is basically a regular part
11 of a PC, but this is a high resolution monitor. What a full
12 text search does, in this example, we did a search just on
13 the words "Death Valley" to see what we could get. And in
14 the lower portion, what you see there is the full text, for
15 what is known as the ASCII, the computer text of the
16 document, with the highlighted words.

17 The individual doing the search then can go
18 through this document and make a determination for himself
19 or herself whether, in fact, this is a relevant piece of
20 information. If, in fact, it is, that individual can just
21 stop there and get information and print it out, or you can
22 go a step further and actually print the original image of
23 the document, where that information came from.

24 Many of the memos and the letters that we get
25 have attachments, such as photographs and maps, and it is

Vbw ·

1 impossible to do a full text search of that. So the image
2 system allows you to get the total document scanned and
3 stored on an optical disk.

4 So the full text search provides access to the
5 document, and then you can get the original image. Once
6 you've used that --

7 (Slide.)

8 -- you can then clear the screen and view the
9 original memo and print it out on a laser printer.

10 (Slide.)

11 Here is just another example of some of the maps
12 and other documents that we have associated with that.

13 It is very difficult to get the clarity of the
14 output in a traditional microfiche system, although
15 microfiche has many advantages as well. But the system that
16 we have tried to demonstrate is one that provides the best
17 of both worlds. Immediate access to information, good
18 quality output and reliability.

19 (Slide.)

20 Our particular system, which is not the DOE LSS,
21 it is what we call the transitional licensing support
22 system, that has begun to grow, as the hardware has been
23 integrated, and it is now working. We have about 2000 high
24 level waste documents in the system, and important documents
25 are being added on a daily basis, as they are being

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1 processed through our document control center.

2 We also use the system for other purposes. We
3 have to respond to many congressional questions during the
4 years. We have found the full text to be very helpful in
5 answering questions, such as -- the question comes up and
6 always somebody looks at it and says, what did we say about
7 this last year and a few years ago? Rather than going
8 through a manual file and patiently scanning the document,
9 we can now get the answers in a few seconds through a full
10 text search of the system.

11 We have also put 10 CFR 60 through some searches,
12 as well. Access to the system is provided in two ways.
13 Access to the ASCII text, not the images, but the full text
14 search with the highlighting, which you saw on the previous
15 slide, is available basically from any PC or compatible
16 computer throughout the country. All you need for that is a
17 modem attached to the PC, a user access code, and then you
18 just dial it. And it gives you the total document base
19 within the NRCs.

20 We haven't made this available to the public as
21 yet, although all of the documents, obviously, are available
22 for you in public document reading rooms.

23 The image capture and retrieval started in March
24 of '87. We are still at the early stage of that, but things
25 are beginning to look very promising in that area, and we

Vbw

1 hope that the DOE would look at what we have done, learn
2 from our experiences and use that to guide in their
3 development of the LSS.

4 There is no need to reinvent the wheel, and if
5 there is something here to be learned, it is all available,
6 and it has been done. And the prototype of this system, as
7 I mentioned, will be available for demonstration.

8 (Slide.)

9 The major system components for the other part of
10 the system, which is a single work station, which has the
11 optical disk, it is a single work station, that simply
12 includes a micro computer, which happens to be an IBM AP, or
13 it could be a clone, a monitor, scanner, optical character
14 reader, a printer, a laser printer, which gives you tyhe
15 grid output, and a hard disk, which is a temporary storage
16 device.

17 This may be getting a little bit more complicated
18 than you anticipated, but it is just to give you a feeling
19 for what is involved here.

20 So user access can be accomplished either through
21 a ³²⁷⁰~~30 to 70~~ environment, which is the trying into a mainframe
22 through the IBM PCs, the terminals, or from single work
23 stations. We hope in the future to be able to develop
24 single work stations and put them in the local public
25 document rooms.

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1 These work stations will have in them the total
2 data base. It is possible, for example -- I don't know if
3 you are familiar with CD rom, but it is possible to put
4 about 200,000 pages of information on this one optical disk.
5 So you can have, basically, NRC files, 1981 through 1984, on
6 one of these disks. Then all you need is a player to run
7 that and do your search.

8 So there are some really amazing technological
9 innovations that have taken place during the last couple of
10 years.

11 We would like to integrate that into this effort.

12 (Slide.)

13 This is -- if I were a computer salesman, I
14 wouldn't show you this picture, but we have very modest
15 facilities in our office. That is, basically, the layout of
16 the system. It is very similar to what you will see in the
17 back. In the middle, there is the monitor, the high
18 resolution monitor that allows you to do the full text
19 search and displays the total image. On the left-hand side
20 is just a typical IBM PC type system that allows you to do
21 access to the ASCII portion of the text, but not the images.

22 All the way on the right-hand side is a scanner
23 which we use to scan the documents.

24 And on the extreme left, the box that is
25 partially hidden, is an optical character reader. Many of

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1 the documents that we get from the outside, we really have
2 no control over, so we have to feed those through an OCR to
3 get the ASCII test, so you can go through the next phase
4 then doing a full text search.

5 Documents we create ourselves, we create on our
6 word processing equipment. So that is already available in
7 electronic format.

8 A by-product of the negotiated rulemaking process
9 may be that people will be required to submit information
10 electronically.

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W/bc

1 That would eliminate the need to have to rely on
2 an optical count reader. The OCR is an impressive tool, but
3 it does make mistakes. And there are some editing
4 requirements which are necessary.

5 (Slide.)

6 The process for getting information into the
7 system is relatively straightforward. Documents are
8 scanned. That includes all the memos, including handwritten
9 notes, reports, and so forth, generated by the NRC, without
10 duplicating what DOE is doing by inputting into our system
11 their documents.

12 So, if we get a letter from the DOE which is a
13 memo with an attachment, and the attachment is on
14 environmental assessment or a very detailed report, not
15 everything gets into the system.

16 So, the cover memo, the table of contents and the
17 first portion of the document get into the system. We would
18 hope that DOE would have a system that would provide access
19 to that information. We don't want to duplicate what DOE is
20 doing.

21 Information is stored on optical disk. Once it's
22 stored on the disk, it cannot be changed in any way; it's
23 permanent. That's one of the nice features of optical disk
24 technology.

25 So, in this case, as an example, I can scratch

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1 the disk. I can throw it around the room. Nothing happens
2 to it. Information is in there permanently. And the way
3 that happens is by imprinting it with a laser and tiny holes
4 and the spaces between the holes give you the information as
5 to what the asking text is.

6 Then this information is indexed. We do have to
7 get some indexing to get the document, then put it into the
8 full text system. It's available for retrieval through
9 random access in any one of a number of ways, which will be
10 illustrated to you later.

11 You can browse through the documents, go through
12 the information, print what you like. And then, basically,
13 print on demand.

14 Slide.)

15 Again, I don't want to get into too much of a
16 technical discussion. I just want to give you a feeling of
17 what it takes to go from the hard copy document into the
18 computer system.

19 On the lefthand side is the division created by
20 word processing, as I mentioned. It's already available in
21 electronic format. So, in our division, we have procedures
22 for sending the ASCII text electronically with the hard copy
23 of the document.

24 The hard copy is then scanned. The image is
25 verified. Information that comes in from the outside and we

AV/bc

1 don't have electronic versions, we have to run it through an
2 optical character reader on the inside. And all of that
3 leads us to ASCII.

4 ASCII is the computer code of the text, which
5 allows us then to go one step further and code it in such a
6 way so we can put it into a computer program, which would
7 then allow you, the user, to sit and do your search.

8 Many of these things are transparent to the user,
9 of course. Your concern will just basically be how do I sit
10 at this terminal, how do I sign on, how do I conduct my
11 search, and so forth; and how do I print the information
12 out.

13 Once the most labor-intensive part of the process
14 is creating this ASCII text, scanning and capturing image
15 takes just a few seconds. But it's this ASCII conversion
16 and full text search which is labor-intensive. But, once
17 you go through that process, you have numerous options
18 available to you for distribution of information.

19 That's really what we're talking about here. One
20 of the best methods of collecting information, whether they
21 be through mainframe computers which can produce these types
22 of disks, a player to play one of these is about \$400. So
23 it's not within the realm of possibilities.

24 Many companies are now getting into the business
25 of taking government information, putting it on these disks

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W/bc

1 and then selling it back to the public.

2 So it used to be high-tech state of the art years
3 ago, but it's really here today and it's a possibility that
4 we need to explore.

5 That pretty much concludes my presentation. I
6 really do wish that when you have the time during the break,
7 you step to the back and we have some consultants working
8 with us on this, and they'll be more than happy to show you
9 a demonstration. And that will really speak for itself.

10 Are there any questions?

11 *Tousley* *Dean Tousley.*
MR. ~~HOUSELEY~~: ~~Gene Houseley.~~

12 I spoke to Phil Altomare a couple of weeks ago.
13 He mentioned that this reorganization might involve transfer
14 of the transitional system to another division in the
15 Commission.

16 Has that happened?

17 MR. BENDER: It's a possibility that that, in
18 fact, may take place. But, for the mission that we have,
19 it's very clear. The mission doesn't change. So, whether
20 the individuals involved would be physically moved to
21 another location or would be under the auspices of another
22 group, the mission is very clear. All efforts will continue
23 as before.

24 MR. BROWNING: I might add I think part of the
25 purpose behind the reorganization, and also in connection

V/bc

1 with the move that the agency is going to make to a central
2 location, is an attempt to try to draw together in one place
3 things that are going on in various places throughout the
4 agency; primarily because of the physical separation of the
5 groups.

6 As a matter of fact, I might introduce Joyce
7 Amenta. You might want to raise your hand so people can see
8 who you are.

9 She's got the very difficult job of trying to
10 pull together this kind of thing for the whole agency.

11 There clearly is an intent to move this
12 particular piece to that group so it can be handled in a
13 centrally-coordinated way, because there's not just a need
14 for this in the Division of High Level Waste Management,
15 there's a need throughout the whole agency.

16 So an attempt is going to be done to make that
17 transition so that there's no diminution of the effort on
18 this. But it's sort of magnified by the resources of the
19 whole agency to bring to bear on the problem, not just the
20 Division of High Level Waste.

21 MR. BENDER: In the past, as you know if you've
22 followed this for several years, it's basically just been a
23 few individuals trying to put this together. And as Bob
24 mentioned, it's really nice now to have the full support of
25 the rest of the agency and their resources to focus on this.

W/bc

1 Other questions?

2 (No response.)

3 MR. BENDER: Thank's very much.

4 MR. MACDOUGALL: Thank you, Avi. I should
5 mention Phil Altomare is not here today, unfortunately, due
6 to circumstances beyond his control, but he is Avi's
7 superior and he recruited him to do this work under Joe
8 Bunting, who is also here. I guess it was more of Joe's
9 brainchild than anyone else's.

10 But, regardless of where Avi ends up, Phil
11 Altomare will, hopefully, continue to be in our employ and
12 you can get the information you might need about the system
13 from either Avi or Phil Altomare.

14 We're at the point now where we can break for
15 lunch. I understand there are a number of choices in the
16 immediate vicinity for restaurants. There is a restaurant
17 in the building. Nancy has material from the hotel on your
18 other options. She's in the back of the room.

19 Before we break, can I just ask are the folks at
20 the back of the room able to hear the discussion all right?
21 Okay, good. Thank you. We'll see you at 1 o'clock.

22 (Whereupon, at 11:40 a.m., the meeting recessed,
23 to reconvene at 1:00 p.m., this same day.)

24

25

W/bc

A F T E R N O O N S E S S I O N

(1:20 p.m.)

1
2
3 MR. MACDOUGALL: To begin our afternoon's
4 discussion, I'd like to get right into the QA portion of the
5 presentation. Linda Riddle is not here yet, so Jim Kennedy,
6 who is our section leader in charge of QA, Quality Assurance
7 for DOE, will begin with his presentation on the mini-audits
8 at DOE facilities.

9 MR. KENNEDY: Good afternoon. I'm Jim Kennedy,
10 from the QA Section of the Division of High Level Waste
11 Management.

12 May I have the first overhead?

13 Slide.)

14 Today, I'd like to talk about the QA audit we
15 conducted three weeks ago at the Los Alamos National Lab.
16 This was our first audit of many that we expect to conduct
17 over the coming years. Therefore, it has significance to
18 the program.

19 Today, I'd like to go over what the objectives of
20 the audit were.

21 Slide.)

22 The details on how we conducted the audit, the
23 major conclusions, go over a summary of the findings and
24 deficiencies that we found and then talk about what kind of
25 follow-up we're going to have from this point on.

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1 First, by way of background, as you all know, DOE
2 is in the process of developing QA programs for site
3 characterization which meet the requirements of subpart G of
4 Part 60. This is essential because DOE's about to collect a
5 lot of data which is going to be used in licensing hearings,
6 and the in the licensing process through the early 1990s.
7 And without a good QA program applied to that, it would be
8 found unacceptable in licensing.

9 Now, on December 16th, DOE identified a number of
10 areas that they felt were ready for NRC audit, that is, that
11 they felt met the NRC's requirements for QA in Part 60.

12 We selected Los Alamos National Laboratories
13 geochemistry program, more specifically, mineralogy,
14 petrology at the Nevada site for the first audit; namely,
15 because they're working on some important site issues in
16 that program; and also because it's a Nevada project. And
17 that's scheduled for the SCP sooner than the others
18 identified.

19 Now, we had a number of objectives for the audit
20 and it wasn't just a conventional audit where we went out
21 and evaluated their program.

22 Slide.)

23 The first objective, of course, was to
24 independently evaluate an area that they felt was qualified.
25 But, more important than that -- or I feel, more important

W/bc

1 than that -- one of our objectives was to calibrate DOE;
2 that is, to give them a benchmark as to what our
3 expectations were for the licensing process and for getting
4 through the licensing process.

5 We feel that this first audit and the others that
6 we do will provide them for the first time with much better
7 understanding of what the expectations are and what the
8 needs are for licensing.

9 Another objective was to not only assess the
10 implementation of the QA program, the programmatic part of
11 it, the documentation part -- the records, et cetera -- but
12 also assess their ability to perform quality technical work.

13 And, finally, the audit was a learning experience
14 for the staff. It was a chance for us to build a foundation
15 for future audits by getting plans and procedures and
16 methods in place, many of which we borrowed from the reactor
17 program and also building a core of 14 qualified and
18 experienced auditors.

19 Slide.)

20 Now just real quick, some details on the audit.
21 It was conducted the week of June 8th out at Los Alamos. We
22 had an eight-person team. We had three staff from my
23 section, or two staff from myself plus one consultant. We
24 had two staff and one contractor from the technical branch,
25 the technical review branch. All were geochemists. And we

V/bc

1 had the on site rep, who was a geophysicist by education and
2 experience.

3 We did three and a half days of actual auditing
4 with the balance of time for team meetings, entrance and
5 exit interviews and one important thing that you're probably
6 interested in, the State of Nevada and OGR observed the
7 entire auditing process at private meetings that we had in
8 the evening.

9 Los Alamos and the Project DOE staff were not
10 invited to attend the meetings, but the State of Nevada was.

11 Slide.)

12 Now, for really quickly the bottom line. These
13 are our major conclusions.

14 Slide.)

15 First, that based on the interviews we had with
16 the principal investigators, the audit team was confident
17 that the combination of existing technical procedures and
18 technical staff can produce quality technical analyses, but
19 we did not agree that the QA program is fully in place, as
20 DOE had felt originally.

21 Basically, we found that there was just an
22 insufficient appreciation of the QA documentation needs for
23 licensing within Los Alamos, which is not really surprising
24 because DOE has never had a major facility licensed by the
25 NRC before. And this was even one step removed from DOE,

W/bc

1 it's one of the national laboratories.

2 Slide.)

3 Well, here is a summary of the findings,
4 deficiencies and observations that we had. We had four
5 findings, 14 deficiencies and four observations. They were
6 generally as follows:

7 First, the procedures for activities affecting
8 quality weren't developed for some activities, like stop
9 work, evaluation of suppliers, et cetera.

10 They weren't being followed in all cases. For
11 example, there was a lack of inspections of core storage
12 area; laboratory notebooks were not being used properly in
13 all cases and they weren't fully understood by the Los
14 Alamos staff.

15 They may need clarification of the procedures.
16 And there also appear to be some weaknesses in training with
17 respect to how to use the procedures.

18 Another major item we had was that the Los Alamos
19 internal audit program was not very strong. Now, Los Alamos
20 had conducted an audit, an internal audit back in February.
21 In April, the Waste Management Project Office of DOE, Nevada
22 came in, conducted their own audit and found many more
23 findings and deficiencies than Los Alamos had turned up
24 internally.

25 Then, about six weeks and two months later, we in

W/bc

1 the NRC came in and found additional problems. It all
2 points back to Los Alamos really, their internal audit
3 program. Internal surveillance program ought to have picked
4 up the items that Nevada found and that the NRC found, or at
5 least most of them.

6 Another area was certifications of personnel and
7 training. There was insufficient information to demonstrate
8 that personnel were qualified or trained. The documentation
9 laid down on the qualification of the technical individuals,
10 for instance, was basically an assertion that these persons
11 were qualified -- based only on their degrees or their years
12 of experience.

13 There were no other details as to why they were
14 qualified for their particular positions.

15 Also, there were no records of training outside
16 of quality assurance, only QA training documentation was in
17 evidence.

18 Slide.)

19 That last one in particular, we feel, and some of
20 the others were serious enough to potentially jeopardize the
21 use of data in licensing.

22 Slide.)

23 Now, where to from here?

24 We got an audit report that we're in the process
25 of writing right now. That's due out in July. We expect to

W/bc

1 have interactions with DOE to resolve the issues identified
2 over the coming months.

3 In particular, we identified findings and
4 deficiencies. There are some areas of their program that
5 they do need to improve to get a qualified. We expect to be
6 working with them to make that happen.

7 And from here, we also are planning on other
8 audits for other projects. DOE has identified, I guess,
9 about 10 other areas that they feel are ready. And we're in
10 the process of selecting one of those right now. Those
11 areas fall, by the way, only into SALT and Nevada at this
12 point.

13 Right now, we're working with management and
14 talking to DOE about which one would be the-best to audit in
15 the future. There's a good chance we'll be doing the SALT
16 project; perhaps with the Texas Bureau of Economics, before
17 the end of the year.

18 BWIP, DOE does not feel any areas are ready out
19 at BWIP. They do tell us that they expect sometime in
20 October or November to have one area ready, and they will
21 invite us out to audit that area.

22 Any questions?

23 MR. DAVENPORT: Jim Davenport, State of Nevada.

24 Can you list the other entities which DOE-Nevada
25 has identified as ready to be audited?

W/bc

1 MR. KENNEDY: I can't remember all of them. I
2 can get that for you. It's in the December 16th letter.
3 It's in my briefcase. In fact, maybe I can see you during
4 the break and show it to you. I remember environmental
5 monitoring. Assignment of QA levels was another.

6 MR. DAVENPORT: But they didn't identify them by
7 contractor?

8 MR. KENNEDY: They did identify them by
9 contractor, yes, certain areas that contractors were working
10 on. Not the whole contractors program, but certain areas.

11 MR. STEVENS: Maybe we could all share that when
12 you get it, at some point.

13 MR. KENNEDY: Okay. Yes, sir...

14 MR. EISENBERG: Based on your audit, what are the
15 ramifications on any of the data that might have been
16 generated previously by Los Alamos?

17 MR. KENNEDY: The thing is DOE has known over the
18 years that their QA programs have not fully met all the
19 requirements of the Commission.

20 That's been an issue. What to do with this
21 existing database, data that was collected before the full
22 implementation of the program. That's an issue that we've
23 started to address by publishing staff guidance on how to
24 qualify that data; that is, how to determine whether it's
25 good enough for licensing.

V/bc

1 In fact, I think you commented on the generic
2 technical position that we put out last July. Basically,
3 DOE has to go back and look at all that data. If they want
4 to use the licensing, they have to go through a rigorous
5 review process to see if it's good enough, and to see if the
6 QA measures applied to it are suitable and good enough for
7 licensing.

8 So that's a little bit separate from what we did
9 out there. We were looking at a program which they felt was
10 fully in place and had all the measures.

11 By the way, as long as you brought that up, or as
12 long as I brought that up, GTPs are going to be issued in
13 the Federal Register, or noticed to the Federal Register
14 rather in about a week. I've got them here in my briefcase
15 and they've been signed off today. These will be the final
16 versions.

17 Any other questions?

18 (No response.)

19 MR. KENNEDY: Thank you.

20 MR. MACDOUGALL: Thank's, Jim.

21 Linda Riddle will give us her presentation on the
22 changes in our QA review plans. Linda...

23 MS. RIDDLE: Thank's, Rob. My name is Linda
24 Riddle. I'm in the QA Section in the High Level Waste
25 Division. I'm currently working on the revision to the QA

W/bc

1 Review Plan.

2 I understand that you all have these handouts in
3 the materials that were distributed to you. All right.

4 The first thing I'd like to tell you about is the
5 purpose of the review plan. One of the activities which the
6 QA Section is engaged in is providing guidance for DOE; and
7 the QA program is the main document which provides that
8 guidance in QA.

9 It contains information in there which tells how
10 we are going to go about evaluating our program and what
11 elements we are going to measure their program by. And it's
12 based on the 18 criteria of Appendix B, which is the reactor
13 QA requirements.

14 The QA review plan also indicates how the 18
15 criteria will be applied to the repository program during
16 the site characterization phase. The review plan was issued
17 in 1984 and consisted of two parts. The first part, which I
18 call the game plan, spells out our general plans, the
19 information that we need from DOE and what activities we're
20 going to engage in, such as review of the DOE documents, QA
21 documents, programs.

22 We're going to conduct on site reviews, audits,
23 data reviews. It also indicates that we're going to have
24 meetings with DOE to identify and resolve QA issues early on
25 and to help establish the technical needs of the licensee.

W/bc

1 Attached to that front part, that game plan, was
2 Appendix A, which are the 18 criteria for quality assurance.
3 This was based on the reactor standard review plan for the
4 QA section.

5 These 18 criteria also were modified from the
6 review plan, the reactor review plan, to address the reactor
7 versus repository terminology and included information there
8 about how to apply QA to scientific investigations.

9 As I mentioned, I'm involved in the 1987 revision
10 to this review plan and there are two real basic reasons
11 that we did this, deciding to embark on this revision.

12 It's a major undertaking and the original review
13 plan was issued in June 1984, about the same time that the
14 Ford Study was issued, which was in May 1984. And the
15 findings of the Ford Study were not incorporated in the
16 original 1984 edition.

17 And we've used this document for three years and
18 we know it could use some revision, and we hope to improve
19 it.

20 The objectives of the revision are, first, to
21 identify improvements or clarifications based on the Ford
22 Study. For example, we're going to add technical team
23 audits. The Ford Study suggested that we try to integrate
24 QA and technical activities through this technical team
25 audit idea. And to conduct readiness reviews of the DOE

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1 program prior to when they start up activities.

2 In addition, we have gotten some comments from
3 DOE and from our own staff internally. Some of these
4 comments range from incorporating line manager
5 responsibility for QA; certain quality assurance criteria in
6 the '84 edition, they indicate, are not applicable to
7 scientific investigations. For example, inspections and
8 test control.

9 The section on QA records in the review plan
10 excludes samples. And they suggest under Software QA that
11 we make a distinction between scientific and engineering
12 versus end user computer software.

13 Also we're looking at in QA-1, that's guidance
14 for the repository program, I am looking at incorporating
15 those parts of that which are applicable.

16 So after we identify these improvements and
17 clarifications we'll be looking at incorporating these into
18 the revision.

19 First, we'll look at the value of these
20 improvements, how much it's actually going to help the
21 program. But then we'll also be looking at the impact of
22 these changes and balance the impact versus this value.

23 The changes that are under consideration for the
24 game plan section will be much more detailed. It will
25 include regulatory requirements, the information that we

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1 need to receive from DOE to carry out our activities, and
2 the plans of our activities, including our review of QA
3 documents, the readiness reviews, the data reviews and the
4 technical team audits.

5 The section on the A-team criteria where the bulk
6 of the improvements will show up, we will be elaborating on
7 QA for scientific investigations, which includes QA for the
8 development of study plans, performance of scientific
9 investigations.

10 I'm looking at incorporating good laboratory
11 practice into the requirements. The documentation of
12 scientific investigation, for example, using laboratory
13 notebooks as a quality assurance record; checking scientific
14 investigations, technical audits and inspections and also
15 endorsing NQA-1.

16 The schedule for the revision is the draft should
17 be noticed in the Federal Register in the fall of this year.
18 And then it will be noticed for your comment and then will
19 go through the process of incorporating those much in the
20 same manner as for the GTPs that will be issued in a week.

21 Do you have any questions?

22 MR. BROWNING: For those of you who might not
23 know what the Ford Study is, the Ford Study, I believe it
24 was Representative Ford or Senator Ford, asked that the NRC
25 do a study to find out why the reactor plant area got the

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1 problems where latent construction and licensing of a
2 reactor plant raised the question about the quality
3 assurance that has gone into a plant.

4 I think that's a fair way to characterize it.
5 It's basically a lessons learned report from the reactor
6 construction and licensing arena.

7 One of the fundamental goals of our program is to
8 make sure that all the lessons learned from the reactor get
9 factored into their waste repository program, so that we
10 don't end up like Mr. Denton's opening remarks, landing in
11 the same place 200 yards from the takeoff point with the
12 repository program.

13 Another one of the fundamental approaches that
14 we're trying to do is this question of not going in and
15 auditing before DOE says they're ready to be audited. We're
16 trying to avoid the mistake of anybody relying on NRC's
17 audit as being the foundation for the adequacy of the
18 quality assurance program.

19 That basically has to be done by DOE and DOE's
20 contractors, with some appropriate level of checking and
21 verifying the hard part. There's no way in the world NRC
22 can do a 100 percent check of everything DOE is doing.

23 The so-called mini-audits, which is a word I'm
24 trying to get away from because it sounds like the audit is
25 a minimum amount of effort, basically, what it is is a very

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1 indepth audit of a small piece of a particular program to.
2 give you a feel for whether the whole program is in place or
3 not.

4 But I think the example that Mr. Kennedy gave,
5 fitting in the context of Linda Riddle's talk, is we're sort
6 of in an evolving calibration mode with DOE now, as their
7 programs are started up getting ready for site
8 characterization, do they have in place good quality
9 programs? Do they recognize what's a "good", quote/unquote
10 program from a regulatory standpoint?

11 So, as we've mentioned, it's not surprising to
12 find some time when we can do this audit because we're going
13 into kind of a calibration mode. It's early in the process.
14 It's time to get the stuff in place so that when the
15 licensing data is collected, at least that particular aspect
16 shouldn't be cause for concern.

17 We can deal with the data itself and not be
18 worrying about the quality assurance underlying the data.

19 Our dilemma is how we pick and choose the things
20 we audit so that when we draw conclusions, really it's a
21 representative conclusion on the whole program.

22 Therein, any ideas you folks have about things
23 you think are significant, your people will be observing
24 DOE's program. All the bits and pieces pulled together will
25 give us and, hopefully, you confidence that everything is

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1 being done properly, that the data is being collected
2 properly, it's being analyzed properly and used properly.

3 MS. RIDDLE: Yes.

4 MR. SALLANT: The ACRS has basically commented on
5 the QA program. And what you are offering here is basically
6 following their recommendations?

7 MS. RIDDLE: Yes, we're looking into their
8 comments. And we just received those recently. But their
9 comments will be incorporated into what we're doing.

10 MR. KENNEDY: As I recall, they had two major
11 comments. One is they came out better on the readiness
12 review. I think the one major readiness review on the
13 reactor program has been successful. And we're trying to do
14 some of those with DOE on a smaller scale. We intend to
15 look into it more.

16 The other thing they mentioned was internal
17 quality assurance. That is, QA as applied to the staff.
18 And the contractors that we have, they were particularly
19 concerned about the internal program for contractors. We'll
20 also be getting more into that.

21 We have an internal QA program now and I think
22 they're looking for us to work on that further to get better
23 assurance.

24 MR. SALLANT: That means the QA program applied
25 to NRC?

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1 MR. KENNEDY: NRC, right. NRC staff and
2 contractors.

3 MR. BROWNING: So that we practice what we
4 preach.

5 MR. KENNEDY: Different from what we're talking
6 about today, where we're auditing DOE and writing a review
7 plan for DOE. This is QA applied to our own.

8 MR. MACDOUGALL: Thank you, Linda.

9 We are fortunately a little ahead of schedule,
10 but we'll press on and I'll give my presentation now on the
11 NRC staff's plans for involving States and Tribes in our
12 review of DOE site characterization plans.

13 I know this is a matter of some import to a
14 number of you. It's particularly timely because we're in
15 the process of putting the finishing touches on the review
16 plan, and this whole area is still malleable.

17 The concrete hasn't begun to set yet. So your
18 comments and suggestions will be very useful to us now.

19 Let me just kind of review for you the basic
20 elements of the Part 60 when it comes to our review of the
21 site characterization plan, so you have an idea of the
22 fundamental steps in the process.

23 As you're probably aware, those of you who have
24 read our repository licensing rule, it does provide for
25 State participation in the whole preapplication review

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1 process, which we're currently in now, leading up to the
2 submission by DOE of a construction authorization
3 application.

4 And a first step, the first major milestone in
5 that process, I guess, from a site-specific point of view,
6 is the site characterization plan submittal. The Commission
7 intends that you and the States and Tribes be kept fully
8 aware of what we're doing and you have an opportunity for
9 timely input.

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1 We will be preparing a site characterization
2 analysis of the SCP. That will be kind of a final document
3 for the original submission of the site characterization
4 plan. Although we will be opening our site characterization
5 analysis to public comment, we don't plan to be publishing a
6 formal response to comments. The reason for that is,
7 principally, that the process itself is kind of an iterative
8 thing. Every six months, DOE will be submitting updates of
9 the site characterization plan to us, and we will be
10 commenting on those updates.

11 If we were to get into the mode of responding to
12 comment every time we comment on DOE's SCP and its updates,
13 we will probably wind up getting seriously behind the
14 information curve.

15 We do, as I said, want to provide for an
16 opportunity, though, for states and tribes to make their
17 views known to us. My presentation here will be sort of
18 laying out our thinking at this point on what we plan to
19 write into the site characterization and review plan.
20 Within the next couple of months, the Staff hopes to be able
21 to send you a copy of the final site characterization and
22 review plan. We also want to forward the lead NRC Staff
23 technical contacts on the teams that we have assembled for
24 the reviews of each of the SCPs on these teams. There will
25 be members who are cognizant in, say, hydrology,

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1 geochemistry, engineering. We want the states to know who
2 these people are, so we can promote a kind of informal
3 exchange at the outset.

4 Informality and flexibility are things that we
5 are kind of hoping will be the hallmarks of our review
6 process, and we figure that it would be a good start to let
7 you folks know who our Staff level people are and request
8 that you send us similar information on the state and/or
9 tribal people and contractors that you will be relying upon.

10 The way, we hope to establish a kind of informal
11 network and you folks will feel comfortable getting in touch
12 with the individual people who can get you the facts.

13 In our process, those of you who have read the
14 rule know that once we receive an SCP, we will be noticing
15 it in the Federal Register and we will send copies of our
16 notice of receipt to the governor and the legislature of
17 each state within which the DOE is going to be
18 characterizing a site. And of course, the governing body of
19 the affected tribe.

20 Within a month after we have received the SCP,
21 what we hope to do is to establish a round of conference
22 calls with state and tribal people and ourselves to kind of
23 get a few for what your thinking is on the major issues that
24 are in the SCP of concern to you to get us somewhat more
25 calibrated as we launch into the review.

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1 We hope that we can have conference calls in each
2 of the areas of interest to the states and tribes, such as
3 geology, geohydrology, geochemistry, engineering, and those
4 sorts of things. And our review is segmented into two major
5 parts. We intend to try to get back with DOE with comments
6 on the exploratory shaft-related issues within 90 days. So
7 although the request for you to tell us your comments, the
8 major issues that you think the document raises will cover
9 the whole scope of the review. We will probably be getting
10 back to you somewhere near the end of our 90-day review
11 period for getting the comments on the exploratory shaft-
12 related issues.

13 We were hoping that we might have a meeting just
14 before our readiness review team begins its final review of
15 the Staff's work, before it goes out the door to DOE and
16 that the state and tribal inputs to us at that time help to
17 inform the readiness review team that there will be an
18 internal NRC Staff team that will be folks that have not
19 done the actual reviewing of the SCP, will be coming in to
20 review the reviewers, in effect, within our Staff to try to
21 judge how well-prepared we are or whether we have covered
22 all of the major issues and whether our analysis is
23 adequately documented and speaks to the known issues that
24 the Staff is going to have to deal with in the future.

25 If that runs successfully, we would hope to

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1 repeat a meeting at the end of the six-month review period,
2 when we would be submitting the balance of our comments to
3 DOE on the other issues raised in the SCP.

4 The exercise would be similar to the exploratory
5 shaft-related exercise, in that we would hope to provide
6 sort of an initial briefing to the states and tribes on
7 where the Staff was preliminarily coming out and give you a
8 few days to meet with the people that you want to meet with
9 on the Staff to kind of give you the run of the place, in a
10 sense, where you would be able to talk to somebody who had
11 done the review on geochemical issues or engineering issues.

12 And then at the end of the, say, three-day
13 exercise, have a kind of plenary meeting, in which you in
14 the state delegations would be presently to us your findings
15 on the basis of what we had told you, what we had
16 subsequently learned from other conversations with your
17 Staff and the review team, the NRC readiness review team,
18 who would be looking over the Staff's shoulder, would be in
19 on that meeting.

20 That is pretty much it, in a nutshell.

21 Once we get the SCA, the site characterization
22 analysis out the door, we would be noticing that in the
23 Federal Register and transmitting a copy of that to the
24 governor and the legislature of the potential host state and
25 to the governing body of the tribe.

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1 Any questions? Dave?

2 MR. STEVENS: Rob, you mentioned the fact that
3 you will have a meeting with the readiness review, including
4 the states and tribes. Then you went on to say, if
5 successful, you would have another one.

6 What is the criteria to determine the success of
7 that meeting?

8 MR. MAC DOUGALL: In part, it will be how well
9 you folks rspnded to it. That is one of the reasons why I
10 am here, to kind of lay out, informally, our plans, so that
11 you can tell us if you see any booby traps.

12 MR. STEVENS: If we don't find any, then it is
13 not going to be successful?

14 MR. MAC DOUGALL: Assuming that we have done our
15 homework, the readiness review team, we hope, will be
16 further edified by the exercise. If they don't like what we
17 have done, they will send us back to the drawing board.

18 It is, in a way, a kind of disciplining mechanism
19 for us, for our Staff, to try to make sure we have done a
20 good job before you would come in and see what we have got.

21 I guess I haven't answered your question, when I
22 think of it. If I am interpreting your question right, you
23 are suggesting that there might be a difference in the
24 fundamental procedure between the exploratory shaft-related
25 meeting and the final meeting, where the state and tribal

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1 folks come in. Once it is in the Staff review plan, we
2 would try to pretty much hold to the process.

3 MR. BROWNING: I might add something here. There
4 was some dialogue at the hearing yesterday with regard to
5 the exploratory shaft piece of the site characterization. I
6 think the original agreement on our part that we would try
7 to expedite the exploratory shaft piece of the site
8 characterization plan, was based on an assumption -- not an
9 assumption, based on an understanding from DOE that that
10 would be a limiting path on their production schedule, and
11 that if it were practicable to review that in the context of
12 the overall SCP, kind of on the side, it would be helpful to
13 them to get those comments first.

14 I think the way things are evolving now, the need
15 for that separate advance review and comment on the
16 exploratory shaft pieces may very well become a moot point.
17 We don't need to do that. We may very well just have a
18 review of the whole thing, the shaft and everything in one
19 piece.

20 I think that is one areas where events may be
21 passing by our previous commitments and plants and there may
22 not be any need to do it. So I would kind of like to hold
23 that one in reserve. We are trying to be helpful to try to
24 make sure that, in our interest in reviewing the whole
25 thing, we weren't inadvertently holding up the very

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1 important piece of the site characterization plan.

2 I think this whole process that Rob laid out is
3 sort of evolving from our experience with the final EA
4 comments and draft EA comments. We did have a session where
5 the state and tribe representative came in. We had an
6 interaction, and I was very nervous at that point in time
7 that the thing would be disrupted.

8 For example, if the scenario were that while the
9 Staff was trying to evolve its comments, we had an
10 interaction, so that we had an idea of what your concerns
11 were, and you had an idea of what our concerns were. Then
12 we went back and started working on the SCP, and the next
13 thing we knew we got all kind of newspaper inquiries and
14 congressional inquiries about what is going on. And this
15 would vector us off from doing our job and our Commission
16 started getting inquiries, and they haven't even had a
17 chance to look at it.

18 The whole thing would end up being extremely
19 disruptive and frustrate our ability to try and stay on some
20 kind of reasonable production schedule. That didn't happen.
21 I was very pleased with the way the thing went.

22 So we are going to try to build on that.

23 My perception was, it was a mutually beneficial
24 evolution. I think that is why we are trying this thing
25 out. If we build on that experience, this go-round, is it

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1 perceived that would be helpful or would that distract your
2 attention or what?

3 I think we are pretty close on what the issues
4 are. I don't really see much change, in terms of what the
5 issues are that the SCP ought to be addressing. The main
6 thrust is going to be, has what they laid out really
7 attacked the Achilles heels and the potential Achilles heels
8 at sites? Are the test programs that they are laying out
9 really going to answer some of the questions we've got? But
10 I think the basic issues have all sort of been crystallized
11 pretty clearly as to what their concerns are with regard to
12 the specific sites.

13 MR. PATT: Is that change in the SCP, with the
14 exploratory shaft, because of funding?

15 MR. MAC DOUGALL: It's in the rule right now.

16 MR. BROWNING: Several things. For example, the
17 Hanford thing, you know, they did a test program,
18 groundwater test program for preshaft sinking. It is going
19 to take at least 22 months. So unless the study they've got
20 going on the side soon, whether they think it is reliable or
21 practical or cost-effective, sinking the shaft part way
22 down, until that bears any fruit, if it does, at least in
23 the Hanford case, we need to get prompt feedback on the
24 shaft sinking. It may or may not have gone away.

25 MR. PATT: I have another question. Is your

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1 Technical Staff happy with the 90-day limit on comments for
2 the SCP?

3 MR. MAC DOUGALL: For the shaft sinking?

4 MR. PATT: For the SCP.

5 MR. MAC DOUGALL: We are planning to take a six-
6 month review of the SCP. The 90 days would be only for the
7 exploratory shaft-related issues.

8 The reason for that is, that it is in the rule.
9 As Bob pointed out, events have kind of changed the basis
10 for that.

11 So I am glad you mentioned it, because that is
12 one of the issues, I guess, for us. It is whether you want
13 a separate exercise like this.

14 Excuse me. The exploratory shaft-related issues.

15 MS. ZIMMERMAN: One point I do want to make. We
16 feel real strongly about separating the ESF section of the
17 SCP from the total SCP. We don't really agree with it at
18 all, because we see the SCP should be one integrated whole
19 judgment on the whole site. And trying to rush the ESF
20 section, just so the DOE can go put a hole in the ground
21 that they may or may not need by then anyway.

22 MR. BROWNING: If they technically can't do it,
23 we won't do it, but if you can technically reasonably say
24 it, that we will comment on those aspects first -- well, for
25 example, you can hypothesize there may be some test programs

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1 they have laid out that are going to happen after they have
2 sunk the shaft. Now you look at those and say, well, are
3 they going to be impacted by the shaft? You know, you can
4 deal with that later.

5 If your scenario is true, is so integrated that
6 you can't single that out and comment on it separately --

7 MS. ZIMMERMAN: It is DOE's attitude that the
8 shaft is strictly accessed down to the repository horizon.

9 MR. BROWNING: That is one thing you can comment
10 on.

11 MS. ZIMMERMAN: We are afraid that they are going
12 to lose a whole lot of data that will be critical to the
13 program, if they try to just -- let's sink the shaft, get it
14 over with and then turn us lose on the rest of the program.

15 We have a very difficult time with that.

16 MR. MAC DOUGALL: Can we use the microphone from
17 now on, just to be sure that the folks in the back can hear
18 us?

19 Susan Zimmerman of Texas was raising the point
20 that Texas, and I am sure a number of other states and
21 tribes have very strong feeling about the sort of
22 segmentation of the exploratory shaft-related issues and the
23 rest of the SCP.

24 Bob was responding, saying that we would do that
25 only if feasible. I was about to say that in the initial

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1 look at the SCP, we would be looking at the entire document
2 to see how the issues can be parsed out and whether there
3 aren't any extricable links. Where there are, we would want
4 to look at those. If we are going to do a 90-day review of
5 exploratory shaft-related issues, we would obviously want to
6 have all of the related issues dealt with in that exercise,
7 and that would involve a look at the whole SCP.

8 MR. ERICSON: Hal Ericson. You made a statement
9 in there about you were going to take six months to review
10 the SCP.

11 MR. PATT: We only have three months. I don't
12 understand that.

13 MR. ERICSON: That is my question. What is the
14 difference? Are you going to do it in a different time
15 frame? Is there a different ruling or something?

16 MR. MAC DOUGALL: We've got a rule that says the
17 Commission will complete, the Staff will complete its review
18 within six months.

19 VOICE: So all we have to do is promulgate our
20 own rules, and we get six months.

21 MR. MAC DOUGALL: I guess there is another issue
22 that I haven't mentioned in my presentation those of you in
23 the second-round states would probably be interested in.
24 That is, that as we conceive it now, we would be involving
25 only the first-round states and tribes in the review of the

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1 SCPs, obviously, for the first-round repository program.

2 The reason for this is, we feel we don't really
3 have much of a basis for involving second-round states at
4 this point, given that DOE has suspended its program and
5 doesn't plan to restart it until the mid-1990s, but again,
6 that is another issue that we are willing to hear your views
7 on.

8 ^{McNeer} MR. ~~NEAR~~: My name is ^{McNeer} ~~Mae Near~~ from Virginia, one
9 of the second-round states. The question is, based on what
10 you just said, that the second-round states would not be
11 participating in the review of the SCP, I think we would
12 have an interest in that. Even if we didn't do anything but
13 sit in, we would know what the game plan is.

14 I was wondering if we might be able to do that,
15 even though Virginia doesn't have a direct interest. I
16 think if we start up a second repository, we should
17 understand what you are going to do.

18 We would certainly have an interest.

19 MR. MAC DOUGALL: Well, that is certainly
20 something that we are willing to take into account. I guess
21 I also should have said that we will be making available to
22 the general public our site characterization review plan and
23 the SCA for your comment.

24 What I was talking about was the participation in
25 the actual Staff reviews leading up to the development of

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1 the comments. I take it your comment or your request is
2 directed to that portion.

3 ^{McNeer} MR. NEAR: I think we would like to know what the
4 process is as it occurs rather than after the fact.

5 MR. MAC DOUGALL: We put out on our weekly
6 mailings and on our 800 number, information number, the
7 availability of significant NRC documents. That is
8 available to any interested party.

9 VOICE: I would like to ask a question about your
10 six-month review.

11 Are you saying you have an SCA produced six
12 months after your SCP?

13 MR. MAC DOUGALL: That is what we are shooting
14 for.

15 VOICE: So we won't have your comments for six
16 months?

17 MR. ERICSON: Let me ask another question like
18 that. One of the problems I had a hard time dealing with is
19 getting a handle on the starting date of that three months
20 or six months or whatever.

21 How do you define that? Is that when all the
22 documents are produced, when everything is done? Where do
23 you put that?

24 MR. MAC DOUGALL: That is a good question.

25 I really don't have a very good feel for that,

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1 frankly. John?

2 MR. LINEHAN: One of the things we are going to
3 be putting in our review plan --

4 MR. MAC DOUGALL: This is John Linehan, the Chief
5 of our Operations Branch.

6 MR. LINEHAN: In the review plan, we are going to
7 be addressing that question, and what we anticipate doing
8 is, as soon as we get the document, doing a very quick
9 acceptance review, to make sure everything is there that is
10 needed to complete the review.

11 MR. BROWNING: Acceptance or nonacceptance.

12 MR. LINEHAN: Exactly. Whether we go ahead and
13 do the review. If we deem the document acceptable for a
14 detailed review, that is when the clock would start.

15 MR. KOHLER: Jim Kohler, from the State of Utah.
16 When you are talking about first-round states,
17 are you talking about the three candidate states?

18 MR. MAC DOUGALL: Including Utah.

19 MR. KOHLER; All of the first-round states

20 MR. MAC DOUGALL: Right.

21 Any other questions?

22 MR. BROWNING: One thing I would like to elicit
23 more discussion on, if I could, is the concern you have
24 about segmenting the comments on the exploratory shaft,
25 commenting separatory^{aly} on the exploratory shaft and those

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1 pieces of the plan that would relate to any concerns with
2 regard to sinking the shaft.

3 I think that would be very useful to us, if we
4 have your concerns on that, we can make sure they calibrate
5 with the concerns and the approach that we factor into the
6 standard review plan, or how we would go about doing that.

7 If I understood your concern, for example, it was
8 with regard to the concern that they will sink the shaft but
9 not look at anything as they go down, and therefore, miss an
10 opportunity to get a technical feel for some of the
11 overlying strata and the concerns related to those
12 overlying strata; is that it?

13 MS. ZIMMERMAN: That is partly the concern. Some
14 of the other concern is, if they start the shaft and get it
15 sunk or start it down before you all complete all your
16 comments, and you come across something in a later part of
17 your SCP review that says, hey, no, this is totally wrong,
18 you've got to redo something that might affect that shaft or
19 the water associated with it, this is mainly for Texas, for
20 the aquifers, that they either, one, lost the opportunity to
21 collect the data needed to determine how that might affect
22 public health and safety, or they have gone so far down,
23 that they are not willing to back off and say, well, we made
24 a mistake, we need to fix this. That is sort of the
25 attitude they have have, in part, to the whole program.

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1 We have gone so far into it, we have sunk so much
2 money, we can't go back now. That is one of our major
3 concerns. We have seen the SCP as an integrated whole. If
4 they don't every part tied in to get a complete picture,
5 then they are not going to have adequate data, in our
6 opinion. And to pull something out just so they can jump
7 ahead and maybe screw up the site.

8 MR. BROWNING: That is clearly the things we
9 would be looking for two and seeing whether we could pull
10 together all the comments.

11 The Hanford situation is another case in point.
12 I think everybody has already acknowledged that you have to
13 be careful about sinking the shaft, prematurely, before you
14 get a feel for what the groundwater situation is.

15 I think that has been acknowledged and is being
16 addressed. As that test program evolves and the results
17 become available, it may dictate other tests be run before
18 the shaft is sunk. So if, in fact, there are other things
19 like that at the other sites, I guess I am not personally
20 aware of anything that has been as crisp and clear as that
21 particular one was, but if anybody has any other
22 suggestions, I can make sure I bump that against what the
23 Staff thinking is to make sure we are not missing something.

24 MR. PROVOST: Don Provost, State of Washington.

25 I wanted to ask you, Bob, about NRC participation

Vbw

1 in the hydrologic task group that would be addressing the
2 premature starting of the drill rig. Again, my
3 understanding is, if you look at your Technical Position 1.1
4 and you look at the consultation, they were based on the
5 idea that you would more or less finish the hydrology
6 program, review the results, and then you could start it.
7 And now the Department of Energy is proposing premature
8 drilling.

9 MR. BROWNING: I don't think they have proposed
10 anything. They are off doing a study.

11 MR. PROVOST: They are putting an awful lot of
12 effort into it.

13 MR. BROWNING: To see whether they would want to
14 do it. What I would envision is something very similar to
15 the exchange we had out at the Hanford Site, to understand
16 what thought process they went through and what they were
17 proposing to do on the preshaft sinking exploratory work. I
18 would presume that they would have a very similar session
19 when they get through that. If they decide they want to
20 pursue that, they would then have another session like that,
21 laying out what their thought process was.

22 If their thought process concludes that they want
23 to do it, we don't even have to bother with it.

24 So, personally, I am not spending a lot of time
25 worrying about that until I hear from them, in terms of what

Vbw

1 they want to do. Right now, the agreement is, all that work
2 will be done before they sink the shaft, period.

3 MR. PROVOST: Then you are not proposing to
4 participate in any way in those session that the task group
5 has been setting up now.

6 Are you going to wait until they are done?

7 MR. BROWNING: Unless they say, hey, we would
8 like to get your reaction to something, I don't really see
9 any need to do it, because we may be wasting our time.

10 I don't have a lot of time to spend on things
11 that may be, until, you know, they have concluded, yes, we
12 really want to pursue it. I personally don't want to spend
13 a lot of my Staff's time thinking about it right now. Maybe
14 that is wrong, but that is where I am coming out. I would
15 rather concentrate on making sure that the work they are
16 doing and the planning to understand the groundwater
17 situation better is well understood.

18 You know, we understand that, and we are in
19 lockstep with that, as it goes along. And any of these
20 project management kind of things, well, what if? I don't,
21 personally, think the Staff ought to be spending a lot of
22 time on the "what ifs, until they get more firm responses.

23 I think the presumption is that because they are
24 studying it, that they are going to go do it. I am not
25 quite as convinced as other people in the room were when

Vbw

1 they heard that study being done.

2 MR. PROVOST: Do you remember what happened in
3 the hydrology meeting? It came pretty close to our script,
4 as we had written it, as we had predicted, you know? How
5 they were going to handle the mission plan and everything
6 else. They have gone through an awful lot of effort and a
7 lot of public comment on it and everything else.

8 They made a big deal out of it already. It seems
9 to us that it would be kind of hard for them to back down,
10 now that they have gone that far out on a limb.

11 MR. BROWNING: They can't do it this year, I
12 think, because of the funding restrictions.

13 MR. PROVOST: They have reconstituted that task
14 group to look at that issue, and they are in the process of
15 scheduling meetings, and they are looking at other
16 participation by the states and tribes in discussing that
17 now, and we wondered, had they approached you on that at
18 all?

19 MR. BROWNING: Let's make sure I am calibrating.

20 You are talking about some meetings that they are
21 having with, I think, if not the same group, a very similar
22 group that looked at how to study the groundwater situation
23 with regard to, could they sink the shaft, if they elected
24 to do that, without perturbing the tests that they are
25 running. The pre-placement groundwater or pre-shaft

Vbw

1 sinking groundwater tests.

2 MR. PROVOST: We would call it premature shaft
3 drilling.

4 MR. BROWNING: To the best of my knowledge, we
5 didn't participate in the thought process leading up to the
6 options that they laid out, and personally, I found that a
7 very acceptable and desirable way to deal. Let them think
8 the thing through, lay out their case, and then get the
9 visibility for the whole case, so that we've got complete
10 visibility, rather than getting involved in all the "what
11 ifs" leading up to it.

12 So I am not pushing to get involved in that.

13 MR. PROVOST: The question was, did they offer
14 you participation in that?

15 MR. BROWNING: No. As a matter of fact, they'd
16 just as soon we stayed out of it until they made up their
17 minds. And personally, I don't mind doing that, provided
18 the end result is very similar to, if not identical, to the
19 process that I personally found very satisfying, where they
20 laid out all the options that they had considered, showed us
21 which one they picked and what their rationale was.

22 MR. ~~TOWNSLEY~~ ^{Tousley} ~~Lee Townsley~~ ^{Dean Tousley}, the Yakima Nation.

23 Does the Commission have a technical rationale
24 for considering the shaft sinking separately and first?

25 MR. BROWNING: First, it would have to be the

Vbw

1 Commission Staff, I don't think the Commission is
2 particularly focused on that. We told them, if we could
3 segment it, we would, to try to be responsive to whatever
4 operational problems and concerns DOE had.

5 I think we are probably belaboring a moot point,
6 to tell you the truth.

7 My own perception is that the shaft sinking is
8 not going to end up happening very soon.

9 What I am talking about is the exploratory shaft,
10 the real large diameter. I am not referring to bore holes,
11 the kind of thing that is done at the sites. I don't want
12 to be misleading. I think -- is that what you were
13 referring to?

14 MR. JIM: Russell Jim, the Yakima Tribe.

15 Let me digress a little bit from what I heard you
16 say earlier. This exercise, in the beginning, was perhaps
17 mutually beneficial to both sides. It may have been
18 beneficial to the NRC, but it was not completely beneficial
19 to the Yakima. And the reasoning behind the concerns,
20 coupled into the second repository issue, I think it is
21 justified. And some of the insidiousness of the proposals
22 by the Department of Energy and the term of a shaft is not a
23 shaft, referring back to the meeting at Richland, which you
24 attended. The NRC said, in Richland, that they accepted one
25 of the options proposed by the Department of Energy..

Vbw

1 The DOE said, let us assume we are able to drill
2 down through the sediments, down to the salt formations and
3 perhaps we won't disturb the hydrology.

4 We have been looking at the hydrology for many
5 years now. We are concerned about the hydrology, as you are
6 aware.

7 So the issue about even the second repository
8 proposal, indefinite postponement, as you heard the
9 gentleman mention earlier, puts political pressure upon
10 Hanford, as the site that perhaps can be expanded.

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V/bc

1 So I do not think the issue is moot at this time.
2 The exercise is being carried out. And I am afraid that
3 unless something is definitely determined, are they able
4 legally to drill the shaft through the sediment?

5 Are they able to determine, without a hydrologic
6 baseline, that it is indeed safe to do?

7 I think we need some of these questions answered.
8 And it is of necessity, as you see, we depend upon the NRC
9 to assist us in helping answer all these questions.

10 MR. BROWNING: I want to make that one thing is
11 very clear. The context in which we approved the concept of
12 the underground testing was based on the presumption and the
13 clear understanding that they would not sink the shaft,
14 period. Not through the sediments, not through the salt,
15 not through the bisalt, period. I thought we made that
16 quite clear at the meeting.

17 We agreed with the option that they laid out as a
18 legitimate first step toward trying to understand the
19 groundwater travel situation at the Hanford site. A lot of
20 details remain to be worked out. We haven't seen those
21 details yet.

22 But, one of the details is that they would not
23 sink the shaft. Period. That machine they've got there
24 shouldn't start moving downward. And until they come
25 forward with some kind of a study or recommendation as to

V/bc

1 why they think that would be a legitimate thing to do, our
2 understanding and the agreement is in place with us, does
3 not involve sinking a shaft. That would have to be the
4 subject of another whole session.

5 So, to my way of thinking, there is no
6 possibility at all that they'd start sinking that shaft
7 until we had another session at which all you people would
8 be a party. And that ought to be very clear.

9 Any other questions?

10 (No response.)

11 MR. BROWNING: If you do think afterwards of any
12 specific kinds of technical concerns where, for your
13 particular site or the site you're interested in, where you
14 think that the sinking of an exploratory shaft would have
15 some repercussions back into other elements of the test
16 program, we'd like to make sure we've got a good
17 communication on that subject, so we don't get surprised
18 with any good ideas you have late in the game.

19 That offer goes through the entire, you know,
20 after we get the site characterization plan in, if you'll
21 look at it, let us know because we'll be looking for exactly
22 the same kinds of things in the event that there is any
23 incentive whatsoever from a programmatic standpoint, to try
24 to have that particular set of comments come out in advance
25 of the overall comments; because we are obligated to try to

W/bc

1 do that if technically you can make that case.

2 So we'd be very interested in any concerns you
3 folks have in that area. That's a standing invitation.

4 MS. KANY: What is the NRC's involvement in the
5 research that's being done in Manitoba, for instance, as far
6 as the lengthening of that shaft?

7 What are you doing regarding DOE's commitments on
8 their international agreements?

9 MR. BROWNING: Right now, we're doing essentially
10 nothing.

11 MS. KANY: Are you monitoring those situations
12 and the Strépa research also?

13 MR. BROWNING: With regard to some of the
14 research, our research people have in fact been following
15 some of that work. I think, with regard to the Canadian
16 situation, that's something we want to start getting a
17 better handle on.

18 Up until now, my staff has not been directly
19 involved. We haven't been up there, for example, to take a
20 look at what's going on. I think the research people have
21 been up and taken a look at it.

22 We clearly want to understand what's going on in
23 those areas. I just recently came back from a trip that I'd
24 made for other purposes over to Europe and visited some of
25 the sites. So I personally have a feel for some of the

V/bc

1 things that are going on there. But not the indepth
2 technical field that I think my staff needs to have.

3 MS. KANY: I have a similar line. Has the NRC
4 bee involved in any way in WIP^P? I know you do not have a
5 statutory responsibility or role there. But are you, do you
6 get all the information as WIP^P is progressing in its
7 construction? Are you a party to all the research findings
8 going on in WIP^P?

9 MR. BROWNING: We have access to all the reports
10 that are coming out, the information that's coming out, yes.
11 The degree of early-on involvement in terms of the test
12 planning and thought process stage, I don't think we have
13 that kind of involvement. It's more after they've done some
14 work and published a report, we have access to the report.

15 In the event any of that stuff was to be used for
16 licensing purposes, we'd clearly have to be intimately
17 involved.

18 But, since I think a lot of the stuff is very
19 site-specific, I don't see any of the site-specific data
20 that they are generating having too much impact on the other
21 sites, things like test procedures and test approaches that
22 would be extremely useful to get visibility with that
23 information.

24 Any other questions?

25 (No response.)

V/bc

1 MR. MACDOUGALL: Okay. We still have another 15
2 minutes before break. I understand that the Yakima Nation
3 has developed some other plans to meet with some folks on
4 the Hill. We wanted to try to open up this portion of the
5 agenda for State and Tribal comments on how well we're
6 doing, what more we need to do, how constructive meetings
7 like this are to you, that sort of thing.

8 So, if we could maybe defer the break a little
9 bit to give the Yakimas and others a chance to comment in
10 general on ways to improve our relationship with the States
11 and Tribes, if any of you have a message to bring us that we
12 haven't already heard, or that we should hear again...yes...

13 MR. HALF MOON: My name is Ron Half Moon, with
14 the Nez Perce Tribe. I think I probably talked more on
15 improving interaction and I'm sure you've probably heard it
16 from a number of folks independent of today.

17 This kind of a meeting spot is not really one
18 conducive to good participation. It's kind of like when
19 we've been to Silver Spring and we get to the meeting rooms
20 there where it's crowded and we're sitting at the edge of
21 the room and everybody's asking questions, which not
22 everyone always hears, the point of it is, at one point, I
23 think we were meeting regularly with NRC in some form of
24 interaction.

25 I think somewhere down the road something.

W/bc

1 happened. I don't know whether DOE by their schedule
2 preempted those opportunities, but I think we lost something
3 of a rapport that we had started to develop. I think that
4 is gone now.

5 I think we've had Mr. Browning out to the
6 reservation, and Mr. Bunting out on the reservation, come
7 see us. I think we've stated this as well. But, for one,
8 this meeting site is not adequate. This is not a good
9 meeting place at all.

10 Another thing is, in the development of an
11 agenda, that it could have been done with some consultation
12 with the States and the Tribes. I came here with some
13 expectations. My expectations were vague except that there
14 may be some interactions and we can development a
15 relationship. It doesn't appear to be practical today.

16 The day long meeting is too short to conduct the
17 kind of business that we as a Tribe look upon NRC for. NRC,
18 in terms of the expectations of the Tribe, is looked upon as
19 representing the public interest. We're the public as well.
20 We have standing under the law. But we know that NRC is the
21 one who is going to be the one who eventually gets the
22 license application.

23 So we look to them as advocates. We look to them
24 in many ways. And when we see what appears to us as
25 remission, we're disappointed. I think the disappointment

W/bc

1 is that States and Tribes could have had a better meeting
2 today. I think it's too late to do something today, but I
3 would suggest that, down the road, just a technical
4 exchange, like I think we suggested at other locations, that
5 our technical folks have talked, are talking among
6 themselves about different issues that evolve in the
7 different sites.

8 The b^asalt waste isolation project. We talk
9 about groundwater. We talk about other things. We talk
10 about natural resources. For one, the possibility of gas
11 and oil there. Naturally, we talk among ourselves.

12 I think I would like to see the opportunity for
13 us to air this before NRC technical types, too, so there
14 could be some exchange of opinions, some interchange of
15 ideas.

16 MR. MACDOUGALL: Just so I understand what you're
17 saying, the meeting site here being adequate, I would be the
18 last to argue that this room is not inadequate.

19 Are you talking about these facilities, or are
20 you talking about the District of Columbia as a meeting?

21 MR. HALF MOON: No, D.C. is not too bad. But
22 this meeting site, the meeting room, the layout of the room,
23 the organization, the seating.

24 MR. MACDOUGALL: We certainly are going to try to
25 do better. We didn't really see the location of the meeting

V/bc

1 room until yesterday afternoon when they had it set up.

2 I have to agree with you this is an uncomfortable
3 room for us to meet and it's not conducive to an easy
4 exchange of information.

5 All I can say is we're certainly going to try to
6 do better next time. But you don't disagree that we could
7 have it in D.C.?

8 MR. HALF MOON: I think the idea is a good one.
9 It's easier for us to get into. Silver Spring is a little
10 bit more difficult, but it's not impossible. Those meetings
11 of the NRC in Silver Spring aren't very good either.

12 MR. MACDOUGALL: I think I also heard you say
13 that you wanted a longer meeting?

14 MR. HALF MOON: Yes, I think I was saying that.
15 In the development of the agenda, I think we would have
16 appreciated a draft comment, a review and comment on that
17 and suggestions on ways to improve it. What we're hearing
18 now is something that the staff has prepared and, obviously,
19 adhered to, are presentations.

20 But there's not good interaction.

21 MR. MACDOUGALL: In preparation for this meeting,
22 we did send out copies of draft agendas for comment. Nancy
23 specifically wanted to get comments from everybody. Maybe
24 you didn't get a copy of it, but we laid out an agenda and a
25 list of issues.

V/bc

1 So we also...one of the reasons we compressed the
2 meeting into one day was that we had some comments on the
3 other side saying that they wanted to have a one-day meeting
4 so that they could get back for the weekend holidays.

5 So I guess we get it from both sides. But, in
6 particular, this time, which wasn't something that we
7 actually picked, it kind of, this was not our first choice
8 of a time to have a meeting. We just wound up with other
9 scheduling problems and DOE's unavailability and the
10 Commission's unavailability, and that sort of thing.

11 The other activities that they had on the agenda
12 that we had to be involved in resulted in the date that we
13 have here.

14 Any other suggestions or comments?

15 MS. BLASEK: Mary Lou Blasek, State of Oregon. I
16 have a question.

17 The State of Oregon and the State of Washington,
18 the Governors from those States, about a year ago wrote
19 letters to NRC and DOE requesting that some of the meetings,
20 technical meetings having to do with BWIP, be held in
21 Richland. The response we received both from Secretary
22 Herrington and Chairman Palladino was that that would occur
23 and that we would be notified of the meetings.

24 We continually get notice of upcoming meetings.
25 On June 5th, we received a notice of meetings that gives me

V/bc

1 three meetings that are going to be held sometime in June.

2 So from June 5th, they are saying there's going
3 to be more meetings in June. That's not helpful at all.

4 MR. MACDOUGALL: That was from us as opposed to
5 DOE?

6 MS. BLASEK: That's correct. From NRC. One of
7 them is supposed to be held mid-June. I got this on the
8 5th. So we have a problem with that kind of notification of
9 meetings.

10 MR. MACDOUGALL: Fair enough. Sometimes, we
11 don't know about meetings far enough in advance to give you
12 much more notice than we have. But we try to get it out to
13 you as early as we can. I know Nancy has been especially
14 diligent about that.

15 I don't know the particular circumstances about
16 these three meetings and the preparations for them. But I
17 have to agree it doesn't give you much notice.

18 We try to provide at least 10 working days prior
19 to our meetings to provide notice to the States. And I
20 think we have an understanding with DOE that we will not
21 conduct, will not go ahead with a meeting unless there is at
22 least 10 working days of notice to the States.

23 But, sometimes, even that's a little short.

24 MS. BLASEK: Clearly, nearly always.

25 MR. LINEHAN: Just on the meeting notice thing,

V/bc

1 we have recognized the problem and we've changed the way we
2 listed the meetings. The problem we ran into was there were
3 a number of meetings we and the Department tentatively
4 agreed to for the June time frame. We could never agree on
5 specific dates, and we kept those on the list. Those have
6 been there, I think, for a number of months now.

7 And we realized after the fact that we were
8 negligent in not having put on the list that these were just
9 indefinite meetings.

10 But the goal is not just -- it's 10 days to get
11 material out. Hopefully, four weeks before a meeting. But,
12 even before that, as soon as we have a general time frame,
13 we will put a date on the general time frame and put
14 tentative. The idea there is just to give you as much
15 notice as possible. Ideally, there should be much more than
16 four weeks for most of the meetings.

17 Again, the four weeks and the 10 days are the
18 minimum time that we should be getting meeting materials to
19 you so that you can review them and participate in the
20 meeting.

21 MS. BLASEK: Is there any attempt by NRC to hold
22 more of the technical meetings, with respect to BWIP, in the
23 Richland area?

24 MR. LINEHAN: All of the meetings that have been
25 referred to since bulletins went out to the Governors with

V/bc

1 respect to BWIP have been in Richland. There haven't been
2 that many meetings, but they have all been in the Richland
3 area.

4 We do have travel constraints ourselves. We will
5 still attempt to have a good number of meetings in the
6 Richland area, because the number of the meetings picks up
7 and we're going to have them much more frequently and then
8 travel would, indeed, become an important factor.

9 But that's something that we want to work with
10 the States and Tribes on. And we'll try to have the most
11 important meetings in the Richland area.

12 MS. ZIMMERMAN: Susan Zimmerman, State of Texas.

13 I just wanted to say that we feel meetings like
14 this can be beneficial, maybe not when we're all sweltering,
15 but definitely beneficial. We'd like to see them continued,
16 but it was a little disheartening for me to hear that
17 especially with respect to the ESF comments separating it
18 out from the SCP:

19 Mr. Browning feels it's a moot point; therefore,
20 why talk about it?

21 We think it's very important and if we can't
22 even, or have trouble, or feel like you're not interested in
23 hearing our side because you feel it's a moot point, it
24 might as well not happen, it tends to give sort of bad
25 feelings, to me anyway, that you're not really listening.

W/bc

1 We realize, especially at the Salt site, they're
2 not supposed to put the shaft down until 1989. And
3 supposedly the SCP will be out, all commented on and
4 reviewed and everything. We'll be fine.

5 But, as we all know, there's no telling what can
6 happen to this program. Who knows what will happen?

7 We would like at least to be able to come to you
8 with our concerns and have a little better response than,
9 well, I feel it's a moot point.

10 MR. BROWNING: I hope I rectified my moot point
11 statement by saying we were very interested in any specific
12 concerns you had. The only saying that it's a moot point is
13 that we may very well be arguing about something that never
14 becomes a reality.

15 And my understanding of the situation is it's not
16 going to become a reality. If they don't have money to do
17 it, they're not going to do it, no matter how many studies
18 they run.

19 So it's sort of like arguing about something that
20 has a very small probability. You know, we're spending a
21 lot of time worrying about something that has a very low
22 probability of actually occurring.

23 I've got to worry about am I focusing my
24 resources on the most useful things. And one of the things
25 that is extremely useful is making sure we have your input.

AV/bc

1 I must not be communicating very well because I thought I
2 made a point that we are very interested in your concerns in
3 that area. We encourage, not just at this meeting, but
4 throughout the program.

5 When you see the site characterization plans, if
6 you see anything along those lines, make sure we're aware of
7 it in addition to making the comment that you did yourself.

8 So I hope I haven't sent the wrong message that
9 we are not interested. We are very interested. In fact, if
10 we conclude we can't do it technically, we're not going to
11 do it. We haven't made a blanket commitment that we will do
12 it in the face of any technical concerns.

13 I don't know. Maybe you'll still go away
14 thinking I'm not too concerned about it. But, if I'm not,
15 my technical staff is.

16 In the interest of commenting a little bit on the
17 previous comments that were made when I had to leave the
18 room, I'd like to emphasize that I support fully really good
19 horizontal communications with all the technical people
20 working in this area.

21 And one of the things I think was highlighted in
22 our plans for reviewing the site characterization plan was
23 our attempt to identify who the technical teams are, or the
24 technical lead person reviewing the particular area, so you
25 can see who that is. We'll give you the name and telephone

W/bc

1 number. You can have your technical people pick up the
2 phone, talk with them, arrange for meetings, whatever you
3 want to do.

4 In the past, what we've done is we've identified,
5 after the fact, I think, who the reviewers were. In our
6 final EA comments, we specifically listed who the individual
7 reviewers are.

8 Hopefully, depending on my particular attrition
9 over this period in terms of personnel attrition, most of
10 these people will be exactly the same people. So your
11 technical people would know who they are.

12 I hope that would go a long way toward assuring
13 good horizontal communication, so they know what our
14 concerns are and we know what your concerns are.

15 With regard to the agenda, my understanding was
16 we had made an attempt to try to get input from the
17 participants. I know that was one of the things Nancy Still
18 was trying to do. And I think many of the items on the
19 agenda came from feedback that we got from the participants.
20 We'll have to run an individual check on that because,
21 clearly, it was not by design or intent that we not solicit
22 comments on what would be useful to you.

23 If it broke down in your particular area, I
24 apologize, but we did make an attempt to try to find out
25 what was on people's minds and what was of interest..

V/bc

1 This particular kind of meeting I don't think can
2 substitute for the kind of detailed to technical dialogue
3 that needs to take place, and we've got to have a separate
4 forum or vehicle.

5 And I think as informal as it can be, the better
6 it will be. We certainly are willing to try. This whole
7 thing is an evolutionary process for all of us. My hope is
8 it's moving toward a better evolution rather than a
9 degeneration.

10 I was kind of appalled to hear you think it's
11 sort of gone down hill. We need to do something to turn
12 that around.

13 Any specifics you've got on how we can turn it
14 around? Even if they're not for this particular forum? You
15 can either pick up the phone and let me know -- I'll try.
16 With the reorganization, I'm only responsible for high level
17 waste now, whereas I used to be responsible for low level
18 mill tailings and high level.

19 So, theoretically, that should be an improvement,
20 although I think my staff questions whether that's the case
21 or not because they'll be paying more attention to high
22 level waste.

23 ^{Tousley} MR. TOWNSELEY: ^{Tousley} Dean ~~Townseley~~, Yakima Nation.

24 I wanted to ask you about an issue that Steve
25 ^X Fishman raised at the Commission meeting a couple of weeks

W/bc

1 ago. That is, what exactly is the staff position about the
2 likely suitability of the recommended sites for development
3 as a repository?

4 Steve characterized Mr. Thompson's testimony in a
5 Senate hearing one way and it wasn't clear really what the
6 Commission's position was, whether they said that at least
7 one site will prove to be suitable, certainly. I'd like to
8 ask you if you'd be willing to try to clear that up.

9 MR. BROWNING: Rather than trying to clear it
10 orally, because, apparently, I'm not getting my points
11 across very well on interest in certain things, what we're
12 planning to do on all the points that were made in that
13 Commission meeting, we're going to deal with each one of
14 them in some way, manner or form; and that would be one of
15 them.

16 So, if you could beg my indulgence for a while, I
17 think it would be a lot better to actually put something
18 down in writing, preferably. So that the record is clear
19 on that.

20 ^{Hovis} MR. ~~HOLVIS~~: ^{Hovis} Jim ~~Holv~~is from the Yakima Indian
21 Nation. And I'm going to be leaving the program. Before I
22 go, I thought I might talk a moment about our relationship
23 with the Commission and its staff that has been going on for
24 about 10 years, and about four years with your particular
25 division.

V/bc

1 Our first relationship was in regard to the
2 licensing of Skagit Hanford. And for an intervenor and
3 particularly an Indian Tribe that had little experience in
4 the area, it was quite an interesting experience -- to get
5 in late when the staff had already formulated whether the
6 reactor was licensable or not and to be in the middle of
7 that circumstance against the staff and the applicant.

8 It was an unusual one for us, indeed, and left us
9 with not the best taste in our mouth. When a little over
10 four years ago, we met with people from your division, who
11 were nice enough to come and visit us on the Yakima
12 Reservation, I guess it was probably a very difficult
13 meeting for all of us, because they certainly didn't know
14 what an Indian Tribe was, and what we were doing and what
15 our interests were.

16 They were exploring and certainly we had our
17 tongues in our cheek about the Nuclear Regulatory
18 Commission. But, starting from that very suspicious
19 beginning on both sides, at least I personally feel quite
20 warmly toward the staff and particularly the people in your
21 division, your branch.

22 I consider you, Mr. Browning, a friend. I think,
23 if you don't mind, I hope this word "bureaucrat" is
24 sometimes thought of as being a very bad word, but to me, I
25 think you handled things very even-handedly.

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1 I never ever saw you take a very strong position.
2 If I asked you a question, I says, "It looks like this
3 material we've delivered today, that it's going to be 95
4 degrees in Washington today, don't you think that will help
5 us in our fight against the repository?" You would come up
6 on the other side and say, "Yeah, but don't forget, it's
7 going to be cooler tomorrow."

8 I think, in your position, that's a good
9 attitude. And I think our relationships with you have been
10 good. And with your division have been good.

11 Let me talk as I'm leaving now after four years
12 in retrospect, and saying as a friend some of the things
13 that I think can be helpful.

14 Number one, I think we all must have a tremendous
15 disappointment. The Yakima Nation has taken very seriously
16 the Nuclear Waste Policy Act and thought it was an
17 opportunity for, on a government to government basis, to
18 work towards handling a national purpose and satisfying the
19 health and safety of this country in this particular areas.

20 And we worked hard with our limited means at the
21 beginning, without any funding whatsoever. And then with
22 limited funding, we worked as hard as we possibly could
23 towards furtherence of the act. We have a lot of
24 disappointment in the fact that the proceedings under the
25 act are in total disarray. There is not anyone that, even a

DAV/bc

1 subjective observer of the act, let alone an objective
2 observer, that doesn't have a lot of concern about the
3 disarray that we have underneath the act.

4 Now I don't think that the Nuclear Regulatory
5 Commission can be absolved from total blame in regard to
6 what has happened. And let me go back to the very
7 fundamentals.

8 And, to me, the very fundamentals has been the
9 concurrence in the no guideline guidelines which took place
10 right at the very beginning of this program.

11 So, with no guideline guidelines, it gave an
12 indication to the Department of Energy that it was operation
13 under normal circumstances in regard to the location of this
14 new repository.

15 And they have made a lot of mistakes. And,
16 again, I don't want to be disrespectful to the many fine
17 people who work in the Department of Energy. They have a
18 lot of people that I have a high regard for there. But it
19 has not been really not trying to have the kind of
20 consultation and cooperation that's necessary under the act;
21 even though the Nuclear Regulatory Commission has not been
22 charged with that underneath the act and has only, on their
23 own regulations, had such a responsibility, I think we find
24 over the course of the years, four years, I think we find
25 that the cooperation and consultation aspect with the

DAV/bc

1 Nuclear Regulatory Commission exceeds that that we've had
2 with the Department of Energy when they have that statutory
3 responsibility.

4 I do have some concern about the future. One of
5 the things that gives me some concern, some of the things
6 that are said to date, I'm afraid that because things are in
7 such disarray, that there will be just a natural -- and
8 we're having this problem now -- where is everything going?

9 So, therefore, you don't know where everything's
10 going. So why really go out and try to work on something
11 until you know it's going to be an absolute necessity?

12 I worry about you. Your staff has always
13 been...you have too short a staff to do the kind of workload
14 that you've had. Your appropriations, your budget has been
15 too small. And I'm worried with the fact that there isn't
16 something facing you right today that your budget and your
17 appropriations will be reduced; because I think if we are to
18 pull this act back together, if we are to go anywhere toward
19 solving this particular problem, the Nuclear Regulatory
20 Commission will not have a reduced role, but will have an
21 increased role.

22 And I'm talking about the Commission from the
23 staff level. I think working and planning, I know it's
24 terrible to say to people that, at least as a taxpayer, I
25 certainly support your increase. I'm leaving the program,

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1 so I won't gain a benefit.

2 I'll be paying the taxes. And I certainly
3 support that increase.

4 The other thing of it is I think you've been
5 working very closely in a critical way with the technical
6 people in DOE. Sometimes I've noticed that they have to be
7 told three or four times that maybe they're going the wrong
8 way. And sometimes they even get the message and come back
9 and do things in a correct, technical way that, after all,
10 you're going to have to look at as your license.

11 I would be hopeful that perhaps you can increase
12 your staff responsibility on your staff, so that maybe some
13 of the technical people who are working for at least the
14 three States who are within the bite of the line^{on}, and give
15 us some quality control, some assurance, some help in regard
16 to the materials that we are preparing, as to whether those
17 materials we are preparing will be acceptable to the staff;
18 much in the same manner as your working with the Department
19 of Energy.

20 All in all, it has been a frustrating four years,
21 but a pleasant one. And I couldn't leave this meeting
22 without having a few words and thanking you for your past
23 help. And hoping that your division can be of more
24 assistance to us in the future.

25 Thank you very much.

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MR. BROWNING: Thank you.

MR. PROVOST: Bob, I would like to bring up one subject that we would like to have a little help on.

To go back to that hydrology meeting that we talked about in Richland, which was I think a very good meeting, I thought we had a fair understanding between technical staffs about the hydrology problems and how much confidence it could or could not have at this time concerning the NRC regulation on thousand year travel times.

But then we read the testimony, both prior to our testimony for NRC and at yesterday's hearing, and that is lost. The message that comes across is basically -- in both testimony before Congress is that there really is no problem.

Even yesterday in the discussions at the hearing, the nature of the problems or the probabilities that there are problems, say, in groundwater travel times or the hydrology programs didn't come across.

I know that is a rough committee, but the written testimony even didn't have that sense that came across at the hydrology meetings.

I don't know how we could work that out or how that message gets across, but you are translating a very technical message to legislators, Congressmen or whatever. It is a difficult job, but I think that is an area that has

DAVbur

1 to be worked on so there is better understanding in that
2 area.

3 MR. BROWNING: I would like to understand a
4 little bit more, maybe not right now, but understand a
5 little bit more.

6 Your understanding of the written testimony
7 didn't reflect accurately the situation with regard to the
8 groundwater because we did identify groundwater as a
9 concern.

10 MR. PROVOST: But in a passing way. It is always
11 with the proviso that we know of no technical reasons for
12 not going ahead. It seems to us that you could also say,
13 you know, that there is some kind of probability that they
14 are going to have trouble meeting the standards. Even if
15 that statement, if it would be in there, would help.

16 But the way it comes across in testimony is it
17 appears to people in the audience --

18 MR. BROWNING: Your impression when we talk about
19 raising issues and resolving them is that they are always
20 going to be resolved in a positive sense.

21 MR. PROVOST: That is what comes across in the
22 testimony. I checked with other people in the audience
23 yesterday, for example, to see if they are reading it the
24 same way I was. The people I talked to were reading it as a
25 very positive situation at the sites.

DAVbur

1 Again, that is not the message we were getting at
2 specific hearings on specific subjects. So I think that is
3 something to work on.

4 MR. BROWNING: All right.

5 MS. JACKSON: My name is Candy Jackson, with the
6 Lake Superior Tribe of Chippewa Indians. We are in a second
7 repository state.

8 I want to let you know that we appreciate all the
9 information and certainly being able to attend the meetings,
10 although we don't receive as much information as we would
11 like to.

12 I know with the indefinite status of the second
13 repository, I guess we have been kind of put on hold, but
14 again we don't know what or when anything is going to occur.

15 There is something, though, that I was told that
16 NRC does currently provide the states with information as to
17 transportation -- the transportation issue as to when
18 nuclear waste does come through the particular states. The
19 tribes have not received similar type notice.

20 We have a great deal of ceded territory in
21 Wisconsin, Michigan, and Minnesota. We would appreciate
22 having that information as well. Not everything that goes
23 through the states comes back to the tribes, and the tribes
24 are separate governments. So I guess we would appreciate
25 that from the NRC.

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Thank you.

MR. HOLDERⁿ: Robert Holdeⁿ, representing the National Congress of American Indians, to which the tribal government Candy represents is a member of as well as the three tribes here, the Yakima, Umatilla, and Nez Perce. We represent those three tribes, as well as the majority of the tribes of these voters are adjacent to state voters in a five-state region.

Someone made the comment or stated this morning that we represent second round repository tribes' interests. We do that, but above that I think that it is incumbent on NRC to reach out to tribes in the corridor states regarding information, making the information available to all tribal governments across the country.

We represented NCAI. We represent approximately 150. That fluctuates, but lately it has been in an upward spiral, thank goodness. But we can only do so much in our outreach efforts, and these are tribal governments, and it is within the grounds of the trust responsibility for NRC.

But I do also say that we have some good rapport with some of the fine people in NRC, within tribal-state relations, but there is also so much that they can do.

But I think it is something that needs to be done, and other than that things, I think, are working on a positive note.

DAVbur 1

Thank you.

2

MR. BROWNING: We will note that and see what can be done in response to the request for further information in that area. We will try to include that as the response or the action being taken as part of the record of this. I can't really deal with it directly myself.

7

Any other comments or ideas?

8

^{Hovis}
MR. ~~HELVIS~~: I guess somebody ought to note or put on the record how disruptive it is that either you or DOE goes through a reorganization. I know you people who are in DOE or NRC say, well, you ought to be there, but it is terribly disruptive. Just about the time we get used to working and having some kind of relationship with somebody, they are over in left field or they are out, and it is a terribly disruptive thing for this long-term relationship that I think this act contemplates.

17

I hope that people can be paid more money and stay and have a continuing relationship with the fine people you have.

20

MR. BROWNING: Unfortunately, we don't have a thing called slavery any more.

22

(Laughter.)

23

MR. BROWNING: Which would keep everybody here. I would like to hang on to my staff, too, but they often think the pastures are greener somewhere else.

25

DAVbur

1 I think with regard to the reorganization my
2 impression is there should be enough benefit, but I think
3 you should see that in terms of focusing the resources on
4 the high level waste program.

5 You are talking about the number of resources.
6 One of the things that amazed me when I was over in Europe
7 is the small number of people that do similar kinds of
8 things over there compared to here.

9 Of course, they don't have this kind of session
10 either. So it is not comparing apples and oranges. But
11 when you go ask the regulators how many people they have,
12 you can count the people on two hands, yet somehow they are
13 managing to get by.

14 ^{Hovis} MR. HOLVIS: I think that is exactly correct.
15 People have to understand that the CNC process does require
16 additional staff, additional help. It always does. When
17 you have a cooperative function, it always is a lot more
18 difficult than when you have a totalitarian government or a
19 despot or somebody that just goes ahead and does it on a
20 technically efficient basis.

21 But Congress has asked us to give this some
22 consideration underneath this act.

23 Secondly, the thing that really gives me some
24 concern is the breakdown of this process may mean that we
25 will not have a repository ever, certainly not within the

DAVbur

1 timeframe that is going to be necessary for our country to
2 have it, unless there seems to be an improvement underneath
3 the CNC process. I think almost every objective observer
4 would come to that kind of conclusion.

5 MS. KANY: Kany from Maine.

6 Just commenting again on your trip to Europe, I
7 was just remembering that waste management, it is my
8 understanding talking to a number of Europeans and people
9 from other countries in the world, that usually transuranics
10 are considered high level waste in other countries.

11 I am wondering how the NRC is leaning on calling
12 transuranics high level waste.

13 Would you comment on that?

14 MR. BROWNING: That will be covered in the
15 rulemaking that was referred to earlier with regard to the
16 definition of high level waste. That particular area is the
17 forum in which that will be decided.

18 I can't say how it is going to come out because
19 it is under a rulemaking.

20 Interestingly enough, some countries -- for
21 example, England, apparently has made a decision to put
22 everything in the high level waste repository. So things
23 are not necessarily being done on a technical basis. They
24 are being done on other bases, which doesn't necessarily
25 make for a direct comparison.

DAVbur

1 It is kind of interesting how things are evolving
2 internationally.

3 Okay, thank you very much.

4 One thing we will be doing is we are trying to
5 resolve some of the issues and concerns you raised, both in
6 the session you had directly with the Commission and this
7 session. We probably will be having some additional
8 discussions with you to make sure we fully understand the
9 point and perhaps some dialogue in terms of what we are
10 planning to do with it to make sure we are on target.

11 So I would expect to be having some discussions
12 with the various participants in that meeting and this
13 meeting, with some follow-on to these meetings.

14 I also would like as soon as it is mutually
15 convenient to get out and meet some of you firsthand. The
16 last time I was out at the Hanford hydrology session I
17 didn't have a chance to get out and visit you folks.
18 Unfortunately, we didn't get around to everybody. I wasn't
19 trying to slight anybody. I just didn't have enough time to
20 do all the things I wanted to do.

21 So I think your higher level management that is
22 coming in and getting involved in this program, they also
23 want to get out and meet you first hand. So I think we will
24 continue the process, if not enhance it, where we had before
25 when Joe Bunting came out to talk and made sure you

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1 understood what our role was and how you could interface
2 with that.

3 We fully intend to continue that, but probably
4 give the higher management focus than was the occasion
5 before.

6 MR. MAC DOUGALL: Okay. One last reminder, for
7 those of you who haven't gotten a demonstration of the
8 system and would like it, we will have staff standing by
9 there.

10 I notice that Phil Altomare was unable to make
11 the meeting. As I mentioned before, he is around here,
12 however.

13 Phil, are you in the room?

14 He must have ducked out.

15 Anyway, thank you very much for coming. Again, I
16 apologize for the venue. Things could have been better, and
17 we hope they will be next time.

18 But please feel free to come by and see me. I
19 will be here for a while after the meeting, and if there
20 were any concerns that you have that we didn't address.

21 Thank you again.

22 (Whereupon, at 3:15 p.m., the meeting was
23 adjourned.)

24

25

CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings before the UNITED STATES NUCLEAR REGULATORY COMMISSION in the matter of:

NAME OF PROCEEDING: SECOND ANNUAL MEETING

WITH STATE AND TRIBAL REPRESENTATIVE IN
THE HIGH-LEVEL WASTE PROGRAM

DOCKET NO.:

PLACE: WASHINGTON, D. C.

DATE: TUESDAY, JUNE 30, 1987

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission.

(sig) *David L. Hoffman*

(TYPED)

DAVID L. HOFFMAN

Official Reporter

ACE-FEDERAL REPORTERS, INC.
Reporter's Affiliation

STATUS REPORT:

AMENDMENTS TO 10 CFR PARTS 51 AND 60

O CONFORMANCE WITH EPA HLW STANDARDS

O DEFINITION OF "HIGH-LEVEL WASTE"

O ADOPTION OF DOE ENVIRONMENTAL IMPACT STATEMENT

AMENDMENTS TO CONFORM PART 60
TO THE EPA HLW STANDARDS

O PROPOSED AMENDMENTS PUBLISHED JUNE 19, 1986 (51 FR 22288)

O FINAL AMENDMENTS DUE TO THE COMMISSION EARLY JULY

O NO CHANGES OF SUBSTANCE FROM PROPOSED RULE

-MANY COMMENTS ATTACKED THE EPA STANDARDS RATHER THAN OUR
ADOPTION OF THEM

-SOME ADDITIONAL ADOPTION OF EPA'S TERMINOLOGY
(E.G., "UNDISTURBED PERFORMANCE" AND "LIKELY NATURAL EVENTS"
REPLACE THE TERM "ANTICIPATED PROCESSES AND EVENTS")

-ADDITIONAL EXPLANATION OF "REASONABLE ASSURANCE"

-ADDITIONAL EXPLANATION OF MONITORING REQUIREMENT

-CLARIFICATION OF LIMITS ON INSTITUTIONAL CONTROLS

-REVISED WORDING DESCRIBING THE ANALYSES TO BE SUBMITTED IN
DOE'S LICENSE APPLICATION

ADVANCE NOTICE OF PROPOSED RULEMAKING
DEFINITION OF "HIGH-LEVEL WASTE"

- O ANPR PUBLISHED FEBRUARY 27, 1987
- O COMMENT PERIOD CLOSED JUNE 29, 1987
- O COMMENTS ARE GENERALLY SUPPORTIVE OF CLASSIFICATION BASED
ON RISK RATHER THAN SOURCE OF WASTE
- O NO RECLASSIFICATION OF CLASSES A, B & C WASTES
- O SOME COMMENTS ARGUE FOR NUCLIDE BY NUCLIDE CLASSIFICATION
RATHER THAN "DUAL" SYSTEM PROPOSED IN THE ANPR

NUCLEAR WASTE POLICY ACT OF 1982

"HIGH-LEVEL RADIOACTIVE WASTE" MEANS:

(A) THE HIGHLY RADIOACTIVE MATERIAL RESULTING FROM THE REPROCESSING OF SPENT NUCLEAR FUEL, INCLUDING LIQUID WASTE PRODUCED DIRECTLY IN REPROCESSING AND ANY SOLID MATERIAL DERIVED FROM SUCH LIQUID WASTE THAT CONTAINS FISSION PRODUCTS IN SUFFICIENT CONCENTRATIONS: AND

(B) OTHER HIGHLY RADIOACTIVE MATERIAL THAT THE COMMISSION, CONSISTENT WITH EXISTING LAW, DETERMINES BY RULE REQUIRES PERMANENT ISOLATION.

Concentrations
of Short-Lived
Radionuclides

Table 2 from
10 CFR 61

Low-Level Waste
-Above Class C
-"Highly Radioactive"
-Example: Cs &
Sr Capsules

High-Level Waste
-Exceeds concentrations
of Tables 1 & 2
-Both "Highly Radioactive"
and "Requires Permanent
Isolation"

Low-Level Waste
-Classes A, B, &C
of 10 CFR 61
-Neither "Highly
Radioactive" nor
"Requires Permanent
Isolation"

Low-Level Waste
-Above Class C
-"Requires Permanent Isolation"
-Example: TRU waste

Table 1 from
10 CFR 61

Concentrations
of Long-Lived
Radionuclides

CONCEPTUAL DEFINITION OF HLW INCLUDED IN ANPR.

ADOPTION OF DOE ENVIRONMENTAL IMPACT STATEMENT

- O NWPA DIRECTS NRC TO ADOPT DOE'S EIS "TO THE EXTENT PRACTICABLE"
- O NWPA ALSO PROVIDES FOR JUDICIAL AND CONGRESSIONAL REVIEW OF
DOE'S EIS BEFORE NRC LICENSE REVIEW
- O NWPA LEAVES SOME RESIDUAL NEPA RESPONSIBILITY FOR NRC
- O NEW INFORMATION MAY ARISE DURING NRC LICENSING REVIEW
- O ALTERNATIVES:
 - "UNQUESTIONING" NRC ADOPTION
 - COMPLETELY INDEPENDENT NRC REVIEW
 - SOMETHING IN BETWEEN

**BRIEFING OF STATES AND INDIAN TRIBES
ON NRC AUDIT OF LOS ALAMOS
NATIONAL LABORATORY QA PROGRAM**

**J. Kennedy
June 30, 1987**

BACKGROUND

- ° DOE IN PROCESS OF DEVELOPING QA PROGRAMS FOR SITE CHARACTERIZATION
- ° DEC. 16, 1986 DOE LETTER TO NRC IDENTIFIED AREAS READY FOR NRC ADDUT
- ° LOS ALAMOS NATIONAL LABORATORY MINERALOGY/PETROLOGY PROGRAM FOR NNWSI SITE SELECTED FOR FIRST AUDIT

AUDIT OBJECTIVES

- 0 INDEPENDENTLY EVALUATE AN AREA DOE BELIEVED TO BE "QUALIFIED" (MEETING NRC REQUIREMENTS) -- "CALIBRATE" DOE ON EXPECTATIONS OF NRC STAFF
- 0 HELP DOE PUT QUALIFIED QA PROGRAMS IN PLACE BY PROVIDING THEM A BENCHMARK FOR USE IN OTHER ORGANIZATIONS PROGRAMS.
- 0 ASSESS BOTH IMPLEMENTATION OF QA PROGRAM AND ABILITY OF LANL TO PERFORM QUALITY TECHNICAL WORK
- 0 BUILD A FOUNDATION FOR FUTURE NRC AUDITS BY
 - DEVELOPING PLANS, PROCEDURES, AND METHODS
 - BUILDING A CORE TEAM OF TRAINED AND EXPERIENCED AUDITORS

DETAILS ON AUDIT

0 EIGHT PERSON TEAM

- 3 STAFF AND 1 CONSULTANT FROM QA SECTION
- 2 STAFF AND 1 CONTRACTOR FROM TECHNICAL STAFF (ALL GEOCHEMISTS)
- ON-SITE REP

0 3½ DAYS OF ACTUAL AUDITING, BALANCE OF TIME FOR TEAM MEETINGS, ENTRANCE AND EXIT INTERVIEWS

0 STATE OF NEVADA AND OGR OBSERVED ENTIRE AUDIT, INCLUDING AUDIT TEAM MEETINGS.

MAJOR CONCLUSIONS

- 0 BASED ON INTERVIEWS WITH PI'S TEAM IS CONFIDENT THAT THE COMBINATION OF THE EXISTING TECHNICAL PROCEDURES AND TECHNICAL STAFF CAN PRODUCE QUALITY TECHNICAL ANALYSES.

- 0 HOWEVER, THE TEAM DOES NOT AGREE QA PROGRAM IS FULLY IN PLACE.

- 0 THERE IS AN INSUFFICIENT APPRECIATION OF QA DOCUMENTATION NEEDS FOR LICENSING WITHIN LANL.

SUMMARY OF FINDINGS, DEFICIENCIES, OBSERVATIONS

- 0 FOUR FINDINGS, FOURTEEN DEFICIENCIES, FOUR OBSERVATIONS

- 0 PROCEDURES FOR ACTIVITIES AFFECTING QUALITY ARE:
 - NOT DEVELOPED FOR SOME ACTIVITIES (STOP WORK, EVALUATION OF SUPPLIERS, ANNUAL SUPPLIER EVALUATIONS, E.G)
 - NOT BEING FOLLOWED IN ALL CASES (LACK OF INSPECTIONS OF CORE STORAGE AREA, USE OF LAB NOTEBOOKS, E.G.)
 - NOT FULLY UNDERSTOOD BY LANL STAFF - MAY NEED CLARIFICATION OF PROCEDURES OR TRAINING OF STAFF

- 0 LANL INTERNAL AUDIT PROGRAM IS WEAK - BOTH WMPO AND NRC IDENTIFIED NUMEROUS ITEMS WHICH SHOULD HAVE BEEN DETECTED INTERNALLY

- 0 CERTIFICATIONS OF PERSONNEL/TRAINING
 - INSUFFICIENT INFORMATION TO DEMONSTRATE THAT PERSONNEL ARE QUALIFIED AND/OR TRAINED
 - NO RECORDS OF TRAINING OUTSIDE OF QA

FOLLOW-UP

- ° AUDIT REPORT - JULY 1987
- ° INTERACTIONS WITH DOE TO RESOLVE ISSUES IDENTIFIED
- ° ADDITIONAL AUDITS OF OTHER PROJECTS

REVISION TO QA REVIEW PLAN

LINDA K. RIDDLE
June 30, 1987

PURPOSE OF QA REVIEW PLAN

- 0 GUIDANCE FOR DOE QA PROGRAM
- 0 NRC EVALUATION OF DOE QA PROGRAM
- 0 SITE CHARACTERIZATION PHASE

1984 QA REVIEW PLAN

- 0 GAME PLAN - BRIEF
 - 1. REVIEW DOE QA PROGRAMS
 - 2. ON-SITE REVIEWS
 - 3. MEETINGS WITH DOE

- 0 18 CRITERIA
 - 1. BASED ON REACTOR STANDARD REVIEW PLAN
 - 2. TERMINOLOGY - REACTOR VS. REPOSITORY
 - 3. SCIENTIFIC INVESTIGATIONS

1987 REVISION

0 WHY

1. FORD STUDY
2. 3 YEARS USE

0 OBJECTIVES

1. IDENTIFY IMPROVEMENTS/CLARIFICATIONS

(A) FORD STUDY

- TECHNICAL/TEAM AUDITS
- READINESS REVIEWS

(B) COMMENTS FROM DOE

- LINE MANAGEMENT RESPONSIBILITY FOR QA
- CERTAIN QA CRITERIA NA TO SCIENTIFIC INVESTIGATIONS (I.E. INSPECTIONS, TEST CONTROL)
- QA RECORD - SAMPLES EXCLUDED
- COMPUTER SOFTWARE QA - SCIENTIFIC AND ENGINEERING VS. END USER

(C) NQA-1

2. INCORPORATE IMPROVEMENTS/CLARIFICATIONS

(A) VALUE

(B) IMPACT

0 EXPECTED CHANGES

1. GAME PLAN - MORE DET. LED

- (A) REGULATORY REQUIREMENTS**
- (B) INFORMATION NEEDS**
- (C) PLANS**

- REVIEW DOE QA PROGRAM DOCUMENTS
- READINESS REVIEWS
- DATA REVIEWS
- AUDIT - TECHNICAL

2. 18 CRITERIA

(A) ELABORATE ON QA FOR SCIENTIFIC INVESTIGATIONS

- DEVELOPMENT OF STUDY PLANS
- PERFORMANCE OF SCIENTIFIC INVESTIGATIONS
(I.E., GOOD LABORATORY PRACTICE)
- DOCUMENTATION OF THE SCIENTIFIC INVESTIGATION
(I.E., LABORATORY NOTEBOOKS)
- CHECKING SCIENTIFIC INVESTIGATIONS
(I.E., TECHNICAL AUDITS, INSPECTIONS)

(B) ENDORSE NQA-1

0 SCHEDULE

1. DRAFT - FALL 1987