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REMARKS

This is the record of the previous DOE/NRC Discussions on Limited Work Authorizations. I hope this information is useful.

WM Record File 109.3 WM Project 1
Docket No. _____
PDR
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FROM: (Name, org. symbol, Agency/Post) Charles R. Head
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PDR WASTE
WM-1 PDR

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

April 26, 1982

NE-330

Meeting with NRC to Discuss Schedule/Procedural Rule on April 22, 1982

Frank Coffman, Deputy Assistant Secretary, NE-30

Attendees

<u>NRC</u>	<u>DOE</u>
H. Miller	W. Ballard
J. Greeves	R. Stein
	C. George
	C. Cooley
	C. Newton
	B. Bennett

Summary

NRC representatives were unable to be specific or make firm commitments about the amount of time that might be saved in the repository schedule. DOE proposed shortening the schedule (see Attachment A) in three ways: 1) submit the license application two years early (1986 instead of 1988) by not completing an exploratory shaft (ES) and at-depth testing at our salt site; 2) reduce the license review period from four years to two years through extensive early interactions with NRC; and 3) initiate construction of the repository two years prior to the construction authorization through an LWA.

NRC's response was: 1) they cannot give an exemption from an ES at our salt site, they will be happy to consider exemptions on a case-by-case basis but the Commission itself (not staff) would have to grant any exemptions; 2) NRC's expedited licensing schedule, which was outlined on a handout they provided (see Attachment B), is three and one-half years. With changes to their legal interpretation of NEPA, which they expected to require legislation, and with Commission approved changes to the procedural rule, they might be able to shorten the licensing review to three years providing a "quality" license application is submitted; and 3) NRC felt an LWA could not be granted, they feel the Commission is "cool" to the concept. They felt DOE could proceed with underground mining through extensive site characterization. NRC also expressed their feeling that DOE's schedule for construction of surface facilities was too long. NRC feels it can be done in shorter time and intends looking into the matter.

Discussion

1. Reduction of the license review time (See Attachment A, current DOE schedule 4 years - proposed DOE schedule, 2 years):

- Miller said that the key to reducing the licensing period is to simplify the NEPA compliance portion of the schedule.
- If the need for NRC to independently assess the environmental issues could be eliminated, then a full-blown EIS process will not be required. DOE would do the EIS and NRC would limit their activity to being involved in the scoping process.

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- Miller said that a key reason for requiring at-depth testing at alternate sites (other than NEPA reasons) was to provide comparative data to NRC and to prevent the country from putting "all its eggs into one basket."
- Miller went further to state that he didn't feel that we could speed up the front end of our schedule for selecting a site move up the date of license submittal from 1988 to 1986 (the reason is Miller's perception of the need for an exploratory shaft in salt and the requirement for extensive U.G. testing).
- Considerable discussion followed on whether or not and why we need an ES for salt. In addition, we touched on how we could get an NRC exception to the ES requirement. Miller felt that we needed to lay out our case as soon as possible. I advised Miller that we were going to soon prepare a request for an exception on an ES for a generic salt site. Miller indicated NRC would require the request to be site specific. Miller also emphasized that we should make sure that we work closely with NRC to 1) define the issues, 2) define what is required to resolve the issues, and 3) identify specifically how these issues are resolved through specific tests. Miller agreed to go back and look at the formal approval mechanisms.

3. Miller's points on schedule

- Shortening site characterization stage does not look possible, but they would be willing to consider proposals on a case-by-case basis for specific sites.
- Up to six months might be saved in the licensing review period (reducing it from three and one half years to three years), provided two steps are taken, namely, changing NRC's legal interpretation of NEPA implementation and modification of the Procedural Rule.
- A large amount of time can be saved between the time that the CP is issued and when repository operations begin, if a LWA is provided to permit construction, including surface facilities. Miller thought that expanded site characterization at depth would help cut the time for subsurface construction. For surface construction he suggested we consider expediting the schedule, perhaps by building surface facilities in a modular manner.

4. Miller's views on differences in amount of data needed at the prime versus alternate sites:

- Less data on time-bulk response would be needed at the alternate sites.
- At-depth testing is required (thru ES) for the primary site.
- At-depth testing is required for the alternate sites unless a prior exemption is obtained by DOE from NRC. However, at depth testing need not be as extensive.

5. Miller's examples of how DOE has been uncooperative with NRC:

- Not giving NRC info in advance of the public availability of the documents.
- Not allowing NRC access to project personnel on a "moment's notice" to take up discussion of issues. As an example Miller cited the series of workshops at BWIP, which have been deferred.
- Our lack of eagerness in getting issues out on the table and our reluctance to approach NRC to identify and resolve issues.

Miller thought that there were a number of mechanisms to get info to NRC prior to public release—during the program review process.

Miller proposed a periodic management meeting every two weeks to help keep NRC up to date on what is happening. I agreed to consider these meetings, but questioned the need to hold them this frequently.

Original Signed By
W. W. Ballard

Wade Ballard, Jr., Director
Office of Waste Isolation

Attachments

cc: Team Leaders
Bill Bennett

Dist.

CN Rdg

RPT Rdg

✓ Subj File # _____

WWB Chron

NE (5)

NE-330
Newton:mjc
4/23/82

NE-330
Stein
4/26/82

NE-330
Bennett
4/26/82

NE-330
Ballard
4/24/82