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This is the record of the previous DOE/NRC Discussions on Limited Work Authorizations.

I hope this information is useful.

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FROM: (Name, org. symbol, Agency/Post)	Room No.—Bidg. 7F-031, Forrestal
Charles R. Head	Phone No. 252-2838
B402100320 B40125 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 28, 1982 Frank Coffman, Deputy Assistant Secretary, NE-30

Attendees

	NRC		DOE
H.	Miller	v.	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 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: I) 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 interpr tation 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) RTG. SYMBOL - 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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- Hiller made the point that under existing regulations and laws, the shortest licensing process possible is three and one-half years, principally due to the independent environmental review requirements of NRC.
- With changes (a shorter NRC environmental review time and no Commission review), the licensing process could possibly be shortened to about three years. However, NRC would still require full at-depth testing—with ES—to be completed at the lead site prior to accepting a license application from DOE. Hiller made it clear that this requirement applied to salt also.
- In a discussion of the expedited DOE schedule in which we proposed that an ES for salt is not needed, Miller emphasized that a request for ES exemption for salt must be site-specific, not simply generalized to all salt sites.

2. Limited Work Authorization (LWA)

- Miller saw no obstacles to DOE initiating nearly fullscale subsurface exploration/mining while the license application
 is being reviewed under the aegis of site characterization.
 This could include, according to Miller, full-scale exploration
 of the total periphery of the repository. I proposed NRC issue
 an LWA so that we could proceed with a shared risk, rather than
 make DOE take all the risk. With Miller's approach, DOE would
 be proceeding at risk for up to six years, having to contend
 with intervener allegations that the scope of U.G. activities
 exceeded that which was necessary to characterize the site..
 In addition, unless the SCR spelled out this work, we may not
 be able to call it site characterization; if we do include it
 in the SCR then licensing may not be possible until work is
 complete (its a "Catch 22" situation).
- Miller pointed out that a Commission decision would be needed to allow us to get an LWA for anything beyond what is needed for site characterization, and that in the past the Commission has been unwilling to grant LWA's. Miller felt that a better solution was to sink a second shaft and conduct mining as part of site characterization. We pointed out that while this might help with subsurface construction, we still would not have sufficient time to complete the surface facilities. Miller suggested we look into ways to shorten the construction schedule for surface facilities.
- Miller indicated that the staff would consider going to the Commission to request modification of the Procedural Rule for granting of an LWA. He was not optimistic about the outcome.
- Critz raised the point that there is too much emphasis on totally characterizing a site prior to the LA. He commented that no one can be positive that geologic anomolies do not exist until the entire repository is mined.

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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. Hiller 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. Hiller 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.

- Miller's examples of how DOE has been uncooperative with NRC:
 - Not giving MRC 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 Office of Waste Isolation

Wade Ballard, Jr., Director

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