

JH/MINUTES/11/29/90

- 1 -  
DEC 14 1990

Mr. Dwight Shelor, Acting Associate Director  
for Systems and Compliance  
Office of Civilian Radioactive Waste Management  
U.S. Department of Energy RW-30  
Washington, D.C. 20585

Dear Mr. Shelor:

SUBJECT: OCTOBER 29, 1990 LICENSING AND MANAGEMENT MEETING MINUTES

Enclosed are the minutes from the October 29, 1990 licensing and management meeting held between the staff of the U.S. Nuclear Regulatory Commission (NRC), representatives from the U.S. Department of Energy (DOE), and the State of Nevada. At the meeting, the NRC staff and DOE discussed a number of topics covering areas where the procedural agreements between the NRC and DOE are not up to date, a visit by DOE to the Center for Nuclear Waste Regulatory Analyses, ongoing NRC Staff Technical Positions, prioritization of surfaced base testing, and other follow-up discussions to topics raised at previous meetings.

If you have any questions, please feel free to contact the responsible NRC staff member for the meeting, Mr. Joe Holonich. Mr. Holonich can be reached at (301) 492-3403 or FTS 492-3403.

Sincerely,

**ORIGINAL SIGNED BY**

John J. Linehan, Director  
Repository Licensing and Quality  
Assurance Project Directorate  
Division of High-Level Waste Management  
Office of Nuclear Material Safety  
and Safeguards

Enclosure: As Stated

- cc: R. Loux, State of Nevada
- C. Gertz, DOE/NV
- S. Bradhurst, Nye County, NV
- M. Baughman, Lincoln County, NV
- D. Bechtel, Clark County, NV
- D. Weigel, GAO
- P. Niedzielski-Eichner, Nye County, NV

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OFC :HLPD	:HLPD	:	:	:	:
NAME: JHolonich/v:JLinehan	:	:	:	:	:
Date: 12/13/90	: 12/14/90	:	:	:	:

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ENCLOSURE

Meeting Minutes from the  
October 29, 1990 Licensing and Management Meeting

On October 29, 1990, staff from the U.S. Nuclear Regulatory Commission (NRC) met with representatives from the U.S. Department of Energy (DOE), and, via telephone, the State of Nevada. The purpose of the meeting was to discuss items of mutual interest. Attachment 1 is a list of attendees.

To begin the meeting, DOE reported with some follow up information on work it was doing with the Occupational Safety and Health Administration (OSHA) and the Mine Safety and Health Administration (MSHA). In particular, DOE reported that OSHA had completed its program review of DOE activities and that a November 8 and 9, 1990 briefing was scheduled where OSHA would discuss DOE's level of compliance with OSHA regulations. DOE further stated that the OSHA review was looking at the Department as a whole and was mainly focused on defense facilities. None of the Office of Civilian Radioactive Waste Management (OCRWM) activities were covered in the review. With respect to MSHA, DOE had no additional information to report.

As a result of the discussion, the NRC staff asked DOE if the Waste Isolation Pilot Project (WIPP) was being reviewed by OSHA. DOE noted that it was not sure if WIPP was covered because mainly operating facilities were being covered by OSHA.

The next topic discussed was a proposed visit by DOE to the Center for Nuclear Waste Regulatory Analyses (CNWRA). With respect to this visit, DOE stated that it was interested in seeing how the CNWRA was breaking down the regulations and using the resultant data base. The NRC staff agreed that the visit would be worthwhile and agreed to take the action to develop an agenda for the trip as well as other work to set up the visit. The staff did note that there would be some restrictions on viewing predecisional information, but that it would be able to give some examples of how the CNWRA system works. DOE identified the latter part of November as the most useful time for the visit, but also noted that sometime the beginning of December would also be good. The staff agreed to explore the times with the CNWRA and get back to DOE.

Third on the agenda was a review of the DOE/NRC procedural agreements. This topic had been raised at the September 5, 1990, management meeting at which it was agreed that the agencies would review the agreements and report on areas that were not being followed. At this meeting, it was agreed that there would be the need for a separate meeting to go over the agreements and to discuss in detail the results of the review. A copy of the review results were presented at the meeting and are contained in Attachment 2. The next action was to identify proposed changes based on the list of items identified in Attachment 2. The State of Nevada noted that it wanted to be aware of any actions on the agreements.

The fourth topic considered was the need to schedule an interaction scheduling meeting. It was noted that nearly all of the interactions scheduled at the previous interaction scheduling meeting on July 31, 1990, had been held and that one more on performance assessment was scheduled to take place on November 28 and 29, 1990. Because the last scheduled interaction would be held in November, it was decided that the next interaction scheduling meeting should be held December 13, 1990 at 9:00.

In following up to a commitment it made at the last meeting, the NRC staff presented a list of topics presently being addressed as Staff Technical Positions (STPs). Included on the list were four STPs covering:

- (1) probabilistic and deterministic faulting and seismic hazard analysis;
- (2) repository design; thermal loads;
- (3) faulting and seismic hazard investigations; and
- (4) repository design; regulatory considerations in the design and construction of the exploratory shaft facility (ESF).

The NRC staff also noted that the STPs covered by topics (3) and (4) have been previously noticed for public comment. In addition, the NRC staff stated that it had identified the development of the STP covered by topic (1) in a letter to DOE discussing seismic issues.

Based on this discussion, DOE asked about those draft STPs previously issued. The NRC staff responded that in its revised strategy of using the systematic regulatory analysis it would be identifying areas where rulemakings and STPs were needed. Therefore, it may revisit some of the topics originally published as draft STPs. However, only the above topics were presently being pursued as STPs.

In addition, the NRC staff agreed to take steps to provide an earlier notice of its intent to begin development on STPs. It did note that in some areas, this was being done and identified the substantially complete containment (SCC) work as an example of where early involvement from the public was being solicited.

The sixth item contained on the agenda was a discussion of the prioritization of surface based testing. In its discussion, DOE stated that there was a relationship between the prioritization activities and the performance assessment calculation exercises (PACE). It further stated that at the November 28 and 29, 1990 interaction on performance assessment, the NRC staff would be able to see what was being done in PACE and where DOE was heading with it. DOE also noted that its prioritization of surface-based testing was being conducted in two phases. First, DOE would rely upon expert judgement to identify the higher priority surface-based testing that explicitly addresses potentially adverse conditions or disqualifying conditions. This phase is due for completion in December 1990. For phase 2, DOE would be making a comparison on qualitative and quantitative performance measures to refine priorities for surface-based testing. No other information was available on phase 2.

Once discussions of those items contained on the agenda were completed, several additional topics were raised. First, DOE stated that as a follow up to the last meeting, it had arranged for the NRC staff to be briefed on WIPP activities some time in the Spring of 1991. DOE asked the NRC staff to identify the types of topics that would be of interest to it in the briefing. In response to that request, the NRC staff noted that it believed that the more appropriate briefing would be given by OCRWM and would discuss what OCRWM is learning from WIPP experience. DOE suggested the possibility of handling the interaction as a seminar led by OCRWM. The NRC agreed that it would help by identify specific areas where such transfers should be occurring. However, DOE should also work to identify areas.

Following the discussion on WIPP experience, the NRC staff questioned DOE on when it would be submitting its response to the NRC's Site Characterization Analysis. DOE responded that it expected to provide the responses by the end of November or very close after that time. A second issue raised by the staff was the fact that there was a disagreement over how to interpret 10 CFR 60.21 as it applies to the ESF. The staff noted that it considered the analyses of alternative design features for the ESF something that needs to be done now while DOE believed it was something to be done at the time of the license application. In addition, the staff noted that DOE was conducting a comparison of packages of features as ESF options rather than a comparison of the individual features for the ESF.

Finally, DOE raised a question on why the NRC staff had requested that it no longer receive controlled copies of DOE study plans. DOE stated that it was important for NRC to get the latest version, and that providing controlled copies of the plans was a way of accomplishing this. The NRC staff responded that it does not have the facilities to store the controlled study plans nor to keep them updated. However, the NRC staff agreed to reconsider its position. It also noted that if it were to continue to receive controlled copies, that the Project Director, Repository Licensing and Quality Assurance Directorate, the CNWRA, and the on-site representatives would be the parties to receive copies.

Following the discussions, the State of Nevada reported that it had not received copies of DOE's comments on the STP dealing with ESF design. NRC stated that it would furnish those. Also, the State noted that it still anticipated providing comments on the STP the week of October 29, 1990.

*Joseph J. Holonich* Dec 13, 1990  
Joseph J. Holonich  
Office of Nuclear Material Safety  
and Safeguards  
U.S. Nuclear Regulatory Commission

*Linda Desell* 12/13/90  
Linda Desell  
Office of Civilian Radioactive  
Waste Management  
U.S. Department of Energy

Attachment 1

List of Attendees

NRC

J. Holonich  
K. Stablein  
J. Bunting  
M. Federline  
J. Kotra  
P. Prestholt\*  
R. Ballard  
J. Linehan

Winston and Strawn  
S. Echols

DOE

L. Desell  
D. Shelor  
D. Valentine  
S. Brocoum  
A. Simmons\*  
R. Dyer\*  
D. Dobson\*

State of Nevada  
C. Johnson\*

\* Via telephone

ATTACHMENT 2

## Morgan-Davis Agreement

<u>Item Number</u>	<u>Item Description</u>
MD-1	Update references to Nuclear Waste Policy Act, as amended.
MD-2	Paragraph 2.a.: Discusses technical meetings. We have been having more technical exchanges. Paragraph should be revised to include exchanges.
MD-3	Paragraph 2.b.: The paragraph states that management meetings should review the summary results of the technical meetings. I am not sure this has been happening.
MD-4	Paragraph 2.e.: The paragraph discusses host States and Indian tribes but not local governments. In addition, the NRC not DOE is now providing notification.
MD-5	Paragraph 3: The timely release of data is not taking place.
MD-6	The the agreements can be combined.

## Site-Specific Agreement

SS-1	Agreement in General: Organizations and titles listed are obsolete.
SS-2	Paragraph 1: Space for the NRC on-site representatives is provided by GSA. DOE will provide space at the Nevada Test Site once site work begins.
SS-3	Paragraph 2.A.: 1. Is DOE placing notice of the meetings in its PDR? Doe noted that it uses an 800 telephone number for notices of meeting.  2. In the second part of 2.A., the third sentence, fourth line states that deviations to agreed upon agenda are permitted upon agreement between DOE and NRC. Presently, the State of Nevada is being included in these discussions.
SS-4	Paragraph 2.C.: 1. The format of the meeting minutes has changed.  2. The minutes are no longer initialed at the conclusion of each meeting.

Item Number

Item Description

- SS-4  
Cont.      3. Local governments need to be added to the parties given an opportunity to provide comments and observations.
4. The NRC now issues meeting reports.
5. NRC not DOE is providing reports to the state. The local governments also need to be added.
- SS-5      Paragraph 3.A.: Inventories of reports, plans, procedures are not being exchanged quarterly.
- SS-6      Paragraph 3.B.: The points of contact for the program have changed.
- SS-7      Paragraph 3.C., second part: 1. DOE has not developed a data catalog.
2. The catalog is not updated and provided to NRC quarterly.
3. The data is not being provided within the 45 day time frame, and has not been available upon request. DOE noted that QA must be done first, also, the 45 day time frame is not absolute.
- SS-8      Paragraph 5: The terms of the site-specific agreement have not been reviewed annually.
- SS-9      Appendices 1, 2 and 4: These projects no longer exists.
- SS-10      Appendix 3: Need clarification of technical communications.
- SS-11      Appendix 5, paragraph 1: Request for samples are going through the Associate Director for Systems Integration and Regulation.
- SS-12      Appendix 5, paragraph 2: 1. Written request from the NRC now originate at the Project Directorate level or higher.
2. Written request now go to OCRWM.
- SS-13      Appendix 5, Paragraph 5.: The requested information is not being provided. The form needs to be updated.

Item Number

Item Description

- SS-14 Appendix 5, Paragraph 8.: Not sure this is being done. Paragraph needs to be updated.
- SS-15 Appendix 5, Sample Request Form: This form is not being used. Form needs to be updated.
- SS-16 Appendix 5, Paragraphs 10 and 11: Needs to be updated to reflect new functions in DOE organization.
- SS-17 Appendix 5, Sample Request Form: This form is not being used. Sample Request Form needs to be updated.
- SS-18 Appendix 6: This meeting report format is not being used. Format needs to be updated.
- SS-19 Appendix 7, Paragraph 2: The OR does not arrange for individual sessions for SAIC.
- SS-20 Appendix 7, Paragraph 4: This paragraph is dated.

Document Name:  
JH/AGREE

Requestor's ID:  
WILLIAMV

Author's Name:  
JHOLONICH/VW

Document Comments:

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10/29

PROCEDURAL AGREEMENT BETWEEN THE U.S. NUCLEAR REGULATORY COMMISSION  
AND THE U.S. DEPARTMENT OF ENERGY IDENTIFYING GUIDING PRINCIPLES FOR  
INTERFACE DURING SITE INVESTIGATION AND SITE CHARACTERIZATION

40-1  
This Procedural Agreement outlines procedures for consultation and exchange of information which the Commission (NRC) and the Department (DOE) will observe in connection with the characterization of sites for a geologic repository under the Nuclear Waste Policy Act of 1982. The purpose of these procedures is to assure that an information flow is maintained between the two agencies which will facilitate the accomplishment by each agency of its responsibilities relative to site investigation and characterization under the National Waste Policy Act (NWPA). The agreement is to assure that NRC receives adequate information on a timely basis to enable NRC to review, evaluate, and comment on those DOE activities of regulatory interest in accordance with DOE's project decision schedule and thereby facilitate early identification of potential licensing issues for timely staff resolution. The agreement is to assure that DOE has prompt access to NRC for discussions and explanations relative to the intent, meaning and purpose of NRC comments and evaluations on DOE activities and so that DOE can be aware, on a current basis, of the status of NRC actions relative to DOE activities.

This Procedural Agreement shall be subject to the provisions of any project decision schedule that may hereafter be established by DOE, and any regulations that may hereafter be adopted by NRC, pursuant to law. In particular, nothing herein shall be construed to limit the authority of the Commission to require the submission of information as part of a general plan for site characterization activities to be conducted at a candidate site or the submission of reports on the nature and extent of site characterization activities at a candidate site and the information developed from such activities.

1. NRC On-Site Representatives

As early as practicable, following area phase field work, NRC on-site representatives will be stationed at each site undergoing investigation principally to serve as a point of prompt informational exchange and consultation and to preliminarily identify concerns about such investigations relating to potential licensing issues.

2. Meetings

From the time this agreement is entered into, and for so long as site characterization activities are being planned or are in

progress, DOE and NRC will schedule and hold meetings periodically as provided in this section. A written report agreed to by both DOE and NRC will be prepared for each meeting including agreements reached.

MD-2

a. Technical meetings will be held between DOE and NRC-technical staff to: review and consult on interpretations of data; identify potential licensing issues; agree upon the sufficiency of available information and data; and agree upon methods and approaches for the acquisition of additional information and data as needed to facilitate NRC reviews and evaluations and for staff resolution of such potential licensing issues.

MD-3

b. Periodic management meetings will be held at the site-specific project level whenever necessary, but at least quarterly, to review the summary results of the technical meetings; to review the status of outstanding concerns and issues; discuss plans for resolution of outstanding items and issues; to update the schedule of technical meetings and other actions needed for staff resolution of open items regarding site characterization programs; and to consult on what generic guidance is advisable and necessary for NRC to prepare. Unresolved management issues will be promptly elevated to upper management for resolution.

c. Early technical meetings will be scheduled to discuss written NRC comments on DOE documents such as Site Characterization Plans, DOE's semi-annual progress reports, and technical reports to foster a mutual understanding of comments and the information or activities needed for staff resolution of the comments.

d. In formulating plans for activities which DOE will undertake to develop information needed for staff resolution of potential licensing issues, DOE will meet with NRC to provide an overview of the plans so that NRC can comment on their sufficiency. These discussions will be held sufficiently early so that any changes that NRC comments may entail can be duly considered by DOE in a manner not to delay DOE activities.

e. Schedules of activities pertaining to technical meetings will be made publicly available. Potential host States and affected Indian tribes will be notified and invited to attend technical meetings covered in this section (Section 2, Meetings). The notification will be given on a timely basis by the DOE. These technical meetings will be open meetings with members of the public being permitted to attend as observers.

MD-4

MD-5

3. Timely Release of Information

- a. Data collected during site investigations will be made available to NRC on a current, continuing basis after the DOE (or DOE contractor) quality assurance checks that are inherent in determining that the data has been obtained and documented properly.
- b. DOE's analyses and evaluations of data will be made available to NRC in a timely manner.

4. Site Specific Samples

Consistent with mutually agreed on procedures, DOE will provide NRC with site specific samples to be used by NRC for independent analysis and evaluation.

5. Agency Use of Information

It is understood that information made available to either Agency under this agreement may be used at that Agency's option in carrying out its responsibilities.

6. Project Specific Agreements

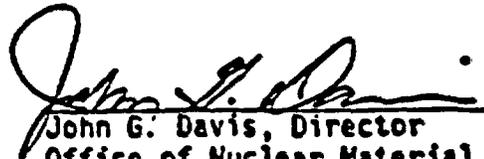
Project specific agreements to implement the above principles will be negotiated within 120 days of the time this agreement is entered into. These project specific agreements will be tailored to the specific projects to reflect the differences in sites and project organizations.

- 7. Nothing in this agreement shall be construed as limiting forms of informal consultation not mentioned in this agreement (for example, telephone conversation or exchanges of reports). These other consultations will be documented in a timely manner.



Robert L. Morgan, Project Director  
Nuclear Waste Policy Act  
Project Office  
U.S. Department of Energy

Date: 6/27/83



John G. Davis, Director  
Office of Nuclear Material  
Safety and Safeguards  
U.S. Nuclear Regulatory  
Commission

Date: 6/17/83

SS-1

**AGREEMENT BETWEEN THE DEPARTMENT OF ENERGY'S OFFICE OF GEOLOGIC REPOSITORIES  
— PROJECTS (BWIP, NNWSI, SRP, CRP) AND THE NUCLEAR REGULATORY COMMISSION'S  
DIVISION OF WASTE MANAGEMENT DURING THE SITE INVESTIGATION AND  
CHARACTERIZATION PROGRAMS AND PRIOR TO THE SUBMITTAL OF AN APPLICATION  
FOR AUTHORIZATION TO CONSTRUCT A REPOSITORY**

This agreement implements, on a project-specific basis, the Procedural Agreement\* made between the Commission (NRC) and the Department (DOE) and supersedes all previous project-specific agreement(s) between NRC (Division of Waste Management) and DOE (Office of Geologic Repositories) regarding information exchange and consultation for potential repository sites. This agreement implements Section 6 of the DOE/NRC Procedural Agreement which requires that project-specific agreements, tailored to the specific project and reflecting differences in sites and project organizations, be negotiated to implement the principles established in the Procedural Agreement. Because this project level agreement is drawn to implement the principles set forth in the Procedural Agreement, appendices detailing project-specific items as necessary are attached. These appendices will be updated, added to, or changed as required. Nothing in this agreement shall be construed either to modify the Procedural Agreement in any way or to confer rights on any party other than the parties to these agreements.

1. NRC On-Site Representatives (ORs)

SS-2

At such time as the NRC ORs are stationed at each site, they are to be provided with office space that can be readily visited by members of the public and is near the DOE Project Offices and site activities (where Project Office and site activities are not convenient to one another, two separate offices will be provided). Where such office space can be provided in DOE facilities, DOE is to provide such space. Otherwise, the DOE is to provide space in its facilities near the Project Offices and site activities and the NRC is to provide space that can be visited by the public.

The NRC OR shall be afforded access to personnel, project records and facilities at the respective site, geologic repository operations area and adjacent areas, research facilities and other contractor and subcontractor areas. Access will be subject to applicable requirements for proper identification and compliance with applicable access control measures for security, radiological protection and personnel safety. Records as used above shall include all records that would be generally relevant to a potential licensing decision by the Commission. Included in this category are records kept by DOE and DOE contractors and subcontractors accessible to DOE.

Project-specific conditions are discussed in the appendices.

\*"Procedural Agreement Between the U.S. Nuclear Regulatory Commission and the U.S. Department of Energy Identifying Guiding Principles for Interface During Site Investigation and Site Characterization" herein referred to as the Procedural Agreement (FR 48:38701).

2. Meetings

A. Technical Meetings

SS-3

Schedules agreed on, pursuant to Section 2.e of the Procedural Agreement, for future meetings covering approximately a three month period will be updated at least weekly and posted prominently in the local and headquarters public document rooms (PDRs) of both the NRC and the DOE. In addition, a toll-free telephone service will be operated by DOE headquarters to announce the meeting schedules. A description of this process for making the schedule of upcoming meetings publicly available will be provided by a DOE annual Federal Register Notice. Affected State/tribal representatives will be given the opportunity to participate at the technical meetings.

SS-3

Dates for major technical meetings will be agreed to as far in advance as is practicable with a goal of four months in advance. Final agreement as to agenda and participants normally will both be reached a minimum of 10 working days prior to the scheduled date for the meeting and be posted in the PDRs. Deviations from the agreed to agenda are permitted upon agreement of NRC and the cognizant DOE Project Office. Although both agencies will use their best efforts to provide the indicated lead times, nothing in this section shall be construed as preventing the scheduling of technical meetings with shorter lead times by mutual agreement. The host agency has the responsibility for organizing and conducting technical meetings.

B. Management Meetings

As part of the discussion during management meetings held under Section 2.b of the Procedural Agreement, issues related to policy, budget, program scope, commitment of resources and program schedules may be included as appropriate. The host agency has the responsibility for organizing and conducting management meetings. The procedures established in Section 2.A above regarding dissemination of schedules and agendas for the technical meetings will also be used to disseminate schedules and agendas for the management meetings.

C. Meeting Reports

SS-34

A meeting report containing a summary of important observations and issues discussed at meetings will be jointly prepared by DOE and NRC for the Technical and Management meetings discussed above, and signed or initialed by representatives of both agencies at the conclusion of each meeting. An opportunity will be provided for State/affected tribal representatives to add their comments and observations to and initial the meeting summary. A standard format, shown in Appendix 6, will be used in the preparation of meeting reports. The DOE will issue meeting reports within two weeks after the meeting. The DOE will also provide the meeting reports to the affected States and Indian Tribes and its PDRs. The NRC will distribute meeting reports to its PDRs.

SS-34

3. Timely Release of Information

A. Report Inventory

SS-5

Each agency will develop as soon as practicable and thereafter maintain and exchange an inventory of reports, plans, procedures, and technical positions (products) both completed and in process. This inventory will include descriptions of product scope and purpose as well as the scheduled dates for completion of draft and final products. The inventories will be updated and exchanged at least quarterly. This will allow each agency to request products from the other and thereby influence priorities for release.

B. Points of Contact

SS-b

Respective points of contact for the individual DOE projects and the NRC are defined in the appendices. Either agency may change their points of contact unilaterally with prior notification to the other party. Other organizations within the NRC will work through these designated points of contact within the NRC's Division of Waste Management for interactions with the DOE's Office of Geologic Repositories Projects. Details of the information exchange will be determined by the individual project's requirements and defined in the appendices as appropriate.

Technical communications are intended solely for the exchange of information and ideas by NRC and DOE personnel involved in the various technical areas relating to site information programs for potential repository sites. Individuals participating in such communications have no authority to present official NRC or DOE positions or to make official policy statements on behalf of either NRC or DOE.

C. Site Investigation and Site Characterization Data for Potential Repository Sites

To keep the NRC on-site representative informed regarding what data will be forthcoming and when, DOE will notify the representative of the schedule of planned field and laboratory testing covering as long a period as practicable. The representative will also be notified of changes to the test schedule. The schedule and any notification of changes to the schedule will also be provided to the cognizant NRC Repository Projects Branch Section Leader (see Appendices 1-4).

SS-7

SS-7

SS-7

The DOE will develop as soon as practicable and thereafter maintain a catalog of data. This catalog will include descriptions of the data, the time, place, and method of acquisition, and where it may be examined. This catalog will be updated and provided to NRC at least quarterly. Upon NRC request and at a location chosen by the DOE, the DOE will make data available to the NRC for examination. After the quality assurance checks specified in Section 3.a of the Procedural Agreement have been completed which will normally be within 45 days from data acquisition either in the laboratory or in the field, data will be provided to NRC in a hard-copy format upon request. Because

of the preliminary nature of these data, all such data placed in the PDR will carry the following caveat: "QA checks on data contained here have only been performed to determine that the data has been obtained and documented properly. The DOE cautions that any information is preliminary and subject to change as further analyses are performed or as an enlarged and perhaps more representative data base is accumulated. These data and interpretations should be used accordingly."

The NRC will also notify the DOE of its schedule (and those of its contractors) of planned field and laboratory testing conducted at or with samples from potential repository sites and will establish, maintain, update, and provide to the DOE an inventory of data as described in the preceding paragraph.

4. Site Specific Samples

Consistent with the procedures specified in Appendix 5, the DOE will provide the NRC with site-specific samples.

5. Terms of Agreement

SS-8

The terms of this agreement will be reviewed annually and may be amended at any time by mutual consent, in writing.

6. Effective Date

This agreement shall enter into force on the latter date of signature by the parties.

Signature Blocks

NRC

DOE

J. W. Bennett 8-20-84  
William Bennett  
Acting Associate Director  
Office of Geologic Repositories

R. E. Browning  
Robert Browning  
Director  
Division of Waste Management  
(NMSS/NRC)

J. O. Neff 9/7/84  
Jeff O. Neff  
SRPO Manager  
DOE-CH

H. Miller  
Hubert Miller  
Chief  
Repository Projects Branch  
(NMSS/NRC)

O. Lee Olson  
O. Lee Olson  
BWIP Manager  
DOE-RL

James E. Kennedy  
James Kennedy  
BWIP Section Leader

Donald L. Vieth  
Donald L. Vieth  
NNWSI Manager  
DOE-NV

Seth M. Coplan  
Seth Coplan  
NNWSI Section Leader

Sally A. Mann  
Sally A. Mann  
CPO Manager  
DOE-CH

John Linehan  
John Linehan  
Salt Project Section Leader

Appendix 1 - BWIP

1. Points of contact between NRC and DOE projects

a. Formal Communications

BWIP Project Manager to and from NRC BWIP Project Section Leader

<u>DOE</u>	<u>NRC</u>
Project Office Manager U.S. Department of Energy Richland Operations Office BWI Project Office P.O. Box 550 Richland, WA 99352	Section Leader BWIP Project Section Division of Waste Management U.S. Nuclear Regulatory Commission 7915 Eastern Avenue Silver Spring, MD 20910

b. Technical Communications

<u>Area</u>	<u>NRC</u>	<u>BWIP Staff/ Contractors</u>
Performance Assessment	Salt Project Section Leader or designee	R. T. Wilde
Repository Design	Mining, Geoengineering Facility Design Section Leader or designee	R. J. Gimera
Quality Assurance	BWIP Project Section Leader or designee	M. S. Karol
Geology	Geology/Geophysics Section Leader or designee	S. M. Price
Geochemistry	Geochemistry Section Leader or designee	P. F. Salter
Hydrogeology	Hydrology Section Leader or designee	G. S. Hunt
Waste Package	Materials Engineering Section Leader or designee	M. J. Smith
General	BWIP Project Section Leader or designee	J. Mecca

SS-9

Appendix 2 - SRPO

1. Points of contact between NRC and DOE projects

a. Formal Communications

Salt Repository Project Office (SRPO) Manager to and from NRC Salt Project Section Leader

<u>DOE</u>	<u>NRC</u>
Manager Salt Repository Project Office U.S. Department of Energy 505 King Avenue Columbus, OH 43201	Section Leader Salt Project Section Division of Waste Management U.S. Nuclear Regulatory Commission 7915 Eastern Avenue Silver Spring, MD 20910

b. Technical Communications

<u>Area</u>	<u>NRC</u>	<u>SRPO Staff/ Contractors</u>
Quality Assurance	BWIP Project Section Leader or designee	TBD
Performance Assessment	Salt Project Section Leader or designee	TBD
Waste Package	Materials Engineering Section Leader or designee	TBD
Repository	Mining, Geoengineering Facility Design Section Leader or designee	TBD
Exploratory Shaft	Mining, Geoengineering Facility Design Section Leader or designee	TBD
Geology	Geology/Geophysics Section Leader or designee	TBD
Hydrology	Hydrology Section Leader or designee	TBD
Geochemistry	Geochemistry Section Leader or designee	TBD

SS-9

Appendix 3 - NNWSI

1. Points of contact between NRC and DOE projects

a. Formal Communications

NNWSI Project Manager to and from NRC NTS Project Section Leader

<u>DOE</u>	<u>NRC</u>
Director, Waste Management Project Office DOE Nevada Operations Office P.O. Box 14100 Las Vegas, NV 89114	Section Leader NTS Project Section Division of Waste Management U.S. Nuclear Regulatory Commission 7915 Eastern Avenue Silver Spring, MD 20910

b. Technical Communications

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<u>Area</u>	<u>NRC</u>	<u>NNWSI Staff/ Contractors</u>
Quality Assurance	BWIP Project Section Leader or designee	Michael Spaeth, SAI
Performance Assessment	Salt Project Section Leader or designee	Thomas Hunter, SNL
Waste Package	Materials Engineering Section Leader or designee	Larry Ramspott, LLNL
Repository	Mining, Geoengineering Facility Design Section Leader or designee	Thomas Hunter, SNL
Exploratory Shaft	Mining, Geoengineering Facility Design Section Leader or designee	Donald Oakley, LANL
Geology	Geology/Geophysics Section Leader or designee	William Dudley, USGS
Hydrology	Hydrology Section Leader or designee	William Dudley, USGS
Geochemistry	Geochemistry Section Leader or designee	Donald Oakley, LANL

Appendix 4 - CPO

1. Points of contact between NRC and DOE projects

a. Formal Communications

DOE

Manager  
Crystalline Repository  
Project Office  
DOE Chicago Operations Office  
9800 South Cass Avenue  
Argonne, IL 60439

NRC

Chief, Repository Projects Branch  
Division of Waste Management  
U.S. Nuclear Regulatory Commission  
7915 Eastern Avenue  
Silver Spring, MD 20910

b. Technical Communications

TBD

2. Other Project-Specific Features

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Consistent with the provisions of Section 1 of the Procedural Agreement, the NRC Onsite Representatives (OR) for the CPO will be stationed following area-phase field work. Thus, the provisions of this project specific agreement related to ORs are not applicable until the OR is on-site. It may be in both agencies' interests to arrange for an OR and hold technical meetings prior to completion of area-phase field work; this will be evaluated periodically.

Pending completion of the area-phase field work, the CPO will be exempt from the quarterly management meetings required under section 2.b of the Procedural Agreement. Until that time, management meetings will be held only as necessary.

## Appendix 5

### ACQUISITION OF SITE-SPECIFIC SAMPLES DURING SITE INVESTIGATION AND SITE CHARACTERIZATION BY NRC CONTRACTORS

Nuclear Regulatory Commission (NRC) contractors need, in some instances, site-specific samples of rock, minerals, and ground water or brine from sites being studied by the Department of Energy (DOE) as potential geologic repositories for high-level radioactive waste. The NRC contractors need such samples to carry out selected independent site-specific investigations and relevant research supporting the NRC's licensing responsibilities. The DOE will support these projects with site-specific samples to the extent practicable.

In order to facilitate satisfying NRC requests for site-specific samples with a minimum of inconvenience to all parties, the following points are agreed to:

- SS-10 || 1. Each DOE field project office will identify their designee to the respective NRC Project Section Leader and, where available, the NRC onsite representative (OR), for all communication concerning the procurement of site-specific samples by NRC contractors.
- SS-112 2. Written requests to the DOE for site-specific samples for NRC contractors will originate from the NRC Project Section Leader and will be transmitted by letter to the DOE field project office manager for that site in sufficient time for the DOE to review the request and, if approved, to prepare the sample. A copy will be provided to the OR when one is assigned for the site. The DOE field project office designee shall acknowledge receipt of all requests by letter.
3. The DOE retains the right to decline requests in cases where the requested samples are needed by the DOE to fulfill its site characterization responsibilities, when the requested samples are scarce or prohibitively expensive to collect, or when the request seriously impairs the DOE's schedule or program for site characterization. See also points 10 and 11 concerning management resolution of any problems on this point.
4. In order to assure that appropriate samples will be available prior to transmitting a written request, the NRC Project Section Leader, or designee, should consult with the DOE field project office designee for the particular site as to sample availability. Inquiries on sample availability can be answered on the basis of current site inventory records. If samples are not available, the DOE will arrange for their acquisition providing such requests are within the DOE plans for site investigation and site characterization. See point 6 below.
- SS-13 5. All written requests for samples shall include pertinent information such as the name of the laboratory, the designated laboratory contact, the timeframes within which samples are needed and testing will be performed and the date that any uncontaminated core samples that have not been destroyed by planned testing will be returned. An

example of a sample request form is attached. To the extent practicable, the request should be accompanied by documents that explain the purpose of the tests such as the NRC statement of work for the project, a written description or specification for the testing procedure to be used, any special sample collection, preservation, handling, or transportation requirements, and expected methods for interpretation of results. This will help ensure that the samples provided by the DOE are appropriate for the tests planned by the NRC contractor. The NRC-approved quality assurance program for the laboratory performing the investigation shall accompany all initial NRC requests for samples for that laboratory.

6. All requests for samples not already available, e.g., core from new boreholes, must sufficiently precede the NRC contractor's need so that samples can be collected within the DOE's site characterization program and at a reasonable convenience to DOE field project offices. The DOE will provide as much flexibility in scheduling sample collection and responding to requests as possible within current program schedules. Accordingly, for samples not already available or planned for under the DOE's plans, adequate advance notice will be needed to incorporate the request for new samples into the site investigation and characterization program. This advance notice must also allow for preparation and submittal to the State for an application for authorization, where required, to remove the sample from the State and for securing the necessary approval.
7. The DOE field project office designee will provide a sample description document with the sample(s) to assist the NRC contractor in ascertaining the compatibility of the sample with the specific test. The sample description document shall provide pertinent information on the sample, such as sample designation, data collected, date collected, description of sample, person collecting sample, depth collected, stratigraphic unit sampled, sampling techniques and conditions, initial measurements of properties at the time of sample collection, results of any subsequent tests or measurements, any methods of preservation or special handling, and proposed method of shipment to the NRC contractor. The NRC should identify any special methods and conditions for shipping samples.
8. The NRC contractor will normally return to the DOE facility that furnished the sample, through the NRC Project Section Leader, a reciprocal sample description document with pertinent information such as sample designation, a description of the sample as received, preparation or treatment of the sample prior to testing, initial readings prior to testing, any modifications to testing procedure or apparatus, testing results, quality control checks, significant observations during testing, interpretation of test results, and disposition of sample(s) after testing. Uncontaminated core samples that have not been destroyed by planned tests will be returned to the DOE as soon as practicable after use.

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9. In implementing each of the above provisions, there should be a free exchange of information. Telephone communications to coordinate activities and discuss sampling schedules and testing are encouraged between the NRC or NRC contractors and designated DOE representatives. Requests for actions requiring significant expenditure of DOE or DOE contractor man-hours must be made in writing by the NRC Project Section Leader.
10. The DOE will pay reasonable costs associated with sample collection, preservation, handling, and transportation. The DOE field project office designee will identify any extraordinary costs which may require resolution on a case-by-case basis under point 11.
11. The DOE field project office designee will identify any requests which cannot be met, including the basis for such conclusions, to the DOE field project office and NRC Project Section Leader for resolution on a case-by-case basis at the next management meeting as specified under Section 2b of the Procedural Agreement.

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SAMPLE REQUEST FORM

Please type or print

Date of Request \_\_\_\_\_

Requester: Name \_\_\_\_\_

Organization \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Is Requestor a DOE Project Subcontractor? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes: Contract Number \_\_\_\_\_

Expiration Date \_\_\_\_\_

If no: Funding Source \_\_\_\_\_

Contract Number \_\_\_\_\_

Expiration Date \_\_\_\_\_

Samples Requested

Core Sample(s)

Well ID \_\_\_\_\_

Depth Interval Requested \_\_\_\_\_

Full Core \_\_\_\_\_ Half Core \_\_\_\_\_ Quarter Core \_\_\_\_\_ Other \_\_\_\_\_  
Soil Sample(s)

Well ID \_\_\_\_\_

Sample Type: Shelby Tube \_\_\_\_\_ Drive \_\_\_\_\_ Pitcher \_\_\_\_\_ Bulk \_\_\_\_\_ Other \_\_\_\_\_

Depth Interval Requested \_\_\_\_\_

Quantity \_\_\_\_\_

Water Sample(s)

Well ID \_\_\_\_\_

Depth Interval Requested \_\_\_\_\_

Quantity \_\_\_\_\_

**SAMPLE REQUEST FORM (CONTINUED)**

**Time Frame**

Date Samples Needed \_\_\_\_\_

Time Required to Complete Testing/Analysis \_\_\_\_\_

Time Required to Publish Results \_\_\_\_\_

Format of Results \_\_\_\_\_

Objectives of Tests to be Performed \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Test Method \_\_\_\_\_

\_\_\_\_\_

Use/Need for Test Data/Information in Geologic Repository Program \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Preparation, Packaging, Transportation Requested**

Preparation Procedure \_\_\_\_\_

Packaging Procedure \_\_\_\_\_

\_\_\_\_\_

Transportation Procedure \_\_\_\_\_

\_\_\_\_\_

**Sample to be Shipped to:**

Name \_\_\_\_\_

Organization \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Comments: Also, please attach any additional materials, such as test plans.

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Appendix 6

STANDARD FORMAT  
FOR MEETING REPORTS

DATE/LOCATION OF MEETING

ATTENDEES/ORGANIZATIONAL AFFILIATION

BACKGROUND/FACTS

1. What information was reviewed, exchanged, and discussed (Summary listing fashion)
2. What agenda of discussion was

OBSERVATIONS

1. NRC questions, suggestions, or comments on scope and direction of the DOE technical program. (Best attempt made to identify all important matters)
2. DOE observations
3. State/Tribal observations (an opportunity will be given to States/Tribes to make observations on the DOE technical program)

AGREEMENTS

OPEN ITEMS

1. Technical questions for further discussion
2. Specific responsibilities for information exchange and commitment on other business matters.

Appendix 7

AGREEMENT CONCERNING THE NRC ON-SITE REPRESENTATIVE (OR)  
FOR THE REPOSITORY PROJECTS  
IN THE SITE SUITABILITY AND PLANNING PHASE

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## APPENDIX 7

### AGREEMENT CONCERNING THE NRC ON-SITE REPRESENTATIVE (OR) FOR THE REPOSITORY PROJECTS DURING SITE INVESTIGATION AND CHARACTERIZATION

The purpose and objective of the on-site representative (OR), as identified in item 1. of the Procedural Agreement\*, is to serve as a point of prompt informational exchange and consultation and to preliminarily identify concerns about investigations relating to potential licensing issues.

This appendix is intended to supplement the base agreement and to detail the guidelines which will govern interaction between the NRC OR, including any NRC personnel assigned to the OR, and DOE contractor personnel (prime and sub) involved in the project. Any interactions between the OR and DOE, its contractors, or subcontractors identified in this appendix will not constitute "meetings" within the intent of item 2. of the Procedural Agreement and therefore will not require the preparation of written reports and will not be subject to State/Tribal and public notification and participation or scheduler requirements of item 2. of the Procedural Agreement. The interactions of the OR with DOE and its contractors and subcontractors are not intended to interfere with or replace other channels of NRC/DOE communications and procedures for information release identified in sections 2., 3.A, and 3.B. of the base agreement and sections 2., 3. and 7. of the Procedural Agreement.

The following points are agreed to:

1. The OR can attend any meetings on-site or off-site dealing with technical questions or issues related to work required as part of site characterization and site investigation (e.g., any items to be covered in Site Characterization Plans under the Nuclear Waste Policy Act) following notification of the cognizant DOE project representative responsible for the meeting as discussed below. Such notification shall be by memorandum, telephone or personal contact and will be given at least 24 hours in advance where DOE has provided adequate prior notification to the OR. The meetings may involve solely DOE or solely DOE's contractors (prime and sub) or any combination of DOE with their contractors.

\*"Procedural Agreement between the U.S. Nuclear Regulatory Commission and the U.S. Department of Energy Identifying Guiding Principles for Interface During Site Investigation and Site Characterization" (48 FR 38701, 8/25/83) herein referred to as the Procedural Agreement.

If objections to the OR attendance are voiced for any reason, the reason should be specified. Such objections will be infrequent and will be exceptions to the rule. If the OR does not agree with the objection to his attendance, it will be raised to a higher management level for resolution. If resolution cannot be achieved, the OR will not attend the meeting in question.

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2. The OR may communicate orally (in person or by phone) with the project participants (persons) employed by DOE, DOE's prime contractors or the prime's subcontractors, on-site or off-site providing that the following procedures are followed. If practicable, the OR shall arrange for all individual sessions with prime contractor and subcontractor staff by contacting first the DOE and DOE contractor personnel identified in Appendices 1, 2 and 3 of the base agreement, or if they cannot be contacted, the proper prime contractor section or department manager or proper DOE Team Leader. As a minimum, the OR will give timely notification of all such sessions to the above individuals. The OR will avoid discussions with personnel when it would appear to disrupt their normal duties and will schedule a discussion period at a mutually convenient time. The OR will keep DOE or cognizant DOE prime contractor supervisory personnel informed of near term (approximately 1 week) areas for intended review and the project participants who may be contacted. It is the option of DOE or the person contacted by the OR as to whether or not a supervisor or third party is to be present. No record of these discussions is required, however questions that are raised or other issues that arise as a result of the above interactions will be reported to the NRC Division of Waste Management and to the cognizant DOE project personnel by the OR as soon as practical.

3. DOE project office(s), DOE prime contractors and their subcontractors will provide the OR access to records which would be generally relevant to a potential licensing decision by the Commission as follows. Upon request by the OR, the DOE or the DOE contractor or subcontractor shall provide copies of any records of raw data provided that the quality assurance checks specified in section 3.a of the Procedural Agreement have been performed. Records which document the analysis evaluation, or reduction of raw data or contain information deduced by reason will be made available to the OR, after the documentation has been peer reviewed by the prime contractor, and cleared and approved by DOE. Records shall be available for review, but not to copy or to receive a copy for retention, at any stage of completion.

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4. Drafts of documents required by the Nuclear Waste Policy Act of 1982, such as the EA, and SCP, which have not been approved by DOE, will not be provided to the OR without DOE approval. Documents of this type may be made available by DOE, but not the DOE contractor. Any such documents made available are for the use of the OR and shall not be placed in any NRC public document room.
5. The OR does not have the authority to direct DOE, their contractors or subcontractors to perform any work. Any formal identification of questions or issues for investigation by DOE that could result in contractor or subcontractor work must be formally presented to DOE through the NRC Division of Waste Management in writing.
6. The OR will attend on-site meetings upon request by the DOE project office or prime contractor on-site whenever possible. The OR will provide any records which would normally be available under 10 CFR Part 2.790 of the Commission's regulations to project participants upon request to copy. If convenient, copies of such records will be provided by the OR.
7. The OR shall be afforded access to the site, research facilities, and other contractor and subcontractor areas to observe testing or other data gathering activities, in progress, as part of site characterization and site investigation subject to compliance with the applicable requirements for identification, and applicable access control measures for security, radiological protection and personnel safety, provided that such access shall not interfere with the activities being conducted by DOE or its contractors (see point 6 above) and that any discussions conducted during such access shall comply with point 2 above.

Such access shall be allowed as rapidly as it is for DOE or DOE contractor employees upon display of an appropriate access identification badge, or, if badging is not possible for national security reasons, upon prior notification to DOE or cognizant contractor supervisory personnel (by memorandum, telephone or personal contact). When an access identification badge is available to DOE or DOE's contractors and subcontractors on a routine basis, it shall be made available to the OR upon completion of the required security clearances and appropriate radiological and personnel safety training. DOE will ensure that any training required is provided to the OR.

8. The OR and DOE will make arrangements which allow for at least weekly information exchanges to discuss pending DOE plans and program status, and any problem areas requiring attention of either or both parties.
9. DOE and NRC will assure that all of its employees and contractors (prime and sub) involved in the repository projects observe applicable provisions of this appendix. This appendix will be distributed by DOE and NRC to all project specific prime contractors and subcontractors.

FOR DOE:

Ralph Stein

DATE: 6/14/85

FOR NRC:

RE Browning

DATE: 6/14/85