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Stephen H. Kale, Associate Director
Office of Geologic Repositories
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
Washington, D.C. 20585

WM Record File <u>101</u> <u>102</u> <u>106</u>	WM Project <u>10,11,16</u> Docket No. _____ PDR <input checked="" type="checkbox"/> X LPDR <u>(B,NS)</u>
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Dear Mr. Kale:

Enclosed for your information is a copy of the NRC staff evaluation of the On-Site Licensing Representative (OR) Program. We plan to evaluate the effectiveness of the OR program periodically. In summary, this report contains an evaluation of the OR program over the past three years based upon the following criteria developed from the program objectives:

1. Facilitation of prompt exchange of information between DOE Project and NRC headquarters technical and management staffs to increase staff knowledge of site-specific activities and DOE project awareness of NRC activities.
2. Early identification, prioritization, and tracking of site-specific concerns, issues, and information needs.
3. Coordination of NRC activities aimed at identification and resolution of site-specific concerns/issues.
4. NRC representation at the DOE project sites in interaction with DOE, DOE Project Participants/Contractors, States, Tribes, and other interested parties.

To assess the observed effectiveness of the OR program, comments were solicited from individuals having had significant interaction with the ORs. DOE observations made on the OR program during various meetings were also considered. As discussed in detail in the enclosed report, we consider that the OR program has been effective in meeting its objectives and in providing the NRC staff with an increasingly valuable source of timely, on-going information. From this comprehensive evaluation some needs for improvement were identified to further increase the effectiveness of the program. These include better access to site-specific information and more frequent interaction with NRC headquarters staff. In addition, OR objectivity is discussed to address the potential for bias as the ORs continue to work with DOE and DOE Project representatives. Finally, recommendations and plans for FY 1987 are discussed to realize the improvements identified and to ensure maintenance of OR objectivity.

The report that has been issued represents the DWM views. However, DOE's suggestions or recommendations concerning the OR Program or the OR

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effectiveness report are also of interest as we continually strive to improve our program. If you have any questions or recommendations regarding the OR effectiveness report please contact Sandra L. Wastler of the NRC DWM staff at 427-4780.

Original Signed by
MICHAEL J. BELL

Michael J. Bell, Deputy Director
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Enclosure:
As stated

AN EVALUATION OF THE EFFECTIVENESS
OF THE
U.S. NUCLEAR REGULATORY COMMISSION'S
HIGH-LEVEL RADIOACTIVE WASTE MANAGEMENT
ON-SITE LICENSING REPRESENTATIVE PROGRAM

I. Introduction

The Nuclear Regulatory Commission (NRC) Division of Waste Management (DWM) On-site Licensing Representative (OR) program was established shortly after issuance of the NRC/DOE Site-specific Procedural Agreement in August 1983. At that time, one OR was stationed near each DOE Project Office to oversee activities for the first repository candidate sites. The OR role, as described in the Site-specific Agreement, is to facilitate prompt, on-going exchange of information and consultation with DOE and to preliminarily identify concerns about site investigations relating to potential licensing issues. Sufficient experience has been gained over the past three years to support an in-depth evaluation of the OR program and determine its effectiveness in meeting the OR and High-level Waste (HLW) program objectives. The purpose of this report is to provide the results from the staffs evaluation, identify areas where improvements are desirable and recommend changes for possible implementation in FY 1987.

To evaluate the OR program, the staff conducted a comprehensive review based on criteria developed from the objectives stated in the Site-specific Agreement, and through direct staff involvement in site-specific aspects of the HLW program. The criteria established fall in four broad categories: facilitation of prompt information exchange; early identification, prioritization, and tracking resolution of site-specific concerns; coordination of DWM activities for identification and resolution of site-specific concerns; and NRC/DWM representation at the DOE project sites. The specific criteria are listed in Appendix A and the evaluation conducted against these criteria is summarized in the following sections of this report.

The OR program has been effective in meeting the objectives and providing the NRC with an increasingly valuable source of timely, on-going information. Improvements can be made, however, in several areas. These areas, summarized in the following report, include better access to site-specific information; more frequent interaction with NRC headquarters. In addition OR objectivity is discussed to address the potential concern of bias which may result from

Individuals working in close contact with DOE/DOE Project representatives and in relative physical isolation from NRC staff. Plans for the OR office at the Salt Repository Project (SRP) are also discussed in response to DOE's plans for relocation of the SRP office.

II. Background

The HLW program is unique relative to other NRC programs in that the Nuclear Waste Policy Act (NWPA) and HLW regulations (10 CFR Part 60) provide for NRC involvement with the potential applicant during earlier phases of the program. The objective of early NRC involvement is to provide guidance and consultation during key studies which are to be conducted well before submittal of the license application. The HLW repository is a first-of-a-kind facility involving developmental and state-of-the-art scientific and engineering practices and where many decisions rely on development of consensus on complex technical issues. In addition, some critical site investigation activities can not be effectively repeated once the site has been disturbed, at least not in a manner so as to meet the rigorous schedule for receipt of waste mandated by Congress. To help assure that activities conducted and information collected are adequate to support licensing findings, and to avoid delaying the licensing process, early NRC involvement is therefore necessary.

The OR program is described in the NRC/DOE Site-specific Procedural Agreement signed August 1983, with details provided in Appendix 7 to this agreement. Appendix 7, which was completed June 1985, provides guidelines for interactions between the OR and DOE/DOE Project representatives (including prime contractors, subcontractors and project participants) during site investigation and characterization. In addition to the OR, Appendix 7 guidelines address NRC personnel temporarily assigned to the OR office. This application of Appendix 7 is intended to provide the staff with direct access to information available to the OR, the technical review of which is necessary to meet mission objectives of the HLW program. Additional clarification and guidance on staff assignments to the OR office is provided in a memorandum from P. Browning to DWM staff dated February 27, 1986.

NRC's HLW program is open to public observation and invites the participation of interested parties, such as the affected States and Indian tribes. To facilitate involvement of these parties, all HLW related information received by NRC headquarters is maintained in the Public Document Room (PDR). The DOE policy, however, is to not release information (including data and reports) to the public until it has been reviewed and published through the applicable DOE review procedures. In practice this is a lengthy process (with examples of

greater than 4 years), therefore the NRC headquarters staff is generally unable to obtain current, on-going information for review using DOE released information alone. The ORs help to facilitate on-going exchange of current site-specific information and identify issues by review of documents and DOE/DOE Project representative interactions visible only at the Project facilities. Until information can be released by DOE in a timely manner to allow NRC headquarters staff review the staff must rely largely on the OR program, data reviews, and other technical meetings.

The OR program has been in place for the past three years, during which NRC involvement in the HLW program has increased significantly. One OR was assigned to each of the three Project offices managing the first repository sites. The original ORs were selected based on their technical backgrounds, professional experience, knowledge of NRC policies, and management skills. Each of these individuals established an office near the three DOE Project offices with part-time secretarial support. Originally, the DWM anticipated that a second OR would be assigned to each OR office to provide additional NRC/DWM representation and more diverse technical expertise at the sites as site-related activities increased. Due to delays in DOE's schedule for site characterization, the need for the second OR has not yet been justified.

III. Evaluation

The first step in review and evaluation of the OR program was to establish performance criteria. Criteria were developed based on objectives of the OR program, status of HLW activities, and comments from NRC staff (e.g. ORs, Project Managers, and other DWM management staff). To assess the observed effectiveness of the OR program, comments were also solicited from individuals having had significant interaction with the ORs (including individuals from CGC and IE). DOE observations made on the OR program during various meetings were also considered. The criteria are presented in Appendix A and results of the evaluation are summarized below. Recommendations addressing needs for improvement identified in the evaluation are discussed in Section V.

1. Facilitation of prompt information exchange.

The most significant benefit of the OR program has been in facilitation of prompt information exchange between the DOE Projects and NRC headquarters staff. This information exchange has helped the NRC and DOE Project staffs to maintain awareness of site-related activities and generic policies/positions of each organization. Much information from current and on-going activities,

including raw data, analyses, plans, procedures, policies, and technical positions can be obtained only through on-site review of draft documents, observation of DOE and DOE Project representative meetings, and/or other interactions with DOE and DOE Project representatives. The ORs not only serve as means to obtain this information, but are also able to observe DOE reactions, concerns, and causes for concerns through continuous and direct interaction with various DOE and DOE Project representatives. This information contributes to understanding the impetus of activities conducted by the DOE Project representatives, to identify needs for staff interactions with DOE/DOE Project representatives involvement, and to independently verify NRC staff information and interpretations. The ORs are responsible for promptly relaying information and interpretations to appropriate NRC headquarters staff through frequent telephone communications, briefings of the Office director and appropriate technical/management staff (i.e. NRC Project teams) through biannual visits to headquarters, written reports, and quarterly meetings with the DWM management.

Through verbal and written communications the ORs have contributed significantly to maintaining NRC's awareness of on-going activities and new information available through OR interactions with DOE and DOE Project representatives. Communications between the ORs and NRC headquarters staff have become increasingly effective over the past three years, especially as the OR role has become better understood through experience and as relationships in the HLW program have matured. Improvements were specifically noted in OR reports following development of guidelines addressing their content and consistency (February 14, 1986 memorandum to DWM staff on OR interactions with NRC headquarters) and through implementation of regularly scheduled conference calls with DWM Project Managers and the Director's office.

Communication between the ORs and headquarters staff is two-sided. While the written and verbal OR reports provide headquarters staff with much needed information, DWM headquarters staff are also responsible for providing the ORs with information on NRC activities, plans, staff positions and information needs. As the OR operates in relative physical isolation of NRC headquarters, they rely on frequent interactions with headquarters staff via mail, telephone, and meetings. These interactions should not only help to identify staff information needs, but enable the ORs to provide feedback to the DOE and DOE Project representatives on NRC positions, policies, and concerns. While problems with initiating frequent communications between the ORs and headquarters staff have been experienced, significant improvements have been realized during the past two years. Comments from staff and DOE/DOE Project representatives indicate that the effectiveness of the ORs in facilitating information exchange has increased and that the ORs are considered to be

valuable sources of relevant information. Even so, improvements are still desirable for which recommendations are addressed in section V.

Though the OR program has provided the staff with an exclusive source of important information, DOE and DOE Project representatives have not been giving the ORs the access to records, meetings, personnel, and facilities intended in Appendix 7 to the Site-specific Agreement and needed to be fully effective. Access provided to the OR varies between DOE Projects due to differing levels of cooperation of DOE and DOE Project representatives and to the working relationship the ORs have been able to establish. Interactions with DOE and DOE Project representatives have been the least effective at BWIP where the OR has been restricted from access to some draft information, select meetings, and other interactions with various DOE Project representatives. The restrictions imposed by DOE/Rockwell can be largely attributed to differences in interpretation of Appendix 7 which affect not only the OR program, but interactions with NRC headquarters staff as well.

Also addressed in Appendix 7 to the Site-specific Agreement are temporary staff assignments to the OR office. The objective of staff assignments was to provide another mechanism for facilitating information exchange between DOE and DOE Project representatives by providing staff temporarily assigned to an OR office with access to information equal to the OR. The staff have, however, experienced more restrictions than encountered by the ORs. These restrictions have further reduced the effectiveness of the information exchange intended through implementation of Appendix 7. Staff access to DOE WIPP information and facilities, the experience of which DOE is considering for application to SPP, has also been restricted. These restrictions are, however, beyond control of the DOE SRP office and need to be resolved through DOE headquarters.

In addition to restrictions encountered in interactions with DOE and DOE Project representatives, limited travel resources have placed some restrictions on OR and the staff's access to site-specific information. Prior to its release, much site-specific information can be obtained only through attendance at significant meetings and interactions with DOE and Project representatives at their work places. This has required much travel due to the various remote locations of the DOE Project representatives, especially for NNWSI and SRPO. While travel resources are currently a factor in access to site-specific information, the need for travel will likely decrease during the site characterization phase as more activities are conducted nearer to the sites where the ORs will be located.

2. Early identification, prioritization, and tracking resolution of site-specific concerns.

In addition to facilitating exchange of information between DOE Projects and NRC headquarters, the ORs are responsible for identifying, prioritizing, and tracking DOE activities to address and/or resolve site-specific concerns, issues, and information needs. The ORs are expected to perform this function by review and evaluation of information available through the Appendix 7 to the Site-specific Agreement. These tasks depend largely on the OR's comprehensive knowledge of technical and policy issues related to the HLW program. Also, when questionable or interpretive, the ORs are expected to verify their evaluation of information through discussion with appropriate DOE and DOE Project representatives. Potential concerns identified by the ORs should be prioritized relative to their potential impact on on-going activities and meeting the licensing requirements, prior to relaying them to the staff. The ORs should identify concerns, issues, and needs for guidance or clarification to appropriate NRC headquarters staff for consideration in planning of staff activities (such as site visits, technical meetings, and studies). Once identified to the staff, the OR is then responsible for tracking, as appropriate, DOE site-specific activities related to clarification or resolution of those concerns.

The ORs have been helpful in identifying and tracking DOE activities regarding site-specific licensing concerns and providing feedback to NRC headquarters staff. The OR reports, occasional management and technical meetings, and periodic telephone conversations have been the primary mechanisms for relaying such information to headquarters staff therefore their effectiveness in this area is largely dependent on these interactions. As noted in the evaluation of criterion 1 above, effectiveness in this area has increased over the past three years. Improvements could still be made recommendations for which are addressed in section V.

3. Coordination of NRC activities for identification and resolution of site-specific concerns.

OR involvement in NRC site-related activities, such as site visits and technical meetings, have been the second most significant benefit of the program. The OR's familiarity with the site, facilities, and DOE/DOE Project representatives, is a valuable resource in planning and coordination of staff meetings, site visits, and other staff activities. In addition to planning and coordination of site visits and meetings, the ORs are responsible for managing temporary staff assignments to the OR office, as provided for in Appendix 7 to the Site-specific Agreement.

The OR program has been effective in coordination and facilitation of site-related activities. The ORs involvement in team planning has primarily been through NRC headquarters staff requests for information and coordination of site-specific activities. To increase the benefits derived from the OR program, headquarters staff need to involve the ORs to a greater degree in prioritization and planning of site-specific activities. This may be accomplished through increased interactions between headquarters staff and ORs, as discussed in the section V.

4. NRC representation at the DOE project sites.

Another important element of the OR program is the continuous NRC/DWM representation that the ORs are responsible for providing at each of the DOE project sites. In addition to facilitating interactions between the NRC and DOE/DOE Project representatives, the OR is responsible for acting as NRC liaison with affected States and Indian tribes and other involved parties. To support this role the OR must maintain a general understanding of technical and programmatic aspects of the HLW program and of current NRC positions on associated issues. This knowledge is needed to enable the OR to answer general questions or to direct detailed questions to the appropriate staff for response. The OR is also responsible for notifying staff of areas where significant questions, concerns, or comments are raised by DOE and Project representatives and by involved parties, and for recommending the need for clarification, guidance or other staff action, as appropriate.

The ORs have accomplished the role of NRC/DWM representation well, demonstrated in part through the positive reaction from States and Indian tribes to the OR program. The States and Indian tribes involved in the HLW program are, in fact, considering stationing their own representative at each site. The Nez Perce/Umatilla Indians already have such a representative at BWIP, with whom the BWIP OR has frequent interaction. Difficulties that have been encountered in this area are primarily due to DOE reluctance to release or make information available for staff review (discussed in the evaluation of criterion 1 above).

To provide effective NRC/DWM representation the ORs must continuously maintain their objectivity in interactions with DOE and DOE Project representatives. Their interactions with DOE and DOE Project representatives should be conducted in a constructive manner in order to maintain effective relations, ensure maximum visibility of site-related activities and information, and avoid directing DOE activities. OR objectivity is considered at this time in attempt to address potential concerns with continued, long-term operation of a single OR at the same DOE project site.

As site characterization proceeds, the OR, as NRC representative will likely become more important and more visible, due to increased DOE and NRC site-related activities and increased involvement of the States and Indian tribes. DOE/NRC staff relationships and OR objectivity must be considered by the staff to maintain or increase effectiveness of the OR program in the future. In recognition of the need to address objectivity the staff reviewed relevant experience in the NRC Resident Inspector program and have developed recommendations, the summaries of both are included in the following two sections of this report.

IV. Comparison with the NRC Resident Inspector Program

During this evaluation, DWM staff met with appropriate Office of Inspection and Enforcement (IE) staff to discuss lessons learned in the Resident Inspector (RI) program that are potentially applicable to the OR program. There are some similarities between the OR role and that of the RI therefore the RI program serves as a useful comparison to identify potential improvements to the OR program. The RI provides NRC representation at nuclear powerplants under construction and in operation, performing aspects of the NRC inspection program which primarily involve observing work in progress and independent verification of licensee activities, as appropriate.

The purpose of the OR program is to have NRC representation at the DOE HLW Projects to oversee on-going site-related activities and to identify potential licensing issues. The RI program focuses on inspection and enforcement during construction and operation of nuclear powerplants while the OR program focuses on design, site characterization and licensing information needs; however, both provide mechanisms for prompt exchange of information and early identification of potential safety concerns. Differences in the programs and responsibilities may limit the applicability of some aspects of the RI program, but lessons learned relative to employee conduct and objectivity, for example, provide useful insights and can undoubtedly help improve the effectiveness of the OR program.

The RI program was implemented in 1978 with 20 inspectors from regional offices relocated to 20 nuclear powerplant sites. Each RI receives technical support from the regional inspection offices to which they report. In 1981 the RI program was expanded to include at least one RI assigned to each powerplant under construction or in operation. Additional RIs were assigned to sites on the basis of plant design, past utility performance, and availability of adequately trained inspectors.

A major concern with establishment of the RI program was the potential loss of the RI's objectivity. Objectivity is key to the effectiveness of the RI's activities. The RIs are responsible for representing the NRC without deference to the licensee, while working in frequent contact with the plant operator or contractor and in relative isolation of the NRC headquarters staff. As defined by the IE, objectivity exists when the inspector implements the inspection program, interfaces with the public and conducts personal/organizational relationships in an unbiased manner, free from both partiality and antagonism toward a licensee or vendor, or the employees of a licensee or vendor. This has been one of the most difficult issues for NRC to resolve due to the subjective nature of evaluating objectivity, the influence of individual behavior on conduct and interactions, and the relative independence from direct agency supervision. NRC originally planned to minimize the potential risk of loss of objectivity by carefully selecting RIs, limiting their duty tours at a site to no longer than 3 years, and ensuring that they had frequent contact with regional inspectors, supervisors, and other RIs. In addition, NRC developed a strict code of conduct for the RI as provided in the IE Manual Chapter 0200 (Appendix C).

NRC's Office of Inspection and Auditor found that the costs of relocating RIs were generally greater than what NRC could reimburse under government relocation allowances. To reduce the financial loss associated with the proposed 3 year relocation cycle, as well as the potential for the RI to seek employment outside of the NRC to avoid frequent relocation, the tour of duty was extended to 5 years. Extending the tour of duty cycle increased the potential for an inspector to incur a loss of objectivity. Therefore, to reduce this risk of objectivity loss the NRC elected to assign more than one RI to each site. At this time the NRC also requested legislative authority to pay RIs higher relocation expenses. In lieu of granting this authority, Congress directed NRC to conduct a study of financial hardships related to periodic relocation of RIs. The resulting NRC report, entitled "Study of Financial Impacts on Resident Inspectors", was submitted to Congress April 1983.

In response to NRC's concerns, the General Accounting Office (GAO) conducted a review of the RI program to evaluate the issue of RI objectivity. In the resulting report, submitted to NRC in November 1983, GAO recommended that NRC adopt a flexible policy regarding rotation and identify alternative measures to assess inspector objectivity (Appendix B). The Commission concurred with the GAO recommendation on flexible tour length and IE developed manual chapters to address measures to use as guidance in ensuring objectivity of NRC inspectors. This manual chapter provides additional guidance to that previously provided in chapter 0235 which addresses conduct of NRC employees in general (both chapters are included in Appendix C).

Like the RI, the effectiveness of the OR is largely dependent on the OR's ability to function objectively. Maintenance and evaluation of objectivity are, however, more difficult for the ORs than the RIs because the ORs currently operate alone and in greater physical isolation from other NRC staff. Two RIs are assigned to each site, they report to a NRC Regional Office, interact with other NRC region and headquarters staff during detailed inspections conducted frequently at each site, and attend periodic meetings at the region or NRC headquarters. The ORs, in contrast, work alone at each site, report directly to the Director of DWM at NRC headquarters, and interact in person with NRC staff only during quarterly meetings and occasional site-visits or site-related meetings. The ORs rely heavily on communications with staff via telephone or mail.

There are other parallels between the RI and OR programs. While the RI is not considered an expert in the various technical fields associated with powerplant construction and operation, the RI job does require a background knowledge of powerplant and the powerplant program as well as a current knowledge of relevant NRC activities, policies, guidance, and other concerns. When the RI identifies a potential safety concern, he is responsible for reporting that concern to appropriate NRC staff who will follow-up, through a detailed inspection or other mechanism. The OR role is similar since it requires a comprehensive and current knowledge of technical and programmatic aspects of the HLW program, but relies on the NRC headquarters staff to provide expert advice in specific technical areas.

Due to the requirements and responsibilities of their jobs, the RIs need relatively flexible schedules and resources for travel. This flexibility is needed in order to respond to licensees schedules and concerns as they are identified. The ORs share similar needs for flexibility, though considerably magnified by the number of participants involved in each Project and by the location of those participants at distances from the Project sites. In order to provide adequate oversight of site-specific activities and maintaining effective communication with the staff, travel should not, however, exceed 50% of the ORs time.

V. Needs for Improvement and Recommendations/Plans for FY 1987

Prior to and during the process of this review, several areas were identified where changes could be made to improve the effectiveness of the OR program. These areas, recommended changes and plans for FY 1987 are classified into

three categories for the discussion below. The categories are: interactions with NPC headquarters, access to relevant information, and OR objectivity.

1. Interactions with NRC headquarters.

Over the past two years several mechanisms have been developed, such as written reports, regularly scheduled conference calls, and quarterly meetings, to effect interactions between staff and ORs and to increase the shared awareness of activities at NPC headquarters and the DOE Project offices. To further improve interactions between the ORs and NRC headquarters staff, the ORs need to be aware of NRC team activities for the associated projects, and be more involved by staff in planning and conduct of NRC site-specific activities and technical meetings. The ORs should be considered as team resources, responsible for providing input to and for cooperating with the Project teams as needed to maximize the effectiveness of interactions with staff and DOE/DOE Project representatives.

Communications between the ORs and DWM headquarters staff need to be more frequently conducted. Headquarters staff need to communicate more with the ORs on the content of their reports to provide feedback and response, where appropriate. In addition to the OR reports, DWM plans to have the Project teams prepare a brief report monthly providing information on their HLW activities. These reports are intended to keep the DWM staff, including the CR, informed of on-going activities in each technical area and to help facilitate planning and prioritization of HLW activities. Through OR and team reports, DWM staff will be able to maintain a current knowledge of site-related activities, identify issues or questions related to those activities, and more consistently plan and track site-related activities in a coordinated, proactive manner. In addition, DWM anticipates that NRC headquarters staff will be conducting more on-site activities during FY 1987 in response to increased DOE site activities. These interactions will be conducted through temporary assignments to the OR offices, participation in technical meetings and in visits to the sites or DOE Project facilities. Increased staff activities with the DOE Projects and CRs will provide the ORs with insight on staff positions and activities, and provide feedback to NRC headquarters on site-specific HLW activities of DOE and the ORs.

2. Access to relevant information.

The ability of an OR to facilitate prompt information exchange depends heavily on access to information, facilities, and personnel. This access requires the cooperation of DOE/DOE Project representatives. While able to obtain more

site-specific information than the staff, the ORs have been restricted from access presumably provided in Apperdix 7 to the Site-specific Agreement. The variations in access provided by the DOE projects indicates that Appendix 7 is being inconsistently interpreted and applied. OR ability to obtain information is further reduced due to limitations in the budget allowed the ORs for travel. The ORs need flexibility in travel to enable them to follow and observe DOE/DOE Project representative activities, especially for NNWSI and SRPO where locations of the Project representatives are widely spread. Problems with OR access to information at the project sites are also emphasized due to the fact that information is still not being released to NRC headquarters staff in a timely manner.

At EWIP, in particular, there appears to be a lack of agreement on the OR role and the access provided by Appendix 7 to the Site-specific Agreement. This was best demonstrated in a letter from O.L. Olson to the Rockwell General Manager, March 27, 1986, which provides restrictive guidance for implementation of Appendix 7 through narrow interpretation of it's intent. With support of the ORs, DWM will evaluate access restrictions at each project and determine the source of inconsistencies. Once these are identified, the staff will, in coordination with DOE, develop guidance on the intent and implementation of Appendix 7 to eliminate inconsistencies and improve the OR effectiveness. The staff will also continue to monitor the situation until access provided in Appendix 7 is obtained.

To reduce problems with access to information due to travel resources, the ORs and appropriate DWM management will identify anticipated travel needs at least a quarter in advance to be considered in planning for the next quarter. These needs will be evaluated against funds for the Director's office, DWM, from which the OR budget is derived, and resources will be allocated to each OR, as appropriate. Resource estimates will take into account unanticipated charges due to uncertainty of DOE activities and the need for OR presence at the project site at least 50 % of the time. This planning should reduce the uncertainty regarding travel resources and the impact of fluctuating use of DWM resources, as well as give the OR responsibility for managing the resources allocated.

DWM continues to have on-going discussions with DOE headquarters regarding the need for timely release of information to the staff in general, with little success. The staff have encountered situations where the inability to obtain documents or access to meetings limited the staff's ability to understand or comment on DOE material and activities. Those situations include review of draft EAs and preparation for specific technical meetings. The staff will continue to raise this issue to DOE management, citing such examples, as they are identified, to support this concern.

3. OR Objectivity.

Objectivity is an aspect of the OR program that can significantly impact the effectiveness of an OR. DWM staff plan to address this topic by developing guidance on the maintenance and evaluation of objectivity and by attempting to increase interactions between the ORs and the staff.

First, DWM plans to evaluate and modify applicable portions of IE Manual Chapters 0235 and C215 (Appendix C) which address employee conduct and maintenance of inspector objectivity, for application to the OR program. As in the RI program, rotation will be considered optional for the ORs and applied only as needed on a case-by-case basis. Until more than one OR is assigned to each site, however, rotation will not be likely. The number of ORs available for rotation and the overriding need for continuity in representation at each site currently makes rotation impractical. Written guidance on OR conduct and objectivity is being prepared by DWM through lead of the ORs.

As originally intended, DWM plans to assign a second OR to each site as soon as the need is justified by increased site activities. A second OR will introduce a continuous NRC presence for independent interpretations of and feedback between ORs on site-specific activities. This should provide the headquarters staff with a second view of DOE and DOE Project representative activities and vice versa.

VI. Changes at SRP

In addition to the areas addressed above, DWM has developed plans to accommodate DOE's plans to relocate the SRP Office. DOE plans to move the SRP office from Columbus, Ohio to near the selected site (in Deaf Smith County, Texas). DOE intends to conduct the move in phases, ending in the fourth quarter of FY 1967. These plans and schedules are subject to pending DOE resolution of budget, land acquisition and other uncertainties. DWM plans to have established an independent OR office in Amarillo Texas, approximately 40 miles from the site, prior to start of site characterization. Based on past experience with establishing OR offices at RWIP and MMSI, GSA needs at least 4 months to acquire office space in a designated location. This lead time will be allowed for in DWM's plans, which will be developed when DOE's schedule for characterization activities is confirmed.

Besides relocation of the OR office, the former OR for SPPD has been reassigned to the Geotechnical Branch in DWM as senior staff hydrologist. To satisfy the

need for a new OR. DWM is in the process of; identifying potential candidates, developing criteria for training a new OR, and determining how to fill the OR functions as needed prior to assignment of a new OR. Actions have been initiated to post the position with plans for selection of the new OR as soon as possible. In addition to looking for an individual with experience in the HLW program, DWM intends that the new OR train for approximately six months before being permanently stationed near the DOE SRP office.

VII. Conclusion

The OR program has been in place for the past three years, during which time significant benefits have been realized for NRC/DWM headquarters staff. While largely effective in achieving its objectives, the results of a comprehensive evaluation indicate that improvements can be made in OR access to information and interactions/communications between ORs and NRC headquarters staff. OR effectiveness is largely dependent on access to information and interaction with DOE and DOE Project representatives which have not been consistently provided by each project to the extent described in Appendix 7 to the NRC/DOE Site-specific Procedural Agreement. DWM plans to continue to pursue the broad issue of staff access to and timely release of information. Also the staff will identify the source of inconsistencies and provide additional guidance on implementation of Appendix 7 to improve access to information, as necessary, and thereby improve OR and NRC headquarters staff effectiveness. Finally, DWM will attempt to increase interactions between NRC headquarters and the ORs to reduce the isolation of ORs and to benefit from OR involvement in planning of project team activities, especially as site activities continue.

While not a problem at this time, maintenance of objectivity is a potential concern in the future of the OR program. Based on review of NRC experience regarding objectivity in the RI program, DWM staff have identified lessons learned that can be applied to help assure maintenance of objectivity in the program. Also, in response to changes at SRPO, DWM has developed plans for the associated OR office. These include relocation of the office to Amarillo, Texas and selection of a new OR.

This report represents the first formal evaluation of the effectiveness of the OR program. Similar evaluations will be conducted periodically in an attempt to continue improvement and to increase the benefits derived from the OR as the HLW program progresses.

APPENDIX A

CRITERIA FOR EVALUATING THE EFFECTIVENESS OF THE OR PROGRAM

1. Facilitation of prompt exchange of information between DOE Project and NRC headquarters technical and management staffs to increase staff knowledge of site-specific activities and DOE project awareness of NRC activities:
 - a. Observe of DOE Project/DOE Project representative meetings and other activities
 - b. Obtain visibility of and review (as appropriate) of DOE and NRC draft documents, plans, policies, technical positions, etc.
 - c. Independently verify information obtained through NRC headquarters/OR communications with DOE or observations of DOE meetings
 - d. Notify appropriate NRC staff of new site-specific technical information (including data, interpretations, and plans) presented in meetings, draft reports, and discussions and obtain samples as appropriate for NRC contractor use
 - e. Relay information to DOE Project staff of NRC/DWM site-specific activities and positions
 - f. Relay new programmatic information between DOE/DOE Project representative and NRC management staffs (such as milestones and schedules presented in meetings, draft reports and discussions)
 - g. Relay DOE reactions, concerns and the causes of those concerns to NRC headquarters

2. Early identification, prioritization, and tracking of site-specific concerns, issues, and information needs:
 - a. Evaluate data and interpretations presented in meetings and draft documents not available for general staff review

- b. Conduct discussions with DOE/DOE Project participants, and State and Tribal representatives to verify OR evaluations and interpretations of Project information presented in meetings and draft documents and other DOE/NRC interactions
 - c. Relay concerns and issues to appropriate NRC staff and indicate the potential impact of these concerns and issues on the site-specific program
 - d. Identify apparent needs for DOE and NRC interactions, guidance, clarification of guidance, work programs, studies, etc. for staff consideration and planning of Project team activities
3. Coordination of NRC activities aimed at identification and resolution of site-specific concerns/issues:
- a. Assist in planning and coordination of NRC/DOE Project technical meetings and management meetings
 - b. Assist in planning and management of Appendix 7 assignments and site visits by NRC technical and management staff
 - c. Advise PM of concerns regarding conduct of NRC site-related activities
4. NRC representation at the DOE Project sites in interactions with DOE, DOE Project Participants/Contractors, States, Tribes, and other interested parties:
- a. Maintain awareness of NRC staff activities (policies, positions, etc.) in order to provide information or recommend appropriate staff contacts to DOE project staff and other interested parties
 - b. Notify appropriate NRC staff of significant discussions with DOE or other interested parties involving interpretations of staff positions, policy, and other related information
 - c. Maintain objectivity in interactions with staff, DOE representatives, and other interested parties
 - d. Interact with DOE representatives in a constructive manner to ensure maximum visibility of site-related activities and information

- e. Identify problems with and suggest mechanisms to improve NRC/DOE interactions related to site characterization activities
- f. Act as NRC liaison for the projects with representatives of affected States and Indian tribes and other interested parties, maintaining an open environment and credibility with involved parties/public

APPENDIX B

GAO REPORT TO THE NRC CHAIRMAN -
"NRC NEEDS ALTERNATIVE TO MANDATORY RELOCATION FOR
MAINTAINING OBJECTIVITY OF RESIDENT INSPECTORS"