

**COMPLIANCE DETERMINATION STRATEGY  
RRT 7.9 PRESERVATION OF RECORDS**

**APPLICABLE REGULATORY REQUIREMENTS:**

10 CFR 60.21(c)(15)(vi)  
10 CFR 60.51(a)(2)(ii)

**TYPES OF REVIEW:**

Acceptance Review (Type 1)  
Safety Review (Type 3)

**RATIONALE FOR TYPES OF REVIEW:**

**Acceptance Review (Type 1) Rationale:**

This regulatory requirement topic is considered to be license application-related because, as specified in the license application content requirements of 10 CFR 60.21(c) and the regulatory guide "Format and Content for the License Application for the High-Level Waste Repository (FCRG)" it must be addressed by the U.S. Department of Energy (DOE) in its license application. Therefore, the staff will conduct an Acceptance Review of the license application for this regulatory requirement topic.

**Safety Review (Type 3) Rationale:**

This regulatory requirement topic is considered to be related to containment and waste isolation. It concerns the preservation of records for geologic repository activities and focuses on the measures to be employed by DOE after permanent closure to assure that records are preserved and available for use by future generations. It is a requirement for which compliance is necessary to make a safety determination for construction authorization as defined in 10 CFR 60.31(a) (i.e., regulatory requirements concerning DOE's proposed operating procedures to protect health and to minimize danger to life and property). Therefore, the staff will conduct a Safety Review of the license application to determine compliance with this regulatory requirement.

**REVIEW STRATEGY:**

**Acceptance Review:**

In conducting the Acceptance Review of DOE's plans for the preservation of records of geologic repository activities, the reviewer should determine if the information present in the license application and its references for determining compliance with the applicable regulatory requirements is complete in technical breadth and depth as identified in the FCRG. The reviewer should determine if all appropriate information necessary for the staff to review DOE's plans and procedures is presented such that the assessments required by the applicable regulatory requirements can be performed.

Finally, the reviewer should determine if the DOE has either resolved all the NRC staff objections that apply to this requirement or provided all the information requested in Section 1.6.2 of the FCRG, for unresolved objections. The reviewer should evaluate the effects of any unresolved objections, both individually and in combinations with others, on: (1) the reviewer's ability to conduct a meaningful and

timely review; and (2) the Commission's ability to make a decision regarding construction authorization within the three-year statutory period.

**Safety Review:**

This regulatory requirement topic is limited to consideration of plans for the preservation of geologic repository operations records after permanent closure. It is not concerned with requirements for geologic repository operational records and reports, or maintenance of quality assurance records. Treatment of these types of records will be covered under Sections 7.5 and 10.0, respectively, of the license application and attendant review plans. The specific aspects of the license application on which the reviewer will focus are discussed below, and the Acceptance Criteria are identified in Section 3.0 of this review plan.

In conducting the Safety Review, the reviewer should determine if the information presented in the license application and its references is an acceptable demonstration of compliance with the applicable regulatory requirements. At a minimum, this would include determining the acceptability of the plans and procedures that will be used for permanent preservation of records, including placement of records in archives and land record systems as described in 10 CFR 60.51(a)(2)(ii). For example, such records should include geologic repository operations records and site records such as site data collected prior to the implementation of the 1988 Site Characterization Plan (DOE, 1988); data from the site characterization program itself; construction records; and performance confirmation program records.

In order to conduct an effective review, the reviewer will rely on staff expertise and independently acquired knowledge and information in addition to that provided by the DOE in its license application. For example, commercial nuclear power generation practices for retention and maintenance of records provide models for preservation of geologic repository records. It is incumbent upon the reviewer to have acquired a body of knowledge regarding these and other critical considerations in anticipation of conducting the review to assure that the records preservation program is sufficient in scope and depth to provide the information to resolve the concerns.

**RATIONALE FOR REVIEW STRATEGY :**

Not Applicable

**Contributing Analysts:**

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**APPLICABLE REGULATORY REQUIREMENTS FOR EACH TYPE OF REVIEW:**

Type 1:

10 CFR 60.21(c)(15)(vi)  
10 CFR 60.51(a)(2)(ii)

Type 3:

10 CFR 60.51(a)(2)(ii)

**REFERENCES:**

Nuclear Regulatory Commission, "Format and Content for the License Application for the High-Level Waste Repository," Office of Nuclear Regulatory Research. [Refer to the "Products List" for the Division of High-Level Waste Management to identify the most current edition of the FCRG in effect.]

U.S. Department of Energy, "Site Characterization Plan, Yucca Mountain Site, Nevada Research and Development Area, Nevada," Office of Civilian Radioactive Waste Management, Nevada Operations Office/Yucca Mountain Project Office, Nevada, DOE/RW-0199, 9 Vols., December 1988.