

**COMPLIANCE DETERMINATION STRATEGY  
RRT 8.1.3 PERFORMANCE CONFIRMATION FOR THE NATURAL SYSTEMS  
OF THE GEOLOGIC SETTING – GEOCHEMICAL SYSTEM**

**APPLICABLE REGULATORY REQUIREMENTS:**

10 CFR 60.21(c)(14)  
10 CFR 60.140(a-d)  
10 CFR 60.141(a-e)

**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 license application-related because, as specified in 10 CFR 60.31(a)(1)(i), it is information that the Commission shall consider in determining if there is reasonable assurance that the types and amounts of radioactive materials described in the application can be received, possessed, and disposed of in a geologic repository operations area without unreasonable risk to public health and safety. As presented in the license application content requirements of 10 CFR 60.140 and 60.141 and Section 8.1.3 of 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 related to radiological safety, retrievability, containment, or waste isolation. It concerns the performance confirmation program for the geochemical system and focuses on plans and activities of DOE that are intended to support the assumptions made during the period of performance assessment. 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 in Subparts E, G, H, and I). Therefore, the staff will conduct a Safety Review of the license application to determine compliance with this regulatory requirement topic.

**REVIEW STRATEGY:**

**Acceptance Review:**

In conducting the Acceptance Review for the performance confirmation of the geochemical system of the site, the reviewer should determine if the content of the license application is complete in technical breadth and depth with respect to the information requested by Section 8.1.3 of the FCRG. The reviewer should determine whether the license application contains all appropriate information that the staff needs to review the performance confirmation program for the geochemical system. The information must be

sufficient to support assessments required by the regulatory requirements. Those sections of the License Application which will be subject to the program described in this plan are listed in Table 8.1.3-1.

The information contained in the license application should be presented in such a way that the assumptions, data, and logic lead to a clear demonstration of compliance with the requirements. The reviewer should not be required to conduct extensive analyses or literature searches. The reviewer should also determine whether an appropriate range of alternative interpretations and models has been described.

Finally, the reviewer should determine whether the U.S. Department of Energy (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 regarding unresolved objections. The reviewer should evaluate the effects of any unresolved objections, both individually and in combination 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:**

In conducting the Safety Review, the reviewer will, at a minimum, determine the adequacy of plans presented in the license application to demonstrate the acceptability of DOE's performance confirmation program. The specific aspects of the license application on which the reviewer will focus are described below, and the Acceptance Criteria are identified in Section 3.0 of this review plan. Specifically, the reviewer will: (1) review DOE's plans to determine how they will assure that the performance confirmation program begins during site characterization and continues until permanent closure; (2) determine if the program includes plans for surveillance, measurement, and *in-situ* testing, as appropriate, to ensure (where practicable) that design parameters are confirmed and are within the limits assumed in the licensing review; (3) determine if the program includes plans to compare measurements and observations with the original design bases and assumptions, and whether significant differences exist between them; the program must have plans for reviewing these differences and determining the need to modify designs or construction methods; (4) determine if the program provides data which indicate whether the geochemical system required for repository operation or designed to operate as a barrier after permanent closure is functioning as intended and anticipated; (5) for those baselines modified, determine if the program includes plans to monitor and analyze changes in baseline conditions to assure that the geologic repository can still meet the 10 CFR Part 60 performance objectives; and (6) determine if the program has plans for reporting any differences in the baseline, and any corresponding recommended design changes to accommodate actual field conditions.

Subsurface conditions, including an environment representative of that in which the waste packages are to be emplaced, shall be monitored and evaluated against design assumptions. At a minimum, the reviewer should determine if the program includes plans for measurements related to: (1) changes in groundwater conditions; and (2) *in-situ* monitoring until permanent closure of the thermomechanical response of the underground facility, to ensure that the performance of the natural and engineering features is within design limits.

Additionally, in evaluating DOE's plans for performance confirmation, the reviewer should determine if the program can be implemented such that: (1) it does not adversely affect the ability of the natural and engineered elements of the geologic repository to meet any of the 10 CFR Part 60 performance objectives; (2) it provides sufficient baseline information and an analysis for those parameters and natural processes pertaining to the geologic setting that may be changed by site characterization, construction,

and operational activities; (3) it monitors and analyzes changes from the baseline condition of parameters that could affect the performance of a geologic repository; and (4) it provides an established plan for feedback and analysis of data and implementation of appropriate action. This should include plans to ensure that timely action is taken to inform the Commission of changes in the conditions being monitored and the subsequent need for changes in designs, construction methods, or a performance objective of 10 CFR Part 60.

In order to conduct an effective review, the reviewer will rely on staff expertise and independently acquired knowledge, information, and data such as the results of research activities being conducted by NRC's Office of Nuclear Regulatory Research, in addition to that provided by the DOE in its license application. The reviewer should focus on additional data which can refine knowledge of the performance confirmation of the geochemical system, and should perform, as necessary, additional analyses to confirm the resolution capabilities of the methodologies. The reviewer must acquire a body of knowledge regarding these and other critical considerations in preparing to conduct the review.

Finally, it is possible that the conclusions of the performance confirmation program may identify deviations from the original design baseline. Analysis of the implications of any changes from the original baseline for design or performance will be treated in Section 8.5 ("Analysis of Changes from the Performance Confirmation Baseline") of the license application and its attendant review plan.

**RATIONALE FOR REVIEW STRATEGY:**

None.

**Contributing Analysts:**

NRC: Neil Coleman

CNWRA: William M. Murphy

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

Type 1:

10 CFR 60.21(c)(14)

10 CFR 60.140(a-d)

10 CFR 60.141(a-e)

Type 3:

10 CFR 60.21(c)(14)

10 CFR 60.140(a-d)

10 CFR 60.141(a-e)

**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.]

**TABLE 8.1.3-1. Sections of the License Application Which Require Input from the "Performance Confirmation for the Natural Systems of the Geologic Setting: Geochemical System" Section of the License Application.**

*License Application*

*Section            Section Title*

**Siting Criteria**

(Favorable Conditions)

- 3.2.3.1        Nature and Rates of Geochemical Processes
- 3.2.3.2        Geochemical Conditions
- 3.2.3.3        Mineral Assemblages

(Potentially Adverse Conditions)

- 3.2.1.4        Evidence of Dissolution
- 3.2.1.11      Presence of Naturally Occurring Materials
- 3.2.2.10      Complex Engineering Measures
- 3.2.3.4        Groundwater Conditions and the Engineered Barrier System
- 3.2.3.5        Geochemical Processes
- 3.2.3.6        Not Reducing Groundwater Conditions
- 3.2.3.7        Gaseous Radionuclide Movement
- 3.2.5         Assessment of Compliance with Criteria for Combination of Favorable Conditions and Potentially Adverse Conditions
- 3.4            Effectiveness of Natural Barriers against the Release of Radioactive Material to the Environment

**Performance Objectives**

- 5.4            Assessment of Compliance with the Engineered Barrier System Performance Objectives
- 6.1            Assessment of Compliance with the Requirement for Cumulative Releases of Radioactive Materials
- 6.2            Assessment of Compliance with the Individual Protection Requirements
- 6.3            Assessment of Compliance with the Groundwater Protection Requirements
- 8.1.3         Performance Confirmation Program for the Natural Systems of the Geologic Setting: Geochemical System
- 8.2            Structure, Systems, and Components of the Geologic Repository Operations Area
- 8.3            Engineered Barrier System
- 8.4            Radiation Protection during Performance Confirmation
- 8.5            Analysis of Changes from Performance Confirmation Baseline
- 8.6            Unresolved Safety Questions

**Design Criteria**

- 4.3            Assessment of Compliance with Design Criteria for Shafts and Ramps
- 4.4            Assessment of Compliance with Design Criteria for the Underground Facility
- 5.2            Assessment of Compliance with the Design Criteria for the Waste Package and its Components
- 5.3            Assessment of Compliance with the Design Criteria for the Engineered Barrier System