

January 28, 1999

SECY-99-031

FOR: The Commissioners

FROM: William D. Travers /s/  
Executive Director for Operations

SUBJECT: AGREEMENT BETWEEN U.S. DEPARTMENT OF ENERGY/OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT AND U.S. NUCLEAR REGULATORY COMMISSION/OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS REGARDING PRE-LICENSING INTERACTIONS

PURPOSE:

To inform the Commission of a revision to the agreement between the U.S. Department of Energy (DOE), Office of Civilian Radioactive Waste Management (OCRWM), and the U.S. Nuclear Regulatory Commission (NRC), Office of Nuclear Material Safety and Safeguards (NMSS), regarding general guidelines for communications between the two organizations with respect to all activities preparatory to DOE's submission of an application for authorization to construct and operate a geologic repository under section 114 of the Nuclear Waste Policy Act (NWPA).

BACKGROUND:

In 1983, NRC and DOE signed a Procedural Agreement and later a Project-Specific Agreement identifying guiding principles for interface during site investigation and site characterization. The agreements outlined procedures, for consultation and exchange of information, that DOE and NRC would observe in connection with the characterization of sites for a geologic

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repository. The purpose of these procedures is to assure that an information flow was maintained, between the two agencies, that will facilitate each agency's accomplishment of its responsibilities, under the NWPA. This agreement was last revised in 1993.

DISCUSSION:

The objective of this revision (attached) is to update, consolidate, and streamline the agreement. NRC and DOE staffs have worked jointly to incorporate changes to satisfy these objectives. The substantive changes include: (1) adding a provision stating that all interactions will comply with the "NRC Policy Statement on Staff Meetings Open to the Public"; (2) stating that management commitments will be documented in correspondence subsequent to the interactions; (3) streamlining the types of meetings conducted to reflect current practice; (4) consolidating and eliminating redundant information to simplify the agreement; and (5) clarifying the use of terms by adding a "Definitions" section.

All changes to this agreement have been coordinated with DOE/OCRWM and reviewed by NRC/NMSS, and NRC's Office of the General Counsel (OGC). In an August 1998 public meeting, NRC and DOE staffs briefed representatives from the State of Nevada, Affected Units of Local Governments (AULGs), and other interested parties, on the proposed revision to the agreement, and solicited their comments. Copies of the proposed revised agreement were available at this meeting. Comments received from the State and AULGs were incorporated into the agreement.

OGC has reviewed the procedural agreement and has no legal objection. There are no resource, information management, or information technology impacts expected as a result of the revised Procedural Agreement.

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Executive Director  
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Attachment:  
Agreement Between DOE/OCRWM and NRC/NMSS  
Regarding Pre-licensing Interactions

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Agreement Between DOE/OCRWM and NRC/NMSS  
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DOCUMENT NAME: s:\dwm\pah\slw\secy.wpd

\*see previous concurrence

<b>OFC</b>	PAHL*		PAHL*		TECH ED*		PAHL*		DWM*	
<b>NAME</b>	CGlenn/kv		SWastler		EKraus		MBell		JGreeves	
<b>DATE</b>	1/06/99		1/06/99		1/06/99		1/06/99		1/12 /99	
<b>OFC</b>	NMSS*		OGC*		DEDR*		EDO			
<b>NAME</b>	CPaperiello		NJensen		FMiraglia		WTravers			
<b>DATE</b>	1/19/99		1/22/99		1/25/99		1/ /99			

OFFICIAL RECORD COPY

**AGREEMENT BETWEEN  
DOE/OCRWM AND NRC/NMSS  
REGARDING PRELICENSING  
INTERACTIONS**

**November 16, 1998**

# **AGREEMENT BETWEEN DOE/OCRWM AND NRC/NMSS REGARDING PRELICENSING INTERACTIONS**

## **1 PURPOSE**

1.1 This Prelicensing Agreement describes general guidelines for communications between the staffs and management organizations of the Department of Energy (DOE) Office of Civilian Radioactive Waste Management (OCRWM) and the Nuclear Regulatory Commission (NRC) Office of Nuclear Material Safety and Safeguards (NMSS), including senior management and contractors designated by either agency, during the prelicensing period with respect to all activities preparatory to DOE's submission of an application for authorization to construct and operate a geologic repository under section 114 of the Nuclear Waste Policy Act (NWPA).

1.2 This Prelicensing Agreement supersedes the "Procedural Agreement" and the "Project-Specific Agreement", as revised in 1993.

1.3 No action taken pursuant to this agreement shall be deemed to constitute a commitment to issue any authorization or license, or in any way affect the authority of the Commission, its officers, and staff, in any licensing proceeding.

1.4 Nothing in this agreement shall be construed to confer rights to any party other than to DOE and NRC.

## **2 DEFINITIONS**

**Appendix 7 Meeting** – An Appendix 7 Meeting is a meeting between the NRC On-Site Representative (OR), including any NRC personnel assigned to the OR, and DOE-Yucca Mountain Site Characterization Office (YMSCO), including contractors and subcontractors. These meetings, described in Appendix 7 of this Agreement, do not constitute interactions within the intent of Section 3 of this agreement and will not require the preparation of written reports or meeting summaries. These meetings are intended to be focused discussions of technical topics on site characterization and related activities. At the discretion of DOE and NRC, external parties may be notified and invited to observe Appendix 7 meetings and field trips subject to identification requirements and compliance with applicable access control measures for security, radiological protection, and personnel safety. No commitments may be made at Appendix 7 Meetings.

**Commitments** – An explicit statement to take a specified action agreed to or volunteered by the OCRWM or NMSS to one another, an external governmental agency or entity identified in the NWPA as having a right to participate. Commitments require action within a specified period or by a specified date. All commitments will be documented in correspondence by the party(ies) making the commitment. Unless expressly provided in writing, no commitments made to NRC pursuant to this prelicensing agreement are to be interpreted as becoming licensing commitments

or conditions.

Interactions – Technical Exchanges, Management Meetings, or Site Visits. Management Meetings and Technical Exchanges are planned interactions open to public observation subject to the *NRC Policy Statement: Staff Meetings Open to the Public*. Technical Exchanges or Management Meetings include but are not limited to planned or scheduled DOE/NRC face-to-face meetings as well as alternative forms of planned or scheduled DOE/NRC interactions such as videoconferences. These interactions will comply with the *NRC Policy Statement: Staff Meetings Open to the Public* whether conducted by NRC or DOE. Certain interactions require written reports, as described in Section 3.5, and are subject to public notification and observation.

Management Meeting – A scheduled interaction held whenever necessary to review the summary results of Technical Exchanges; to review the status of outstanding items and issues; to discuss plans for resolution of outstanding items and issues; to update the schedule of Technical Exchanges and other actions needed for staff resolution of open items regarding the site characterization program; and to consult on what guidance is advisable and necessary for NRC to prepare. Unresolved management issues will be promptly elevated to upper management for resolution. Management Meetings are conducted to discuss programmatic issues related to program policy, schedules, scope, and major assignments of resources. Any commitments that are made during these meetings will be documented in correspondence by the party(ies) making the commitment. These meetings are subject to the *NRC Policy Statement: Staff Meetings Open to the Public* whether conducted by NRC or DOE.

Observers – A representative(s) sent to primarily observe but not participate substantially in an activity (as in a meeting, audit, or surveillance). Observers may furnish questions, observations, and recommendations generally at the beginning and end of meetings. Direct communication between observers and meeting participants during a meeting, audit, or surveillance is generally discouraged in order to minimize disruption.

Programmatic Issues – Issues discussed primarily at Management Meetings related to program policy, schedules, scope, and major commitments of resources.

Site Visit – A scheduled interaction held between DOE and NRC technical staff to: explain technical information related to ongoing field or laboratory site characterization and related activities; and visit locations at the site for field briefings and discussions of preliminary data and interpretation derived from field work. The primary purpose of a Site Visit is for both agencies to benefit from discussion of technical topics in the field. Site Visits will not require the preparation of written reports or meeting summaries. Site Visits will not be used as a forum to officially establish or change technical and/or regulatory positions, establish commitments, nor agree to courses of action. Representatives from the State of Nevada, affected units of local government, any affected Indian tribes, the public, and other interested parties may observe the proceedings of Site Visits consistent with security access, logistical arrangements, and safety rules. Proceedings covered by Appendix 7 of this agreement do not apply to Site Visits.

Technical Exchange – A scheduled interaction between DOE and NRC technical/licensing staff

expected to focus primarily on technical or regulatory issues and to: review and consult on interpretations of data; identify potential licensing issues; discuss specific technical and/or regulatory topics, the sufficiency of available information and data, 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. Technical Exchanges may be the forum for gaining an understanding and discussing technical or regulatory issues and the acceptability of actions on the part of both agencies, however, they can not be used to officially establish or change positions or make commitments. These meetings are subject to the *NRC Policy Statement: Staff Meetings Open to the Public* whether conducted by NRC or DOE.

### **3 GUIDELINES TO CONDUCT OCRWM AND NMSS INTERACTIONS**

3.1 OCRWM and NMSS may conduct interactions on topics of mutual agreement at the request of either agency. Open, scheduled interactions may be either Management Meetings, Technical Exchanges, or Site Visits (see Section 2, "Definitions"). Proceedings covered by Appendix 7 of this agreement do not constitute interactions within the context of this agreement.

3.2 Technical Exchanges are expected to focus on technical or regulatory issues, and are intended to be staff-to-staff interactions, with respective contractor staff included as needed. Technical Exchanges may be the forum for gaining an understanding and discussing technical or regulatory issues and the acceptability of actions on the part of both agencies, however, they can not be used to officially establish or change positions or make commitments.

3.3 Management Meetings are generally expected to focus on programmatic issues. Verbal agreements can be made by the managers attending Management Meetings; however, any commitments will be documented in accordance with Section 3.5 of this agreement.

3.4 A teleconference between OCRWM and NMSS should be held approximately two weeks before each Technical Exchange and Management Meeting to reach agreement on an agenda.

3.5 Technical Exchanges and Management Meetings shall have bilateral minutes that summarize and document the meeting. The concise bilateral minutes shall include: a) brief summaries of the presentations made and the discussions held; b) regulatory or technical interpretations or positions; c) identification of points of agreement and disagreement; and d) documentation of commitments made at Management Meetings by either organization. Attachments are to include a list of attendees and copies of presentation materials and any view graphs used at the meeting. Copies will be provided to the State, affected units of local government, affected Indian Tribes, and the NRC and DOE Public Document Rooms.

3.6 Representatives from the State of Nevada, affected units of local government, any affected Indian tribes, the public, and other interested parties may observe the proceedings of Technical Exchanges, Management Meetings, or Site Visits consistent with security access, logistical arrangements, and safety rules. Such representatives may provide comments at the opening and ending of the meeting.

3.7 Consistent with *NRC Policy Statement: Staff Meetings Open to the Public*, the NRC will assume the lead to keep all parties informed about schedules for all OCRWM and NMSS Technical Exchanges, Management Meetings, and Site Visits.

3.8 Unscheduled OCRWM-NMSS communications may occur by telephone, electronic mail, or in person. Unscheduled communications shall not be a substitute for an interaction as defined in Section 2 of this procedure.

3.9 Closed, scheduled interactions between OCRWM and NMSS may also be held, according to the limited exemptions and circumstances described in the *NRC Policy Statement: Staff Meetings Open to the Public*.

3.10 At the invitation of OCRWM and consistent with NRC policy, NRC staff may attend OCRWM sponsored or conducted meetings as observers and may participate by providing comments. An OCRWM meeting attended by NRC staff as an observer shall not be a substitute for an interaction as defined in Section 2 of this procedure.

3.11 Both OCRWM and NMSS will identify management points of contact who have signature authority for correspondence to the other organization. Each organization will identify points of contact for informal communications and questions and will update these points of contact as necessary.

3.12 NMSS staff, and consistent with security access and safety rules, representatives from affected units of state, local governments, and Indian Tribes, may participate as observers at OCRWM quality assurance audits and surveillances provided that such participation does not unreasonably interfere with or delay such audits and surveillances. The OCRWM audit team leader is responsible for the direction of the audit. Observers are encouraged to participate fully by furnishing their questions, observations, and recommendations in written form to the team leader (or sub-team leader). All inquiries will be addressed. NMSS may perform audits of OCRWM and OCRWM contractor quality assurance programs. Quality assurance audits and surveillances are not considered interactions in the context of this agreement.

3.13 Interactions between NMSS and DOE program offices other than OCRWM concerning activities preparatory to DOE's submission of an application for authorization to construct and operate a geologic repository under section 114 of the NWPA will be conducted in accordance with the provisions of this agreement.

3.14 Guidelines specific to project activities are included in the appendices to this Agreement.

3.15 The terms of this Agreement regarding these interaction guidelines may be amended at any time by mutual consent, in writing. This agreement and subsequent revisions will become effective upon the date of issuance.



3.16 Appendix 7, "Agreement Concerning the Nuclear Regulatory Commission On-Site Representatives for the Repository Project Prior to Licensing", provides a description of activities of the NRC On-Site Representatives.

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Lake Barrett, Acting Director  
Office of Civilian Radioactive Waste Management  
U.S. Department of Energy

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Date

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Martin J. Virgilio, Deputy Director  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission

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Date

## APPENDIX 1

### **AGREEMENT BETWEEN YMSCO AND NMSS EFFECTIVE PRIOR TO THE SUBMITTAL OF A LICENSE APPLICATION**

Appendix 1 specifies and implements provisions for activities and communication during the precicensing period that may occur between the DOE Yucca Mountain Site Characterization Office (YMSCO) and the NRC Office of Nuclear Material Safety and Safeguards (NMSS) under the "Agreement Between DOE/OCRWM and NRC/NMSS Regarding Precicensing Interactions." The activities include: 1) identifying YMSCO and NMSS points of contact for formal communications and informal points of contact for other communications and questions; 2) accessing data, documents, and records by YMSCO and NMSS; and, 3) accessing YMSCO site characterization samples and collection of samples by NMSS and contractor staff. Nothing in this Appendix shall be construed either to modify the "Agreement Between DOE/OCRWM and NRC/NMSS Regarding Precicensing Interactions" in any way or to confer rights on any party other than YMSCO and NMSS.

#### **1.0 Identification of YMSCO and NMSS Points of Contact**

Points of contact identified by YMSCO and NMSS, for formal and informal communications, will be transmitted to the other organization through the point of contact designated for formal communication. Point of contact information will include the names of all points of contact, designation for formal or informal communication, their mailing and e-mail addresses, and telephone and fax numbers. YMSCO designates the following individual as the point of contact for formal communications with NMSS:

Assistant Manager for Licensing  
Yucca Mountain Site Characterization Office  
Office of Civilian Radioactive Waste Management  
U.S. Department of Energy  
P.O. Box 30307  
North Las Vegas, NV 89036-0307

NMSS designates the following individual as the point of contact for formal communications with YMSCO:

Director  
Division of Waste Management  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
11545 Rockville Pike  
Two White Flint North  
Rockville, MD 20850

## **2.0 Access to Site Data, Documents and Records**

2.0.1 Written responses will be provided to written questions, comments, requests for data, samples, or documents, and requests for evaluations that are made by either YMSCO or NMSS. Requests by either organization for large data sets are subject to negotiation of a schedule for availability. The requesting organization is responsible for obtaining and providing to the responding organization any clearances needed for internal reproduction of published documents covered by copyrights.

2.0.2 YMSCO has developed and will maintain a data base identifying site characterization technical data collected by YMSCO, except those data excludable by law. The information contained in this data base includes a description of the data, dates when the data were acquired or developed, the quality assurance status of the data, and the storage location of the data.

2.0.3 Data sets from the YMSCO technical data management system are available to the NMSS upon written request. Requests must specify the data sets= identifications to enable retrieval from YMSCO=s Technical Data Base, and format parameters, such as hard copy or electronic format, and any other applicable format items, needed to assemble and provide the data. All data provided by the DOE to the NRC prior to the submittal of the License Application are given with the following caveat: "CAUTION: Interpretations based upon these data are subject to change as more data are acquired, developed, or evaluated."

2.0.4 Upon request, at NRC's or DOE's option, each organization will provide the other at least one controlled copy of any specially developed or modified non-commercial software and available documentation used to evaluate site characterization and related activities, performance assessments, and design analyses subject to resolution of proprietary, privileged, software licensing agreements, and availability of the code.

2.0.5 OCRWM records or documents must be authorized as available by YMSCO staff. Generally, records and documents that have completed a final DOE review shall be made available to the ORs upon request; however, DOE shall only provide access to view but not to copy or retain materials that are in preparation, if such access is specifically requested by the ORs. Records or documents may not be authorized as available by contractor staff.

## **3.0 Sample Access, and Sample and Data Collection by NMSS and Contractor Staff**

Written requests from NMSS for collection of samples or field data will be reviewed for acceptance by YMSCO to ensure that the collection will not compromise site characterization and related activities, that procedures have been established for the collection of the sample(s) or data and provided that such requests do not unreasonably interfere with site characterization and related activities. Once a request has been accepted, YMSCO will arrange for timely collection of the sample(s) or data according to applicable YMSCO procedures, and prepare and ship the sample(s) or transmit the data. If collection and/or transport of the sample(s) or collection and/or transmittal of the data will be delayed, YMSCO will notify NMSS of the proposed schedule for collection and delivery.

If samples must be collected by NMSS or contractor staff, NMSS or contractor staff will follow applicable YMSCO, DOE Nevada Operations Office, and Nellis Air Force Base procedures and fulfill specified training requirements for access to the sample site(s), including surface and underground access control, site security, radiological safety, personnel safety, and protection of wildlife and the environment. For example, if samples or data are to be collected by NMSS or contractor staff, the NMSS and contractor staff will use YMSCO's sample acquisition and handling procedures to obtain samples acquired as part of the site characterization program. Requests will be made in writing for samples for which no process of acquisition has been identified in a YMSCO procedure. YMSCO will review the request with NMSS staff to ensure that the location of the sample or the amount of sample material does not adversely impact the needs of the site characterization program. If no adverse impacts are identified, YMSCO will arrange for the NRC to receive or collect the requested materials. NMSS will request, through the YMSCO Project Manager, use of DOE rights-of-way for access to sample collection sites and will comply with the land access and environmental protection requirements.

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J. Russell Dyer, Project Manager  
Yucca Mountain Site Characterization Office  
Office of Civilian Radioactive Waste Management  
U.S. Department of Energy

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Date

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John T. Greeves, Director  
Division of Waste Management  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission

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Date

APPENDIX 2 – OWAST [RESERVED]

This appendix is reserved for any future agreement applying to communications between the Department of Energy (DOE) Office of Civilian Radioactive Waste Management (OCRWM) and the Nuclear Regulatory Commission (NRC) Office of Nuclear Material Safety and Safeguards (NMSS) related to spent fuel storage or transportation authorized under the Nuclear Waste Policy Act (NWPA) and any future amendments to the NWPA. Such an agreement will become effective upon an exchange of letters between the parties agreeing to adopt this agreement for such activities.

APPENDIX 3 - OTHER DOE PROGRAM OFFICES [RESERVED]

APPENDIX 4 - NRC POLICY STATEMENT: STAFF MEETINGS OPEN TO THE PUBLIC

APPENDIX 5 - RESERVED

APPENDIX 6 - RESERVED

## APPENDIX 7

### **AGREEMENT CONCERNING THE NUCLEAR REGULATORY COMMISSION ON-SITE REPRESENTATIVES FOR THE REPOSITORY PROJECT PRIOR TO LICENSING**

The purpose and objective of the on-site representative (OR) is to serve as a point of prompt informational exchange and consultation, to preliminarily identify concerns about investigations relating to potential licensing issues, and to serve as a point of contact for informal communications between NMSS and YMSCO.

This appendix is intended to supplement the base agreement and to detail the guidelines which will govern communication between the NRC OR, including any NRC personnel assigned to the OR, and DOE and its contractor personnel (prime and sub) through the project's Assistant Manager for Licensing. Any communications between the OR and DOE, its contractors, or subcontractors identified in this appendix will not constitute interactions within the intent of Section 3 of the base agreement and will not require the preparation of written reports or meeting summaries. These meetings are intended to be focused discussions of technical topics on site characterization and related activities. At the discretion of DOE and NRC, external parties may be notified and invited to observe OR meetings and field trips subject to identification requirements and compliance with applicable access control measures for security, radiological protection, and personnel safety. Communication between the OR and 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 the base agreement and Appendix 1.

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 prelicensing work 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.

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 DOE objections, 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.

2. The OR may communicate orally (in person or by phone) with persons employed by DOE, DOE's prime contractors or the prime's subcontractor, (on-site or off-site), providing that the following procedures are followed. If practicable, the OR will arrange for all individual sessions with prime contractor and subcontractor staff by contacting the YMSCO point of contact, or designee. If they cannot be contacted, the OR will attempt to contact the proper

prime contractor, section, or department manager. As a minimum, the OR will give timely notification of all such sessions to DOE and the affected contractor or participant(s) management as soon as possible. The OR will avoid discussions with personnel when it would appear to disrupt important duties and will seek to schedule meetings at a mutually convenient time. It is at the option of DOE, in consultation with participant management, as to whether or not a staff member, supervisor, or third party is to be present. No record of such discussions is required; however, questions that are raised or other issues that arise as a result of these interactions will be reported by the participant to the YMSCO point of contact, or designee.

When NRC headquarters or contractor staff is temporarily assigned to the OR office, the NRC Chief, Performance Assessment and HLW Integration Branch, or designee, will notify DOE's Assistant Manager for Licensing of the assignment at least one week prior to the assignment.

3. The DOE project office, 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, DOE or the DOE contractor or subcontractor shall provide: 1) copies of any records of data; 2) records which document the analyses, evaluations, or reduction of data; or 3) records which contain information deduced by reason. These records will be made available to the OR, after the documentation has been reviewed and approved in accordance with the appropriate project office administrative procedure. Records that have not been reviewed and approved by the project office shall be made available for viewing, but not to copy or to retain, at any stage of completion. Requests by the OR for release of such records shall be made through and authorized by the YMSCO point of contact, or designee.
4. Copies of pre-decisional and preliminary drafts of documents required by the Nuclear Waste Policy Act of 1982 as amended, or related to prelicensing activities, 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 authorized DOE personnel, for review in DOE or DOE contractor offices. Such documents may not be authorized as available by a DOE contractor alone. 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, its contractors or subcontractors to perform any work nor does the OR have stop work authority. 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 Chief, Performance Assessment and HLW Integration Branch 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 related activities 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 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. NRC can videotape or photograph any inanimate objects or geologic features associated with site characterization and related activities at the Yucca Mountain Site consistent with Nevada Test Site security. Additionally, upon request from the OR, DOE will provide NRC videotape footage of personnel performing site characterization and related activities. If requested, the OR and other NRC staff will be permitted to accompany DOE during the videotaping.
9. DOE YMSCO may provide, to the NRC OR, the information required to execute DOE responsibilities under Appendix 7 of this agreement by informal note, by telephone, or by personal contact. Such communications shall adhere to the procedures for communication and information release specified elsewhere in this agreement.
10. Meetings and field trips conducted as described in this section are not to be considered as opportunities to establish or alter regulatory positions or commitments. No agendas, minutes, or records of these meetings or field trips are required. Matters that arise may be (1) reported to YMSCO management by the ORs or other NRC representatives assigned to the OR's office through the YMSCO points of contact, or designees, or (2) discussed in internal meeting summaries prepared for each organization's management.
11. Prior notification of external parties, including State, affected units of local government, any affected Indian Tribes, or the general public, is not required for field trips or meetings under this Appendix. At the discretion of DOE and NRC, external parties may be notified and invited to observe OR meetings and field trips subject to identification requirements and compliance with applicable access control measures for security, radiological protection, and personnel safety.



12. NMSS may station on-site representatives at any OCRWM project office or work site to serve as points of prompt information exchange and consultation. At such time as the NRC ORs are stationed at the site, they are to be provided with office space that is near the DOE project office and site activities.