

JUN 12 1992

Mr. John P. Roberts, Acting Associate Director  
for Systems Compliance  
Office of Civilian Radioactive  
Waste Management  
1000 Independence Avenue, SW  
Department of Energy  
Washington, D.C. 20555

Dear Mr. Roberts:

SUBJECT: MINUTES OF THE FEBRUARY 6, 1992 NUCLEAR REGULATORY COMMISSION/  
DEPARTMENT OF ENERGY MANAGEMENT MEETING ON PRELICENSING CONSULTATION

Enclosed are the minutes of the February 6, 1992, management meeting between the staff of the Nuclear Regulatory Commission and representatives of the Department of Energy (DOE). The purpose of the meeting was to discuss topics of mutual interest regarding prelicensing consultation. Representatives of the State of Nevada (NV) and Nye County, NV also participated in the meeting. While other affected units of local government were notified of the meeting, none attended.

In the course of the meeting the NRC staff and DOE reviewed and confirmed the status of the high-level waste (HLW) repository prelicensing consultation program. Topics discussed included the prelicensing consultation program's statutory and regulatory bases, procedural agreements to implement the program, and the way that the program is conducted.

I would like to highlight several concerns related to issue resolution. The NRC staff and the representatives of DOE and NV agreed that staff-level issue resolution can be achieved during the prelicensing consultation period, but that such resolution at the staff level would not preclude the issue being raised and considered during the licensing proceedings. The NRC staff and the representatives of DOE also agreed that the existing performance allocation and issue resolution processes developed and implemented since 1985 are still in effect and that they adequately address questions related to "benefit at the margin." The NRC staff and the representatives of DOE agree that the licensee is responsible for determining and supporting decisions that enough data has been collected and

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analyzed to demonstrate compliance with applicable regulatory requirements related to licensing.

If you have any questions regarding these meeting minutes, please contact Mark Delligatti of my staff at 301 504-2430 or FTS 964-2430.

Sincerely,

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

Enclosure: As Stated

cc: R. Loux, State of Nevada  
T. J. Hickey, Nevada Legislative Committee  
C. Gertz, DOE/NV  
S. Bradhurst, Nye County, NV  
M. Baughman, Lincoln County, NV  
D. Bechtel, Clark County, NV  
D. Weigel, GAO  
P. Niedzielski-Eichner, Nye County, NV  
C. Thistlethwaite, Inyo County, CA  
V. Poe, Mineral County, NV  
F. Sperry, White Pine County, NV  
R. Williams, Lander County, NV  
P. Goicoechea, Eureka County, NV  
L. Vaughan II, Esmeralda County, NV  
C. Shank, Churchill County, NV

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