



## POLICY ISSUE (Information)

July 29, 1988

SECY-88-221

For: The Commissioners

From: Victor Stello, Jr.  
Executive Director for Operations

Subject: HIGH-LEVEL WASTE REPOSITORY - NRC INTERFACE WITH THE STATE OF NEVADA DURING THE PRELICENSING PHASE

Purpose: To provide a response to Item 3 in the June 6, 1988 requirements memorandum from the Office of the Secretary, requesting identification of NRC resources required to review the State of Nevada programs.

Background: By memorandum dated June 6, 1988, the Office of the Secretary identified several Commission requests to the staff concerning information dealing with the high-level waste (HLW) repository program. These items resulted from a May 12, 1988 Commission briefing by the Office of Nuclear Material Safety and Safeguards and the Office of General Counsel. In Item 3, the Commission requested, among other things, a staff paper identifying the resources required to review and approve the State of Nevada's quality assurance (QA) program as well as any other activities identified that were not previously anticipated in NRC staff resource estimates. In response to this request, the staff is providing information on the following: the status of the Nevada programs; interactions between the staff and Nevada; and the staff review of the Nevada programs, including the associated resource estimates. The other information requested in Item 3 will be provided in upcoming staff papers.

Discussion: During the past several years, the staff has participated with the State of Nevada in activities associated with the Yucca Mountain site. In its dealings with the State, the staff has notified Nevada representatives of all meetings and workshops held between the staff and DOE, and the Nevada representatives are considered participants in all of these. Also, the staff routinely sends significant high-level waste documents to Nevada and encourages the participation of Nevada representatives in site visits the staff makes.

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Besides the interactions with the NRC staff, Nevada is also involved with oversight of the site characterization activities being undertaken by the Department of Energy (DOE). At the time of the May 12, 1988 Commission briefing, Nevada had requested \$23 million for Nevada Fiscal Year (FY) 1989, \$26 million for FY-90, and \$31 million for FY-91, to perform oversight of the DOE site characterization program and to conduct independent testing and site characterization investigations. The Nevada FY 89 runs from July 1, 1988 to June 30, 1989.

In the Commission briefing, the staff noted the independent testing and site characterization program being proposed by Nevada and the need for the NRC staff to maintain an awareness of Nevada's technical work. However, the Energy and Water Development Appropriation Bill (H.R. 4567), which was passed by Congress on July 6, 1988, limited Nevada's funding to \$11 million for FY 89 for the sole purpose of overseeing the DOE program. In addition, \$5 million are given to affected units of local government to conduct appropriate activities. Specifically, the Conference Report (100-724) states:

"It was never the intent of Congress that the State of Nevada, or any volunteer State or Indian tribe, conduct its own site characterization program. Grant funding provided pursuant to the act is to be used solely for the purpose of oversight of the Department of Energy's program. Such oversight is not intended to duplicate data collection done by the Department of Energy."

Although there are no resources in the FY-1989 Presidential Budget specifically for NRC oversight and review of the Nevada program, the staff will exchange technical information with Nevada and maintain cognizance of Nevada's activities.

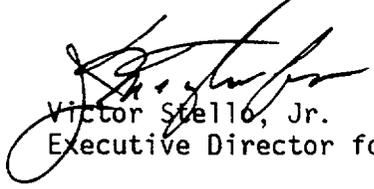
While it is not clear exactly what activities Nevada will conduct in its oversight role, it has established a QA program to ensure that its oversight activities are conducted in a rigorous manner. By letter dated June 28, 1988, Nevada requested that the staff review its QA program to determine if it is acceptable. Although Nevada did not state so in its June 28, 1988 transmittal letter, the staff considers this request to be made under the provisions of 10 CFR 60.63(b). In this section of the regulations, the affected State can submit a proposal identifying services that the State wants the NRC to carry out and discussing how these services, if carried out by the NRC, would facilitate State participation in site characterization and licensing. It is the opinion of the staff that the review

of the Nevada QA manual would facilitate State participation, since it would ensure that the activities undertaken by Nevada, if raised during the licensing hearings, are quality-assured work.

Nevada has one QA manual that will be used by the State and all of its contractors. Because of this, the staff will review only one plan. On the other hand, each DOE contractor has developed its own QA plan based on guidance from DOE. Not only must the staff review the governing DOE program, but it must also review the individual contractor programs.

The staff intends to evaluate the Nevada QA manual on a priority such that the review will not impact the ongoing NRC effort on the DOE QA programs. In addition, the staff will observe a select number of audits of the Nevada program and the State contractors. It is estimated that the resources required to review the Nevada QA program will be no more than 0.6 FTE for FY-89. This effort as well as the staff effort to maintain cognizance of the Nevada technical programs will come from currently budgeted funds. The staff will update the Commission on the status of the Nevada program in future Quarterly Progress Reports as new information becomes available.

As noted earlier, this paper is only a partial response to the information requested in Item 3 of the referenced SECY memorandum. The information requested on proposed rulemakings, standards, and branch technical positions is currently being developed and will be submitted in a separate Commission paper.

  
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