



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
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August 8, 2001

TO: Those on the Attached List

FROM: Dwight D. Chamberlain, Director */RA/*
Division of Nuclear Materials Safety

SUBJECT: COMMUNICATION PLAN FOR THE TRANSITION OF THE NRC'S YUCCA
MOUNTAIN ONSITE REPRESENTATIVES OFFICE TO REGION IV

Attached for your reference and use is the Communication Plan for the transition of the NRC's Yucca Mountain Onsite Representatives Office from the Division of Waste Management to Region IV Division of Nuclear Materials Safety. The transition is to occur on October 1, 2001. Affected NRC staff should become familiar with the key messages concerning the transition and be prepared, if called upon, to articulate these messages clearly.

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Distribution list for Memorandum to Various dated: July

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COMMUNICATION PLAN

For the Transition of the Yucca Mountain Onsite Representatives Office to Region IV

Scope

Since its inception in 1984, the NRC's Yucca Mountain Onsite Representatives Office (ORO) has reported to the High Level Waste Branch of the Division of Waste management. On October 1, 2001, the Onsite Representatives Office and its staff will report to NRC Region IV, Division of Nuclear Materials Safety. Because the Yucca Mountain Project has been a highly visible program receiving great interest from stakeholders, members of the public, and the media, this plan is focused on the communications and key messages associated with the ORO reporting transition. Within that limited scope, it is intended to augment the more broadly based Communication Plan for the High Level Waste program.

Goals

Strategic Goal of Nuclear Waste Safety

The principal focus of NRC's regulation of nuclear waste is to prevent significant adverse impacts from radioactive waste to the current and future public health and safety and the environment and promote the common defense and security. The NRC Strategic Plan identifies four outcome-based performance goals that support the Commission's strategic goal. These are:

- Maintain safety, protection of the environment, and the common defense and security.
- Increase public confidence.
- Make NRC activities and decisions more effective, efficient, and realistic.
- Reduce unnecessary regulatory burden on stakeholders

Onsite Representatives Office Transition Communication Goal

The goal of this communication plan is to ensure that the transition of the ORO to Region IV is not misinterpreted by DOE, State and local officials, and tribal and other local stakeholders as an action that in any way implies that a decision has been made or a favorable decision can be expected with regard to the suitability of the DOE Yucca Mountain site for a high-level waste repository.

As part of Region IV, the Onsite Representatives Office and staff will continue to provide effective independent oversight of Department of Energy (DOE) Yucca Mountain site activities, and will continue to provide onsite NRC contacts for headquarters staff as well as for interested stakeholders.

Key Messages

- Traditionally, the NRC's regional offices have been responsible for executing established NRC policies and assigned programs relating to inspection, licensing, investigation, enforcement, governmental liaison, and emergency response within regional boundaries. The physical separation of the regional offices from NRC

Headquarters have provided for inspection and oversight programs that are able to focus on safety and compliance. The Yucca Mountain site is located in Region IV.

- DOE plans to submit a license application to the NRC in March, 2003. If a license application is submitted, NRC is required by law to review the application in 3 years (with the possibility of a 1 year extension).
- The transition of the Onsite Representatives Office to Region IV does not imply that a decision has been made or a favorable decision can be expected with regard to the suitability of the DOE Yucca Mountain site for a high-level waste repository.
- As part of Region IV, the Onsite Representatives Office and staff will continue to provide effective independent oversight of Department of Energy (DOE) Yucca Mountain site activities, and will continue to provide onsite NRC contacts for headquarters staff as well as for interested stakeholders.
- The transition of the Onsite Representatives Office to Region IV will provide the necessary lead time for Region IV to become fully informed and familiar with the NRC high-level waste program.
- The transition of the Onsite Representatives Office to Region IV will provide the necessary lead time for Region IV to become fully informed and familiar with State and local officials and tribal and other local stakeholders.
- The transition of the Onsite Representatives Office to Region IV will provide the necessary lead time for Region IV to become fully informed and familiar with the DOE Yucca Mountain Site, and DOE interfaces.
- The transition of the Onsite Representatives Office to Region IV will provide a distinctive complement to other NRC oversight of the Yucca Mountain project. If a decision is made in the future to implement an inspection program for the Yucca Mountain site, the transition of the Onsite Representatives Office to Region IV will provide the necessary lead time to facilitate the implementation of such a program.

Background

Legislative Requirements

Policies governing the permanent disposal of HLW are defined by the Nuclear Waste Policy Act of 1982 (NWPA), the Nuclear Waste Policy Amendments Act (NWPAA) of 1987, and the Energy Policy Act of 1992. These acts specify that HLW will be disposed of underground, in a deep geologic repository. Congress, in NWPAA, designated Yucca Mountain as the single candidate site for characterization as a potential geologic repository. This does not mean Yucca Mountain has been chosen as the location for construction of a repository, but it will be the only site thoroughly examined at this time.

The U.S. Department of Energy (DOE) is responsible for determining the suitability of the proposed disposal site at Yucca Mountain, Nevada, as well as potentially developing, building, and operating the geologic repository. If the DOE decides to recommend the Yucca Mountain site for development as a repository, the DOE must include with its recommendation, the Commission's preliminary comments on the site recommendation, in accordance with the NWPA. Upon a determination by the President and Congress that Yucca Mountain is a suitable site for such a geological nuclear waste repository, DOE will submit a license application to the NRC pursuant to the proposed regulations at 10 CFR Part 63. By legislation, NRC has 3 years (with the possibility of a 1 year extension) to review the license application.

The U.S. Environmental Protection Agency (EPA) will establish environmental standards in 40 CFR 197 to evaluate the geologic repository proposed by DOE. Once the EPA issues its final standards, NRC must produce conforming regulations within 1-year. The U.S. Nuclear Regulatory Commission (NRC) may issue a license, if it can determine, with reasonable assurance that the DOE's proposed repository site and design comply with EPA's final standards and with NRC's implementing regulations.

NRC Pre-licensing Interactions with the DOE

The NRC's regulatory program for a high-level waste repository includes a lengthy, pre-licensing interaction period with the U.S. Department of Energy. If Yucca Mountain is approved for development as a repository by the President, and by the Congress, NRC activities will transition into a licensing phase. Based on an objective review, the Commission must make a series of decisions to either grant or deny DOE applications for authorization to construct, operate, and close a repository at Yucca Mountain. According to projected schedules published by DOE, if a construction authorization is issued near the end of the license application review period, a construction period would last about 3-4 years. The projected schedule reflects that if licensed, the first possible waste acceptance would occur in 2010. The operations and long-term monitoring period would ensue and be followed by the closure and decommissioning phase to occur sometime during the next century.

Agreement Between DOE/OCRWM and NRC/NMSS Regarding Pre-licensing Interactions (November 16, 1998)

This agreement describes the 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 pre-licensing 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). This agreement will continue to be the basis for interactions between the Onsite Representatives Office and DOE.

Status of NRC oversight of DOE's HLW Repository Program

The DOE's 1988 Site Characterization Plan for Yucca Mountain established the initial basis for the many engineering and scientific investigations of the site. Since 1991, DOE has been conducting site characterization to gather enough information about the Yucca Mountain site to

evaluate its potential waste isolation capabilities. During this time, the NRC's primary responsibility has been to review DOE's site characterization program and associated activities, and to identify any specific concerns with DOE activities or the site. To this end, the NRC staff observes site characterization activities in the field, such as exploratory drilling and tunneling, and monitors DOE quality assurance. At the same time, the NRC staff has been developing and refining its ability to independently review and evaluate the results of DOE's technical assessments of potential repository performance. Meetings with the DOE are announced, posted on our website, and are open to observation by the state, tribal and local governments, and members of the public.

Purpose of the Onsite Representatives

The purpose and objective of the Onsite Representatives (ORs) is to serve as a point of prompt informational exchange and consultation, to preliminarily identify concerns with DOE activities or the site, and to serve as a point-of-contact for communication between NMSS and Yucca Mountain Site Characterization Office. The ORs also provide an onsite NRC point-of-contact for interested stakeholders. In addition, it is anticipated that the ORs would be used, along with other NRC staff and contractors, to support the future implementation of an inspection program if a decision is made to implement such a program.

Audiences (stakeholders)

As the nation's HLW programs have progressed, the audience of interested stakeholders has grown. Stakeholders, external to NRC, who have an interest in, or who are affected by, our regulatory programs and decisions include: individual citizens, states, tribes, local governments, the U.S. Congress, interveners in contested licensing activities, applicants, licensees, industry groups, electricity rate payers, certificate-holders, NRC fee-payers, citizen groups, environmental groups, non-governmental organizations, other Federal agencies and boards, and the media.

Discrete stakeholder organizations within the NRC include senior NRC managers, NMSS, NRR, RES, OCA, Regions, OGC, ACRS, ACNW, ASLBP, OSTP, ADM/DFS, and OPA.

The List of Individual Stakeholders, provided to the OEDO earlier this year, accompanies this Communication Plan as Attachment #1.

Attachment:

Stakeholders Potentially Interested in NRC's HLW Program

**Stakeholders Potentially Interested in
NRC's HLW Programs**

State of Nevada

Nevada Legislative Committee

Nye County (location of Yucca Mountain)

Other Units of Local Government:

Clark County, NV

Churchill County, NV

Esmeralda County, NV

Eureka County, NV

Lander County, NV

Lincoln County, NV

Mineral County, NV

White Pine County, NV

Inyo County, CA

State of Utah

Tooele County, UT

Salt Lake City, UT

Pahrump Tribe

Western Shoshone Nation

National Congress of American Indians

Shundahai Network

Nevada Indian Environmental Coalition

Skull Valley Band of Goshute Indians

Confederated Tribes of the Goshute
Reservation

Ohngo Gaudadeh Devia

Las Vegas and local Nevada press

Salt Lake City and local Utah press

U.S. Department of Energy (DOE)

Headquarters, Washington, DC and
Yucca Mountain Project Office

Las Vegas, NV (YMPO)

U.S. Geological Survey

U.S. Environmental Protection Agency

Nuclear Waste Technical Review Board

U.S. Department of Transportation

U.S. Bureau of Land Management
Surface Transportation Board

U.S. Army at Dugway Proving Ground

Hill Air Force Base

U.S. Bureau of Indian Affairs

U.S. Government Accounting Office

Nevada Nuclear Waste Task Force

Nuclear Information and Resource Service

Citizen Alert

Public Citizen

National Resources Defense Council

Families Against Incinerator Risk

Citizens Against Radioactive Waste in Utah

Southern Utah Wilderness Alliance

Salt Lake City Board of Realtors

TRW (M&O contractor for DOE/YMPO)

Law Firm of Winston and Strawn

Nuclear Energy Institute

Electric Power Research Institute

Private Fuel Storage, Inc.

Domestic spent fuel cask transportation
industry

Association of American Railways

Attachment