



**AGENCY FOR NUCLEAR PROJECTS
NUCLEAR WASTE PROJECT OFFICE**

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July 31, 1995

Joe Holonich, Chief
High-Level Waste and Uranium
Recovery Projects Branch
Division of Waste Management
Office of Nuclear Materials
Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Holonich:

In reviewing your Yucca Mountain Project On-Site Representatives' (OR) report for June, 1995, dated July 1, 1995, I noted an item for which I would like some further information and clarification.

On page 7, the item entitled "Appendix 7 Site Interactions" states the following:

"Conducted a June 16, 1995, site visit with C. Gaskin from the NRC Licensing Branch of Fuel Cycle Safety and Safeguards. The purpose of this visit was to obtain familiarity with potential areas on the Nevada Test Site that could be considered for interim storage of spent nuclear fuel. The main interest of this visit centered on issues that may develop in the future on the physical protection aspect in order to meet the requirements of Title 10 of the Code of Federal Regulations, Part 72, Subpart H. There were no outstanding issues raised on this visit."

Given the fact that interim storage of spent nuclear fuel on the Nevada Test Site is not an element of the Yucca Mountain Site Characterization Project, and that, according to Section 141(g) of the Nuclear Waste Policy Act, as amended, "No monitored retrievable storage facility developed pursuant to this section may be constructed in any State in which there is located any site approved for site characterization under section 112 [42 U.S.C.

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10182j", I would like to know the basis for the stated purpose of the visit, and in what manner you believe that the visit was authorized pursuant to the provisions of Appendix 7.

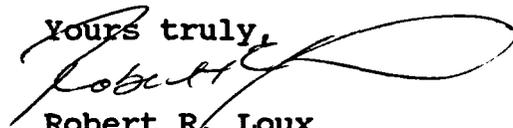
It is my belief that since interim storage in Nevada, in the form of an MRS, is prohibited by law, and 10 CFR Part 72 licensing of a storage facility in conjunction with a potential repository surface facility is not a known issue of Yucca Mountain Site Characterization, the provisions of Appendix 7 do not apply. In view of this interpretation, I further believe that the State of Nevada should have been notified of this visit, informed of all individuals, and the parties whom they represent, who participated in this visit, and, since the visit has already taken place, provided with a copy of all reports of the trip prepared by NRC staff, including any criteria applied to identify "potential locations" of interim storage sites on the Nevada Test Site.

Enclosure 5 of the OR report indicates that the "C. Gaskin 6/19/95 site visit" was the subject of an agenda item for the 6/27/95 OR meeting with Yucca Mountain Project Manager Wesley Barnes. I would appreciate knowing of any information that the OR provided to the DOE Project Manager in that meeting, along with the information requested above.

I am aware that proposed Nuclear Waste Policy Act revisions providing for interim spent fuel storage at the Nevada Test Site in the near term are the subject of bills pending before Congress at present. It is for this reason that I would like to be aware of any information that may have been developed, gathered, or provided to others by the NRC staff in relation to potential interim spent fuel storage in the vicinity of Yucca Mountain.

I look forward to hearing from you on this matter of current interest and importance.

Yours truly,



Robert R. Loux
Executive Director

RRL:cs