



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

Capitol Complex
Carson City, Nevada 89710
Telephone: (702) 687-3744
Fax: (702) 687-5277

July 6, 1993

Mr. Carl P. Gertz, Project Manager
Yucca Mountain Project Office
U.S. Department of Energy
P.O. Box 98608
Las Vegas, NV 98193-8608

Dear Mr. Gertz:

Over the past 18 months this Office has sought to remain abreast of U.S. Department of Energy (DOE) environmental activities within the Yucca Mountain Project. A principal component of our efforts has focused on the timely receipt from DOE of the files pertaining to Administrative Procedure (AP) 8.1, Land Access and Environmental Compliance, whenever a new or changed site characterization activity is ordered that will disturb the surface environment at the Yucca Mountain site.

There have been both formal and informal interactions between our two offices on this matter. For example, my letter of January 6, 1993, noted that the arrangements for our receipt of AP-8.1 materials and other environmental information were not being executed by your office. This was followed by conversations between some members of our respective staffs, and in my letter of February 17, 1993, to you I reported that arrangements had been made through Ms. Wendy Dixon of your office for us to receive future AP-8.1 files and additional environmental information as such items became available. However, it has come to our attention recently that since last February several new activities were initiated or completed for which we have received no information concerning the AP-8.1 process. This has been called to the attention of Mr. Mayo E. Rider of Ms. Dixon's staff in hopes that the oversights soon can be corrected.

We also have discovered, through receipt of requested controlled documents, some changed and amended environmental items relevant to the AP-8.1 process that were absent from our copies of

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the associated AP-8.1 files (e.g. DOE documents FCR 92/089, 92/113, 92/115, 92/137, 93/003, and 93/036). Recovering these missing items through the controlled document procedure has been efficient and effective thus leading us to believe that all the AP-8.1 files should routinely and promptly be placed by DOE among the controlled documents for the Yucca Mountain Project. If this were done interested parties could learn of the availability of the information by reviewing the periodical Master Controlled Documents Reports and then obtain the files via that well established process as opposed to having to rely on the inconsistent system involving Ms. Dixon's division.

There are at least two additional reasons for DOE to place the AP-8.1 files among the controlled documents. First, the quality requirements pertaining to controlled documents would help reduce the errors and omissions in the AP-8.1 files associated with the current DOE procedure. Those deficiencies were noted in my aforementioned letter of last February 17. Second, placing the AP-8.1 files for site characterization activities among the controlled documents would avoid having to do it at a later and more inconvenient time in preparation for repository licensing. The ultimate action of DOE's timely placement of the currently disorderly files in the more ordered structure required of controlled documents will facilitate the Nuclear Regulatory Commission's (NRC) access to information relative to environmental protection via regulatory compliance and monitoring and mitigation programs at Yucca Mountain. This information will be needed by the NRC to support its review of the efficacy of baseline information relative to the Environmental Impact Statement that the NRC must consider adopting for the repository in accordance with the Nuclear Waste Policy Act section 114(f) and 10 CFR 60.21(a).

I trust that you will agree that the proposition discussed above has merit and will implement it soon. Please keep me informed of the action taken by your office in this regard. If there are questions about this matter please contact C. R. Malone of my staff.

Sincerely,



Robert R. Loux
Executive Director

RRL:cs

cc: B.J. Youngblood,
U.S. Nuclear Regulatory Commission