



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

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April 15, 1994

Mr. Robert Bernero, Director
Office of Nuclear Material Safety
and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Bernero:

On April 12-14, 1994, management representatives of the Nuclear Regulatory Commission Division of Waste Management from the Rockville, Maryland office (specifically Joe Holonich and Malcolm Knapp) held meetings with various Department of Energy Yucca Mountain Project Office officials and DOE Management and Operating Contractor personnel to discuss the status of the high-level waste program. Public notice of these meetings was not given to the State of Nevada or affected local governments as required under the June 7, 1993 Procedural Agreement, Section 2, Interactions, between the NRC and DOE. Section 2g of the Procedural Agreement states that "Schedules of activities pertaining to interactions will be made publicly available. Potential host States, affected units of local governments, and affected Indian Tribes will be notified and invited to attend interactions covered in this section (Section 2, Interactions). The notification will be given on a timely basis by NRC 10 working days prior to the interaction, where possible. These interactions will be open, with members of the public being permitted to attend as observers."

Mr. Holonich called these recent meetings "Appendix 7" meetings, therefore, not requiring public notice. However, Appendix 7 meetings, according to the June 7, 1993 Site-Specific Agreement, are to permit "prompt informational exchange" for the personnel assigned to the NRC On-site Representative office .

The State is concerned with this action by the NRC resulting in the exclusion of the State and other affected parties from these meetings. The notice provisions of the Procedural and Site-Specific

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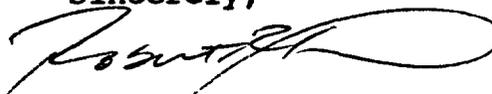
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Agreements have been in place for a sufficient time to allow the NRC management to become familiar with them, especially those that has been involved in the high-level waste program for many years. The State hopes that this procedural lapse was an isolated instance and that it does not represent an intentional disregard of the important public notice provisions associated with meetings between the NRC staff and DOE during the pre-license application period.

If you wish to discuss this issue with me, please feel free to give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Loux", with a large, sweeping flourish at the end.

Robert R. Loux
Executive Director

RRL:cs

cc: Malcolm Knapp, NRC