

MAY 11 1989

NYE COUNTY MEETING NOTES

- 1 -

NOTE TO: File

FROM: Michael P. Lee, HLPD

SUBJECT: NRC MEETING WITH NYE COUNTY, NEVADA BOARD OF COMMISSIONERS --
MEETING NOTES

In a letter dated April 11, 1989 (enclosure 1), the Nye County, Nevada Board of Commissioners requested that NRC brief the Board on matters related to the repository program. On April 25, 1989, NRC performed the requested briefing. A copy of the briefing package is enclosure 2.

Those in attendance were as follows:

Nye County, Nevada Board of Commissioners:
Robert Revert, Chairman
Richard Carver, Vice Chairman
Barbara Raper, Commissioner

Nye County, Nevada Consultants:
Elgie Holstein
Stephen Bradhurst

U.S. Nuclear Regulatory Commission:
B.J. Youngblood, DHLWM/NMSS
N.K. Stablein, DHLWM/NMSS
M.P. Lee, DHLWM/NMSS
F. Combs, SLITP/GPA
R.O. Virgilio, SLITP/GPA

In summary, NRC presented an overview of its organization and regulatory responsibilities emphasizing its role under the Nuclear Waste Policy Act, as amended. NRC objections to DOE's Consultative Draft Site Characterization Plan, and the schedule and status of major NRC activities related to the review of DOE's Site Characterization Plan were also reviewed for the benefit of the Board.

Additional discussions concerned DOE's quality assurance (QA) program and the schedule for NRC audit and certification of the DOE QA program, upcoming NRC/DOE/State of Nevada/Nye County interactions, and the possibility of appointing a Nye County on-site representative at Yucca Mountain to observe DOE site characterization activities.

8905190445 890511
PDR WASTE PDC
WM-11

Original Signed By

Michael P. Lee, HLPD

Enclosures (2): As stated

OFFICIAL DISTRIBUTION AND CONCURRENCE: See Next Page.102
WM-11
NH16

NYE COUNTY MEETING NOTES

May 11 1989

- 2 -

DISTRIBUTION

Central File
LSS
CNWRA
LPDR
R. Virgilio/GPA

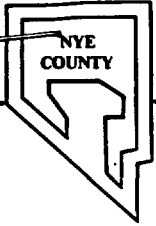
B.J. Youngblood
J. Linehan
NMSS R/F
ACNW

R.E. Browning
R. Ballard
HLPD R/F
PDR

J. Bunting
On-Site Reps
M. Lee
B. Bordenick/OGC

DFC :HLPD	MPL :HLPD	:HLPD	:HLPD	:HLPD	:DHL	:	:
NAME :MLee/wd	:JH	:K	:JL	:BY	:	:	:
DATE :05/09/89	:05/10/89	:05/10/89	:05/11/89	:05/11/89	:	:	:

OFFICIAL RECORD COPY

Nye County Nevada
Board of Commissioners

April 11, 1989

B. Joe Youngblood
Director
Division of High-Level Waste Management
White Flint 4-H-3
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Joe:

As you know, the Nye County Board of County Commissioners has not taken a position either for or against a repository at Yucca Mountain, but they do want to be sure that all legitimate issues affecting the protection of public health, safety, and natural resources are fully and carefully addressed.

During the last week of this month, the three Nye County Commissioners will be in Washington for a series of meetings relating to the repository program. I am writing to request your assistance in arranging a briefing for the Commissioners about the status of the repository program. We have set aside Tuesday, April 25th, from 3:00 to 4:45 pm for an NRC presentation, which would take place in Room 381 of the Hall of the States at 444 North Capitol Street, NW. We would of course welcome the participation of any members of your staff you might want to include in the meeting.

The Commissioners are interested in hearing the NRC staff's views about the status of the repository program, a review of the major pending issues from your perspective, and an overview of any major areas of ongoing concern, such as quality assurance, that you believe are affecting, or are likely to affect, the repository project schedule.

Given the growing concern about the pace and direction of the repository program, I hope you and members of your staff will be able to take this opportunity to meet with the Commissioners, who represent the communities that will be most directly affected by DOE's work at Yucca Mountain. For purposes of coordinating the timing and content of a meeting, I can be reached at the following local Washington number: 834-1173.

Sincerely,

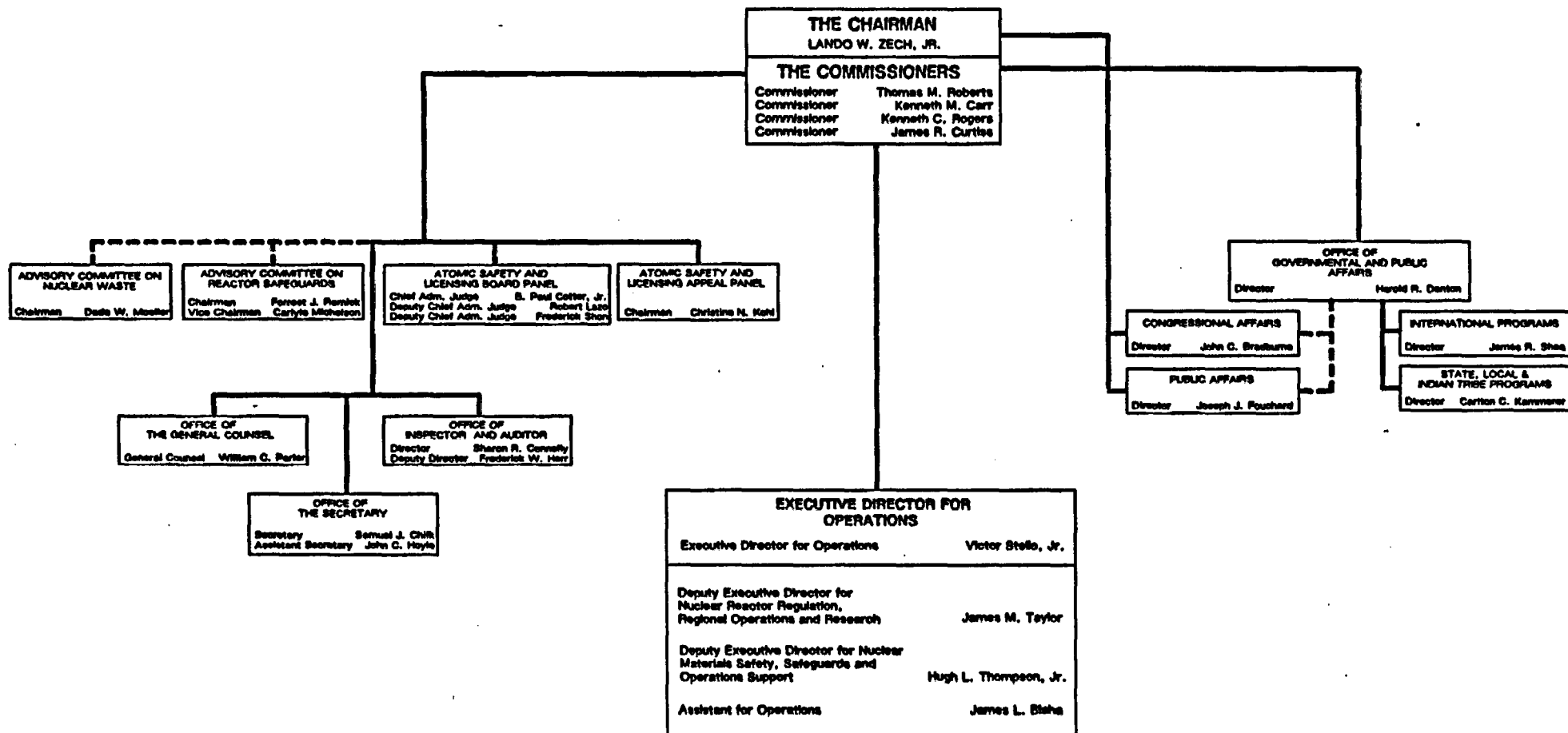
Elgie Holstein
Washington Representative

ENCLOSURE 2

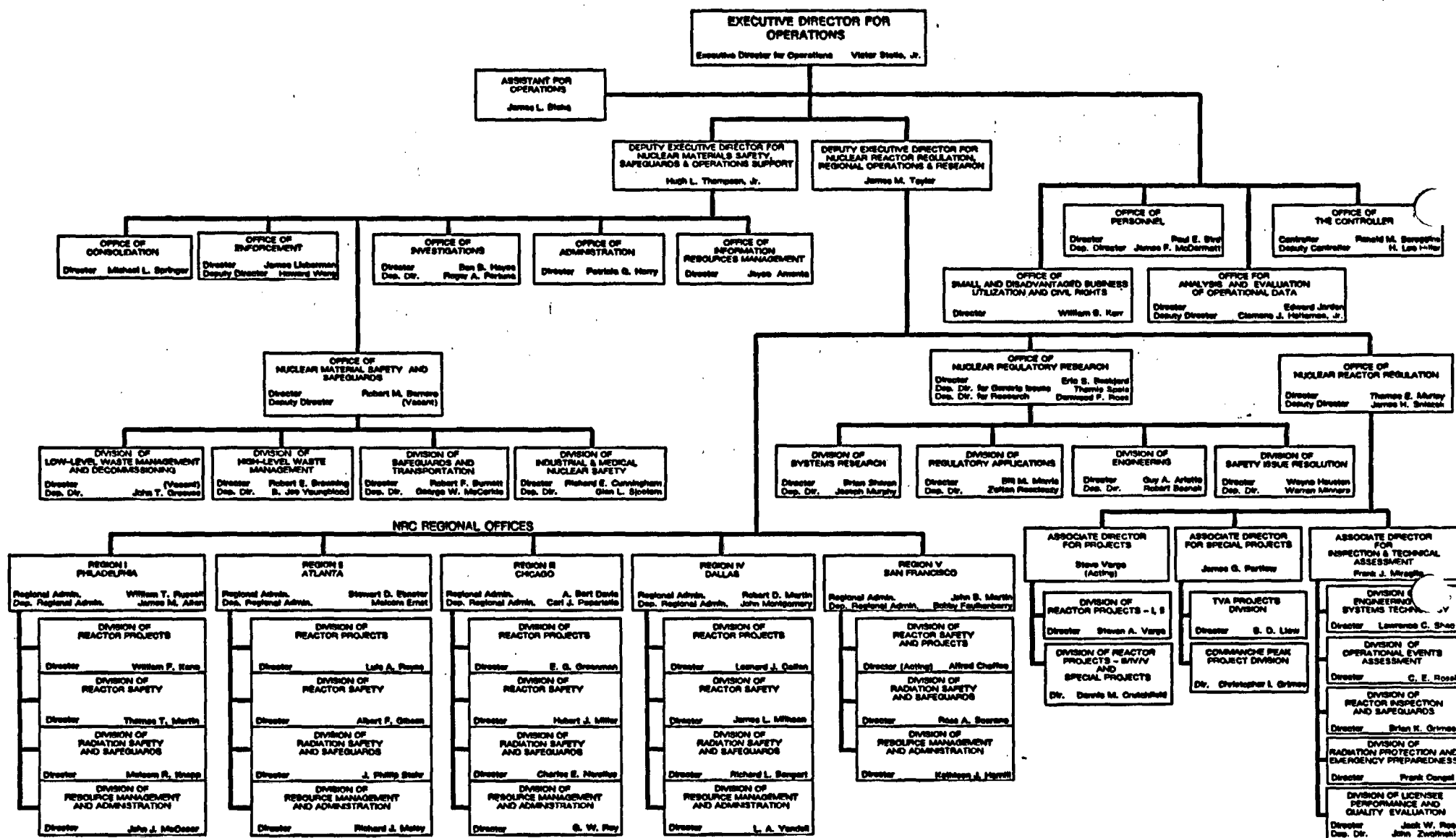
NRC'S HIGH LEVEL WASTE LICENSING PROGRAM

AN OVERVIEW

U.S. NUCLEAR REGULATORY COMMISSION



U.S. NUCLEAR REGULATORY COMMISSION



HIGH LEVEL WASTE DISPOSAL A SIGNIFICANT CHALLENGE

- ° **FIRST-OF-A-KIND UNDERTAKING**
- ° **INVOLVES COMPLEX TECHNICAL DECISIONS**
- ° **REPOSITORY MUST PROVIDE ADEQUATE WASTE ISOLATION FOR THOUSANDS OF YEARS**

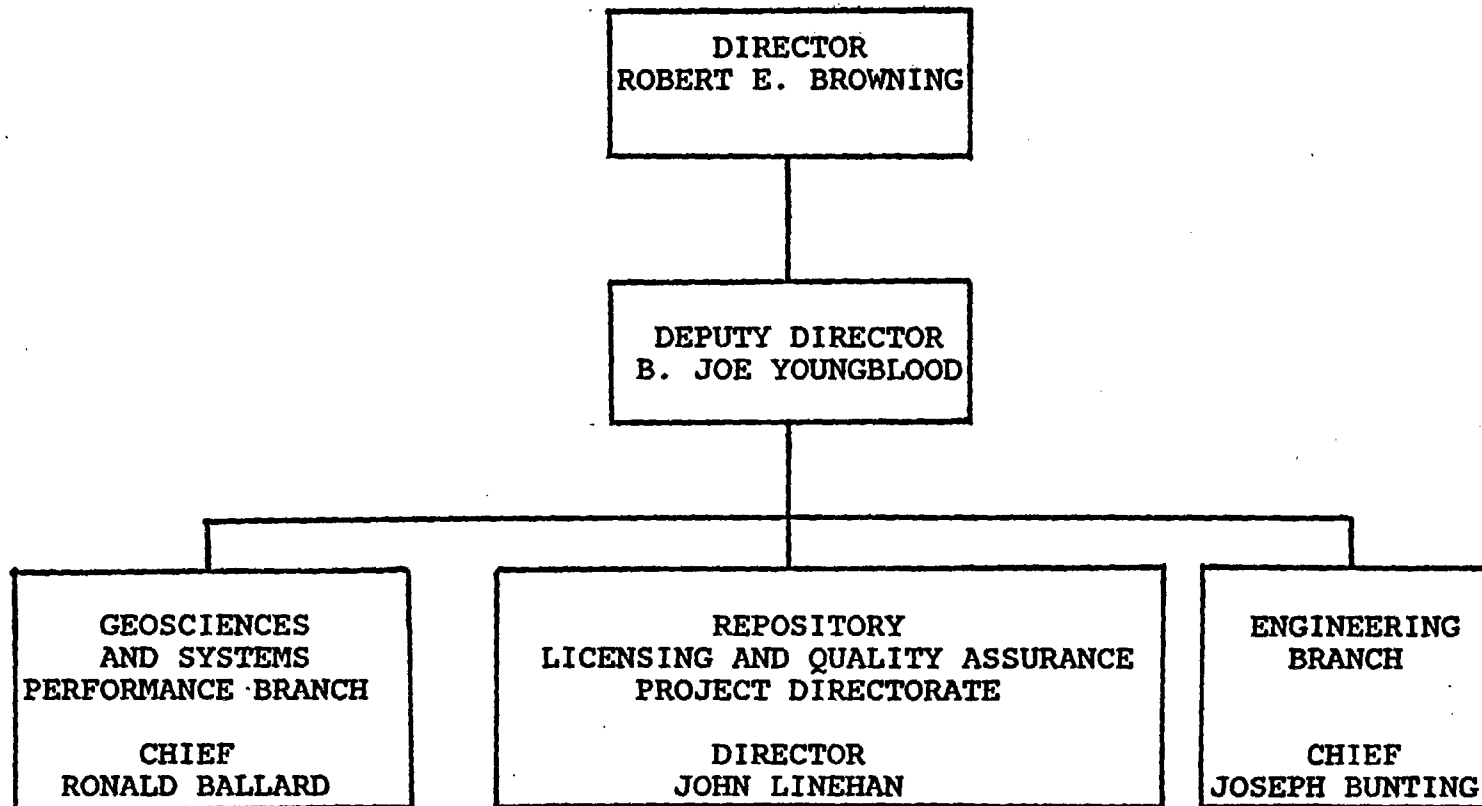
OUR POSITION

- WE TAKE THIS CHALLENGE SERIOUSLY
- OUR RESPONSIBILITY IS TO PROTECT PUBLIC HEALTH AND SAFETY
- ALTHOUGH THE NUCLEAR WASTE POLICY ACT (NWPA) PROVIDES ONLY 3 YEARS FOR NRC TO MAKE A DECISION ON REPOSITORY CONSTRUCTION AUTHORIZATION, WE WILL NOT SACRIFICE QUALITY AND TECHNICAL CORRECTNESS TO MEET DEADLINES

WHO WE ARE

- INDEPENDENT REGULATORY AGENCY
- 64 DHLWM STAFF DEDICATED FULL-TIME TO REPOSITORY PROGRAM; WITH EXPERTISE IN EARTH SCIENCES, ENGINEERING AND RELATED DISCIPLINES
- ADDITIONAL TECHNICAL EXPERTISE
 - OFFICE OF RESEARCH
 - CENTER FOR NUCLEAR WASTE REGULATORY ANALYSIS
 - CONTRACTORS

DIVISION OF HIGH-LEVEL WASTE MANAGEMENT



NRC'S ROLE UNDER NWPA AS AMENDED

○ RESPONSIBILITIES OF COMMISSION AND NRC STAFF

- ONLY COMMISSION CAN MAKE DECISION ON THE ISSUANCE OF A CONSTRUCTION AUTHORIZATION; STAFF CAN ONLY MAKE RECOMMENDATIONS AS A PARTY TO THE PROCEEDING**
- STAFF RECOMMENDATIONS MUST WITHSTAND SAME RIGOROUS SCRUTINY AS APPLICANT AND OTHER INTERESTED PARTIES IN LICENSING PROCEEDING**
- NEED FOR TECHNICAL SOUNDNESS AND DEMONSTRABILITY**
- MUST HAVE SOUND AND COMPREHENSIVE REGULATORY REQUIREMENTS**

○ PRE-APPLICATION REVIEW

- EARLY IDENTIFICATION AND RESOLUTION OF ISSUES**
- PRE-LICENSING CONSULTATION TO HELP ENABLE DOE TO PROVIDE COMPLETE AND HIGH QUALITY LICENSE APPLICATION**
- STREAMLINING LICENSING PROCESS - LICENSING SUPPORT SYSTEM (LSS)**

NRC'S ROLE UNDER NWPA AS AMENDMENTED (CONTINUED)

- ° **NRC REVIEW OF CONSTRUCTION APPLICATION**
 - **BURDEN OF PROOF ON DOE**
 - ° **SELECTS SITE, MATERIALS, AND DESIGN**
 - ° **MUST PROVIDE COMPLETE AND HIGH QUALITY LICENSE APPLICATION FOR NRC TO MAKE DECISION ON CONSTRUCTION AUTHORIZATION WITHIN NWPA TIMEFRAME**
- ° **OTHER SIGNIFICANT PARTS OF PROGRAM UNDER NRC REGULATION**
 - **MONITORED RETRIEVABLE STORAGE (MRS)**
 - **TRANSPORTATION CASK CERTIFICATION**

NRC REGULATES 2 PRINCIPAL AREAS IN RADIOACTIVE MATERIAL (RAM) TRANSPORTATION

- ° **CERTIFY PACKAGE DESIGNS (AND QUALITY ASSURANCE PROGRAMS) FOR LARGE QUANTITY AND FISSILE MATERIAL SHIPMENTS (10 CFR 71)**
- ° **ESTABLISH PHYSICAL SECURITY REQUIREMENTS FOR SPENT FUEL, HIGH-LEVEL WASTE, AND SPECIAL NUCLEAR MATERIAL IN TRANSIT (10 CFR 73)**

FEDERAL TRANSPORTATION RESPONSIBILITIES FOR SPENT FUEL AND HIGH LEVEL WASTE (HLW) SHIPMENTS

DOE RESPONSIBILITIES:

- o DESIGN, BUILD, OPERATE AND MAINTAIN TRANSPORTATION SYSTEM (NWP/MISSION PLAN)**
- o OBTAIN NRC CERTIFICATION FOR PACKAGES USED TO TRANSPORT SPENT FUEL OR HIGH LEVEL WASTE (NWPAA)**

DOT GENERAL RESPONSIBILITIES:

- o REGULATE SAFETY IN TRANSPORTATION, INCLUDING ROUTING, DRIVER TRAINING, SHIPPING PAPERS, ETC. (49 CFR 171-177)**
- o DEVELOPED HIGHWAY ROUTING RULE DESIGNATING INTERSTATE SYSTEM FOR LARGER QUANTITY SHIPMENTS**

FEMA RESPONSIBILITIES:

- o COORDINATE PLANNING FOR EMERGENCY RESPONSE**
- o DOE AND NRC HAVE EMERGENCY RESPONSE ASSISTANCE CAPABILITY**

TRANSPORTATION ACTIVITIES UNDER NWPA

- CASK CERTIFICATION PROGRAM
 - NRC CERTIFICATION REQUIRED BY NWPA
 - 6 NEW CASK DESIGNS INITIALLY
 - ENGINEERING ANALYSES AND MODEL TESTS WILL BE PERFORMED ON EACH CASK DESIGN
 - ALL TRANSPORTATION ACTIVITIES WILL BE CONDUCTED UNDER NRC APPROVED QA PROGRAM
- ESTABLISH PHYSICAL SECURITY REQUIREMENTS FOR TRANSPORT OF SPENT FUEL AND HLW
- UPDATE TRANSPORTATION RISK STUDY (NUREG-0170)
 - WILL CONSIDER TRANSPORT OF ALL RADIOACTIVE MATERIALS INCLUDING HLW UNDER NWPA

HOW NRC STAFF IS IMPLEMENTING ITS PRE-APPLICATION RESPONSIBILITIES FOR
REPOSITORY REGULATION

- EARLY IDENTIFICATION AND RESOLUTION OF ISSUES
- ON-SITE REPRESENTATIVES (702) 388-6125
- SITE CHARACTERIZATION PLAN (SCP) AND SEMI-ANNUAL UPDATES
- ACTIVITIES TO DATE
 - CONSULTATION DRAFT SITE CHARACTERIZATION PLAN COMMENTS
 - REVIEW OF SCP SUPPORTING DOCUMENTS
 - 32 TECHNICAL MEETINGS AND WORKSHOPS CONCERNING THE YUCCA MOUNTAIN SITE TO DATE
- NRC ROLE IN REVIEW OF EXPLORATORY SHAFT FACILITY (ESF)
 - REQUIREMENT FOR DOE TO CONSIDER NRC COMMENTS
 - NRC CONCERNS WITH CURRENT ESF DESIGN AND CONTROL PROCESS

REFINING NRC REGULATORY FRAMEWORK FOR LICENSING

- ONGOING RULEMAKINGS
 - LICENSING SUPPORT SYSTEM (LSS)
 - PART 51 (ADOPTION OF DOE EIS)
- 9 CANDIDATE RULEMAKINGS
- TECHNICAL POSITIONS
- REGULATORY GUIDES

DEVELOPING NRC STAFF REVIEW CAPABILITY

- ° CENTER FOR NUCLEAR WASTE REGULATORY ANALYSIS (CNWRA)
- ° INDEPENDENT IN-HOUSE MODELING FOR PERFORMANCE ASSESSMENT REVIEW

IMPORTANCE OF QUALITY ASSURANCE (QA)

- ° REVIEWS OF DOE AND DOE CONTRACTOR QA PLANS
- ° AUDITS OF DOE AND DOE CONTRACTOR QA IMPLEMENTATION

PARTICIPATION OF INTERESTED PARTIES

- NRC POLICY IS TO INCLUDE AFFECTED GOVERNMENT UNITS IN THE PRE-LICENSING CONSULTATION PROCESS
 - 10 CFR 60.63 PROVIDES FOR STATE AND TRIBAL PARTICIPATION IN NRC PRE-APPLICATION AND REPOSITORY LICENSE REVIEWS
 - 10 CFR 2.715(c) PROVIDES FOR STATE AND LOCAL GOVERNMENT PARTICIPATION IN NRC LICENSE HEARING ACTIVITIES
 - 10 CFR 2.104 PROVIDES FOR INTERVENTION IN THE LICENSING PROCEEDING
- INFORMATION PROVIDED ON NRC PLANS, ACTIVITIES, AND DOCUMENTS TO INTERESTED PARTIES
 - TOLL-FREE INFORMATION RECORDING ON FORTHCOMING NRC/DOE MEETINGS
1/800/368-5642 EXT 20436
 - MAILING LISTS
 - MEETINGS

SCHEDULE OF MAJOR SCP REVIEW ACTIVITIES



— Notification of SCP receipt (1/2-1/6)

— Acceptance Review of SCP (1/2-1/27)

— Technical Review of SCP (1/2-4/7)

Internal QA and Management Review of SCA — (4/7-6/2)

State of Nevada Interactions

— Δ DOE SCP briefing of ACNW ACNW Review of SCA — (6/2-6/30)

Commission Review of SCA — (6/30-7/14)

▼ Current Status

Printing and Issuance of SCA — (7/14-7/28)

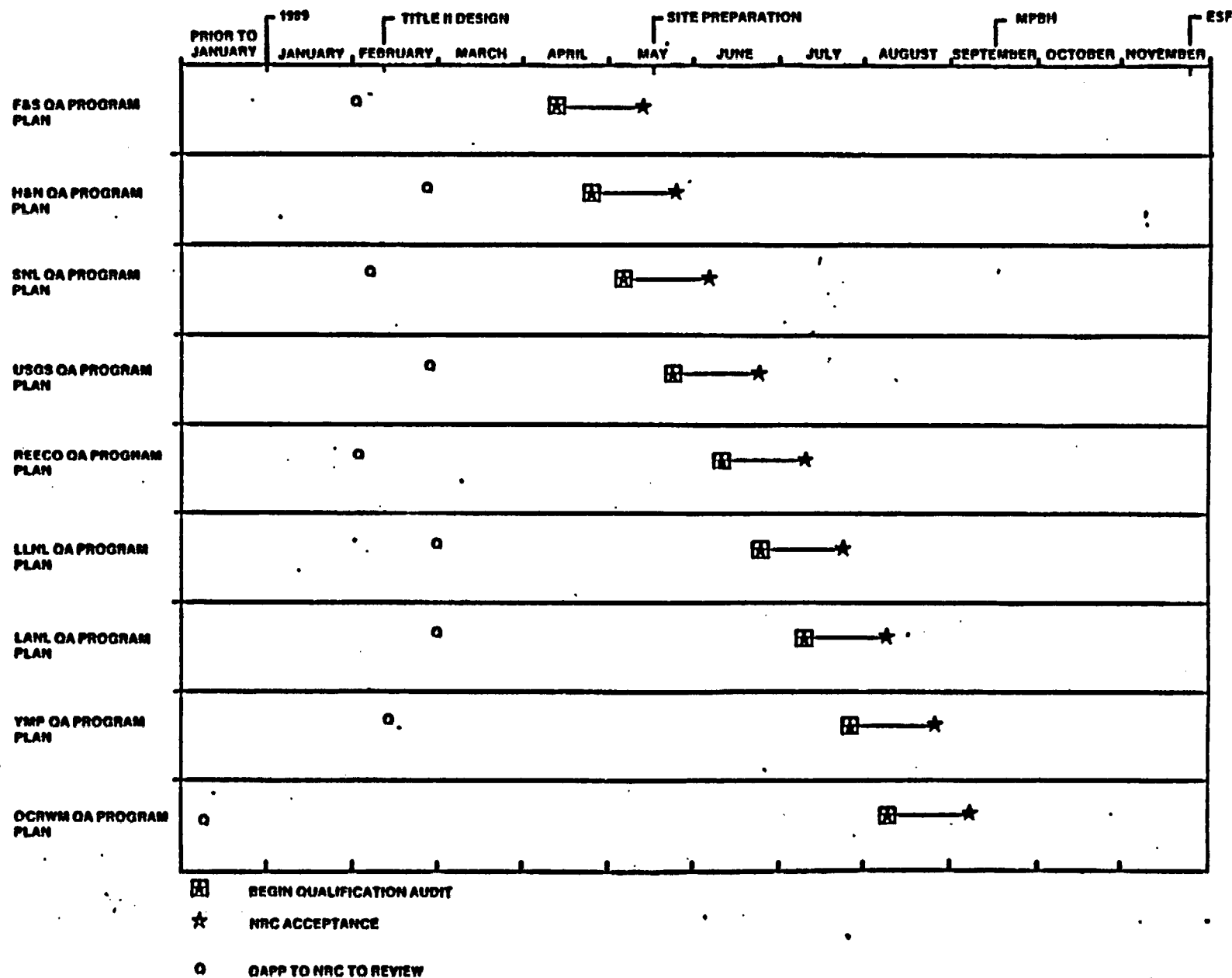
OBJECTIONS

- ° RECOMMEND THAT DOE NOT START WORK PRIOR TO RESOLUTION
 - POTENTIAL ADVERSE EFFECTS ON REPOSITORY PERFORMANCE
 - SIGNIFICANT AND IRREVERSIBLE/UNMITIGABLE EFFECTS ON CHARACTERIZATION THAT WOULD PHYSICALLY PRECLUDE OBTAINING INFORMATION NECESSARY FOR LICENSING
 - FUNDAMENTAL INADEQUACIES IN QUALITY ASSURANCE (QA) PROGRAMS

SUMMARY OF OBJECTIONS

- OBJECTION 1: THE CDSCP DOES NOT RECOGNIZE THE RANGE OF ALTERNATIVE CONCEPTUAL MODELS OF THE YUCCA MOUNTAIN SITE THAT CAN BE SUPPORTED BY THE EXISTING LIMITED DATA BASE.
- OBJECTION 2: EXTENDING THE EXPLORATORY SHAFT ES-1 400M BELOW THE REPOSITORY HORIZON INTO THE CALICO HILLS UNIT AND DRIFTING Laterally IN THAT UNIT MAY HAVE ADVERSE IMPACTS ON THE WASTE ISOLATION CAPABILITY OF THE SITE.
- OBJECTION 3: THE CDSCP CONTAINS INADEQUATE INFORMATION ON THE ESF CONCEPTUAL DESIGN TO ALLOW EVALUATION OF (1) POTENTIAL INTERFERENCE OF PROPOSED INVESTIGATIONS WITH EACH OTHER AND (2) INTERFERENCE OF CONSTRUCTION OPERATIONS IN THE TWO SHAFTS AND LONG DRIFTS WITH THESE INVESTIGATIONS.
- OBJECTION 4: THE CDSCP DOES NOT ADEQUATELY CONSIDER THE POTENTIALLY ADVERSE IMPACTS ON WASTE ISOLATION CAPABILITY OF THE SITE AND THE ABILITY TO CHARACTERIZE THE SITE RESULTING FROM PROPOSED LOCATIONS OF ES-1, ES-2, AND OTHER OPENINGS IN AREAS THAT MAY BE SUSCEPTIBLE TO SURFACE WATER INFILTRATION AND TO EROSION.
- OBJECTION 5: THE CDSCP REFERENCES A NUMBER OF QA PLANS AND PROCEDURES FOR DOE AND ITS PRIME CONTRACTORS, MANY OF WHICH ARE UNDERGOING POTENTIALLY SIGNIFICANT REVISIONS, OR WHICH HAVE NRC STAFF REVIEW COMMENTS OUTSTANDING, OR WHICH HAVE NOT UNDERGONE NRC STAFF REVIEW. BASED ON NRC STAFF REVIEWS TO DATE, THEY DO NOT FULLY COMPLY WITH NRC'S QA CRITERIA. DATA COLLECTED UNDER THESE EXISTING PROGRAMS MAY NOT BE USABLE IN LICENSING.

REVISED DOE QA PROGRAM QUALIFICATION AUDIT SCHEDULE FOR NEW SITE CHARACTERIZATION ACTIVITIES



NOTE: EACH PARTICIPATING ORGANIZATION HAS VARYING DEGREES OF INVOLVEMENT IN NEW SITE CHARACTERIZATION ACTIVITIES. THE DEGREE OF QA IMPLEMENTATION, AND HENCE THE QUALIFICATION AUDIT WILL BE COMMENSURATE WITH THEIR DEGREE OF INVOLVEMENT IN NEW SITE CHARACTERIZATION ACTIVITIES.

0110-0039RJ 1/23/89

CONCLUSION

- WE TAKE OUR MISSION TO PROTECT PUBLIC HEALTH AND SAFETY SERIOUSLY
- FOUNDATION OF TECHNICAL REQUIREMENTS FOR REPOSITORY LICENSING IS 10 CFR PART 60
- WORKING UNDER TIGHT CONGRESSIONALLY MANDATED SCHEDULE
- WILL NOT COMPROMISE HEALTH AND SAFETY TO MEET SCHEDULES
- WE VALUE THE INSIGHTS BROUGHT TO US BY INTERESTED STATE AND LOCAL GROUPS