



OFFICE OF THE
COMMISSIONER

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

May 26, 1988

NMSS - action

State of Nevada
NMSS side of Commission
State of Nevada
State of Nevada
State of Nevada

MEMORANDUM FOR: Chairman Zech ✓

FROM: Kenneth C. Rogers

SUBJECT: AGENCY SCHEDULE FOR YUCCA MOUNTAIN SITE CHARACTERIZATION
PLAN APPROVAL AND LICENSING

I am concerned about the apparent number of substantive agency activities that must be accomplished and the relatively short time frame available to accomplish them if current DOE Project Decision Schedule milestones for the Yucca Mountain Site Characterization Plan (SCP) approval and licensing are to be met. The Commission briefing on May 4 on the NRC Point Papers for the DOE Consultative Draft of the SCP for Yucca Mountain did not address the schedule issue in depth. From a cursory examination of the various NRC activities including public hearings required under the Nuclear Waste Policy Act Amendments (NWPAA), it is not clear that the agency can support the present DOE schedule for the Yucca Mountain repository and meet the other requirements of the NWPAA.

I would recommend that the NMSS and Research staff in consultation with OGC develop a reasonably detailed schedule of NRC activities (a Level 1 or 2 schedule supporting the DOE program milestones) for early Commission review which includes a critical path analysis. I also propose that OGC describe for the Commission the licensing requirements and issues associated with Part 60 which are necessary for repository licensing, and the schedule foreseen for these activities. Most probably the Commission's licensing activities may be conducted in an atmosphere of confrontation with the State of Nevada and other well funded groups. In my opinion we need staff assurance that a detailed schedule is available, that agency programs in support of site characterization and licensing activities are properly prioritized, and that an overall licensing program strategy exists.

Kenneth C. Rogers

Kenneth C. Rogers
Commissioner

cc: Commissioner Roberts
Commissioner Carr
OGC
EDO
SECY

I basically agree with your observations and will ask the EDO to consider your thoughts and take appropriate action, informing the Commission of his response.

Lando W. Zech Jr.
Lando W. Zech, Jr.

6-3-88

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PDR WASTE
WM-1 PDC

EDO---003752

Ticket

DATE RECEIVED: 06/07/88 ORIGINAL DUE DT: 07/15/88

CONTROL NO: 8800323

REVISED DUE DT:

DOC DT: 06/06/88

FROM:

TIME:

COMP DT:

SAMUEL J. CHILK
SECY

TO:

EDO

FOR SIGNATURE OF:

** BLUE **

SECY NO:

ASSIGNED TO:

CONTACT:

HLWM

DESC:

ROUTING:

SRM, DATED 6/6/88 RE: MAY 12, 1988 BREIFING OF
COMMISSION ON THE CENTER FOR NUCLEAR WASTE REGULA-
TORY ANALYSIS (CNWRA) - MULTIPLE ACTIONS ON SAME
SRM

BERNERO
FUNCHES
PINK

SPECIAL INSTRUCTIONS OR REMARKS:

HLWM - PLEASE WORK WITH OGC AND PREPARE ITEMS
AS REQUESTED IN SRM. PLEASE NOTE THERE IS MORE
THAN ONE ITEM HERE. ADDITIONAL DUE DATES ARE
8/15/88 AND 9/12/88.



NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555

June 6, 1988

ACTION - Thompson, NMSS

Cys: Stello
Taylor
Rehm
McDonald
Scroggins

MEMORANDUM FOR: Victor Stello, Jr.
Executive Director for Operations

William C. Parler, General Counsel

FROM: Samuel J. Chilk, Secretary *JP*

SUBJECT: STAFF REQUIREMENTS - BRIEFING ON EFFORTS TO
LICENSE A HLW REPOSITORY AND STATUS OF CENTER
FOR NUCLEAR WASTE REPOSITORY ANALYSIS (CNWRA),
2:00 P.M., THURSDAY, MAY 12, 1988, COMMIS-
SIONERS' CONFERENCE ROOM, ONE WHITE FLINT
NORTH, ROCKVILLE, MARYLAND (OPEN TO PUBLIC
ATTENDANCE)

The Commission* was briefed by the staff and the Office of the General Counsel on the status of prelicensing activities associated with the nation's repository of high level radioactive waste.

The Commission requested the following:

1. Commission paper on the NRC/DOE memorandum of understanding regarding payment of NRC expenses to license the HLW repository. Complete - Paper t
{EDO} (ARM) (SECY Suspense: 6/15/88) SECY 6/3/88
2. Joint Commission paper by the EDO and OGC to report on the careful examination of the body of regulation and guidance including staff technical positions, regulatory guides, and rulemakings to determine that the proper mix of regulatory tools is in place for the NRC to make a licensing determination. The body of regulations and guidance should be adequate to convey the appropriate degree of design conservatism and minimize issues that could result in a protracted hearing process.
{EDO/OGC} {SECY-Suspense:---9/30/88}
(NMSS) (EDO Suspense: 9/16/88)
4/12/88

* Commissioners Bernthal and Carr were not present.

Rec'd Off. EDO

Date 6-7-88Time 9 A.

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3. Staff paper identifying the NRC resources required to review and approve the State of Nevada's quality assurance program as well as other activities not previously anticipated or scheduled. The paper should contain a listing of proposed rulemaking, branch technical positions, standards, etc., that may be suggested by the staff within the next six months to enhance the licensing of a HLW repository.
~~-(EDO)-~~ (NMSS) (SECY Suspense: 7/29/88) *NMSS Suspense 7/15*

4. Joint OGC/EDO Commission paper on the policy issues associated with the negotiated rulemaking effort (changes to 10 CFR Part 2 to allow for the development of a record and decision by the NRC in 18 months).

(Subsequent to the meeting, the Office of the General Counsel submitted SECY-88-140 in response to the Commission's request.)

5. Briefing on the Center for Nuclear Waste Regulatory Analysis. Discussions should include resource requirements (particularly with regard to QA expertise), staffing, and initiatives to provide computer hardware.
~~-(EDO)-~~ (NMSS) ~~-(SECY-Suspense---8/31/88)-~~ (EDO Suspense: 8/19/88) *8/15/88 NMSS*

The Commission requested the staff to schedule adequate time for the Commission and the Advisory Committee on Nuclear Waste (ACNW) to comment on the staff's review and comments on the final site characterization plan for Yucca Mountain. The Commission paper outlining the staff's recommendations should address the ACNW recommendations and comments. (NMSS)

cc: Chairman Zech
Commissioner Roberts
Commissioner Carr
Commissioner Rogers
GPA
PDR - Advance
DCS - P1-124