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'85 MAY 21 A9:52 NUCLEAR WASTE PROJECT OFFICE

OFFICE OF THE GOVERNOR

Capitol Complex

Carson City, Nevada 89710

(702) 885-3744

May 16, 1985 - 21

Mr. Ben C. Rusche, Director  
Office of Civilian Radioactive  
Waste Management  
U.S. Department of Energy  
1000 Independence Avenue  
Washington, D.C. 20585

WM Record File

102.3

WM Project 111665#22

Docket No.

PDR ☒

LPDR ☒

Distribution: D. Kunth, R. Ray, K. R. B. M. J. B. J. O. B. R. D. M. H. J. M.

DEM CFR G. W. K. E. R.

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Dear Mr. Rusche:

We are becoming increasingly concerned with the level of communication relative to interactions between DOE, NRC and EPA. The Nuclear Waste Policy Act stipulates that affected states are participants in the process to site geologic waste repositories. As participants in the process, the states should be afforded the opportunity to be involved in exchanges between DOE and other parties in the geologic repository siting process, namely, NRC and EPA, in a timely manner. Additionally, the Morgan-Davis Agreement clearly provides for a participant role for affected states in meetings and other NRC-DOE activities.

The methods of scheduling, noticing and conducting these meetings have affected our participation in these interactions to date. In many cases, we are only informed of meetings after they have occurred. A recent example is the DOE/NRC interaction on the Annotated Outline for SCPs. The State received a copy of the Annotated Outline (for information only) two weeks after the DOE/NRC concurrence meeting on its content and DOE's announcement that the Outline had been baselined. Our comments were neither sought nor the meeting schedule communicated to us. We have concerns about the Annotated Outline, but because of the advancement of the process at this point, our comments may be less than productive.

As DOE has the lead responsibility to site, construct, operate, etc., geologic repositories, they also have the lead responsibility to ensure the opportunity for timely state interaction and involvement in meetings with other federal

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agencies regarding all aspects of implementing the Nuclear Waste Policy Act.

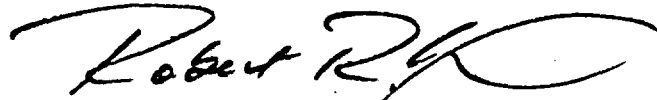
I am formally requesting, at this time, that the DOE overtly notify my office of all meetings as described above with the NRC, EPA and other federal agencies in a timely manner, and that DOE forward to my office all materials developed for these meetings in a similar, timely manner. Specifically, it would seem that, at a minimum, 2 weeks advance notice of meetings would be sufficient to positively effect our participation, and that meeting agendas and other materials be forwarded as soon as the meeting notice is made.

While I recognize that in selected instances notification and the mailing of materials may be difficult, the scheduling of these meetings should account for the timely notice and materials distribution.

Since it is apparent to us that Nevada will be one of the sites characterized for the first geologic repository, it is only appropriate that the State have the opportunity to present its views for consideration in DOE interaction meetings or workshops. I look forward to your commitment to this process in the spirit of cooperation.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Robert R. Loux  
Director

CAJ/gjb

cc: Mr. Robert Browning, Nuclear Regulatory Commission ✓  
Mr. Hubert Miller, Nuclear Regulatory Commission  
Mr. Joseph Bunting, Nuclear Regulatory Commission  
Dr. Don Vieth, Department of Energy-Nevada Operations  
Senator Thomas J. Hickey, Nevada State Legislature