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NUCLEAR WASTE PROJECT OFFICE

OFFICE OF THE GOVERNOR

Capitol Complex

Carson City, Nevada 89710

(702) 885-3744

August 23, 1985 - 01

WM Record File

102-3

WM Project

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Docket No.

PDR

LPDR

Distribution:

Mr. Robert E. Browning, Director
Waste Management Division
Office of Nuclear Material Safety
and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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CC: JOB HJM
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Dear Mr. Browning:

Enclosed please find a copy of a letter that I recently wrote to Mr. Ben C. Rusche, Director of the Office of Civilian Radioactive Waste Management, U.S. Department of Energy, regarding Nevada's ongoing interest in being involved in the informal DOE/NRC interaction.

I recently received a response from Mr. Rusche to my request, and I thought that it would be of interest to you, therefore, it is also enclosed. Mr. Rusche's response is indicative of the attitude that the Department has taken regarding the state involvement and interaction in this process.

It is, and has been, only through our good working relationship with the NRC that we have been able to be reasonably informed regarding meetings and workshops, and hope this relationship will continue.

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

Sincerely,

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

Robert R. Loux
Director

RRL/gjb

Enclosures

cc: Mr. Hubert J. Miller, Nuclear Regulatory Commission
Mr. Joseph O. Bunting, Nuclear Regulatory Commission
Ms. Catherine F. Russell, Nuclear Regulatory Commission

May 16, 1985

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

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

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



Department of Energy
Washington, D.C. 20585

AUG 16 1985

Mr. Robert R. Loux
Director
Nuclear Waste Project Office
Office of the Governor
Carson City, Nevada 89710

Dear Mr. Loux:

Thank you for your letter of May 16, 1985, concerning the State of Nevada's interest in receiving advance notification of meetings between the Department of Energy (DOE) and other Federal agencies. In consideration of your letter and continuing our efforts to seek all practicable means of providing advance notification of meetings, DOE will expand the scope of existing meeting notifications to include meetings with Federal agencies in addition to the Nuclear Regulatory Commission (NRC).

As you may know, the Office of Civilian Radioactive Waste Management (OCRWM) established a nationwide toll-free telephone information service that enables any interested party to call at any time during the day or night and hear a recorded message describing upcoming meetings between DOE and NRC pertaining to OCRWM technical activities. Enclosed for your information is a copy of the Federal Register Notice which describes the operation of this 800 number. I should point out that the meeting which DOE and NRC held on the annotated outline for site characterization plans was announced on this 800 number well in advance.

To expand the scope of meeting notifications, when OCRWM initiates a technical meeting with other Federal agencies, such as the Environmental Protection Agency, DOE will, as appropriate, request their concurrence for the attendance of technical observers from affected States and Tribes. These open meetings will be noticed under the 800 number. We will also attempt to include notice of these meetings in the monthly OCRWM Bulletin and other program media, but the 800 number should be regarded as the primary source of information on meetings. Sometimes meetings are scheduled on short notices, but, where time allows, technical materials pertaining to such meetings will be sent to attendees in advance. The Office of Geologic Repositories cognizant desk officer can, in addition, be called at any time if questions arise over meeting schedules or materials.

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NUCLEAR WASTE PROJECT OFFICE

Again, thank you for your letter and the concerns you have expressed. I hope that the policy outlined herein is responsive to your needs and will further facilitate cooperation between DOE and the State of Nevada.

Sincerely,


Ben C. Rusche, Director
Office of Civilian Radioactive
Waste Management

Enclosure:

DEPARTMENT OF ENERGY**Office of Civilian Radioactive Waste Management; Toll-Free Telephone Information Service**

On June 27, 1983, the U.S. Department of Energy (DOE) and the U.S. Nuclear Regulatory Commission (NRC) entered into a Procedural Agreement (FR 48:38701) which outlines the procedures which DOE and NRC will observe in their interactions on the characterization of sites for a geologic repository under the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425, 98 Stat. 2201). The Procedural Agreement specifies that schedules for activities

pertaining to technical meetings between DOE and NRC will be made publicly available by DOE in a timely manner with members of the public invited to attend as observers.

To provide members of the public with timely information pertaining to the time, location and agenda for all such public meetings, DOE has established a toll-free telephone information service as follows:

For calls originating in Maryland—800-492-4610

For calls originating in the other 49 States—800-368-2235

Callers using the toll-free numbers will hear a recorded tape describing

scheduled public meetings between DOE and NRC for the upcoming three month period. Members of the public are invited to attend these meetings as observers.

For additional information about the toll-free telephone information service contact: Mark W. Frel, Office of Civilian Radioactive Waste Management, U.S. Department of Energy, RW-23 (GTN), Washington, D.C. 20545.

Issued in Washington, D.C. on March 8, 1984.

Michael J. Lawrence,
*Acting Director, Office of Civilian
Radioactive Waste Management*

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