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Governor

STATE OF NEVADA

ROBERT R. LOUX
Director

WM DOCKET CONTROL
CENTER



WM Record File
102-3

WM Project 11

Docket No. _____

PDR

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January 22, 1986

Mr. Robert Browning
Director - Division of
Waste Management
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Browning:

We are in receipt of the minutes of the DOE /NRC meeting on Quality Assurance, December 3-5, 1985. Because of conflicts with other meetings, the State of Nevada could not be represented at the meeting. The State believes that excellence in quality assurance is a major cornerstone of the nuclear waste repository program and a positive commitment to quality assurance will go a long way to increase public confidence in the program.

A review of the meeting minutes has raised some concerns from our perspective.

1) NRC indicated that their involvement with non-Q-list items not utilized in the license application would be limited to a review and evaluation for the purpose of assuring that none of these items and activities should be on the Q-list. We view these words as suggesting the NRC is limiting its role with respect to QA and may be projecting an image of less-than-a-full commitment to the ideals of quality assurance. By limiting NRC's role of complete QA oversight to Q-list items only, the NRC ignores the Ford Amendment Study (NUREG-1055) recommendation that non-safety-related items be given consideration as they might affect safety-related items. We have equal concern that pre-site characterization activities, which have direct bearing on the suitability of the site to contain and isolate waste, will not be given proper QA scrutiny in the context of NRC's limited role.

2) NRC indicated that the only activities they expect DOE to list in the SCP are major site characterization activities on the

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Q-list. Individual tests and experiments would not, in general, be required to be listed. Major, significant tests, however, will need to be listed in the SCP. Two comments are:

(a) All tests and experiments directly related to resolving safety-related issues should be identified in the SCP, so the NRC, states/tribes and the public can evaluate the adequacy and completeness of the tests and experiments in addressing the issue. In our view, this is part of a complete QA program and the oversight responsibility of the NRC.

(b) All tests and experiments which may indirectly provide information for resolving safety-related issues should also be identified. The SCP should lay out clearly the thoroughness and completeness of DOE's proposed program to resolve critical issues, including all technical activities.

3) We support the NRC position that DOE must not be allowed, for some sites, to prove that the natural barriers and waste form could meet the NRC containment objective and, thus, that a waste package would not need to be on the Q-list. It appears DOE is attempting to put the "cart before the horse". It is infeasible for DOE to determine that the host rock and the waste form are not safety-related prior to site characterization studies to collect the data upon which a proof is based. This appears to be similar to DOE's attempts to make preliminary determinations of site suitability prior to collecting site characterization data to establish the suitability. We view this as another attempt on DOE's part to sidestep the intent of technical completeness and quality assurance at the expense of program schedule.

4) We fully support and encourage NRC's involvement in oversight of DOE readiness reviews. As you are aware, the U.S. Ninth Circuit Court Appeals determined that the states also have an oversight role in the nuclear waste program to protect their own interests. We fully intend to implement that role in all aspects of the program, including quality assurance. We request that Nevada be kept informed on the progress of DOE readiness reviews, as we propose involvement in an oversight role. We share NRC's concern about the fitness of the DOE quality assurance program prior to the initiation of site characterization.

5) We support NRC's request that it be added to formal distribution of all audit reports and written responses and receive controlled copies of approved QA plans and procedures for OGR, OGR project offices, and the prime contractors for each office. In the past, we have formally requested the same from the Nevada Project Office, with little success. We are most desirous to receive the prime contractor's QA plans and procedures so we may better evaluate the applicability and adequacy of studies, tests, and experiments discussed in the site characterization plans.

We await your response to our concerns and comments expressed in this letter. Should you have any questions, do not hesitate to call.

Sincerely.

A handwritten signature in black ink, appearing to read "Robert Loux". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert Loux
Director

RRL/sjc