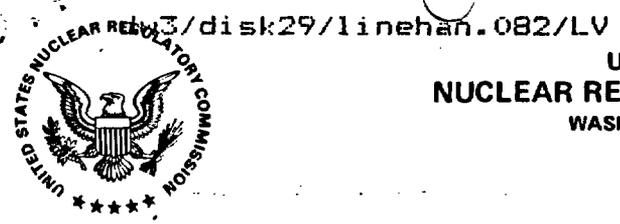


TWDCC



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

Reply to:
1050 East Flamingo Rd.
Suite 319
Las Vegas, Nevada 89119
Tel: (702) 388-6125
FTS: 598-6125

TO: John J. Linehan
FROM: Paul T. Prestholt, Sr. On-Site Licensing Representative
DATE: March 22, 1988
SUBJECT: ACTIVITIES OF NRC REPRESENTATIVES ON THE NELLIS AIR FORCE RANGE

Please find enclosed the above-referenced information.

PTP:nan

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PDR WASTE
WM-11 PDR

NH03
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Department of Energy

Nevada Operations Office

P. O. Box 98518

Las Vegas, NV 89193-8518

MAR 1 1988

Robert D. Kaiser, Waste Management Project Office, NV

ACTIVITIES OF NUCLEAR REGULATORY COMMISSION (NRC) REPRESENTATIVES ON THE NELLIS AIR FORCE RANGE (NAFR)

The question has arisen concerning whether the recently issued Department of the Air Force (DAF) concurrence for the conduct of site characterization activities on the NAFR (see the enclosed DAF letter dated February 3, 1988) reasonably encompasses the activities of NRC representatives performing their repository program duties. The following contains my views on this matter.

At the outset, the DAF concurrence contemplates that others than just DOE and its contractors can be present on the affected land in connection with site characterization (note condition "l" of the concurrence, which speaks in terms of "others who may be on the premises at (DOE's) invitation"). In that regard, in view of NRC's role under the NWA and our various agreements with them, the NRC for all intents and purposes has a "standing" invitation in connection with our site characterization activities on the NAFR.

Condition "q" of the concurrence indicates that we are to use "appropriate procedures for ingress and egress" of the NAFR and to secure "permission" for range visits with appropriate NAFR personnel. That applies to "our" people as well as our invitees. As a practical matter, for the "core" area where the shaft will be located and intensive activities will be conducted continuously over a long period of time, we ought to be able to work out with the Nellis people some sort of "blanket" permission procedure which would include both the DOE family and our invitees, the NRC. For the more distant areas of the NAFR, where our activities would be confined to certain spots and occur over a shorter period of time, we will probably have to notify Nellis on an activity-by-activity basis. That notification can include whether NRC representatives are also involved.

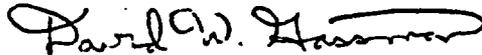
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DIXON
Kaiser
March 10
LEUNG
R.W. Smith
3/1/88
SCARNO
RECORD COPY

Robert D. Kaiser

- 2 -

MAR 1 1985

With respect to study activities by or for the NRC, I view those situations where our contractors would be utilized to perform work (e.g., in the drifts or "piggy-backing" our other activities) to be DOE activities for purposes of both the DAF concurrence and the underlying right-of-way. We would have in effect incorporated them into our site characterization program. The only situation where NRC activities in my view would not be encompassed by the DAF concurrence is where the NRC wished to conduct its own study on a distant part of the NAFR (i.e., somewhere outside the "core" area where I assume we would be omnipresent) completely independent of any DOE or DOE contractor involvement. In that case, the NRC should obtain its own separate permission (and assume the responsibilities for environmental reviews, property damage and reclamation, etc.).


David W. Gassman
General Attorney

Enclosure:
As stated

cc w/o encl:
W. R. Dixon, WMPO, NV



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS, TACTICAL AIR COMMAND
LANGLEY AIR FORCE BASE VA 22066 8001

8 FEB 1988

*Cop to Ngr
for file
TOD*

REPLY TO
ATTN OF DEP

SUBJECT: Site Characterization Activities - Yucca Mountain

TO: Department of Energy
Nevada Operations Office
P. O. Box 14100
Las Vegas, NV 88114-4100

1. In reference to your letter of 25 Mar 87, requesting a letter of concurrence for site characterization study activities in the Yucca Mountain area, concurrence is hereby given to the Department of Energy to receive or apply for a permit from the Bureau of Land Management, Department of Interior, for the purposes stated above. Our concurrence is subject to the conditions stated in Attachment A and expires on or before 1 Feb 93.
2. The inclusion of the conditions in Attachment A will insure minimal impact to continuing Air Force operations within the Nellis Range complex. Should eventual Nuclear Regulatory Commission requirements impose limitations which affect Air Force missions in the Yucca Mountain area, the Department of Energy, Nevada Operations Office, will be required to modify existing air space agreements to mitigate impacts.
3. This letter constitutes a concurrence on the part of the Air Force to allow the Department of Energy to receive a use permit from the Department of the Interior and in no way shall it be construed to give or otherwise convey any interests in the real estate controlled by Nellis AFB.
4. If you have any questions or if we can assist in any other way, please contact Mr. Jerry Koch, telephone (804) 764-3695.

FOR THE COMMANDER

CHARLES W. EVANS, Col, USAF
Director of Programs

1 Atch
Attachment A

cc: 554 OSW/DESER
USAF TFAC/CF (Lt Col Arnebach)
Bureau of Land Management, NV
Los Angeles Corps of Engineers

cc: Kaiser
cc: Leitz
cc: Nixon
cc: Thurman/ACC
cc: R.W. Smith/SAIC
cc: McCarroll/SAIC
cc: Scardina/SAIC
REC'D IN WHPD
2/19/88

UNITED STATES AIR FORCE



SEPTEMBER 18, 1947

RECORD COPY

ATTACHMENT A

The concurrence by HQ TAC to the Department of Energy (DOE) is temporary in nature and is for the purpose of testing only, and as such is not military related. The concurrence is granted subject to the following conditions:

a. That if testing conflicts with the mission of the Air Force, then the mission has priority in all cases.

b. That Nellis airspace access and control in R4809W south of 36°55'N latitude will be granted under a Memorandum of Understanding.

c. That aircraft transit at a minimum of 500 feet AGL and no supersonic flight south of 36°55'N latitude.

d. A 1,500 foot radius exclusion hemisphere (vertical and horizontal) around announced work areas south of 36°55'N be observed.

e. That the use and occupation of the said premises shall be without cost or expense to the Department of the Air Force, under the general supervision and subject to the approval of the officer having immediate jurisdiction over the premises and, subject also to such rules and regulations as he may from time to time prescribe, said officer being the 554 Range Group/CC, Nellis AFB, Nevada.

f. That the user shall, at its own expense and without cost or expense to the Department of the Air Force, maintain and keep in good repair and condition the premises herein authorized to be used.

g. That any interference with or damage to property under control of the Department of the Air Force incident to the exercise of the privileges herein granted shall be promptly corrected by the user to the satisfaction of the said officer.

h. That the user shall pay the cost, as determined by the said officer, of producing and/or supplying any utilities and other services furnished by the Department of the Air Force or through Department of the Air Force facilities for the use of the user.

i. That no additions to, or alterations of, the premises shall be made without the prior consent of the said officer.

j. That if for any reason it should be deemed necessary or expedient for the Department of the Air Force to perform functions and/or render services which are the responsibility of the user, the said officer may, in lieu of reimbursement, require the user to furnish the personnel and/or materials required for the performance of said functions and/or for the rendering of said services. In addition to furnishing personnel and/or materials, the user shall reimburse the Department of the Air Force for any costs incurred by the Department of the Air Force in connection with said functions and/or services, such as for supervision and/or equipment furnished. Selection of such personnel will be subject to the approval of the said officer.

k. That on or before the expiration of this concurrence or its relinquishment by the user, the user shall vacate the said premises, remove its property therefrom, and restore the premises to a condition satisfactory to the said officer, ordinary wear and tear and damage beyond the control of the user excepted. If, however, this concurrence is revoked, the user shall vacate the premises, remove its property therefrom, and restore the premises as aforesaid within such time as the Secretary of the Air Force may designate.

l. That the Department of the Air Force shall not be responsible for damages to property, or injuries to persons, which may arise from, or be incident to, the exercise of the privileges herein granted, or for damages to the property of the users officers, agents, contractors, or employees, or others who may be on the premises at their invitation or at the invitation of any one of them, arising from the user activities on said premises; and the user shall hold the Department of the Air Force harmless from any and all such claims.

m. That the Department of the Air Force will not be held liable for damage to user's drilling equipment incurred during normal flying missions being conducted by the Department of the Air Force.

n. That close coordination will be required between Nellis Range operations personnel and user's personnel while conducting core drilling operations located within the Yucca Mountain Nuclear Waste Store area.

o. That user shall obtain written permission from the Bureau of Land Management, Las Vegas, Nevada for drilling operations to be conducted and furnish a copy to the Base Civil Engineer, Nellis Air Force Base, Nevada and H. TAC/DE, Langley Air Force Base, Virginia 23665-5542.

p. That the user shall utilize as small an area as possible consistent with the task of core drilling and the protection of the natural terrain.

q. That the user shall use appropriate procedures for ingress and egress of the Nellis Air Force Range. Permission for range visits shall be requested as far in advance as possible by calling telephone (702) 652-3656. Scheduling of each visit will be accomplished by calling (702) 652-3656.

r. That the user must conduct archaeological, endangered and threatened species surveys of each site and access roads prior to the start of drilling operations.

s. That the DOE is solely responsible for all environmental actions, including, but not limited to, conducting and finalizing all environmental review analysis, and public notification that may be required for any DOE proposed or on-going activity.

t. That no activity is allowed which will cause or result in any air space restriction for military aircraft.

u. That by giving this consent, it is not the intent of the Air Force to excess the land to be occupied by DOE.