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'86 SEP -8 AGENCY FOR NUCLEAR PROJECTS
NUCLEAR WASTE PROJECT OFFICE

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August 29, 1986

WM Record File 102.3 WM Project 11
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Mr. Robert Browning, Director
Division of Waste Management
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Browning:

This Office has become aware that on August 26 and 27, 1986 the NRC conducted an Appendix 7 Meeting with the U.S. Geological Survey in Denver relative to geologic work on the NNWSI Project. We were not notified as to the scheduling of such a meeting.

As we have discussed, we have had ongoing concerns with the conduct of Appendix 7 Meetings between the NRC and the DOE and its contractors. Past notification of meetings to the State has been selective and spotty at best. The State has a mandated oversight role in the nuclear Waste repository program, not only to review the DOE program, but also to assure itself that NRC is properly conducting its mandated role under the law. The State is a lawful participant in this program and as such must have equal participation rights in any management or data exchanges relative to the nuclear waste program. At the August 5, 1986 meeting at our Offices in Carson City, NRC representatives, Joseph Bunting and John Linehan, reaffirmed NRC's commitment to an open interaction process and to notify the State in ample time of any and all meetings, including Appendix 7, with the DOE and its contractors. It appears to me that either this commitment is not shared by NRC management or there has been a change in policy since the August 5 meeting.

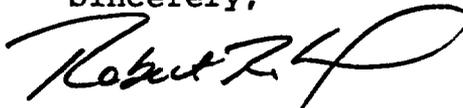
We view these Appendix 7 technical meetings as critical to the State's technical review of the proposed site at Yucca Mountain. In the absence of formal technical workshops or data reviews, they are the only vehicle by which the State can be current on the Status of DOE programs and the progress toward resolving key technical issues. In this regard I would think it would be in the NRC's best interest to involve the State's technical experts in these meetings so their views can be heard and discussed. Failure to do so may lead to a complicated and contentious licensing process later.

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As I have stated in past meetings and in correspondence, the State requires 10 working days notice for all meetings, including Appendix 7. I appreciate your commitment that the State will be invited to all further Appendix 7 meetings. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Robert R. Loux
Executive Director

RRL/sjc

cc: Paul Prestholt