



OFFICE OF THE SECRETARY

UNITED STATES NUCLEAR REGULATORY COMMISSION WASHINGTON, D.C. 20555-0001

April 12, 1999

RELEASED TO THE PDR 4/13/99 date initials IN RESPONSE, PLEASE REFER TO: M990316

MEMORANDUM TO: William D. Travers Executive Director for Operations

Karen D. Cyr General Counsel

FROM: Annette Vietti-Cook, Secretary

Annette Vietti-Cook signature

SUBJECT: STAFF REQUIREMENTS - BRIEFING ON STATUS OF DOE HIGH LEVEL WASTE VIABILITY ASSESSMENT (SECY-99-074), 1:00 P.M., TUESDAY, MARCH 16, 1999, COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

The Commission was briefed by the NRC staff, representatives of the State of Nevada, affected units of local governments, and tribal governments regarding the Department of Energy's Viability Assessment of a High Level Waste Repository at Yucca Mountain.

The Commission requested additional information from the Office of the General Counsel (OGC) on the agency role as a commenting agency on the DOE Environmental Impact Statement (EIS) and what happens in the event the EIS requires additional supplement to satisfy NRC licensing requirements. In addition, the OGC response should address the possibility of the NRC accepting views from other stakeholders for consideration in formulating formal comments to DOE on the EIS. The response should also address land title issues raised by the Tribal Government representative. The clarification of these issues for the Commission should also be made available to stakeholders.

(OGC/EDO)

(SECY Suspende:

6/11/99)

The representative from Nevada expressed a concern that the total system performance assessment does not provide for defense-in-depth. To respond to this concern, and to help strengthen the basis for ongoing stakeholder interactions, the Commission requested that the staff evaluate how the NRC can more clearly address repository defense-in-depth to foster a common understanding of this concept, and inform the Commission of its findings.

(EDO)

(SECY Suspende:

6/18/99)

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Handwritten notes: DFO3/0, OVM-L, SRM

**cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
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