



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

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MEMORANDUM FOR: Harold R. Denton, Director
Office of Governmental and Public Affairs

FROM: ~~Carlton K. Komer, Director~~
State, Local and Indian Tribe Programs
Office of Governmental and Public Affairs

SUBJECT: COMMISSION MEETING ON STAFF COMMENTS ON DOE
SITE CHARACTERIZATION PLAN FOR YUCCA MOUNTAIN

This memorandum summarizes the July 11, 1989 Commission meeting on the staff's SCP comments. Carl Gertz, DOE, Mal Murphy, counsel for Nevada, Susan Zimmerman, Nevada Agency for Nuclear Waste, Elgie Holstein, Nye County representative and other members of DOE, industry and the media were in attendance at the meeting. King Stablein, NMSS, is the technical contact and author of SECY 89-199. Note that SECY 89-199 is not yet publicly available. Briefing Slides are enclosed for your information.

Hugh Thompson opened the briefing, followed by Robert Bernero's presentation outlining the purpose and content of the SCP. Mr. Bernero proceeded with the Staff's Site Characterization Analysis (SCA), including a summary of the two SCP objections (QA program and ESF design/control process) and four major comments which were recently identified in my memorandum to you dated July 7, 1989. Mr. Bernero emphasized that DOE is not yet an applicant and that the SCP is a data-gathering mechanism only, geared to determine site characterization suitability. The Staff's SCA is the result of its review of DOE's site characterization plan, but it in no way evaluates the suitability of the Yucca Mountain site as a HLW repository.

Mr. Bernero discussed the geologic anomaly of the no-name fault, indicating that DOE is actively investigating electrical resistivity data to determine whether or not a fault actually exists in the area of the proposed ESF. There are a number of questions concerning the geologically complex site which remain to be answered, including how "young" are the faults? Is the volcanic period over? Is Crater Flat located within a fault zone? If so, is Yucca Mountain a part of this fault zone? How far reaching is it? How does volcanic activity compare with seismicity? The enclosed July 11, 1989 letter to Ralph Stein, DOE, from John Linehan, NMSS, states the need for a tectonics meeting, and a conference call between Staff, DOE and Nevada was held July 12, 1989 to discuss the scheduling and agenda of the meeting.

Contact: R. Virgilio
Ext. 20307

9401070215 931116
PDR COMMS NRCC
CORRESPONDENCE PDR

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Regulatory uncertainties were also discussed, including EPA standard compliance, substantially complete containment, and the disturbed zone boundary. These uncertainties will be dealt with in separate potential rulemakings.

ACNW Chairman Dade Moeller briefed the Commission on the ACNW/consultant's interactions with Staff and review of the SCA. Dr. Moeller's July 3, 1989 letter to Chairman Carr (enclosed) outlines the ACNW comments and recommendations. Briefly, Dr. Moeller feels DOE should aggressively seek out potentially disqualifying features of the Yucca Mountain site and identify such as early as possible; DOE may not be able to generate a complementary cumulative distribution function (CCDF) for the site and may not be able to demonstrate the required compliance with the EPA standard; and Staff has been extremely tolerant of DOE delays in developing an acceptable QA program and this area must be resolved immediately. Other ACNW comments include discussions on: the Calico Hills barrier; waste package containment; groundwater (matrix or fracture) flow; ESF location in relation to faults and relativity of samples; extension of geoscience investigations; incomplete and non-integrated conceptual design models; potential natural/mineral resources; suggestion that detailed SCP test procedures and schedules be included in periodic progress reports rather than waiting for Study Plan submittals; and SCA methodology should consider generic matters as well as individual matters.

In answer to Commissioner Rogers' questions, King Stablein indicated the remaining DOE ESF Study Plans had been received. Staff indicated it can only review 20% of the SCP Study Plans. Also, DOE has not yet changed the November 1989 ESF construction date, which may slip once DOE has digested the SCA.

Discussions were also held between staff and the Commission surrounding the enclosed June 28, 1989 letter from Sam Rousso, DOE, and July 7, 1989 response from Hugh Thompson. Briefly, DOE expressed concern that NRC's SCP comments may delay DOE's progress in the HLW program. The Commission expressed concern over DOE's apparent attitude that it did not have time to simultaneously respond to NRC questions and continue their work on the HLW program.

Commissioner Rogers reiterated his concern with the open QA program and reminded Staff to continue to press the issue until it is resolved. Robert Browning stated the lacking QA program is the root cause of ESF design problems. Commissioner Rogers also stated the fundamental question of site suitability is key and "killer issues" must be addressed early on.

Chairman Carr was told that site characterization could proceed upon resolution of the two objections. Commissioner Curtiss noted the original five objections had been reduced to two, due to the consolidation of the first five. He noted there seemed to be a close call on the Objections, Comments and Questions categories. He further stated he did not want to create the impression that addressing the two major objections would solve NRC concerns.

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Chairman Carr thanked the Staff and Dr. Moeller for the briefing, complimenting all involved in review of the SCP. He indicated the extra hours were reflected in the SCA and the Commission would have to vote on SECY 89-199. As indicated in my July 7, 1989 memorandum, Staff intends to issue the SCA on July 28, 1989, unless otherwise directed by the Commission.

Enclosures:
As stated

cc w/o encls.:

EDO

OGC

~~SECY~~

Regional Administrators

GPA/IP

GPA/PA

GPA/CA

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