

July 15, 2004

Ms. Abigail C. Johnson, Nuclear Waste Advisor  
Yucca Mountain Information Office  
P.O. Box 990  
Eureka, NV 89316

SUBJECT: RESPONSE TO LETTER DATED MAY 7, 2004, CONCERNING FOLLOW-UP  
FROM MAY 5, 2004, TECHNICAL EXCHANGE ON ANALYSIS MODEL  
REPORTS, PROCESS CONTROLS AND CORRECTIVE ACTIONS

Dear Ms. Johnson:

This letter is in response to your letter dated May 7, 2004, following-up on an issue that you raised at the May 5, 2004, Technical Exchange on Analysis Model Reports, Process Controls and Corrective Actions. The issue that you raised at the Technical Exchange was in regard to a paragraph (statement) contained in U.S. Nuclear Regulatory Commission (NRC) notices dated November 4, 2003, and November 25, 2003. In your letter, you asked four specific questions about this paragraph.

Please find attached the NRC responses to your four specific questions. I hope that these responses address your concern.

I want to thank you for bringing the paragraph from the November 2003 notices to our attention. Should you have additional questions regarding this matter, please contact Tom Matula, of my staff, at (301) 415-6700.

Sincerely,

**/RA/**

C. William Reamer, Director  
Division of High-Level Waste Repository Safety  
Office of Nuclear Material Safety  
and Safeguards

Enclosure:

Responses to Four Specific Questions about a Paragraph in U.S. Nuclear Regulatory Commission (NRC) Notices dated November 4, 2003, and November 25, 2003

cc: Leonard Fiorenzi, Eureka County

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Responses to Four Specific Questions about a Paragraph in U.S. Nuclear Regulatory Commission (NRC) Notices dated November 4, 2003 and November 25, 2003

Background:

The two NRC notices contained the following paragraph (statement):

“At this time the evaluation of DOE is not open to public observation. In parallel with conducting this evaluation, the NRC staff is considering whether a revised Policy Statement and/or new protocol should be developed to cover State, local, and Tribal government requests to observe NRC activities at Yucca Mountain.”

Questions and Responses:

Question 1. “Has NRC determined whether a revised Policy Statement or new protocol should be developed? If such a determination has been made, what was the process used to reach the conclusion? Was there any discussion or consultation with State, local and Tribal governments?”

Response The NRC decided not to develop a revised Policy Statement or a new protocol covering requests to observe NRC activities at Yucca Mountain. The decision reflects that the NRC does not plan on conducting any additional evaluations of the type discussed in the two November, 2003, notices. Had the NRC decided to develop a revised Policy Statement or new protocol, it is likely that the NRC would have consulted with State, local and Tribal governments.

Question 2. “The first sentence in the paragraph addresses the closed meetings situation. Does the rest of the paragraph relate to the closed meeting scenario or to other activities for which NRC is considering limiting State, local and Tribal government access?”

Response The entire paragraph referred to evaluations of the type discussed in the two November, 2003, notices.

Question 3. The paragraph indicates that the public observation policy would only relate to State, local and Tribal governments, not to the general public. What is the status of the general public regarding this potential Policy Statement or new protocol?

Response As indicated above, the NRC has decided not to develop a new public observation policy.

Question 4. “By stating “at this time” the statement raises the question of whether future similar meetings might be open to public observation. Is the determination currently made by NRC on a case-by-case basis, or is there an overarching principle involved in the determination of when the meeting is closed?”

Response This question is rendered moot since, as indicated above, the NRC does not plan on conducting any similar evaluations of the type discussed in the two November, 2003, notices.

ENCLOSURE