

EDO Principal Correspondence Control

FROM: DUE: 11/14/00

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FINAL REPLY:

Judy Treichel  
Nevada Nuclear Waste Task Force, Incorporated

TO:

Chairman Meserve

FOR SIGNATURE OF :

\*\* PRI \*\*

CRC NO: 00-0663

Chairman

DESC:

Yucca Mountain Issues

ROUTING:

Travers  
Paperiello  
Miraglia  
Norry  
Craig  
Burns/Cyr  
Lohaus, STP  
Merschhoff, RIV

DATE: 11/01/00

ASSIGNED TO:

CONTACT:

NMSS

Kane

SPECIAL INSTRUCTIONS OR REMARKS:



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# NEVADA NUCLEAR WASTE TASK FORCE, INCORPORATED

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October 27, 2000

Richard A. Meserve  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Chairman Meserve:

We met several months ago when you came to Nevada to meet with people who actively work on Yucca Mountain issues. At the time of our meeting you seemed surprised at the levels of skepticism and distrust that we had for the Nuclear Regulatory Commission. I am writing to explain a situation that is currently occurring that directly leads to our belief that the Commission is much more inclined to work with the Department of Energy than it is to representing the public.

Beginning this August, groups of DOE and NRC people have been meeting to discuss Key Technical Issues (KTI). Each meeting deals with a separate KTI and DOE attempts to convince the NRC that the issue being discussed can be considered "resolved or closed." As soon as this process began public interest groups and the State of Nevada objected to the NRC characterizing issues as "resolved or closed" before any licensing process. At the beginning of each meeting a disclaimer is read explaining that those terms only mean that there are no further questions at this time. If that were true, a more accurate term would be "currently acceptable."

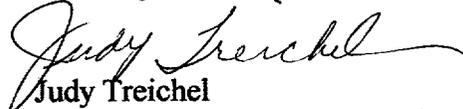
The most glaring example of the extraordinary willingness on the part of the NRC to yield to DOE is the frequent determination that an issue is "closed pending." At each meeting there is also a reading of NRC/DOE's definition of this term. Clearly, when this term is used, the issue is open. It seems to have been designed to make those at the table feel comfortable. It would be as accurate to say "open-pending" but there is no reason to do so - the matter is open. Although it is obvious that DOE and NRC are playing a word game, I am not writing to argue about semantics. I see a DOE/NRC cooperative effort. It was carried to its most ridiculous extreme at the meeting on criticality held October 23 and 24 when there was no data presented by the DOE and no analysis of how the issue of criticality had been examined and dealt with at Yucca Mountain. Instead DOE told NRC that the answers to all of their inquiries could be found in Topical Report, Rev. 01 which is about to be released. With no data or calculations to be reviewed by the NRC representatives, there could not be a determination of "closed pending" that complied

with the definition that was given. Both a representative of the State of Nevada and I commented to those at the table that under those circumstances, none of the issues could be "closed" or considered "closed-pending." But, at the end of the meeting, NRC determined that all of the issues were "closed-pending." When I discussed this with Jim Anderson at the meeting, he said that if the Topical Report did not answer all questions, then they would reopen the issues and hold another meeting. That is unacceptable. The issues should be open until all questions have been satisfactorily answered, and then the item can be considered "okay for now." There should not have been a meeting that took two days of all participants' time and travel expense when DOE and NRC were clearly not prepared for it. If NRC is not working cooperatively and exclusively with the Department, why are they willing to ignore comments from concerned observers and hand DOE the result that they wanted but had not earned?

Finally, during these meetings the NRC and DOE both spoke of meeting compliance with 10CFR part 63. The Nevada Nuclear Waste Task Force worked hard on, and participated in, public meetings and hearings on this proposed rule. In addition, we assisted many people who called for help in preparing written comments and who testified at the hearings. You received thoughtful, valuable comment from Nevadans, almost all of whom opposed portions of, or all of the proposed part 63. You have never responded to those comments. But, meanwhile we see the NRC and DOE cooperatively using that rule as it was drafted, to determine that Key Technical Issues at Yucca Mountain are "closed" or "closed-pending."

These are two very clear reasons why the people of Nevada do not trust the NRC and why we are increasingly skeptical regarding any licensing procedure. John Greeves and Bill Reamer repeatedly tell us that NRC wants to interact with the public here and they want the public to get to know the NRC. The examples that I have sited to you in this letter are showing the citizens of Nevada, much more clearly than informal public gatherings, just how the NRC works.

Sincerely,



Judy Treichel  
Executive Director

cc: Senator Harry Reid  
Senator Richard H. Bryan  
Representative Jim Gibbons  
Representative Shelley Berkley