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OF
Rule
ADJUDICATION

**Comments of The Nevada Nuclear Waste Task Force
The Nuclear Regulatory Commission 10CFR Part 63: Disposal of High-Level
Radioactive Wastes in a Proposed Geological Repository at Yucca Mountain, Nevada**

June 28, 1999

The Executive Director of the Nevada Nuclear Waste Task Force, Judy Treichel, attended and participated in the public workshops that were sponsored by the Nuclear Regulatory Commission for the purpose of discussion of the proposed licensing rule, 10 CFR Part 63. These meetings, held in Nevada during March 1999, were recorded and it is my understanding that the comments made by all participants will be considered by the Commission in finalizing the licensing rule. In addition to the comments made at those meetings, the Nevada Nuclear Waste Task Force wishes to submit these additional concerns.

In consideration of the questions asked by the Commission, item 2 regarding human intrusion, 10 CFR Part 63.113(d) defies logic. A repository that can be breached by human activity at all is not a permanent disposal facility. In addition, to state in the rule that hazards and potential destruction to people and the environment from an intrusion are not to be considered is unacceptable. Until a licensee can prove to the public and the Commission that emplaced waste will not be accessible to humans, the site should not be licensed as a disposal facility. To simply decide that breaching a repository does not matter to safety, is not an appropriate decision for the Commission. Only the public, who bears the risks and consequences can make that determination and be allowed to accept or refuse the risk.

Section C (19) of the proposed rule must include proof of the ability to retrieve the waste from the proposed repository before closure. Such proof could not be a simple statement that removal of waste would be the reverse of emplacement. The Department must be able to literally demonstrate that a thermally hot, leaking disposal container, located somewhere within a drift can be safely brought to the surface, opened, and the simulated waste repackaged without worker exposure or release of radiation to the biosphere.

Finally, the Water Rights section of the rule would allow Yucca Mountain to operate as a delayed radioactive waste release facility and not a permanent disposal site. Waste disposal can only be declared effective if the material will never again enter the biosphere. The Department has

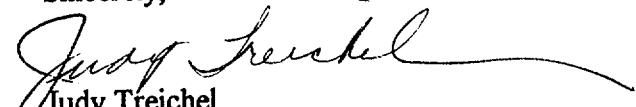
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presented information and intends for waste to escape the repository at a future time and reenter the earth's biosphere. Until a site or waste disposal system that can show with certainty that the harmful material will not be accessible or naturally reenter the earth's environment, it should not be licensed or fit the definition of a disposal site.

Sincerely,


Judy Treichel
Executive Director