

June 24, 1997

Mr. Ronald A. Milner, Director  
for Program Management and Integration  
Office of Civilian Radioactive Waste Management  
U.S. Department of Energy, RW 30  
1000 Independence Avenue, S.W.  
Washington, DC 20585

SUBJECT: NEVADA NUCLEAR WASTE TASK FORCE LETTER DATED MAY 7, 1997

Dear Mr. Milner:

By letter dated May 7, 1997, Ms. Judy Treichel of the Nevada Nuclear Waste Task Force wrote to the Shirley Ann Jackson, Chairman, U.S. Nuclear Regulatory Commission expressing concerns regarding public input activities related to the high-level waste (HLW) program. A copy of this letter is provided for your information. In this letter, Ms Treichel indicated that the working relationship between the U.S. Nuclear Regulatory Commission and the U.S. Department of Energy (DOE) during the "pre-licensing phase" of the HLW program, and NRC's focus on "issue resolution," has made Nevadans and others suspicious that important decisions will be made without public input. As a result, she proposed that two open and easily accessible meetings be held each year, one in Nevada and another in a transportation corridor city, so NRC and DOE can hear and consider the public's ideas and viewpoints.

Chairman Jackson's response, dated June 5, 1997, indicated that in keeping with NRC's openness policy (58 FR 48081) and to provide more opportunity for interaction with the public in this time of reduced budgets, faced by all parties, NRC considered Ms Treichel's suggestion worthy of careful consideration. A copy of Chairman Jackson's letter is also enclosed. In a first step toward implementation of this suggestion, NRC will include the proposal on the agenda of the next quarterly NRC and DOE management meeting, for discussion with DOE, State of Nevada, affected units of local government, and Indian Tribes.

If you have further questions regarding this issue, please contact Sandra L. Wastler of my staff at (301) 415-6724.

Sincerely,

Michael J. Bell, Chief  
Performance Assessment and HLW  
Integration Branch  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

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PDR WASTE  
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Enclosure: As stated  
cc: See attached list

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

June 5, 1997

Ms. Judy Treichel, Executive Director  
Nevada Nuclear Waste Task Force, Inc.  
Alamo Plaza  
4550 W. Oakey Blvd., Suite 111  
Las Vegas, Nevada 89102

Dear Ms. Treichel:

I am responding to your letter of May 7, 1997, and I would like to thank you for the opportunity to address your concerns regarding public input activities related to the high-level waste (HLW) program. As stated in your letter, these concerns arose from your task force's role as a primary point of contact for residents of the State of Nevada and other interested parties, regarding information on the Federal HLW program. Specifically, you indicated that the working relationship between the U.S. Nuclear Regulatory Commission (NRC) and the U.S. Department of Energy (DOE) during the "pre-licensing phase" of the HLW program, and NRC's focus on "issue resolution," has made Nevadans and others suspicious that important decisions will be made without public input. In addition, you indicated that NRC, as the licensing agency, must be sensitive to and aware of the public's expectations in "pre-licensing" as well as the licensing process. As a result, you have proposed that two open and easily accessible meetings be held each year, one in Nevada and another in a transportation corridor city, so NRC and DOE can hear and consider the public's ideas and viewpoints.

As you are aware, from your experience over the past ten years in participating in meetings and other interactions involving the HLW program, NRC has a longstanding practice of both providing the public with the fullest information practicable on its activities, and of conducting business in an open manner (58 FR 48081). In keeping with this policy and to provide more opportunity for interaction with the public in this time of reduced budgets, NRC considers your suggestion worthy of careful consideration. As a first step toward implementation, NRC will include your proposal on the agenda of the next quarterly NRC and DOE management meeting, for discussion with DOE, State of Nevada, affected units of local government, and Indian Tribes. Dr. Michael J. Bell, Acting Chief, Performance Assessment and HLW Integration Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, will contact you directly to discuss this proposal further.

Sincerely,

Shirley Ann Jackson

cc: See list on next page

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cc: Mr. Robert Loux, Executive Director  
Nevada Agency for Nuclear Projects  
Nuclear Waste Project Office  
Capitol Complex  
Carson City, Nevada 89710

Mr. Nick Stellavato  
On-Site Representative  
P.O. Box 675  
Mercury, Nevada 89123

Mr. Dennis Bechtel, Coordination  
Clark County Nuclear Waste Division  
500 South Grand Parkway Suite 3012  
P.O. Box 551751  
Las Vega, Nevada 89155-1751

Mr. Robert Holden, Director  
Nuclear Waste Project  
National Congress of American Indians  
2010 Massachusetts Avenue, N.W.  
2nd Floor  
Washington, D.C. 20036

Mr. Richard Arnold, Executive Director  
Las Vegas Indian Center  
2300 West Bonanza Road  
Las Vegas, Nevada 89106

Mr. Maurice Eben  
Tribal Council Member  
Pyramid Lake Paiute Tribe  
2556 Desert Flower Lane  
Sutcliffe, Nevada 89510

# NEVADA NUCLEAR WASTE TASK FORCE, INCORPORATED

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4550 W. Oakey Blvd.  
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Las Vegas, NV 89102  
702-248-1127  
FAX 702-248-1128  
800-227-9809

May 7, 1997

Dr. Shirley A. Jackson, Chairman  
U.S. Nuclear Regulatory Commission  
Mail Stop O-16 G15  
Washington, D.C. 20555-0001

Dear Dr. Jackson:

The Nevada Nuclear Waste Task Force is a primary contact point for Nevadans and groups and individuals nationwide who want information and opportunities for involvement in the federal high-level nuclear waste program. In order to serve in this capacity we attend meetings, hearings, briefings, etc. between the federal agencies involved in decision making regarding the proposed repository at Yucca Mountain and centralized interim storage facility at the Nevada Test Site (NTS) now being considered in Congress. We have been involved in this work for more than ten years.

As the Department of Energy's (DOE) Office of Civilian Radioactive Waste Management (OCRWM) programs have evolved over the last decade, we have become more aware of the growing cooperative efforts between OCRWM and the Nuclear Regulatory Commission (NRC) in what is known as the "pre-licensing phase" of the high-level nuclear waste program. We are very concerned about the lack of public involvement in this process. The most frequent justification stated for the close working relationship between DOE and NRC is that it will avoid surprises later during formal licensing proceedings. Many of these meetings and exchanges also deal with what is frequently referred to as "issue resolution." This term and the current process are matters of great concern to those of us who professionally oversee the program, and even more alarming for the public. There is growing suspicion among Nevadans and others that very important decisions that directly affect public health, safety, and well-being are being made without any public input.

All federal agencies are established and charged with the role of public service and protection. Nevadans continue to be told that the proposed high-level waste facilities and the activities associated with them should not be matters for public concern because they would have to be licensed by NRC. Furthermore NRC could not and would not license any facility without assurance of safe performance for whatever time period the site could pose a danger. If DOE is to be allowed to build one or more licensed high-level waste facilities; you, the licensing agency, must be sensitive to and aware of the public's expectations.

In order for the Commission and DOE to hear and consider the ideas and viewpoints of the public, we propose that two open and easily accessible meetings be held each year--one in Nevada and another in a transportation corridor city. At the Nevada meeting updates would be given by DOE and NRC on the status of pre-licensing activities regarding the proposed repository and/or the interim storage facility at the Nevada Test Site. The corridor city meeting would invite citizen comment and discussion regarding transport and cask certification issues. At each meeting DOE and NRC officials would answer audience questions and benefit from the insights of those who will be affected by the decisions made.

We are aware of the growing number of constraints being placed on the federal agencies involved in the high-level waste program--primarily time and money. These are easy limitations for the public to understand since they routinely work under them. The shortage of money and time must not result in inadequate consideration of all important parts of the program and the necessary public involvement. We believe that if the schedules are too short or funding inadequate, the very nature of this complicated one-of-a-kind program make it essential that the process be stopped. The transportation required to reach a national high-level nuclear waste repository or centralized interim storage facility in Nevada would affect many millions of Americans. NRC has never had to consider the licensing of a site with such long term or far reaching implications for so many people. The time allotted must be sufficient to establish a means for recognized, meaningful public involvement at the pre-licensing as well as the formal licensing phases.

Sincerely,

  
Judy Treichel  
Executive Director

cc:

Senator Harry Reid  
Senator Richard Bryan  
Congressman John Ensign  
Congressman James Gibbons  
Congressman Edward Markey  
Governor Bob Miller  
Nuclear Waste Technical Review Board  
National Academy of Sciences/Board on Radioactive Waste Management  
Nuclear Information Resource Service  
Public Citizen/Critical Mass Energy Project  
US Public Interest Research Group  
Citizen Alert/Nevada