



**The
Study
Committee**

10498

September 16, 1997

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

Dear Dr. Jackson:

It has come to our attention that you recently received a letter from the Nevada Nuclear Waste Task Force in which it represented itself as the primary point of contact for Nevadans seeking information and opportunities for involvement in the nation's high-level nuclear waste program and the Yucca Mountain Project.

The Nevada Nuclear Waste Task Force, managed by Judy Treichel, is funded by the State of Nevada Agency for Nuclear Projects which has consistently and adamantly opposed the site characterization of Yucca Mountain. The Nevada Agency for Nuclear Projects has been repeatedly criticized in audits by the General Accounting Office (GAO) and the Nevada Legislative Counsel Bureau for its contracting practices and procedures. The Nevada Nuclear Waste Task Force is one of its contractors and has been involved in attempting to build national coalition against Yucca Mountain. This is a violation of congressional mandates on how oversight funds are to be spent.

We represent the Nevada Nuclear Waste Study Committee which, with over 15,000 members, is Nevada's largest grassroots organization. We are funded, in part, by the nuclear power industry, but we are Nevadans with a firm commitment to the well-being of our state, to economic diversification of Nevada and to developing new missions for the Nevada Test Site. We believe that Nevada must broaden its economic base and that the Nevada Test Site generally and Yucca Mountain particularly provide Nevada with a unique opportunity to accomplish this. The Nevada Test Site is a significant and unique asset to Nevada and the nation as an outdoor laboratory. We believe Yucca Mountain is and should be an important additional asset to the Test Site.

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Dr. Shirley A. Jackson
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To date all the scientific evidence indicates Yucca Mountain will be found suitable. Nevertheless, The Study Committee believes additional scientific study must be conducted to assure the health and safety of Nevadans. We further believe that the only way health and safety will be assured is if Yucca Mountain receives a thorough and scientific evaluation.

It is our belief that Ms. Treichel's recommendation to you that national meetings be held in cities along transportation routes is, a thinly veiled attempt to further the efforts already undertaken by her and funded by the Nevada Agency for Nuclear Projects to generate national opposition to Yucca Mountain and to stall this important national project. Ms. Treichel's purely political agenda is well known here in Nevada and it shows up clearly in her May 7 letter to you.

We acknowledge our own bias but we believe that our position is based on a rational and common sense approach towards the nation's high-level waste program and towards Nevada's best interests. We want a complete and scientific study of Yucca Mountain to determine it's suitability and we want Nevada and it's residents to receive equitable consideration from the rest of the nation for doing something that the rest of the nation cannot, or will not, do. We are realistic about the dangers of high-level nuclear waste but we also realize there is probably no better place than the Nevada Test Site to create a permanent storage place and to thereby solve this difficult environmental problem.

With budget and time constraints facing all of us we do not believe numerous meetings around the nation are necessary or advisable. We think meetings in Las Vegas and Washington, D.C. may be appropriate to assure the necessary public involvement opportunities for the public and interested parties to discuss pre-licensing issues.

Yucca Mountain is an important scientific project to this nation and to Nevada and your agency is ultimately responsible to decide whether the site is suitable and for evaluating the scientific evidence. The Study Committee strongly believes that science and the licensing process should decide the issue.

Thank you for your consideration of our position and thoughts on this important matter.

Sincerely,



Hal Rogers
Northern Nevada Co-Chair



Bill Vasconi
Southern Nevada Co-Chair



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
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**Mr. Richard Arnold, Executive Director
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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.

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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