NEVADA NUCLEAR WASTE TASK FORCE, INCORPORATED

Alamo Plaza
4550 W. Oakey Blvd., Ste. 111
Las Vegas, NV 89102
Phone: 702-248-1127
Fax: 702-248-1128
Toll Free: 800-227-9809

Non-profit/Public Advocacy
Judy Treichel, Exec. Director
E-mail: judynwtf@aol.com
Web: www.nvantinuclear.org

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Andrew Bates
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555-0001

Re: LSNARP Questions and Comments

On behalf of the Nevada Nuclear Waste Task Force, I participated in the Licensing Support Network Advisory Review Panel (LSNARP) meeting held on June 3, 2003. During that meeting issues were raised by the Department of Energy (DOE) regarding the electronic submission of their documents for use in a possible Yucca Mountain Repository licensing hearing. During the discussion, DOE representatives expressed their desire or intention to submit documents and materials in ways and formats that would necessitate changes to 10 CFR Part 2.

One of the changes proposed by DOE would allow service of CDs/DVDs as part of submissions to the Licensing Support Network (LSN). Such a change could pose insurmountable difficulty of access for many members of the public and public serving entities, some of whom have limited computer capability and capacity. DOE is also resistant or unwilling to adhere to the requirement that documents be submitted in PDF. Changing the rule simply for the convenience of DOE is not only wrong but almost certainly would result in the exclusion of access for citizens with financial limitations by agencies of the federal government. The Task Force opposes this change.

During the June 3 meeting and in subsequent correspondence, other changes to 10 CFR Part 2 were and are currently being considered. There is also discussion regarding how changes to the rule would be made. The Task Force has been actively involved in the LSNARP as well as all other publicly accessible meetings and interactions regarding the Yucca Mountain project for many years. Throughout the course of the project, the constituency that we serve has expressed strong opposition to changes in rules governing the high-level nuclear waste program because they believed that the regulations were being adjusted to accommodate the project. These proposed changes to 10 CFR Part 2 certainly appear to accommodate the DOE schedule at the expense of public access and that is unacceptable.

Changes to the rule for the purpose of eliminating or reducing duplication may be

considered but caution must be exercised to be absolutely sure that the removal of duplicates in

no way results in the unintended loss of any other documents. Regardless of the reason for the change, any rule modification must be done in a diligent process with public participation.

The Task Force certainly believes that there is a need for the LSNARP and it must be representative of the range of participants in any future Yucca Mountain licensing process. The issue was discussed at the June 3 meeting because almost no people were at the table from the affected Nevada counties. It was believed that their absence was due to questions and doubts about the permissibility of their involvement under the Affected Units of Government funding provisions of the Yucca Mountain project. As I stated at the meeting, it is outrageous that the possible future applicant could or would have the ability to determine whether or not this Panel is to be representative of the involved participants or continues to exist at all. Certainly the NRC cannot allow that to happen.

The LSNARP has provided needed opportunities for exchange of ideas and information that happens in no other forum. If the Yucca Mountain project eventually becomes the subject of an electronic licensing process, it will be necessary for interested and involved parties to understand how to participate and this Panel is the unique source of that information. The Task Force appreciates the opportunity to participate in the workings and discussions of the Panel and we hope that these comments are helpful.

Sincerely,

Judy Treichel
Executive Director