



Department of Energy
Washington, DC 20585

MAR 15 1988

Honorable James H. Bilbray
House of Representatives
Washington, D.C. 20515

Dear Mr. Bilbray:

Secretary Herrington has asked me to respond to your January 22, 1988, letter regarding the document related to the suitability of the Yucca Mountain site for a high-level radioactive waste repository.

In response to a request from Governor Bryan, the Secretary has asked the Department of Energy's (DOE) Waste Management Project Office to conduct a comprehensive review of the existing documents that pertain to the suitability of the Yucca Mountain site. Since this also relates to your concerns, I have asked that you be provided with a copy of that response.

As of this date, we have no information that would cause us to conclude that the Yucca Mountain site is unsuitable. In accordance with the Nuclear Waste Policy Amendments Act, we are proceeding with plans to characterize only that site. The report you referred to was provided by the DOE author to his management for review on December 22, 1987, after Congress completed action on amendments to the Act. There was no attempt to withhold the report. Once DOE management reviews such completed documents, they are available to the State.

We are currently in the process of consulting with the Nuclear Regulatory Commission on a draft of the Site Characterization Plan for Yucca Mountain. We look forward to the State's participation in this process, since we feel it provides an excellent opportunity to discuss State concerns at an early stage and have those concerns appropriately factored into the characterization program.

The Department is committed to a free and open exchange of information concerning the suitability of the Yucca Mountain site. As you are aware, in its amendments to the Nuclear Waste Policy Act of 1982, Congress added subsection 117(d) which specifically provides an

opportunity for the State to designate an on-site representative, funded by the Waste Fund, to conduct oversight activities. I look forward to the favorable consideration of this opportunity by the State of Nevada, since I believe that it will serve to enhance even further the exchange of information between the Department and the State.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. E. Kay".

Charles E. Kay, Acting Director
Office of Civilian Radioactive
Waste Management

JAMES H. BILBRAY
1ST DISTRICT, NEVADA

COMMITTEE ON
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Congress of the United States
House of Representatives

Washington, DC 20515
January 22, 1988

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Honorable John S. Herrington
Secretary of Energy
Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Secretary Herrington:

Mr. Secretary, today Governor Richard Bryan revealed a study done by the Department of Energy (DOE) which indicates that the proposed Yucca Mountain site may be so dangerous as to warrant abandoning the Nevada site altogether.

This report should have been made available to the public and the Congress. Moreover, a report raising such serious concerns about the wisdom of putting nuclear waste at Yucca Mountain should have been made available to the Congress while we were debating the future location of the nuclear waste program late last year.

The department did the Congress, and people of Nevada, a deep disservice, by not informing the Congress about this report. It would be very helpful if you could identify who was responsible for the withholding of this report.

Mr. Secretary, for the past seven years the State of Nevada has presented unrefutable evidence that Yucca Mountain is geologically and hydrologically unfit for a high level nuclear waste repository. Now it is revealed, that a DOE scientist has reached a similar conclusion.

Considering the revelation of this recent important study, it is only appropriate that any other reports or studies on the nuclear waste program, and Nevada in particular, be made public immediately. Public trust must be restored to the department and the nuclear waste program.

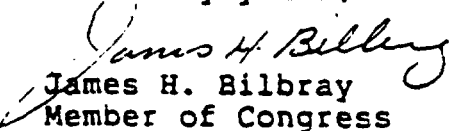
As you are aware, the law recently passed by Congress calls for the abandoning of Yucca Mountain should it be found unsuitable. With this recent report, and the information provided to you by the State of Nevada, it is now time to begin planning for an alternative site to Yucca Mountain. Mr. Secretary, please provide my office with a review of your plans for another site.

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I am frankly concerned that the Congress and people of Nevada have been denied critical information on the nuclear waste program. The manner in which this information came to light, the fact that it was not made available when Nevada's future was on the line, and the fact that this study is apparently based on information the state of Nevada has been providing the department over the past three years all lead to serious doubts about the departments concern for my state.

I look forward to your reply.

Sincerely yours,


James H. Bilbray
Member of Congress

JHB/sc

UNITED STATES DEPARTMENT OF ENERGY
WASHINGTON, D.C. 20585

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Division of High-Level Waste Management
Office of Nuclear Material Safety and Safeguards
Nuclear Regulatory Commission
Washington, D.C. 20555

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