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OCT 2 6 1987

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

Dear Mr. Loux:

This is in response to your letter to Chairman Zech dated September 4, 1987 concerning remarks made by a member of the Advisory Committee on Reactor Safeguards' (ACRS) Subcommittee on Waste Management.

The ACRS was established in 1957 as an independent body whose purpose is to provide advice to the Commission on potential hazards of proposed or existing reactor facilities and on the adequacy of proposed safety standards. The Atomic Energy Act of 1954 also requires that the ACRS advise the Commission with respect to the safety of operating reactors and perform such other duties as the Commission may request. Consistent with the Energy Reorganization Act of 1974, the Committee also reviews any matter related to the safety of nuclear facilities specifically requested by the Department of Energy.

We do not view an individual Committee member's remarks as "the remarks expressed by the Subcommittee" or "the Subcommittee's statements." The statements in question were made by one Subcommittee member expressing his personal views on the situation. The observations of one member should not be taken as a conclusion that the ACRS has "blindly" dismissed alternative views. A review of the transcript will show that there was extensive subsequent discussion of the State's concerns, including the particular issue regarding the effects of weapons testing. Note that the comments made referred only to the effects of weapons testing on vibratory ground motion at the repository and not to the other issues mentioned in your letter. There will undoubtedly be additional ACRS discussion and review of all of the points at issue in the DOE proposal. I urge you to reserve judgment about the quality of that review and the conclusions reached until the evaluation by the ACRS is completed.

Let me assure you that the Commission itself is the final decision-maker in matters before it concerning public health and safety and renders judgment only after careful consideration of comments from all members of its staff, advisory committees, licensing boards and the public. Let me also assure you that NRC's staff has been working in good faith with the State of Nevada, as it is with all the affected States and Indian Tribes. We acknowledge the State of

* See previous concurrences
** Telephone concurrence

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DATE				10/ /87	10/ /87	10/ /87	10/

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Nevada as having responsibility for the protection of its citizens and respect its concerns regarding the suitability of the Yucca Mountain site as the site of a high-level waste repository.

Due to the uniqueness of this program, and our charge to protect this nation's public health and safety, we are totally committed to treating the matter of licensing a high-level waste disposal site with the utmost seriousness it deserves. The NRC staff looks forward to continuing its good relationship with the State of Nevada.

Sincerely,

Original Signed by
H. R. Denton

Harold R. Denton, Director
Office of Governmental and Public Affairs

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DATE	10/22/87	10/21/87	10/ /87				

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Harold R. Denton, Director
Office of Governmental and Public Affairs

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