



**AGENCY FOR NUCLEAR PROJECTS
NUCLEAR WASTE PROJECT OFFICE**

Capitol Complex

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September 4, 1987

Mr. Lando Zech, Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Chairman Zech:

I recently received the transcript of proceedings of the general meeting of the Advisory Committee on Reactor Safety, (ACRS) Subcommittee on Waste Management, dated August 18, 1987. Pages 423 - 461 of the transcript address a discussion of the Subcommittee's visit to Nevada. As noted, the visit included presentations by Mr. Paul Prestholt, NRC on-site representative, Mr. Carl Johnson of my Office, various individuals representing the Department of Energy (DOE) and its contractors, and a one-day field trip to the proposed repository site.

In reading the transcript I am disturbed at the remarks expressed by the Subcommittee about the State of Nevada concerns with the viability of a high-level repository site at Yucca Mountain. I object in the strongest terms the Subcommittee's statements that Nevada's concerns have "no basis in fact", are "totally unreasonable", and are "buffoonery of the most atrocious sort". Through this Office, the State of Nevada has engaged technical experts, some of national stature, to review, research, and evaluate DOE's proposed repository site at Yucca Mountain. Out of the review and evaluation, and also an assessment of your own criteria for siting and licensing of high-level waste repositories (10 CFR Part 60), we developed a list of technical concerns relative to the suitability of the site. Briefly these concerns are:

- potential for active faulting at the site;
- potential for volcanism at the site;
- human intrusion of the site attracted by natural resource potential;
- effect of future climatic variations on integrity of the site;

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- effect of repository on regional aquifer system and future water supplies; and,
- viability of accurately characterizing water movement through the unsaturated zone.

These concerns are similar to concerns expressed by your waste management division review staff in its review of DOE's Final Environmental Assessment for Yucca Mountain. These same concerns were expressed by the National Academy of Sciences in 1979 during their review of volcanic tuff as a geologic repository medium. If the State of Nevada, in raising these technical concerns about the suitability of the site, are totally unreasonable and buffoonery, then what can be said about the concerns raised by your technical staff and the National Academy of Science's?

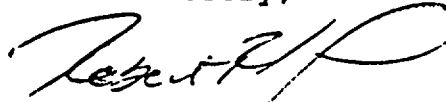
Defining the suitability of Yucca Mountain is a highly technical process requiring many years of study and evaluation. I understand the process of site characterization as only beginning now and we currently do not have all the answers relative to the suitability of the site. However, what we do know about the site raises some questions about the viability of a Yucca Mountain repository. Some of these questions are serious enough to possibly disqualify the site. The raising of these technical concerns by the State are only prudent and reasonable.

Finally, the NRC is charged with protecting the public health and safety from radiological hazards. The State of Nevada, through this Office, has similar responsibility for protecting the health and safety of its citizens and the environment of Nevada. This Office would be derelict in its responsibilities to the State and its citizens if it did not express its legitimate concerns and vigorously pursue those concerns to complete resolution. It is hoped that the ACRS, in its responsibilities for advising the Commission has similar concern with protecting public health and safety.

I question the sincerity of the ACRS members in carrying out those responsibilities when it blindly dismisses alternative views as unreasonable and without fact. This is an irresponsible action on the part of ACRS and questions whether this subcommittee is and can remain an impartial reviewer of the high-level waste program and provide technically sound and reasonable advice to the Commission. It is precisely these types of arrogant comments, attempting to minimize legitimate technical concerns, which have plagued the nuclear industry and contributed to public distrust.

I hope that future interactions and technical evaluations of mutual interest can be productive and not clouded by disparaging remarks such as occurred at this meeting. I stand ready to discuss this situation with you at any time.

Sincerely,



Robert R. Loux
Executive Director

RRL:CAJ/njc

cc: Dade Moeller, NRC/ACRS
Robert Browning, NRC/HLWM

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