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## NEVADA NUCLEAR WASTE TASK FORCE, INCORPORATED

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July 7, 2004

Janice Moore  
Office of the General Counsel  
Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Ms. Moore:

At a recent NRC/DOE meeting you introduced yourself to me and encouraged me to contact you if public interest organizations or individuals needed help from your office. I appreciate that offer very much.

For many years the Nevada Nuclear Waste Task Force has been the organization representing public interest/advocacy groups on an advisory panel regarding, what has come to be known as the Licensing Support Network (LSN). During that time we met to discuss and decide on rules and procedures that would be used for an electronic licensing process. The final regulation was codified in 10 CFR part 2. In that rule, the Yucca Mountain project begins the move from pre-licensing activities into the licensing phase when there is a certification of availability of the Department of Energy's documents on a publicly accessible website operated by the NRC. The certification begins a series of deadlines and establishes the earliest date for DOE's submission of a License Application (LA) for a Yucca Mountain repository.

During a recent DOE/NRC meeting a DOE official announced that the Department planned to "certify" on June 23, 2004 and submit its LA on December 23. The June date was not met and, in what appeared to be a "hail Mary" desperation move in order to preserve the end of the year submission date for the LA, DOE put out a press release late on June 30 announcing that it had "certified." They announced that there was a website, "Yucca Vista," where all of their documents were accessible. If, in fact, the DOE was certified, that would begin a 90-day deadline for other parties to a licensing hearing, requiring them to submit documents that had not been put into the LSN.

The first opportunity that any of us had to try out the DOE website was on the morning of July 1. When we attempted to open the documents there were problems and it was difficult or impossible to determine what documents were there and which documents would have to be submitted by others. I called the contact number on the site and the person who answered the

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phone was not only unfamiliar with the site but was shocked to find out that she was the contact person. Additionally, the DOE documents were not accessible through the LSN, operated by the NRC, in accordance with the rule as we understood it. As of this date the DOE documents are still not available on the NRC website.

By mid-afternoon Yucca Vista had disappeared and there was a message saying that it would be restored as soon as possible. The next day, Friday July 2, the website remained down and calls and correspondence went back and forth between various involved and interested parties but there was no real clarification for any of us regarding the deadlines. As the public representative on the LSN, I was unable to adequately answer the communication and correspondence that I was receiving from individuals and organizations who had received or read the DOE's press release and wanted to know how they could access information.

I am writing to you to ask for help from you and the General Counsel's office. As you know, the public and many of the governmental parties who are involved in or interested in the Yucca Mountain project have been frustrated during interactions with the DOE. Now it appears that the Department has gone from Yucca Mountain site investigation, to pre-licensing and into the licensing phase, interpreting rules to their benefit or ignoring the rules altogether. It appears that the DOE believes that by providing us with a fleeting glimpse of Yucca Vista, they have officially initiated the countdown which would make this, July 7, "day 83" for us. This letter is to ask your help in getting the NRC to assume direction and control of the process now and to require that the DOE meet the intent of the rule before the "clock begins ticking" toward a deadline for the rest of us. The Yucca Mountain project has been underway for more than twenty years and the facility in question is required to operate safely for at least 10,000 years. For the DOE to be imposing phoney deadlines on all of the other involved parties is unacceptable.

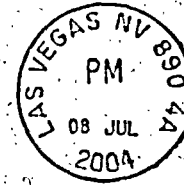
Again, thank you very much for expressing concern for the public's ability to participate in the Yucca Mountain licensing process. We will appreciate any help that you can provide to us as soon as possible.

Yours truly,



Judy Treichel  
Executive Director

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**GREETINGS  
FROM  
Far Far Away**



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