



Nye County

Department of Natural Resources & Federal Facilities

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February 11, 2002

02-124-LB (L)

Dr. Jared L. Cohen
Chairman
U.S. Nuclear Waste Technical Review Board
2300 Clarendon Boulevard, Suite 1300
Arlington, VA 22201

Board's Letter Report of January 24, 2002

Dear Dr. Cohen:

On behalf of Nye County, Nevada I would like to take this opportunity to comment briefly on the Board's Letter Report to the Secretary of Energy and Congress of January 24, 2002, in which the Board communicates its evaluation of the technical support for a potential recommendation by the Secretary of Yucca Mountain for development as a repository.

The tenor of the Board's letter will undoubtedly be widely debated, and subject to various interpretations. Some say the Board expresses no opposition to a site recommendation at this time, since, in the Board's view, "no individual technical or scientific factor has been identified that would automatically eliminate Yucca Mountain". Others, citing the Board's finding that the technical basis for DOE's repository performance estimates is, in the Board's judgment, only "weak to moderate at this time", express the opinion that the Board will not support site recommendation until the uncertainties it identifies in the attachments to the letter have been significantly reduced. Consistent with Nye County's long-standing position of informed neutrality we do wish to take part in that debate. The Board's letter does highlight the importance of two issues on which Nye has strong feelings, however, and thus I feel it appropriate to express support for them at this time.

First, we agree completely with the Board's evaluation that, regardless of whether or not Yucca Mountain is recommended for development as a repository in the near term, much work still needs to be done to reduce existing uncertainties in overall repository performance, and to refine our understanding of the operation of the natural features of the site, as well as the proposed engineered barriers. Indeed, it is our understanding that DOE essentially agrees with that view. Certainly the NRC does, as evidenced by the conditional nature of its sufficiency findings expressed in its letter of November 13, 2001 to Undersecretary Card. What this boils down to, in our view, is that the process of site characterization will not end with site recommendation, even if the President and Congress are to approve Yucca Mountain and authorize the submission of a license application to the NRC. Since site characterization will continue, the necessity for

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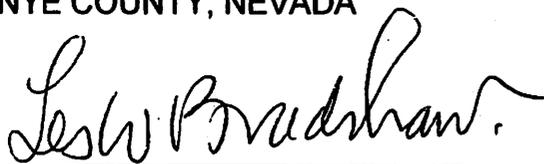
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oversight of those activities, by Nye, the State, and the Board, will also continue. While some might think that the Board's work will have been completed upon site recommendation, we do not, and think that it is just as critical that the Board stay engaged in this process as it is for active and fully funded local and state oversight to continue.

Secondly, as you know, it has long been Nye's view that, in the event Yucca Mountain is ever developed as a repository, a cool, dry, ventilated repository would be required to provide assurance of long-term waste isolation and meet any applicable standards of protection of public health and safety. We have done, and continue to do, quite a lot of independent work on such a design. By doing so Nye does not, as we have frequently emphasized, in any way endorse Yucca Mountain, or support its selection as a repository. All we have said is that *if* Yucca Mountain is selected it should be designed in such a way as to provide, with a high level of confidence, the most long-term isolation of the waste possible. This can only be accomplished, in our view, by a cool and dry repository design. The Board's January 24, 2002 letter report and its attachments support that view, we believe, and thus, we assume, support Nye's continued commitment to the importance of this work.

Thank you for your consideration of these views. Nye County has always attached great importance to our relationship with the Board and your staff. We look forward to continuing that relationship well into the future, in the event that Yucca Mountain is indeed recommended for development as a repository.

Very Truly Yours,
NYE COUNTY, NEVADA

A handwritten signature in cursive script that reads "Les W. Bradshaw". The signature is written in black ink and is positioned above a horizontal line.

Les W. Bradshaw
Department Manager

LB/vt