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U.S. Nuclear Waste Technical Review Board
2300 Clarendon Boulevard, Suite 1300
Arlington, VA 22201

Dear Chairman Cohon and Board Members:

At the Board meeting in Pahrump on January 29, 2002 you said that those who did not wish comment during the public comment portion of the meeting were welcome to send written comments to the Board for inclusion in the record. I attend most meetings and know that you especially want inputs at the meetings held in Nevada to be from those in the region who will be most directly affected by the repository. So, I am submitting a few thoughts by this means without taking time away from local voices.

The Board has heard from the National Association of Regulatory Utility Commissioners (NARUC) in the past and you know our primary interest in the civilian radioactive waste management program is financial: ratepayers have paid, via nuclear utilities, over \$17 billion into the Nuclear Waste Fund since 1983 and have yet to have one assembly of spent fuel removed from reactor site storage as Congress mandated begin in 1998.

Since the Board meeting, the President has accepted the Secretary of Energy's recommendation that Yucca Mountain is suitable for the next step (following the likely disapproval by Nevada and consideration by Congress) of preparing the construction license application. These comments that follow, then, could not all have been made on January 29th, but they have a common thread relating to communications.

Let me first say that I have always been impressed with the courteous and professional conduct of Board meetings which would include your solicitous approach of inviting public input, even though few members of the public are as able to fully understand the technical nature of the presentations and discussions held by the Board. I appreciated Chairman Cohon's reminder to the presenters that their job is to not just study the mountain but to communicate the results in an accurate and effective manner, which includes appropriate chart labeling!

My main comments have to do with communications as well. I read the Board's January 24th letter to Congress and Secretary Abraham several times. It is skillfully organized and presented. To those who have followed the work of the Board over the past several years as I have, would likely agree with Lake Barrett that it is a fair report. There did not seem to be any surprises. My concern, and likely was one the Board must have wrestled with is how those less familiar with the repository program would use the letter. I sent Bill Barnard an Associated Press article of January 26 from the *Boston Globe* with this headline:

Nuclear waste study rules out safe storage

The lead sentence was, "A panel of scientists says the Energy Department's plan to store nuclear waste in Nevada is fraught with uncertainties." Then I went back to read the letter again and just shook my head at the conclusion the newspaper readers must have reached since they are unlikely to have read your carefully written letter.

Then we have the editorial writers in Nevada who more knowingly used and abused your report and seized upon the "weak to moderate" descriptor to condemn the site recommendation. I wish they had heard Chairman Cohon's opening statement on January 29 when I heard, "The technical basis of TSPA is weak to moderate *at this time*" and that the Board has made no judgment on SR and "it is important that you understand that." Those in the room understood it, but the nuance never reached beyond Pahrump.

Now comes the President's acceptance of a well presented 49 page Site Recommendation backed up by an impressive assemblage of support documents. Before anyone outside DOE could possibly have even scanned the decision package, the press releases were already composed and ready to be fed to the media and the public (yes, that would include those who support the decision as well as the opponents.) This one from Rep. Shelley Berkley might trouble some of the Board members:

"Even the Nuclear Waste Technical Review Board, specifically set up by Congress to ensure a decision is made based on sound science, called the science behind the Yucca Mountain decision 'weak to moderate.'"

I realize that it is beyond your control how others may misrepresent the views of the Board, but I guess it must always be kept in mind. I don't believe there is a member of our organization that wants to see a repository built that is not likely with 'reasonable assurance' to protect public health and the environment or to have a single shipment be planned and executed that does not meet regulatory requirements. We do believe it is possible to develop a safe geologic repository and are fortunate to have better geologic choices than other countries. That is what ratepayers have been paying for almost twenty years and that is what they expect the federal government will accomplish with all relevant regulatory controls and with the helpful independent oversight of the NWTRB. We appreciate your thoughtful contributions to the program and helping lead to a solution to a very complex energy, environmental, financial and security problem facing the country.

Thank you for the opportunity to express my views.

Sincerely,



Brian O'Connell
Director
Nuclear Waste Program Office