



UNITED STATES
NUCLEAR WASTE TECHNICAL REVIEW BOARD
1100 Wilson Boulevard, Suite 910
Arlington, VA 22209

February 11, 1991

The Honorable Richard H. Bryan
United States Senate
Washington, D.C. 20510-2804

Dear Senator Bryan:

Thank you for your letter dated December 11, 1990, regarding some aspects of the organization and activities of the Nuclear Waste Technical Review Board (Board). The important issues you have raised were discussed with all Board members prior to and during our mid-January Board meeting. As you might imagine, given the diverse backgrounds and expertise of our Board members, complete agreement was difficult to achieve on several points. Consequently, we discussed the scope of the Board's activities with several of the congressional staff who helped draft the Nuclear Waste Policy Amendments Act of 1987, which established the Board.

The comments in the following paragraphs are based on all these discussions and represent my views and the views of the majority of Board members. I will discuss the issues in the order in which they were presented in your letter.

Involvement in discussions of Environmental Protection Agency (EPA) Standard 40 CFR 191. In its *First Report to the U.S. Congress and the U.S. Secretary of Energy*, the Board provided commentary on the working draft of the EPA Standard 40 CFR 191. Although EPA rules are not part of "activities undertaken by the Secretary of Energy," EPA Standard 40 CFR 191 plays a significant role in the development of the regulatory framework for the Department of Energy's (DOE) high-level waste management activities. To effectively evaluate the DOE's scientific and technical activities, it is important that the Board understand the Standard—what it means, its implications for licensing, and how it relates to potential risks to public health and the environment. The Board strongly believes that it should continue to actively monitor development of the final versions of EPA Standard 40 CFR 191 and be prepared to provide further assessment and commentary.

Involvement in socioeconomic issues. On the basis of recent discussions with Board members and congressional staff, the study of socioeconomic issues will not be a major Board activity in the foreseeable future. However, certain technical areas covered by the Board, particularly the work of its Panels on Transportation & Systems and on

Environment & Public Health, may occasionally interface with socioeconomic issues. The Board intends to remain informed on socioeconomic issues that are raised within the context of the scientific and technical work of these panels.

Board and staff expertise in socioeconomics. Current Board members and staff have had some exposure to socioeconomic issues in the past, but they are not recognized experts in the field. Since it is not our present intention to become deeply involved in these issues, we do not plan to add professional staff in this area. We do, however, expect a White House appointment to our Board in the near future who will be an expert in public policy (but not necessarily in socioeconomics). Should future expertise in socioeconomics be necessary, we would seek an expert consultant.

Tour of affected local governments. Two of the Board's panels had preliminary plans to travel to Nevada sometime this spring to meet with representatives of Native American groups and potentially affected communities. In any case, Board members had no intention of interposing themselves between state and local governments. However, considering our limited role in socioeconomics, the Board has decided not to undertake this trip as it was originally envisioned. After the appointment of the public policy expert to the Board and as the scientific and technical evaluation of the DOE's program proceeds, the Board may wish to reevaluate the potential usefulness of a field trip sometime in the future.

Treatment of the public at Board hearings. It certainly has not been the intention of Board members or staff to cross-examine, lecture, or intimidate individuals appearing before any of the Board's panels. We agree with you completely that "it is especially important that citizens have an opportunity to address themselves to the Board in an open and serious manner without fear of cross-examination or lecturing from Board members," and "the citizens have the right to depend on the fairness and objectivity of the Board as it gathers information for developing its findings, conclusions, and recommendations."

Individuals appearing at our public hearings are asked to provide a brief description of their backgrounds including area of residence, affiliation, expertise, or experience. Such information helps Board members understand the views of those making presentations. Procedures are being modified to ensure optimum public access at future hearings, and we certainly will make every effort to put participants at ease. We expect our public policy member, when appointed, to help in achieving these goals.

We appreciate the opportunity your letter has provided the members of the Board to respond to the thoughtful and important issues raised in your correspondence. Thank you for your continuing interest in the activities of the Nuclear Waste Technical Review Board.

Sincerely,

Don U. Deere
Chairman