



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

May 28, 1991

Mr. Robert R. Loux
Executive Director
Agency for Nuclear Projects
Nuclear Waste Project Office
Capitol Complex
Carson City, NV 89710

Dear Mr. Loux:

On behalf of the Board, I would like to personally thank you for participating in our April 26, 1991, meeting in Reno, Nevada. As you noted in your remarks to the Board, the State of Nevada and the Board have established a very positive working relationship. Our intent has been, and will continue to be, to interact with the State of Nevada and its scientists to the maximum extent possible and with the professionalism and scientific integrity that you noted in your comments.

I appreciated your conclusion that the Board has interjected a positive element into the Department of Energy's (DOE) civilian radioactive waste management program and that the Board's involvement in the process has been one of the best things to come out of the Nuclear Waste Policy Amendments Act (NWPAA) of 1987. The Board also appreciated hearing your remarks on the state's permitting process, the legislative actions, and the legal procedures of the past year. Aside from other, more technical questions, we are aware that fairness and trust have been the principal overarching issues of the state's concern with the entire program.

I also wish to thank you for your letter of May 2, 1991. Within the context of our positive relationship, however, I am particularly concerned about your suggestion that the Board's independence is being questioned by the public in Nevada and by others. This is the first report the Board has received of such a perception. Maintaining credibility as an independent source of expert advice for Congress and the Secretary of Energy is one of the Board's highest priorities, and we take very seriously any suggestion that the perception might be otherwise.

As you know, it is important that the Board interact closely with the DOE and its contractors to adequately evaluate the scientific and technical validity of its program. The Board seeks to maintain a nonadversarial environment within which to conduct its analysis. We offer recommendations to the DOE and others in a constructive manner, and we believe this approach has enhanced the level of open communication among all intended parties, including the State of Nevada and the public. Although at times some may voice disagreement with our findings and recommendations, the Board is committed

to remaining completely independent from anyone who might attempt to influence its technical review of the DOE's civilian high-level waste management program. The Board believes strongly that its independence has not been compromised by its interaction with the DOE or any other entity involved with the program.

The Board concurs with your concern that we operate within our congressionally established mandate. To help clarify the intended nature and scope of the Board's activities, I met earlier this year with several of the congressional staff who helped draft the NWPAA of 1987. It was clear from these discussions that the Board was established to review objectively the scientific and technical validity of the DOE's program, including issues related to the potential suitability of the site at Yucca Mountain, Nevada. I believe that the Board's activities are well within its congressional mandate.

Other points that you made at the April Board meeting include the need to document better our conclusions and recommendations, and to examine the full depth and breadth of DOE's database. You also mentioned the potential need to review the validity of the Site Characterization Plan in light of changes in the exploratory studies facility, the recent prioritization of site-characterization activities, and the ongoing evaluation of site suitability. These suggestions have merit, and I have asked each Board member to examine his own area of expertise and the actions of the Board as a whole with respect to the various suggestions you have offered.

I would like to close by saying that the Board believes its success in carrying out its mandated responsibilities depends on its ability to work effectively with *all* organizations involved in finding a solution to the nation's high-level waste disposal problem. We therefore appreciate learning of your concerns and look forward to continued positive interactions with the State of Nevada.

Sincerely,

Don U. Deere
Chairman