

EDO Principal Correspondence Control

FROM: DUE: 01/22/02 EDO CONTROL: G20020011
DOC DT: 11/02/01
FINAL REPLY:

Gov. Kenny C. Guinn
Nevada

TO:

Chairman

FOR SIGNATURE OF :

** PRI **

CRC NO: 02-0012

Chairman

DESC:

ROUTING:

Objects to the Process by which NRC Concurred in
the DOE's Proposed New Siting Guidelines (10 CFR
Part 963) for the Yucca Mountain High-Level
Radioactive Waste Repository Site

Travers
Paperiello
Kane
Norry
Craig
Burns/Cyr
Merschhoff, RIV

DATE: 01/09/02

ASSIGNED TO:

CONTACT:

NMSS

Virgilio

SPECIAL INSTRUCTIONS OR REMARKS:

Template: SECy-017

E-Rids: SECy-017

**OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET**

Date Printed: Jan 09, 2002 14:42

PAPER NUMBER: LTR-02-0012 **LOGGING DATE:** 01/09/2002
ACTION OFFICE: EDO

AUTHOR: Kenny Guinn, Governor
AFFILIATION: NJ-GOV
ADDRESSEE: Richard Meserve
SUBJECT: Objects to the process by which the NRC concurred in the U.S. DOE's proposed new siting guidelines (10 CFR Pt 963) for the Yucca Mountain high-level radioactive waste repository site.....

ACTION: Signature of Chairman
DISTRIBUTION: Chairman, Comrs, OGC *Secy to ACK*

LETTER DATE: 11/02/2001
ACKNOWLEDGED No
SPECIAL HANDLING: Rec'd in SECY 12/9/2002
NOTES: Commission Correspondence
FILE LOCATION: Adams
DATE DUE: 01/24/2002 **DATE SIGNED:**

EDO --G20020011



OFFICE OF THE GOVERNOR

KENNY C. GUINN
Governor

November 2, 2001

Honorable Richard A. Meserve, Chairman
Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Chairman Meserve:

I am writing in objection to the process by which the Nuclear Regulatory Commission (NRC) concurred in the U.S. Department of Energy's (DOE) proposed new siting guidelines (10 CFR Part 963) for the Yucca Mountain high-level radioactive waste repository site. The fact that this concurrence was given without any opportunity for the State of Nevada, affected local governments, or the public to comment or provide input is disconcerting given NRC's expressed desire to conduct its Yucca Mountain activities in a manner that promotes public involvement and confidence in the NRC's independence and objectivity.


A review of the correspondence between the State and NRC demonstrates that the State has long expressed a justifiably strong interest in the scope and timing of the concurrence process, and that NRC acknowledged and supported this interest. In your letter of June 21, 2000, to Robert Loux, Executive Director of Nevada's Agency for Nuclear Projects, you stated NRC would promptly notify the State and other interested participants of its decision with respect to the concurrence process, however, such notice was never provided.

In a subsequent letter to Mr. Loux dated October 19, 2001, you notified the State that the concurrence process had already taken place, and that NRC concurred in the new DOE rule on September 24, 2001. Interestingly, Mr. Loux and representatives from local governments met two days later with an NRC commissioner and NRC staff and were assured of NRC's intent to take into consideration Nevada's concerns regarding the concurrence process. At no time during the September 26th meeting were the Nevada representatives informed that concurrence had already been given.

Chairman Meserve
November 2, 2001
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I am deeply concerned with the manner in which the concurrence process was handled. I am requesting that, in the future, every decision made and action taken by NRC with regard to the Yucca Mountain program be carried out openly, with ample opportunity for public as well as state and local government input.

Sincerely,



KENNY C. GUINN
Governor

KCG/VTO/cm

Cc: Senator Harry Reid; Senator John Ensign
Congressman James Gibbons; Congresswoman Shelley Berkley
Brian McKay, Chairman, Commission on Nuclear Projects