

February 20, 2006

Robert R. Loux, Executive Director
Agency for Nuclear Projects
Office of the Governor
State of Nevada
1761 E. College Parkway - Suite 118
Carson City, NV 89706

SUBJECT: THE U.S. NUCLEAR REGULATORY COMMISSION'S OBJECTIVITY IN
REGARD TO SAFETY OF A POTENTIAL HIGH-LEVEL RADIOACTIVE
WASTE REPOSITORY AT YUCCA MOUNTAIN

Dear Mr. Loux:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your January 3, 2006, letter to Chairman Nils J. Diaz expressing concern about NRC's objectivity in regard to safety of a potential high-level radioactive waste repository at Yucca Mountain, Nevada. That letter was accompanied by a December 16, 2005, article from *The San Luis Obispo Tribune*, which you referred to as the basis for your concern. I wish to inform you that the specific points of concern raised in your letter were based on statements in the newspaper article that were incorrectly attributed to staff from NRC's Region IV Office.

NRC was concerned about the December 16 article because it did not accurately reflect comments made by NRC staff. Review of the videotape of the meeting indicates the statements mentioned in your January 3 letter, and attributed in the December 16 newspaper article to NRC staff from Region IV, were, in point of fact, not made by NRC staff in the context of the Yucca Mountain Project; but rather with respect to the NRC policy on high-level waste as stated in NRC's Waste Confidence Decision on the feasibility of a permanent geological repository. NRC continues to maintain its objectivity regarding safety of a potential high-level radioactive waste repository at Yucca Mountain.

If you have further questions or comments, please contact Mr. C. William Reamer of my staff at (301) 415-6537.

Sincerely,

/RA/

Jack R. Strosnider, Director
Office of Nuclear Material Safety
and Safeguards

cc: See enclosed list

February 20, 2006

Robert R. Loux, Executive Director
Agency for Nuclear Projects
Office of the Governor
State of Nevada
1761 E. College Parkway - Suite 118
Carson City, NV 89706

SUBJECT: THE U.S. NUCLEAR REGULATORY COMMISSION'S OBJECTIVITY IN
REGARD TO SAFETY OF A POTENTIAL HIGH-LEVEL RADIOACTIVE
WASTE REPOSITORY AT YUCCA MOUNTAIN

Dear Mr. Loux:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your January 3, 2006, letter to Chairman Nils J. Diaz expressing concern about NRC's objectivity in regard to safety of a potential high-level radioactive waste repository at Yucca Mountain, Nevada. That letter was accompanied by a December 16, 2005, article from The San Luis Obispo Tribune, which you referred to as the basis for your concern. I wish to inform you that the specific points of concern raised in your letter were based on statements in the newspaper article that were incorrectly attributed to staff from NRC's Region IV Office.

NRC was concerned about the December 16 article because it did not accurately reflect comments made by NRC staff. Review of the videotape of the meeting indicates the statements mentioned in your January 3 letter, and attributed in the December 16 newspaper article to NRC staff from Region IV, were, in point of fact, not made by NRC staff in the context of the Yucca Mountain Project; but rather with respect to the NRC policy on high-level waste as stated in NRC's Waste Confidence Decision on the feasibility of a permanent geological repository. NRC continues to maintain its objectivity regarding safety of a potential high-level radioactive waste repository at Yucca Mountain.

If you have further questions or comments, please contact Mr. C. William Reamer of my staff at (301) 415-6537.

Sincerely,
/RA/
Jack R. Strosnider, Director
Office of Nuclear Material Safety
and Safeguards

cc: See enclosed list

DISTRIBUTION: G200060073

EDO r/f	RidsEDOMailCenter	RidsRgn4MailCenter	NMSS r/f
RidsNmssOd	HLWRS Staff	HLWRS r/f	RidsOGCMailCenter
MYoung	MRodgers	SECY-LTR-06-0043	RSchmidt

ML060360002

OFC	HLWRS	HLWRS	OPA	Region IV	HLWRS	OGC
NAME	GStirewalt	KStablein	EBrenner	BSpitzberg	ECollins	JMoore
DATE	2/2/06	2/2/06	2/3/06	2/3/06	2/2/06	2/3/06
OFC	TECH ED	NMSS	NMSS	DEDMRS	EDO	NMSS
NAME	EKrauss	CWReamer	JStrosnider	MVirgilio	LReyes	JStrosnider
DATE	2/2/06	2/6/06	2/7/06	2/14/06	2/14/06	2/20/06

OFFICIAL RECORD COPY

Letter to R. Loux from J. Strosnider dated: February 20, 2006

cc:

A. Kalt, Churchill County, NV	A. Elzeftawy, Las Vegas Paiute Tribe
R. Massey, Churchill/Lander County, NV	J. Treichel, Nuclear Waste Task Force
I. Navis, Clark County, NV	W. Briggs, Ross, Dixon & Bell
E. von Tiesenhausen, Clark County, NV	R. Murray, DOE/ORD
G. McCorkell, Esmeralda County, NV	G. Runkle, DOE/Washington, D.C.
R. Damele, Eureka County, NV	C. Einberg, DOE/Washington, D.C.
L. Marshall, Eureka County, NV	S. Gomborg, DOE/Washington, D.C.
A. Johnson, Eureka County, NV	W. J. Arthur, III , DOE/ORD
L. Klusmire, Inyo County, CA	R. Dyer, DOE/ORD
M. Yarbro, Lander County, NV	J. Espinoza, GAO
J. Donnell, DOE/ORD	A. Gil, DOE/ORD
M. Baughman, Lincoln County, NV	W. Boyle, DOE/ORD
L. Mathias, Mineral County, NV	M. Ulshafer, DOE/OCRWM
D. Swanson, Nye County, NV	S.A. Wade, DOE/ORD
M. Henderson, Cong. J. Gibbon's Office	C. Hanlon, DOE/ORD
D. Hammermeister, Nye County, NV	T. Gunter, DOE/ORD
M. Simon, White Pine County, NV	A. Benson, DOE/ORD
J. Ray, NV Congressional Delegation	N. Hunemuller, DOE/ORD
D. Cornwall, NV Congressional Delegation	P. Harrington, OPM&E
T. Story, NV Congressional Delegation	M. Mason, BSC
R. Herbert, NV Congressional Delegation	S. Cereghino, BSC
M. Murphy, Nye County, NV	B. Gattoni, Burns & Roe
R. Lambe, NV Congressional Delegation	E. Mueller, BSC
K. Kirkeby, NV Congressional Delegation	J. Gervers, Clark County, NV
R. Loux, State of NV	D. Beckman, BSC/B&A
S. Frishman, State of NV	L. Rasura-Alfano, Lincoln County, NV
S. Lynch, State of NV	J. Kennedy, Timbisha Shoshone Tribe
P. Guinan, Legislative Counsel Bureau	B. Durham, Timbisha Shoshone Tribe
R. Clark, EPA	R. Arnold, Pahrump Paiute Tribe
R. Anderson, NEI	J. Birchim, Yomba Shoshone Tribe

cc: (Continued)

R. McCullum, NEI

S. Kraft, NEI

J. Kessler, EPRI

D. Duncan, USGS

R. Craig, USGS

W. Booth, Engineering Svcs, LTD

C. Marden, BNFL Inc.

J. Bacocho, Big Pine Paiute Tribe of the Owens Valley

P. Thompson, Duckwater Shoshone Tribe

T. Kingham, GAO

D. Feehan, GAO

E. Hiruo, Platts Nuclear Publications

G. Hernandez, Las Vegas Paiute Tribe

K. Finrock, NV Congressional Delegation

P. Johnson, Citizen Alert

M. Williams, DOE/ORD

J. Williams, DOE/Washington, DC

A. Robinson, Robinson-Seidler

M. Plaster, City of Las Vegas

D. Wilson, Sen. Reid's Office

L. Lehman, T-REG, Inc.

B.J. Garrick, NWTRB

T. Feigenbaum, BSC

M. Urie, DOE

J. Brandt, Lander County

B. Sagar, CNWRA

R. Holden, NCAI

C. Meyers, Moapa Paiute Indian Tribe

R. Wilder, Fort Independence Indian Tribe

D. Vega, Bishop Paiute Indian Tribe

Egan, Fitzpatrick, Malsch, PLLC

J. Leeds, Las Vegas Indian Center

J. C. Saulque, Benton Paiute Indian Tribe

C. Bradley, Kaibab Band of Southern Paiutes

R. Joseph, Lone Pine Paiute-Shoshone Tribe

L. Tom, Paiute Indian Tribes of Utah

E. Smith, Chemehuevi Indian Tribe

D. Buckner, Ely Shoshone Tribe

V. Guzman, Walker River Paiute

D. Eddy, Jr., Colorado River Indian Tribes

H. Jackson, Public Citizen

J. Wells, Western Shoshone National Council

D. Crawford, Inter-Tribal Council of NV

I. Zabarte, Western Shoshone National Council

S. Devlin

G. Hudlow

D. Irwin, Hunton & Williams

P. Golan, DOE

M. Rice, Lincoln County, NV

G. Hellstrom, DOE

S. Joya, Sen. Ensign's Office

J. Saldarini, BSC