

NEVADA NUCLEAR WASTE TASK FORCE, INCORPORATED

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November 5, 1996



Mr. John C. Hoyle
Secretary of the Commission
US Nuclear Regulatory Commission
Attn: Chief of Docketing Service Branch
Washington, D.C. 20555-0001

Re: Comments to:
Strategic Assessment Issue Paper
Direction-Setting Issues 6: HIGH LEVEL WASTE AND SPENT FUEL

Dear Mr. Hoyle:

After reviewing the document, the Nevada Nuclear Waste Task Force agrees with the Commission's Preliminary Views, providing additional steps are taken to expand and enhance public input and involvement.

Throughout the document references are made to public resistance and distrust. This is a correct observation and it is due to the reasons stated, as well as other factors.

Citizens believe that the Commission's single most important priority is the enforcement of regulations that assure protection of health, safety and the environment. When options are considered by the Agency to expedite the process by "reducing uncertainties associated with licensing" or "enhancing the progress of nuclear programs" the assumption is that the result will be fewer and less effective opportunities for input and involvement, and that safety will not be assured. In some cases issues that are extremely important to citizens, and which may not have been considered or recognized by the Agency, are excluded from discussion because a decision has been made to streamline the process.

Public distrust and concern is widespread, as noted in the document. It is incorrect to assume that resistance to the siting or expansion of nuclear facilities is due solely to doubts about the Department of Energy and other Federal Agencies. Any facility that emits radiation, whether within, or in excess of legal limits could pose possible health risks to the surrounding community. Decisions regarding the siting and management of such facilities are very often made without the knowledge or meaningful involvement of the neighboring citizens.

It is also incorrect to attribute all opposition and resistance efforts to "activist groups." Many knowledgeable, concerned individuals call this office to ask for information and express their dismay in regard to decisions that involve their communities. Many find that the only way that they can be heard is through an organization with the ability to force recognition.

Individual citizens also are concerned with "activist groups," such as those representing utilities, that they believe have access to Congress and Federal Agencies and are difficult or impossible to compete with. Therefore, it is essential to provide new avenues for meaningful involvement for citizens who must use their own time and resources. And there must be assurances that when people make the effort to participate, that the decision makers will be accountable to them.

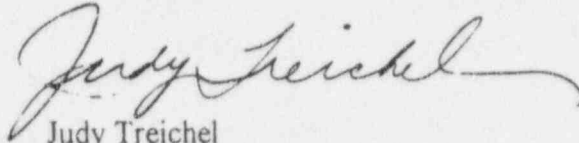
It is also inappropriate for the Commission to consider or adopt options in which it recommends actions or policies not directly related to public safety and environmental protection. Likewise, it is wrong to characterize a new or proposed technology or program as "safe." This document gives unwarranted safety assurance to future transportation programs and also to dry cask storage. Much is yet to be considered in the matter of massive national high-level nuclear waste transportation. And there are presently serious concerns with some of the new dry casks being used at utilities. To give blanket assurances is premature and raises doubts in the public's mind about whether adequate testing will be done or if existing and future problems will be satisfactorily resolved.

It is the recommendation of the Task Force that any Rebaselining Project by a Federal Agency that establishes policy or provides regulatory enforcement that directly affects the public be done in a different manner. To simply meet the requirements of the Government Performance and Results Act (GPRA) of 1993 is not enough. The *Stakeholder Involvement Process Paper* that accompanied this document states that the effort was initiated in September 1995 and that it is now in the latter portion of the second phase, with the third phase already in progress. This endeavor is scheduled to take about a year and a half with two months, late in the process, for stakeholder involvement. By the time the public is allowed to participate, the staff has finished its work, the Steering Committee has reviewed it and it has proceeded to the Commission for consideration.

In the *Stakeholder Involvement Process Paper* stakeholders are listed as--*Federal entities(Administration/OMB, Congress, and other agencies), NRC employees and their representatives, Agreement States, non-Agreement States, compliers(e.g., licensees, employees of licensees, industry groups), public interest groups, and the general public.* The Task Force rejects the term "stakeholder" because, in this instance and many others, it is obvious that the groups listed have very different amounts of power over and levels of access to decision makers. Members of the general public and their representatives in public interest groups have the least amount of power, access and resources of any of the listed groups.

It is our opinion that at the very initial stage of Phase I, a meeting or workshop should have been convened where the staff, members of the public and representatives of public interest organizations could meet and discuss priorities, expectations, assumptions, goals and other related topics. Since public distrust and lack of confidence plagues Federal Agencies dealing with matters of and relating to siting and regulation of nuclear facilities, such meetings could provide at least a clarification of the issues and expectations through open discussion, and could create a valuable beginning for the establishment of better understanding for all involved. It may be possible to develop more cooperative and effective public interaction and possibly many of the contentious and costly impasses that occur because of active public opposition and resistance could be avoided.

Sincerely yours,

A handwritten signature in cursive script, reading "Judy Treichel". The signature is fluid and extends to the right with a long, sweeping tail.

Judy Treichel
Executive Director