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## NEVADA NUCLEAR WASTE TASK FORCE, INCORPORATED

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November 1, 2002

To: The Members of the Nuclear Waste Technical Review Board

Dear Board Members:

In light of the fact that the Nevada Nuclear Waste Task Force has been working for sixteen years as an advocate for the public at federal agency technical meetings regarding Yucca Mountain, I feel a responsibility to write this letter to the Nuclear Waste Technical Review Board expressing my strong concerns about recent changes in the Board make-up. The NWTRB has been an unusual and valuable entity in the nuclear waste arena. Your meetings have generously provided time for public comment and unique opportunities for citizen's questions to be answered. Members of the public have not only been accommodated, but have believed that their comments and opinions were respected and seriously considered. The Board is, in my opinion, the only federal entity involved in the nuclear waste program to have had a significant level of public trust and confidence. It is necessary that you know and understand how essential the integrity of the Board is to the concerned public in Nevada.

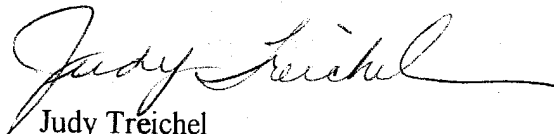
Members of the Board have come from a variety of backgrounds and disciplines. The Nuclear Waste Policy Act sets out qualifications and criteria that must be met by appointees. To eliminate any perceptions of conflict of interest, the public in Nevada expects that all NWTRB members will meet not only criteria required by law, but also that they come to the Board with: 1) no working experience with the potential repository at Yucca Mountain; 2) no past connection with the Department of Energy (DOE), the Nuclear Regulatory Commission (NRC), or the commercial nuclear industry; and 3) no position on a potential Yucca Mountain repository, either for or against. This is especially important in the case of the Chair, the person who speaks on behalf of all Board members and conducts and sets the tone for public meetings.

The Yucca Mountain project is contentious and overwhelmingly opposed in Nevada. The government has changed all the siting, safety, and licensing rules for Yucca Mountain and broken promises with the citizens of Nevada about decisions regarding safety. The result is that suspicion and distrust run deep. The members of the NWTRB must understand that because of public skepticism, even the perception of conflict of interest is significant. You must realize that the public is at an insurmountable disadvantage. We have no input into Board appointments or even the possibility of having public advocates considered for Board positions.

This year when the Bush Administration appointed five new members to the Board there was understandable public concern in Nevada about the objectivity of these new members due to the Administration's support of Yucca Mountain. I believe that the concern as to objectivity of new members was well placed. For example, in 2000, the newly appointed Chair of the NWTRB headed the DOE's Nuclear Energy Research Advisory Committee "Blue Ribbon Panel" on the status of nuclear engineering education and university research reactors in the U.S. In 2001, while testifying to Congress, as head of the "Blue Ribbon Panel," about the need for government financial support for nuclear engineering, he added his personal opinions regarding Yucca Mountain that clearly indicated his favorable bias for development of the facility. Finally, just last month, the nuclear engineering department which he heads at a major university received one of only five lucrative DOE grants to support nuclear engineering education at universities, only shortly after his Presidential appointment as Chairman of the NWTRB. It is hard to look at this situation and not see cronyism. It is impossible to rule out conflict of interest. In my opinion, even the perceptions of conflict of interest should not be tolerated. But the conflicts here are clearly more than a suspicion: they are real. If the conflicts are not resolved or eliminated, the work and opinions published by the NWTRB – even critical comments, under the signature of the Chair – will be seen by the public as tainted by a strong DOE/nuclear industry bias. The public is not privy to the Board's inner deliberations, therefore, when the Chairman announces conclusions and recommendations, there will be questions about the objectivity of the Board.

This has been a very difficult letter for me to write because the Task Force has had a long and trusting relationship with the NWTRB. Of all the federal entities involved in the Yucca Mountain debate playing an active role in decisions that are so important to us, we have relied on the Nuclear Waste Technical Review Board for fairness, objectivity and, most importantly, its unique sensitivity to public concerns. It would be tragic if the public's trust in the Board were lost now, due to conflicts of interest.

Sincerely,

A handwritten signature in cursive script that reads "Judy Treichel". The signature is written in black ink and is positioned above the printed name and title.

Judy Treichel  
Executive Director