Dear Mr. Sproat:

On August 29, 2006 a Technical Exchange and Management public meeting was held by the Office of Civilian Radioactive Waste Management (OCRWM) and U.S. Nuclear Regulatory Commission (NRC) staff on the approved CD-1 for design changes to the proposed Yucca Mountain repository. The changes were approved through the Department of Energy’s CD-1 process on July 6, 2006. The approved changes were said to “reduce potential for contamination, reduce risks at repository, and simplify waste handling process.” The purpose of the meeting was to summarize these changes.

No documentation of the approved changes has been released to the public or NRC other than the handout that accompanied OCRWM’s presentation. But, during the meeting, we learned of two documents that were developed to support the CD-1. The documents were said to be a Conceptual Design Report and a Preliminary Hazards Analysis. Responding to a request for the public release of these two documents, your staff representative, Paul Harrington, said that they were protected by attorney-client privilege, but did agree to place the matter of the request on the agenda of the upcoming September 12, 2006 NRC/DOE Quarterly Management Meeting. It was also agreed by your staff representative that, in the Quarterly Management Meeting, either the public release of the documents would be announced, or the reason for not releasing them would be provided by OCRWM management.
I am writing to urge you to direct the immediate release of these two documents, as they appear to be integral to the CD-1, which is a final decision within the procedures of the Department of Energy. The CD-1 decision represents a major change in plans by OCRWM for the Yucca Mountain project of which the public is entitled to be informed. In addition, pursuant to the Nuclear Waste Policy Act, the Department of Energy is obligated to provide the Governor and Legislature of Nevada “timely and complete information regarding determinations or plans” with respect to the activities associated with the Yucca Mountain project. Clearly, the CD-1 is a currently approved plan within the meaning of the Act.

I look forward to the availability of these documents for our review and information in Nevada’s oversight of the national high-level nuclear waste repository program.

Sincerely,

Robert R. Loux
Executive Director