

EDO Principal Correspondence Control

FROM: DUE: 07/29/03 EDO CONTROL: G20030410
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FINAL REPLY:

Representative Shelley Berkley

TO:

Chairman Diaz

FOR SIGNATURE OF : ** PRI ** CRC NO: 03-0459

Chairman Diaz

DESC:

ROUTING:

DOE's Recent Plans to Group the Outstanding
Concerns Regarding Yucca Mountain into 14
Technical BASis Process Groups

Travers
Paperiello
Kane
Norry
Dean
Burns/Cyr
Gwynn, RIV

DATE: 07/18/03

ASSIGNED TO: CONTACT:
NMSS Virgilio

SPECIAL INSTRUCTIONS OR REMARKS:

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AUTHOR:	Shelley Berkley	
AFFILIATION:	REP	
ADDRESSEE:	Nils Diaz	
SUBJECT:	Concerns DOE's recent plans to group the outstanding concerns regarding Yucca Mountain into 14 technical basis process groups...	
ACTION:	Signature of Chairman	
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EDO --G20030410

SHELLEY-BERKLEY
1ST DISTRICT, NEVADA

439 CANNON BUILDING
WASHINGTON, DC 20515
202-225-5965

2340 PASEO DEL PRADO
SUITE D106
LAS VEGAS, NEVADA 89102
702-220-9823

Congress of the United States
House of Representatives
Washington, DC 20515-2801

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HEALTHCARE

July 10, 2003

The Honorable Nils J. Diaz, Chairman
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Dear Chairman Diaz:

I am writing in response to the DOE's recent plan to "bundle" or group the outstanding concerns regarding Yucca Mountain into 14 technical basis process groups. This change would leave only 13 of the 194 key technical issues to be addressed individually, greatly reducing the necessary amount of scientific attention needed to adequately resolve these issues.

Last year, the General Accounting Office informed Congress that there were 293 unresolved technical issues related to the Department of Energy's questionable selection of Yucca Mountain as the site for a high-level nuclear waste repository. The Department now claims that 78 of these original issues have been closed, leaving an alarming 215 unresolved issues outstanding, including 194 cases still requiring documentation or additional information. The Department of Energy has previously agreed that a license application should not be submitted unless each of these issues can be resolved.

Therefore, I am greatly concerned that the Department has reversed its previous position and is proposing to reduce 181 of the remaining 194 unresolved issues to just 14 bundles with the apparent purpose of expediting a license application. I urge the Nuclear Regulatory Commission to reject this proposal and not allow the Department to renege on previous commitments to science and safety.


I am similarly concerned with the way that NRC staff have ranked outstanding key technical issues according to relative "risk significance." This risk information should not be misused as an excuse to abandon certain technical agreements arbitrarily defined as "low risk significance." In addition, DOE continues to assume that key technical issues will be resolved in favor of Yucca Mountain, failing to recognize that these issues could very well result in findings that disqualify the site based on sound science.

Finally, I understand that the Department of Energy has submitted to the Commission a

timeline for anticipated completion of technical-issue documentation. According to this framework, ten issues would still be incomplete when the Department intends to submit a license application (December 2004). This is unacceptable. Considering the magnitude of the unprecedented Yucca Mountain project and the potential impacts on public health and safety, the NRC should not accept an incomplete or technically indefensible license application.

I hope the Commission will insist that each of the originally identified 293 technical issues are thoroughly investigated and resolved prior to a potential license application. To do so, protects the health and safety of Nevadans and is in keeping with the Department of Energy's past commitments and the original legislative intent of Congress.

Sincerely,

A handwritten signature in black ink, reading "Shelley Berkley". The signature is fluid and cursive, with the first name "Shelley" and last name "Berkley" clearly distinguishable.

SHELLEY BERKLEY
U.S. Representative