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ATTN: Document Control Desk  
Janet R. Schlueter  
Chief, High-Level Waste Branch  
Division of Waste Management  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Dear Ms. Schleuter:

By letter dated September 16, 2003, DOE enclosed a document intended to be an "Example of the Level of Detail to be Found in Sections of the Yucca Mountain Repository License Application." On September 19, 2003, DOE provided you with a corrected enclosure to that letter. The corrected enclosure provided a description of the heating, ventilation, and air-conditioning system for the "Dry Transfer Facility\_1."

The NRC's regulations in 10 CFR Part 63 include requirements on the information to be included in DOE's license application. Among other things, the application must be complete and accurate in all material respects (10 CFR § 63.10) and must include a description and discussion of the design, including "dimensions, material properties, specifications, analytical and design methods used along with any applicable codes and standards," "the design criteria used," "the design bases and their relationship to the design criteria," and a "preclosure safety analysis" to ensure compliance with NRC's safety regulations (10 CFR § 63.21 (c)(3)). DOE's submittal manifestly fails to comply with these application requirements. While the DOE example provides some very general design information, it is missing important information that would be needed to perform an adequate safety evaluation.

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For example, the submittal lacks such basic information as:

- The portions of the building that are in each of the four ventilation zones;
- The sizing of heating and cooling equipment;
- The thermal loadings from spent fuel and other heat sources;
- Pressure drops across containment zones;
- Pressures in each containment system;
- Ventilation flow rates;
- The design and location of airlocks between zones;
- The air exhaust rates;
- The design of the filtration systems and air pollution control systems;
- The location and dimensions of ventilation exhaust stacks;
- The temperature of exhaust air;
- The designs of monitoring and control systems; and
- Needed information safety and redundancy.

When DOE's application is docketed, this will trigger a series of events that will impose burdens on all of the interested parties. Among other things, the NRC will be under a statutory deadline to complete its review, and Nevada and other intervening parties will be required by NRC's Rules of Practice to formulate their safety contentions in considerable detail and to prepare for and then participate in contested licensing hearings. If NRC were to docket an application with sections as incomplete as the example in DOE's enclosure, it will be impossible for NRC Staff to complete its safety review, for Nevada or other interested parties to file contentions focused on Yucca Repository design (other than contentions about incompleteness), and for Nevada or other interested parties to proceed to hearing on design issues.

In the State's view, DOE's submittal is nothing more than a kind of "trial balloon" intended to probe NRC Staff's flexibility in watering down its application requirements so that DOE can maintain momentum on the project and file some kind of license application by the end of 2004, regardless of actual progress in developing the repository design. DOE's example should be seen for what is and rejected at least based on the clear deficiencies described above.

Sincerely,



Robert R. Loux  
Executive Director

cc: Joseph Egan  
Marta Adams