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November 13, 2003

VIA FACSIMILE

FOIA/Privacy Act Officer  
U.S. Nuclear Regulatory Commission  
Mail Stop T-6 D8  
Washington, D.C. 20555-0001

**FOI/PA REQUEST**

Case No.	<u>2004-0050</u>
Date Rec'd.	<u>11-13-03</u>
Action Off:	<u>B. COON</u>
Related Case:	_____

Re: Freedom of Information Act — Request for Documents

To Whom It May Concern:

Pursuant to the Freedom of Information Act ("FOIA"), 55 U.S.C. 552, we hereby request copies of all relevant documents<sup>1</sup> addressing the following matters. We are aware that these documents may not be available in final form until near the time of submittal by United States Department of Energy ("DOE") of its Yucca Mountain Project License Application. That is too late for the State of Nevada (upon whose behalf this FOIA request is being filed) to competently assimilate and analyze the information in preparation for the licensing proceeding. Accordingly, we request the following information in its present version, whether complete or incomplete at the present time.

1. The current version of NRC's Total-System Performance Assessment ("TPA") Code, together with all files (including source files, executable files, data files, and input files) required to recompile and run the code.

This request is made on behalf of the State of Nevada.

The requesting party is willing to pay up to a total amount of \$1,000 for search time and document copying costs without the necessity for further approval. The requesting party has specifically made this request as narrow as possible in order to facilitate expeditious and timely response by NRC.

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Thank you for your prompt attention to this request. If you have any questions, please contact me at 210-820-2667.

Sincerely,



Charles J. Fitzpatrick

CJF:sm

cc: Joseph R. Egan, Esq. (via fax)  
Mr. Robert R. Loux (via fax)

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i. "Documents," in this regard, should be given the broadest possible interpretation, to include, without limitation, all electronic documents and hard copies, tapes, CD-ROMs, notes, letters, papers, books, reports, graphics, studies and files, together with any associated compilations.