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DOCKETED  
USNRC

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January 30, 2007 (1:46pm)

Charles J. Fitzpatrick

January 23, 2007

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Attention: Rulemakings and Adjudications Staff

Dear Sir:

This supplements the State of Nevada's petition for rulemaking dated December 22, 2006. The petition proposed rules to address DOE's plans to accept commercial spent nuclear fuel for what DOE calls "aging" at Yucca Mountain before it is emplaced in the repository drifts for disposal. It explained how DOE's current plans for an "aging" facility at Yucca Mountain are manifestly contrary to the directions of the Congress in the Nuclear Waste Policy Act. On December 27, 2006, the Commission acknowledged receipt of the petition but no further action has been taken.

Prompt action on Nevada's petition is important not only for the reasons given in the petition, but also because of the relationship between Nevada's proposed rule and DOE's ongoing and apparently urgent development of specifications for its new "Transportation, Aging, and Disposal" ("TAD") canister system. DOE's most recent TAD specifications, contained in a report entitled "Preliminary Transportation, Aging and Disposal Canister System Performance Specifications Revision A," DOE/RW-0585, November 2006, are instructive.

DOE assumes in this report that commercial spent nuclear fuel ("CSNF") will be stored at the Yucca site in an "aging overpack" (page 1). "Aging" is defined specifically as storing CSNF at Yucca "for a long period of time (years)" so that "radioactive decay results in a cooler waste form to ensure that thermal limits are met" (page 22). The "aging overpack" is defined as a system designed to "safely contain a loaded TAD canister on the aging pad until repository thermal limits are met" (page 2). Lest there be any doubt that DOE plans to accept CSNF at Yucca which is years away from meeting disposal criteria, the actual proposed TAD specifications state that the TAD canister shall be designed with a service lifetime prior to disposal of 100 years (page 9), and that CSNF with a cladding temperature of 752°F may be stored in the aging pad at Yucca even though the disposal criteria will permit disposal of CSNF with a cladding temperature of no more than 662°F (page 10).

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SECY-02

DOE's plans for an aging pad also have important implications for worker safety in the geologic repository operations area. The TAD specifications would contemplate handling of radioactively and thermally hot CSNF in TAD canisters with a contact dose of 1000 mrem/hr (page 11).

The Commission cannot responsibly stand mute while DOE (and nuclear operators) embark on an expensive program to design and procure TADs with specifications tailored for an illegal Yucca aging pad.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a horizontal line extending to the right.

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cc:

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