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SUBJECT: License application for the Yucca Mountain nuclear waste dump

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TO: Inspectors General of DOE and NRC, NRC Chairman Klein, Senator Clinton

The Department of Energy is working with its science contractor, Sandia, to submit a technically deficient license application to the Nuclear Regulatory Commission for the Yucca Mountain nuclear waste dump. Andrew Orrell, Sandia's Senior Manager for the dump license application, has developed a strategy to submit a technically deficient license application to the NRC, in response to a request by Russell Dyer, DOE's Chief Scientist. Details of the strategy are laid out in a document called Vulnerability Assessment Process of Postclosure Technical Products. It is available on the NRC's Licensing Support Network ALA.20070426.0350.

The document states that "at this time the technical basis for the postclosure safety analysis is not of the necessary caliber" to be defensible. It goes on to state that "deficiencies in that technical basis have already been identified" and that these deficiencies represent vulnerabilities in the technical and modeling basis of the postclosure safety analysis." The paper concludes not that these vulnerabilities must be eliminated, consistent with good science, but only that they must be "eliminated as much as practically possible" so as to "minimize their potentially adverse effects on the defensibility of the [license application]."

In determining whether a vulnerability which could result in a valid criticism should be eliminated, the first consideration will be "Is there sufficient time to implement the mitigation plan before [license application] submittal." As in other documents, Sandia has placed schedule over quality in its part of the license application. Sandia estimated that fixing the vulnerabilities in the license application will be a multiyear effort.

Sandia has proposed to address license application vulnerabilities that "could adversely impact technical credibility during the licensing hearings" after the license application is submitted. Some of these will be addressed in the Next Generation Performance Assessment, the most important calculation in the license application. Sandia expects to address the "potentially significant vulnerabilities" before they are raised as issues by the NRC or dump opponents, after the license application has been filed.

This document was reviewed and apparently concurred by several high level managers at DOE and Sandia. They include Tito Bonano, Sandia's Licensing Manager, Mark Williams, Director of DOE's Regulatory Authority Office, Bill Boyle, Claudia Newberry, Mark Tynan, and Abe van Luik, all at DOE. See the e-mail ALA.20070515.6625 in the Licensing Support Network.

The NRC has repeatedly stated that it expects to receive a high quality license application from DOE. DOE should not be permitted to file a license application until it has shown that all of the vulnerabilities in the current application have been fixed. The NRC should require DOE to accompany its license application with a comprehensive list of all vulnerabilities and descriptions of how they were eliminated.