

EDO Principal Correspondence Control

FROM: DUE: 09/02/08

EDO CONTROL: G20080537
DOC DT: 08/03/08
FINAL REPLY:

James Salsman

TO:

Borchardt, EDO

FOR SIGNATURE OF :

** GRN **

CRC NO:

Weber, NMSS

DESC:

ROUTING:

2.206 - Yucca Mountain National Storage Facility
(EDATS: OEDO-2008-0585)

Borchardt
Virgilio
Mallett
Ash
Ordaz
Cyr/Burns
Marco, OGC
Mensah, NRR
Cyr, OGC

DATE: 08/08/08

ASSIGNED TO:

CONTACT:

NMSS

Weber

SPECIAL INSTRUCTIONS OR REMARKS:

EDATS

Electronic Document and Action Tracking System

EDATS Number: OEDO-2008-0585

Source: OEDO

General Information

Assigned To: NMSS

OEDO Due Date: 9/2/2008 5:00 PM

Other Assignees:

SECY Due Date: NONE

Subject: 2.206 - Yucca Mountain National Storage Facility

Description:

CC Routing: NONE

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20080537

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

Roadmap Item: NO

Process Information

Action Type: 2.206 Review

Priority: Medium

Signature Level: NMSS

Sensitivity: None

Urgency: NO

OEDO Concurrence: NO

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions:

Document Information

Originator Name: James Salsman

Date of Incoming: 8/3/2008

Originating Organization: Citizens

Document Received by OEDO Date: 8/3/2008

Addressee: R. W. Borchardt, EDO

Date Response Requested by Originator: 9/8/2008

Incoming Task Received: 2.206

Niry Simonian

From: James Salsman [jsalsman@gmail.com]
Sent: Sunday, August 03, 2008 11:08 PM
To: Bill Borchardt; Mahendra Shah
Cc: Michael Weber; Peter Habighorst
Subject: Re: emergency 2.206 petition to open Yucca Mountain to dry casks at risk for flooding

3 August 2008

R. William Borchardt
Executive Director for Operations
U.S. Nuclear Regulatory Commission

Dear Mr. Borchardt,

In the event that the Department of Energy's application for the Yucca Mountain National Storage Facility is docketed, I ask that my petition of 9 July 2008 below to approve it on a tentative basis is reconsidered in light of the following information which has not been considered by the Nuclear Regulatory Commission or the Petition Review Board:

(1) Maynard, E. A., W. L. Down, H. C. Hodge, "Oral Toxicity of Uranium Compounds," in C. Voegtlin and H. C. Hodge, eds., *Pharmacology and Toxicology of Uranium Compounds*, New York: McGraw-Hill, 1953, showing reproductive toxicity from a single dose of a soluble uranyl compound;

(2) Pellmar (1999) is T.C. Pellmar, D.O. Keyser, C. Emery, and J.B. Hogan (1999) "Electrophysiological changes in hippocampal slices isolated from rats embedded with depleted uranium fragments." *Neurotoxicology*, vol. 20., no. 5, pp. 785-792, showing behavioral effects (neurotoxicity) and the adaptability of the kidney to uranium exposure; and

(3) Alexandria C. Miller and David McClain (2007) "A Review of Depleted Uranium Biological Effects: In Vitro and In Vivo Studies" *Rev Environ Health* 22(1) 75-89, excerpts of which follow:

"Miller et al (1998) observed the transformation of human osteoblast cells to a tumorigenic phenotype after exposure to uranyl chloride....

The DU-treated cells also demonstrated anchorage-independent growth, increased levels of the of the k-ras oncogene, and decreased levels of the Rb tumor suppressor protein... the transformed cells formed tumors in nude mice.

"Whereas studies using rat models showed that DU causes solid-state induction of solid tumors.... 76% of all mice implanted with DU pellets ... developed leukemia [in 200 days, after injection with murine hematopoietic cells.] In contrast, only 10% of control mice developed leukemia.

"Martin et al (1991) reported that levels of chromosomal aberration, sister chromatid exchange, and dicentric measured in nuclear fuel workers increase proportionally with uranium exposure. McDairmid et al (2004), in their 10-year follow-up of 39 veterans exposed to DU in friendly fire incidents during the 1991 Gulf war, reported that the study participants exposed to the highest levels of DU showed a statistically significant increase in chromosomal aberrations as compared with low-exposure groups.

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"Pellmar et al (1999) ... the kidneys adapted to the high levels [of DU from pellets implanted in rats' muscles] during chronic exposure.

"Neuman and colleagues (1948) [found that] uranium has a high affinity to bone.... young growing rats or rats deficient in dietary calcium incorporated greater amounts of uranium than did the controls" (which can support delayed action, as seen in 1991-1998 Iraq.)

"The neurophysiological effect of uranium exposure has been under investigation for many decades.... in frogs, uranyl ions potentiate the twitch response of ... muscles.

"Pellmar et al (1999) demonstrated that DU crosses the blood brain barrier and accumulates in the hippocampus, causing electrophysiological changes for up to 18 months post-exposure. Briner and Murray (2005) tested behavioral effects and brain lipid peroxidation.... Open-field behavior was altered [as soon as] 2 weeks of exposure [in males] and female rats demonstrated behavioral changes after six months of exposure.... Barber et al (2005) ... found that uranium content in all areas of the brain tested increased rapidly after injection and remained elevated....

"In exposure scenarios including exposure to DU, the observation that the chemical toxic effects from uranium compounds ... occur at exposure levels lower than those causing radiological toxicity effects is thought to be true for reproductive effects as well.

"The BEIR IV report (1988) ... cautions against minimizing the risk until more studies become available."

Sincerely,

James Salsman

On Tue, Jul 8, 2008 at 10:57 PM, James Salsman <jsalsman@gmail.com> wrote:

> 9 July 2008

>

> R. William Borchardt

> Executive Director for Operations

> U.S. Nuclear Regulatory Commission

>

> Dear Mr. Borchardt,

>

> I request an emergency proceeding pursuant to 10 CFR section 2.202 to

> modify the licenses of all dry cask spent fuel storage facilities with

> dry casks rated for less than 72 hours submerged.

>

> I ask that the Department of Energy's Yucca Mountain application filed

> June, 2008 be approved for construction on a tentative basis. If the

> Yucca Mountain application is still under review when the facility is

> ready, I ask that the licenses of all dry cask spent fuel storage

> facilities with dry casks rated for less than 72 hours submerged be

> allowed to transport their spent fuel to the Yucca Mountain on a

> tentative basis in accordance with the Department of Energy's

> application for Yucca Mountain. The following facts form the basis of

> this request:

>

> 1. Uranium is a mutagen and a teratogen. Soluble uranium entering

> drinking water supplies causes birth defects, leukemia, and immune

> system disorders. (Alexandria C. Miller and David McClain, 2007 and

> earlier National Research Council reviews.)

>

> 2. Dry cask storage uses casks rated for less than 72 hours
> submerged. Many have been rated at less than 10 hours submerged. (10
> CFR 54.19 applications and other NRC publications)
>
> 3. Flood risk is increasing at a greater basis than when current cask
> storage and the procedure for approving national storage facilities
> were designed.
> http://www.noaanews.noaa.gov/stories2008/20080619_climatereport.html
>
> 4. Recent events, such as the tunnel fires, have shown that the design
> specifications of the spent fuel storage cask may be typically
> overcome by real-world conditions.
> <http://www.nrc.gov/reading-rm/doc-collections/nuregs/contract/cr6886/>
>
> Therefore, it is in the best interests of the people of the United
> States and the Commission to immediately approve construction of the
> Yucca Mountain national storage facility on a tentative basis.
>
> Thank you.
>
> Sincerely,
>
> James Salsman
>
> telephone: 650-814-8229
>

Received: from mail1.nrc.gov (148.184.176.41) by OWMS01.nrc.gov
(148.184.100.43) with Microsoft SMTP Server id 8.0.751.0; Sun, 3 Aug 2008
23:08:07 -0400

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X-SBRS: 4.2

X-MID: 28778250

X-IronPort-Anti-Spam-Filtered: true

X-IronPort-Anti-Spam-Result: AvsBAAAPkhKfS6elGdsb2JhbACRAT4BAQEBCQMKBxGYL4No

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ESMTP; 03 Aug 2008 23:07:59 -0400

Received: by yw-out-1718.google.com with SMTP id 6so879576ywa.80 for
<RWB1@nrc.gov>; Sun, 03 Aug 2008 20:07:57 -0700 (PDT)

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;

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h=domainkey-signature:received:received:message-id:date:from:to

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Sun, 03 Aug 2008 20:07:57 -0700 (PDT)

Received: by 10.151.141.4 with HTTP; Sun, 3 Aug 2008 20:07:57 -0700 (PDT)

Message-ID: <a3c2bd6c0808032007n5c65110bh6ac132a6bbab199d@mail.gmail.com>

Date: Sun, 3 Aug 2008 20:07:57 -0700

From: James Salsman <jsalsman@gmail.com>

To: "Bill Borchardt" <RWB1@nrc.gov>, "Mahendra Shah" <Mahendra.Shah@nrc.gov>

Subject: Re: emergency 2.206 petition to open Yucca Mountain to dry casks at risk for flooding

CC: "Michael Weber" <Michael.Weber@nrc.gov>,

"Peter Habighorst" <Peter.Habighorst@nrc.gov>

In-Reply-To: <a3c2bd6c0807082257q535ab821q46344d6a842cbe24@mail.gmail.com>

MIME-Version: 1.0

Content-Type: text/plain; charset="UTF-8"

Content-Transfer-Encoding: 7bit

Content-Disposition: inline

References: <a3c2bd6c0807082257q535ab821q46344d6a842cbe24@mail.gmail.com>

Return-Path: jsalsman@gmail.com