

Sandy Joosten

From: Michael Mariotte [nirsnet@nirs.org]
Sent: Thursday, November 20, 2008 8:57 AM
To: CMRSVINICKI Resource; CMRLYONS Resource; CHAIRMAN Resource; CMRJACZKO Resource
Subject: letter from 54 groups re: Yucca Mountain licensing process
Attachments: Final NRC ltr 1108.doc

Chairman Dale E. Klein
Commissioner Gregory B. Jaczko
Commissioner Peter B. Lyons
Commissioner Kristine L. Svinicki

Attached and pasted in below is a letter from 54 organizations and several individuals on severe problems with the Yucca Mountain licensing process.

November 20, 2008

Chairman Dale E. Klein
Commissioner Gregory B. Jaczko
Commissioner Peter B. Lyons
Commissioner Kristine L. Svinicki
Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Commissioners:

As you know, in June 2008 the Department of Energy (DOE) submitted to the Nuclear Regulatory Commission (NRC) what it called a "complete" license application to construct a high-level nuclear waste repository at Yucca Mountain in Nevada. The NRC docketed the application in October 2008, which means that anyone intending to participate in the licensing process must submit contentions by December 22, 2008. Since submitting its "complete" application, DOE has continued to make significant changes to the application, making it extraordinarily difficult to assess what DOE is proposing. We ask that you take immediate steps to require the DOE to finalize all documents, designs, and issues that must be included in a complete and high quality license application and reset the clock to give the public adequate time to evaluate DOE's new information.

For more than a decade, the Department of Energy has been conducting studies and preparing to seek a license to construct a repository at Yucca Mountain. During this time of Site Characterization, technical exchanges were held between NRC and DOE to determine the most important questions that have to be addressed and answered regarding the suitability and safety of the proposed repository. The public was told that all of this was being done in order to make a sound suitability determination and to insure that an eventual license application would be thorough and complete. Yet, during the last several years the DOE has been delaying or abdicating its responsibility to uphold agreements made with the NRC and others, including failing to provide information and technical and scientific study results. At the same time, the DOE has continued to reassure NRC and the public that all information would be provided in the License Application (LA) and that the application itself would be of "high quality."

Despite the specific issues that were raised about the completeness of the submitted application in June 2008, the NRC went ahead and docketed the license application in October 2008. As we expected, DOE has

continued to submit significant new information about the proposed repository since June. Most recently, DOE released a revision of the repository design basis – a fundamental part of licensing the site. Any party who intends to participate in licensing is now in the position of having to completely reassess contentions that have already been prepared based on the June application by carefully reviewing this new, large document and attempting to compare it to the more than 8,000-page original license application to see what has changed and how significant it is.

Any parties involved in or concerned about Yucca Mountain are at a serious disadvantage compared to the agencies of the federal government, most especially the non-governmental public interest organizations. With very limited budgets and less capable computer equipment, we are trying to represent our members and the general public by participating in this project that will affect people throughout the country. We are attempting to stay up-to-date and on-schedule in order to provide comments on several documents that are now out for public review. At the same time, we are examining how – if it is at all possible – we can participate in the upcoming Yucca Mountain licensing hearings. Trying to do all of this while DOE continually adds to or changes information to make up for omissions in its incomplete license application is an undue burden on the public. One stated goal of the licensing process was to allow public participation and senior NRC management people continue to encourage the public to get involved.

The NRC's mission is to insure public safety and to regulate licensees, including the DOE if a Yucca Mountain license is granted. In the current process, the NRC is far more accommodating to the DOE than it is to the public. If the DOE is allowed to submit significant changes at will throughout the process, other parties and the public are put at an even more severe disadvantage. The actions of the DOE also place a heavier burden on the NRC. If NRC condones these actions by DOE, it appears to all of us that the process is unfair and has the appearance and the actual effect of intentionally putting the public at an overwhelming disadvantage.

We ask that you require the DOE to finalize its license application, including all documents, designs, and issues that must be part of a complete application. All materials must be available in final form so that the other parties have adequate time and a reasonable opportunity to examine the *final* application and supporting documents in order to evaluate the proposal. Sixty days are allowed for the submission of contentions after a Notice of Hearing is published. In order to give the public time to evaluate DOE's application supplements, we ask that you reset that clock now and whenever DOE significantly changes, updates, or supplements the application. Telling us that we can file so-called "late contentions" as we learn more is not acceptable. Filing late contentions makes us players in a piecemeal process and further increases our disadvantage. We ask that NRC put a stop to the DOE's abuse of the process and instill public fairness for the benefit of all.

Sincerely,

Michael Mariotte
Executive Director
Nuclear Information and Resource Service
Takoma Park, MD

John Coequyt
Sierra Club
Washington, DC

Michele Boyd
Physicians for Social Responsibility
Washington, DC

Jim Riccio

Greenpeace
Washington, DC

Kevin Kamps,
Beyond Nuclear
Takoma Park, MD

Judy Treichel
Executive Director
Nevada Nuclear Waste Task Force
Las Vegas, NV

Alice Slater
Nuclear Age Peace Foundation, NY
New York, NY

Ken Bossong, Executive Director
SUN DAY Campaign
Takoma Park, MD

Peter Montague, Ph.D., Director
Environmental Research Foundation
New Brunswick, NJ

Molly Johnson, area coordinator
Grandmothers for Peace/San Luis Obispo County Chapter
San Miguel, CA

Jane Feldman
Energy Chair
Toiyabe Chapter of the Sierra Club
Reno, NV

Mary Lampert
Director
Pilgrim Watch
Duxbury, MA

Julia Clark
Coordinator
"SoMdCARES" (Southern Maryland Citizens' Alliance for Renewable Energy Sources)
Calvert County, MD

Lea Foushee
North American Water Office
Lake Elmo, MN

John Blair, president
Valley Watch, Inc.
Evansville, IN

Mary Davis,
Director of EcoPerspectives,
A project of Earth Island Institute,
Lexington, KY

Nina Bell, J.D.
Executive Director
Northwest Environmental Advocates
Portland, OR

Albert Nunez, C.E.M.
Capital Sun Group, Ltd.
Silver Spring, MD

Glenn Carroll
Coordinator
NUCLEAR WATCH SOUTH
Atlanta, GA

Jim Warren
Executive Director
NC WARN
North Carolina Waste Awareness & Reduction Network
Durham, NC

Sylvia Zisman
Co-chair
Monmouth Concerned Citizens on the NJ Shore
Monmouth, NJ

Jane Swanson
Spokesperson
San Luis Obispo Mothers for Peace
San Luis Obispo, CA

Chuck Johnson
Board
Center for Energy Research
Portland, OR

Rochelle Becker
Executive Director
Alliance for Nuclear Responsibility
San Luis Obispo, Ca

Michael Welch
Redwood Alliance
Arcata, CA

Mark Haim,
Chair

Missourians for Safe Energy
Columbia, MO

Frank C. Subjeck
Air, Water, Earth Organization
Lake Havasu City AZ

John LaForge
Co-director
Nukewatch
Luck, WI

David A. Kraft
Director
Nuclear Energy Information Service (NEIS)
Chicago, IL

Wells Edelman
Staff Scientist
NC Citizens Research Group
Durham, NC

Tom Ferguson
Foundation for Global Community
Atlanta, GA

Bob Darby
Food Not Bombs
Atlanta, GA

Bruce A Drew
Steering Committee
Prairie Island Coalition
Minneapolis, MN

B.A. Geary
Citizens Action for Safe Energy
Tulsa, OK

Alan Muller, Executive Director
Green Delaware
Port Penn, DE

Launce Rake
Communications Director
Progressive Leadership Alliance of Nevada
Las Vegas, NV

Jim Stewart, PhD, Co-chair
Sierra Club Angeles Chapter Global Warming, Energy & Air Quality Committee
Los Angeles, CA

Judith Johnsrud
Environmental Coalition on Nuclear Power
State College, PA

David Krieger
President
Nuclear Age Peace Foundation
Santa Barbara, CA

Max Obuszewski
Baltimore Nonviolence Center
Baltimore, MD

Sandra Gavutis, Executive Director
C-10 Research & Education Foundation
Newburyport, MA

Don Richardson, M.D.,
Western North Carolina Physicians For Social Responsibility
Brevard, NC

Richard J. Ochs
Baltimore Green Party
Baltimore, MD

Christine Borello - president
Concerned Citizens of Lake Twp./ Uniontown IEL Superfund Site
Uniontown, OH

Francis Macy
Co-director
Center for Safe Energy
Berkeley, CA

Katharine Dodge
President
Northeast Pa. Audubon Society
Honesdale, PA

Carolyn Treadway
No New Nukes
Normal, IL

Joy Joslyn MacNulty
Citizens Energy Council
Williamstown, MA

Phoebe Anne Sorgen
The Berkeley Fellowship of Unitarian Universalists Social Justice Committee
Berkeley, CA

Patrick Arnold
Executive Director
Campaign for Ratepayers' Rights
Concord, NH

Jerry Lotierzo
Co-Chair
Peace Action of Central New York, NY

Marilyn Elie
Westchester Citizens Awareness Network
Westchester, NY

Jean Arnold
Arkansas chapter of WAND (Women's Action for New Directions)

Jennifer Viereck
H.O.M/E.
Tecopa, CA

Individuals

Barbara Antonoplos
Atlanta, GA

Janette D. Sherman, M. D.
Alexandria, VA

Laura Cayford
Asbury Park, NJ

Dr. William Johnston
Huntingtown, MD

Marvin Lewis
Philadelphia, PA

Walter Barbuck
Las Vegas, NV

Art Hanson
Lansing, MI

Natalie Hanson
Lansing, MI

Lynn Sims
Portland, OR

Bill Helmer

Independence, CA

Marilyn Miller
Toms River, NJ

Patrick Beecroft
Salt Lake City, UT

Linda Seeley
San Luis Obispo, CA

Suzanne Miller
Cleveland Heights, Ohio

Ron Rattner
San Francisco, CA

Jill Zamek
Arroyo Grande, CA

Mike Manetas
McKinleyville, CA

Sherrill Ames Lewis
San Luis Obispo CA

Barbara Scott
San Luis Obispo, CA

Rosemary Wilvert
San Luis Obispo, CA

Cal Wilvert
San Luis Obispo, CA

Raymond E. Bracken
Los Osos, CA

Charlene M. Woodcock
Berkeley CA

William E. Woodcock
Berkeley CA

Henriette Groot, PhD
Cayucos, CA

Rosemary Reyes.
San Luis Obispo, CA

Dr. Trudy Bond
Toledo, OH

Don Richardson, M.D.
Brevard, NC

Yvonne Eckstein
Minneapolis, MN

Allison Ostrer
Burien, WA

Ann Teeters
Oceanside, CA

Francene McClintock
Peoria, IL

Michael Casper
University Park, PA

Received: from mail2.nrc.gov (148.184.176.43) by OWMS01.nrc.gov
(148.184.100.43) with Microsoft SMTP Server id 8.1.291.1; Thu, 20 Nov 2008
08:45:02 -0500
X-Ironport-ID: mail2
X-SBRS: 5.5
X-MID: 23516622
X-IronPort-Anti-Spam-Filtered: true
X-IronPort-Anti-Spam-Result:
Au0AAKz4JEIBY//sm2dsb2JhbACBbVgrkGsBAQEBAQgJCgkRvgOBdoEG
X-IronPort-AV: E=Sophos;i="4.33,639,1220241600";
d="doc'32?scan'32,208,217,32";a="23516622"
Received: from outbound1.exchangedefender.com (HELO
outbound2.exchangedefender.com) ([65.99.255.236]) by mail2.nrc.gov with
ESMTP; 20 Nov 2008 08:45:09 -0500
MailScanner-NULL-Check: 1227793036.87087@vjZ5reNgIFD/6lr11nHEyw
Received: from mail.nirs.org (70-91-66-1-washington.dc.hfc.comcastbusiness.net
[70.91.66.1] (may be forged)) by outbound2.exchangedefender.com
(8.13.1/8.13.1) with ESMTP id mAKDbF53014253; Thu, 20 Nov 2008 07:37:15 -0600
MIME-Version: 1.0
Content-Type: multipart/mixed;
boundary="----_=_NextPart_001_01C94B17.E2501580"
Content-Class: urn:content-classes:message
Subject: letter from 54 groups re: Yucca Mountain licensing process
X-MimeOLE: Produced By Microsoft Exchange V6.5
Date: Thu, 20 Nov 2008 08:56:35 -0500
Message-ID:
<F843DDD6574AE54384B9A1F257E6B497D4B70E@nirssrv1.NIRS.local>
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
Thread-Topic: letter from 54 groups re: Yucca Mountain licensing process
Thread-Index: AcILF8CPT8yhYZFORpmviihb5660kg==
From: Michael Mariotte <nirsnet@nirs.org>
To: <CMRSVINICKI@nrc.gov>, <CMRLYONS@nrc.gov>, <CHAIRMAN@nrc.gov>,
<CMRJACZKO@nrc.gov>
X-ExchangeDefender-Info: Please contact the ISP for more information
X-ExchangeDefender-VirusScan: Found to be clean
X-ExchangeDefender-From: nirsnet@nirs.org
Return-Path: nirsnet@nirs.org