

From: Bruce H. Breslow [breslow@nuc.state.nv.us]
Sent: Monday, July 20, 2009 2:08 PM
To: Kokajko, Lawrence
Cc: mmalsch@nuclearlawyer.com; Charles Fitzpatrick
Subject: Request From Nevada

Lawrence Kokajko

July 20, 2009

Director, Division of High-Level Waste Repository Safety
Office of Nuclear Material Safety and Safeguards
USNRC
Washington DC 20555

Dear Mr. Kokajko,

I recently wrote you (5-9-2009) regarding the Department of Energy's failure to present, and the NRC Staff's failure to ask for Total System Performance Assessment calculations of the public dose near Yucca Mountain for the case where there are no drip shields. DOE has repeatedly insisted that it has not calculated this case.

We have recently come across two 2007 DOE documents on the Licensing Support Network that give the results for this case that were apparently calculated using a TSPA version that was fairly close to the one on which DOE based its licensing application. (See LSN accession #s ALA.20070823.9652 and ALA.20070828.2318.) The results show the mean doses would exceed the 15 millirem per year standard set by the Environmental Protection Agency for the first 10,000 years and would thereby disqualify the Yucca Mountain project for licensing. We believe the latest version of the TSPA would show more dramatic noncompliance and would therefore even more emphatically disqualify the application.

If DOE disagrees with this assessment it has only to produce calculations to support its case. Its failure to do so both in its application and subsequently is telling. It is harder to understand why the NRC Staff has not required it, a circumstance that raises very troubling questions about the seriousness of the NRC Staff's safety review.

To avoid any misunderstanding as occurred in response to Nevada's previous letter, let me make clear that this letter is not intended as an allegation. It is directed to the NRC Staff technical component evaluating DOE's TSPA and preparing the related portions of the Staff's Safety Evaluation Report. What we seek is not the initiation of an investigation of wrongdoing, but the issuance of a Request for Additional Information to DOE asking for the appropriate calculations.

Respectfully,



(Hard Copy will be sent Fed Ex today)

Bruce H. Breslow

Executive Director

Nevada Agency for Nuclear Projects

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E-mail Properties

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From: Bruce H. Breslow

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Recipients:

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Expiration Date:

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Recipients received: