

**Powell, Amy**

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**From:** McDonough, Alexander (Reid) [Alexander\_McDonough@reid.senate.gov]  
**Sent:** Wednesday, April 30, 2008 12:32 PM  
**To:** Amy Powell  
**Subject:** Letter from NV Delegation to NRC Secretary  
**Attachments:** DeILtr2NRC\_ContentionDeadline\_4.30.08 FINAL SIGNED.pdf

Hi Amy – FYI, the Nevada Delegation is sending this letter to the NRC today. I just faxed a copy to Rebecca Schmidt, but wanted to make sure it was received. Thank you,

Alex

A/11

**Congress of the United States**  
Washington, DC 20510

April 30, 2008

Annette L. Vietti-Cook  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Mail Stop O-16G4  
Washington, DC 20555-0001

Dear Ms. Vietti-Cook:

As you know, the Department of Energy plans to submit a license application (LA) for construction of a nuclear waste repository to the Nuclear Regulatory Commission (NRC) this June. We write today to request that the Commission extend the deadline for submitting petitions and contentions to the NRC related to licensing construction at Yucca Mountain. We also request that you file and serve this letter in the appropriate NRC Yucca Mountain public adjudicatory docket for consideration.

On behalf of Nevadans who would like to participate as full parties in NRC's consideration of a LA for Yucca Mountain, we request that the Commission provide potential parties to the licensing proceedings with 180 days from the date NRC staff "dockets" the LA and publishes the notice of hearing to submit their petitions and contentions. Currently, NRC regulations (10 CFR 2.309), provide parties with only 30 days to submit a petition or contentions.

In the Nuclear Waste Policy Act of 1982, Congress asserted that "State and public participation in the planning and development of repositories is essential in order to promote public confidence in the safety of disposal of such waste and spent fuel." Considering the expected size and technical complexity of the LA, the DOE's decision to delay publication of key technical documents until on or after the date it submits the LA, and the Commission's high standard for admitting contentions, it is unreasonable to expect parties and potential parties to submit well-crafted contentions 30 days after the license application is accepted for review.

The Department of Energy has spent several decades preparing its case to build a repository at Yucca Mountain. The Department has generated over 3.5 million documents, exceeding 30 million pages of data, studies and analyses that are relevant, in DOE's view, to licensing Yucca Mountain. The LA and its primary supporting references will be over 100,000 pages long. Even if these documents were 'quick reads,' like novels, a person would need over 400 days, at eight hours per day, just to read them once-through. We are asking for less than half of that.

Moreover, several documents that will play an important role in licensing proceedings have not yet been finalized or made public, including two final Environmental Impact Statements and the NRC's and the Environmental Protection Agency's radiation protection standards. In the

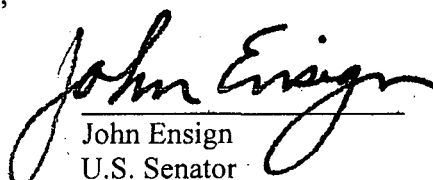
interest of fairness and good public policy, the NRC should extend the time parties and potential parties have to review this material and submit thoughtful contentions to the Commission.

Thank you for considering our request and promptly addressing this issue. Should you have any questions, please contact Dayle Cristinzio/Alex McDonough (Senator Reid, 202-224-3542), Pam Thiessen/Andrew Shaw (Senator Ensign, 202-224-6244), David Cherry (Congresswoman Berkley, 202-225-5965), Shannon Meade (Congressman Porter, 202-225-3252), or Greg Facchiano (Congressman Heller, 202-225-6155).

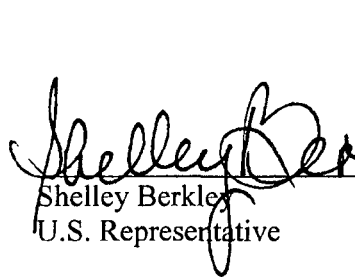
Sincerely,



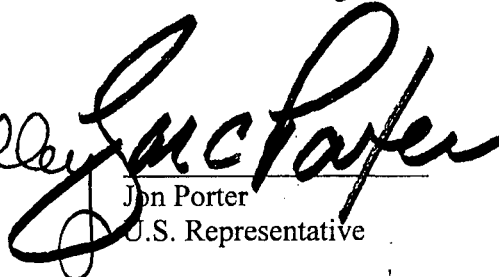
Harry Reid  
U.S. Senator



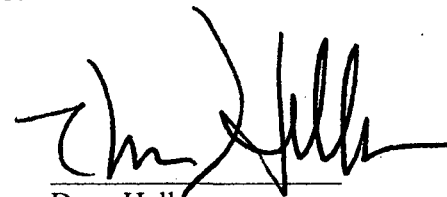
John Ensign  
U.S. Senator



Shelley Berkley  
U.S. Representative



Jon Porter  
U.S. Representative



Dean Heller  
U.S. Representative

cc: Chairman Dale E. Klein  
Commissioner Gregory B. Jaczko  
Commissioner Peter B. Lyons  
Commissioner Kristine L. Svinicki  
Governor Jim Gibbons  
Affected Units of Local Government