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Eliot Brenner (301-415-8200)
U.S. Nuclear Regulatory Commission
Office of Public Affairs, Headquarters
11 555 Rockville Pike
Rockville, MD 20852

Subject: Nuclear Regulatory Commission Seeks Input on Resumption of Yucca Licensing Review No. 13-070

Dear Mr. Brenner:

This letter is in response to your request for input on the Resumption of Yucca Licensing Review by the U.S. Nuclear Regulatory Commission that is legally mandated by the recent U.S. Court of Appeals decision.

From 1984 to 2008, I provided technical support to the Yucca Mountain Project (YMP) and its predecessor the Nevada Nuclear Waste Storage Investigations (NNWSI) Project. In June 2008, the U.S. Department of Energy (DOE) submitted the YMP License Application (LA) to the Nuclear Regulatory Commission (NRC). As an engineer who made contributions in engineering and applied science, I believe that the YMP LA is a quality License Application and has a technical basis that is credible, and defensible. I believe that it is widely respected by the scientific and engineering communities.

The YMP started over thirty years ago, and the DOE has expended \$15 billion dollars on the project. This includes \$9 billion dollars from the Nuclear Waste Fund. As important as the scientific contributions by DOE and its subcontractors have been on the YMP, I believe it is equally important that the NRC provide an independent, and authoritative assessment of the YMP according to the existing law and in compliance with the recent Court of Appeals decision granting a Writ of Mandamus made on August 13, 2013.

If the YMP licensing process is not implemented according to existing law, additional site characterization, repository design and licensing would cost considerably more time, and technical effort as was experienced in European radioactive waste programs. Future alternative sites will be opposed by individual state governments.

A critical milestone in the license review process is the NRC's public release of its Safety Evaluation Report (SER) on the proposed YMP design. I recommend that the NRC not

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solicit any additional information from DOE and its subcontractors at this time. Rather, the NRC should diligently resume work in completing and releasing their independent Safety Evaluation Report (SER) on the YMP.

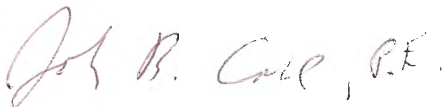
The SER documents the NRC technical staff's independent evaluation to determine whether the YMP repository will comply with public health, environmental, and safety standards, including such standards that apply after the repository is closed. The NRC should document in a professional manner their conclusions in the YMP SER as to whether the YMP repository complies with public postclosure health, environmental, and safety standards. I concur with the recommendations made in the letter from Congressmen Fred Upton, Chairman of the Committee on Energy and Commerce, and John Shimkus, Chairman of the Subcommittee on Environment and the Economy on August 23, 2013.

In the current YMP SER Related to Disposal of High-Level Radioactive Wastes in a Geologic Repository at Yucca Mountain, Nevada, Chapter 17 presents analysis on the Demonstration of Repository Compliance with Postclosure Public Health and Environmental Standards (Individual Protection). Conclusions with regard to compliance with the performance standards are redacted. The NRC should complete their work, and provide their independent assessment as to whether there is compliance to the individual performance standard. The SER should be released to the public.

The NRC support staff performed confirmatory calculations of the DOE's TSPA calculations. What are the conclusions of the NRC support staff regarding these calculations? This is a central question that needs to be answered for the NRC to continue the legally mandated licensing process. The NRC support staff conclusions need to be considered by the NRC in either granting or denying a license for DOE to operate a repository at Yucca Mountain.

To emphasize, I support the recommendations made by Representatives Upton, and Shimkus in their August 23, 2013 letter to NRC Chairman Macfarlane. Representative Upton and Shimkus understand from documents and testimony that the outstanding volumes of this report may be completed and released within a matter of months. The NRC, in responses for the February 28 hearing record, confirmed that an estimated 6-8 months was needed to complete all volumes of the SER at a cost of \$6.5 million.

Sincerely,



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