

Dr. Jacob D Paz
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October 28, 2014

Dr. Josephine Piccone
Director, Division of Spent Fuel Alternative Strategies
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Mail Stop 13-C28
Washington, DC 20555

Dear Dr. Piccone,

On October 16, 2014 issued a document entitled "Safety Evaluation Report Related to Disposal of High-Level Radioactive Wastes in a Geologic Repository at Yucca Mountain, Nevada Vol 3." In the document abstract the NRC stated that the NRC reached a conclusion that the "multiple barriers, **both natural and engineered ... used for the individual protection; the separate groundwater protection is safe.**" The NRC staff found, with reasonable expectation, that DOE has demonstrated compliance with the NRC regulatory requirements for postclosure safety.

On March 30, 2009 in a personal communication available on the internet stated the following "NRC staff agrees that DOE's analysis **did not provide an adequate** discussion of the cumulative amounts of **radiological and non-radiological** contaminants that may enter groundwater over time, and how these contaminants would behave in the aquifer and related environment. We found that this failure to adequately characterize potential contaminant release to groundwater and from surface discharge renders that portion of DOE's EIS inadequate. DOE's discussion of these impacts in its EISs is not consistent with NRC's regulations for completeness and adequacy of the discussion of environmental consequences of the proposed action."

Furthermore, the NRC also stated "Given the importance of groundwater as a natural resource in the arid Yucca Mountain region, we concluded that supplementation is needed to ensure the 2002 EIS and the Repository Supplemental EIS are adequate. The NRC staff's review and findings about the adequacy of DOE's Given the importance of groundwater as a natural resource in the arid Yucca Mountain region, we concluded that supplementation is needed to ensure the 2002 EIS and the Repository Supplemental EIS are adequate." The DOE both in 2008 and 2013 refused to submit a Supplement EIS to the NRC but will provided an analysis of documents.

I can see a contradiction between what the NRC stated in their letter dated March 30, 2009 and in the NRC staff Safety Evaluation Report published in October. What explanation does the NRC have for the contradictory NRC staff opinions? On what **regulatory basis and what new scientific input data has the NRC staff changed their opinion?** At the same time the NRC is preparing a Supplement EIS which is not completed yet. How can the NRC reach a conclusion that

the" multiple barriers, both natural and engineered ... used for the individual protection, the separate groundwater protection is safe" without addressing my previous contentions both regulatory and scientifically!

Yours,

A handwritten signature in dark ink, appearing to read "Dr. Jacob D Paz", with a long, sweeping flourish extending to the right.

Dr. Jacob D Paz