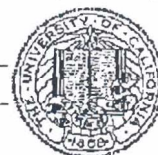


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December 12, 2006

Dr. Jane Summerson
EIS Document Manager
Regulatory Authority Office
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1551 Hillshire Drive, M/S 010
Las Vegas, NV 89134

Re: Notice of Intent to Prepare a Supplement to the Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, NV. 71FR198, October 13, 2006, 60490-60494.

Dear Dr. Summerson:

I am writing in reference to the Nevada Agency for Nuclear Projects (AFNP) December 11, 2006 letter, submitted by the State of Nevada, related to the Notice of Intent for the FEIS for Yucca Mountain [1]. I am a Professor of Nuclear Engineering at the University of California, Berkeley, and a 1982 graduate of the University of Nevada, Reno.

This AFNP letter [1] contains several assertions that should be addressed. For example, this letter states that we should assume that the Air Force will fly airplanes sufficiently close to surface facilities at Yucca Mountain to create a significant risk of crashes into these facilities. Frankly, the idea that our United States Air Force would deliberately fly military aircraft this close is simply unbelievable, and it is unbelievable to assert that our Air Force would deliberately do this, no matter what the "official" restricted airspace distance ends up being.

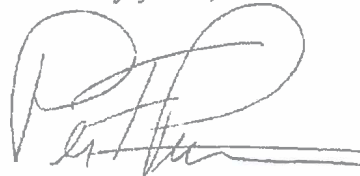
Most importantly, the AFNP letter questions the FEIS no-action alternative. The "no-action" alternative for Yucca Mountain assumes that spent fuel will be left permanently at reactor sites for 10,000 or 1-million years. While the ANFP questions this scenario and asserts that some solution will be developed, the ANFP has been unwilling to point to any alternate disposal approach, or any other state in the U.S. that might have a better site for a deep geologic repository than does Nevada. Currently the AFNP recommends that spent nuclear fuel be stored indefinitely at reactors. With this being the ANFP official recommendation, it makes no sense for the AFNP to then say that the FEIS "no-action" alternative is unreasonable.

Currently, the Yucca Mountain Project is required to meet a one-million year EPA safety standard that is much more stringent than any long-term requirement that EPA places on mining, hazardous chemical waste disposal, or any other human activity.

Independent review by the Nuclear Waste Technical Review Board has concluded that no fundamental technical obstacles have been identified that would stop Yucca Mountain meeting this stringent million-year EPA standard. But the ANFB logic argues to stop the Yucca Mountain Project before the license review process even starts. If killing projects before licensing even begins is the future norm, then the "no-action" alternative of permanent on-site storage for ten thousand or one million years is indeed credible.

Any approach to nuclear waste management needs a waste repository. If Yucca Mountain can meet the million-year EPA safety standard, it should be licensed. But that does not mean that Yucca Mountain should be used for the disposal of spent nuclear fuel. Instead of arguing that the DOE "no action" alternative is incorrect, the AFNP should be looking at how to transform the U.S. approach to managing spent fuel so that Yucca Mountain could be used in a completely different way. Then it would be more logical for the AFNP to argue that the "no action" alternative will not become our permanent fate in the development of permanent disposal options for nuclear wastes. The current AFNP position makes no sense.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'F. Peterson', with a large, stylized initial 'P' at the start.

Per F. Peterson

Professor

Department of Nuclear Engineering

Reference: Robert R. Loux, letter to Jane Summerson, December 11, 2006.