

STATE OF NEVADA



KENNY C. GUINN  
Governor

OFFICE OF THE GOVERNOR

January 28, 2005

The Honorable Samuel Bodman  
Energy Secretary  
United States Department of Energy  
1000 Independence Avenue SW  
Washington, DC 20585

Re: Request for Information under Section 117(a) of the Nuclear Waste Policy Act

Dear Secretary Bodman:

Section 117(a) of the Nuclear Waste Policy Act (NWPA) places Nevada, as the host state for the proposed Yucca Mountain nuclear waste repository, in a unique posture giving it special access rights to "information regarding determinations or plans made with respect to the . . . development, design, licensing, [and] construction" of the proposed repository. These rights are one expression of Congress' explicit recognition in Section 111(a) of the NWPA that Nevada's "participation in the planning and development of [the] reposit[or] is essential in order to promote public confidence in the safety of disposal of [radioactive] waste and fuel."

To advance this public interest, in Section 117, Congress has required the Department of Energy to provide Nevada with "complete" information on a "timely" basis, upon my request. As we approach the Nuclear Regulatory Commission licensing proceedings for the Yucca Mountain facility, Nevada's need for the timely and complete disclosure of information has become acute. Accordingly, in my judgment, it is particularly appropriate now for me to exercise the authority given to me by Congress.

Therefore, I hereby request, pursuant to Section 117 (a) of the NWPA, that Department of Energy provide Nevada the information described in the attachment to this letter. Please deliver this information within 30 days of the receipt of this request to Mr. Robert Loux, Executive Director of Nevada's Agency for Nuclear Projects, 1761 East College Parkway, Suite 118, Carson City, Nevada 89706. Please advise Mr. Loux if any of the information provided requires

The Honorable Samuel Bodman  
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Page Two

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any special handling, such as confidential or otherwise privileged information, that might require secure storage with access limited to only select individuals.

Thank you for your attention to this matter.

Sincerely,

KENNY C. GUINN  
Governor

RRL/rc  
enclosure

cc: Robert Loux, Executive Director of Nevada's Agency for Nuclear Projects  
Joseph Egan, Egan, Fitzpatrick, Malsch and Cynkar

**Attachment**

Please provide the following information:

1. The most current version of the Department of Energy's (DOE) draft License Application.
2. The most current version of DOE's TSPA-LA and associated models and calculations.
3. Documents sufficient to establish the structure and quality assurance status of all software employed by DOE and its contractors in the License Application/Total System Performance Assessment effort.
4. An unredacted copy of the "Extreme Wind/Tornado/Tornado Missile Hazard Analysis," dated August 1, 2003, Document Identifier: CAL-WHS-MD-000002 REV 00B.