

The more than 1 million documents from DOE's original certification effort are currently publicly available on the LSN Web site maintained by the LSN Administrator. But since June 30, 2004, 2,123,265 additional documents have been turned over to for processing. None of this information has been made public.

“And Mr. Sprout estimates that approximately 6.8 million more documents will be placed on the LSN at the time of certification,” Guinn wrote. “We are deeply concerned that the 2 million-plus documents provided since 2004, and subsequently indexed by the LSN administrator, under instruction by the department, have not been made publicly available on the LSN, and that the balance of the 6.8 million documents that the department will continue to provide to the LSN over the next 13 months will likewise not be made publicly available.”

Guinn noted that while the NRC's regulations appear to permit this, “the regulation's authors and those commenting during the rule-making did not contemplate a six-year gap between the secretary's 2002 site recommendation and Congressional designation of the Yucca Mountain potential repository site, and the department's submission of a license application.”

The Nuclear Waste Policy Act calls for the license application to be made six months after Congressional site designation. This obviously did not occur, the state leaders pointed out.

“Thus, we have faced a period of many years in which a large part of the department's repository plans at Yucca Mountain remain a mystery,” Guinn said.

DOE's design and operational approach have changed significantly since the site was recommended in 2002, according to the letter. To date, DOE has released only very limited information on these changes developed over these past three and a half years.

The letter goes on to say that “the information is critical to advance public understanding” of the repository and that the LSN administrator, “literally with the flip of a switch, could make these additional 2 million-plus documents publicly available.”

The state has also been objecting for years to DOE's continued “embargo” of documents Nevada needs to review before DOE applies for a license to build the proposed dump, said Bob Loux, executive director of Nevada's Agency for Nuclear Projects.

“DOE continues to hide this important information from Nevada,” Loux said. “As Gov. Guinn said today, these documents need to be made public as soon as possible to give Nevadans, and all Americans, time to review this

(more)

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massive amount of material. Withholding the material serves no purpose other than intentionally impeding Nevada’s ability to prepare for a licensing proceeding.”

Guinn urged Bodman to lift the “embargo” on this information so it can be made public on the LSN Web site. To show good faith, the state has already placed all of its documents on the LSN site and will continue to make new documents available to the public on an ongoing basis.

For the letter and more information on Nevada’s opposition to the proposed nuclear waste dump, visit www.state.nv.us/nucwaste.

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