



**OFFICE OF THE GOVERNOR  
AGENCY FOR NUCLEAR PROJECTS**

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May 16, 2007

Edward Sproat, Director  
Office of Civilian Radioactive Waste Management  
US Department of Energy  
1000 Independence Ave. S.E.  
Washington, DC 20585

Dear Mr. Sproat:

I am writing to request DOE to assure us immediately that it will give Nevada reasonable and timely advance access to its Total System Performance Assessment (TSPA) for the Yucca Mountain repository so that Nevada can evaluate it in accordance with its rights as the host state in the Yucca proceeding. From what we have learned of DOE's computer configuration, the ability to fully scrutinize the TSPA, including the running of verification test calculations, requires access to this computer system, because such a system cannot be otherwise reproduced by us by any reasonable and appropriate means. Therefore, Nevada must have a reasonable opportunity to examine and execute the TSPA computer code on the computer systems DOE is using for its TSPA-LA calculations as necessary to allow evaluation by our experts.

We are unaware of any documentary material DOE will place on the LSN that would give Nevada the information necessary to execute the TSPA code through any other reasonable means, assuming such an equivalent computer system could be created and proved to be equivalent. LSN regulations clearly require production of the TSPA, and the ability to use it, at the time of certification. Please consider this letter as an informal request for such access, and a prelude to informal discussions between Nevada and DOE about how this could be done as soon as the TSPA-LA is in sufficiently final form.

NRC can of course order physical access to the locations where the TSPA hardware is located, and can direct access to the TSPA codes pursuant to the Commission's Rules of Practice in 10 C.F.R. §§ 2.1018(a)(1)(ii), 1018(b)(1), and 2.1020 in this pre-licensing phase of the NRC proceeding.

Due to the importance of this issue to the State, I request to hear back from you within 10 days of the date of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Loux", with a stylized flourish at the end.

Robert R. Loux  
Executive Director

cc: NRC  
TRB  
ACNW  
Nevada Congressional Delegation