



COMMISSIONER

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555

February 23, 2011

The Honorable Ralph M. Hall  
Chairman, House Committee on Science,  
Space, and Technology  
2321 Rayburn House Office Building  
Washington, DC 20515-6301

Dear Congressman Hall:

Thank you for your letter dated February 10, 2011. The NRC's handling of the licensing of the High-Level Waste (HLW) repository at Yucca Mountain is of great concern to me as a Commissioner. My position has consistently been that the NRC staff should complete and publicly issue the Safety Evaluation Reports (SERs) associated with Yucca Mountain. As noted in your letter, my memos of October 6, 2010, and October 8, 2010, as well as my October 27, 2010 letter to Congressman Hastings outline my position on this matter, and those views have not changed.

In recent months, I have repeated my views to my colleagues that the Commission should direct the staff to complete and publicly issue the SERs. Yet, as an individual Commissioner I lack the legal authority to unilaterally direct any action by the NRC staff, and thus cannot alone order issuance of any SER volume or related documents. The law requires that a majority of my colleagues agree with my opinion that the Commission should take action.

Regarding your request for public release of SER Volume 3 and all documents related to the SER release, the NRC released a redacted version of SER Volumes 2 and 3 on February 17, 2011, pursuant to a FOIA request. You also requested an update on the current status of the remaining volumes of the SER. Consistent with Commission procedures, I have referred your request to the NRC's Office of Congressional Affairs to provide you with a copy of a February 4, 2011 memorandum to the Commission from the Director of the Office of Nuclear Materials Safety and Safeguards titled "Update on the Yucca Mountain Program." This document provides a more complete description of the status of the SER volumes.

I am available to respond to any further inquiries you may have on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "W. C. Ostendorff".

William C. Ostendorff

Identical letter to:

The Honorable F. James Sensenbrenner, Jr.  
Vice-Chairman, Committee on Science,  
Space, and Technology  
2321 Rayburn House Office Building  
Washington, D.C. 20515-6301

The Honorable Paul Broun, M.D.  
Chairman, Subcommittee on Investigations and Oversight  
Committee on Science, Space, and Technology  
2321 Rayburn House Office Building  
Washington, D.C. 20515-6301

The Honorable Andy Harris  
Chairman, Subcommittee on Energy and Environment  
Committee on Science, Space, and Technology  
2321 Rayburn House Office Building  
Washington, D.C. 20515-6301