

November 29, 2001

Governor Kenny C. Guinn
State of Nevada
One Hundred One North Carson Street
Carson City, Nevada 89701

Dear Governor Guinn:

I am writing you on behalf of the Nuclear Regulatory Commission (NRC) in response to your letter of November 2, 2001, concerning the alleged release to the Department of Energy of an early version of the staff's Yucca Mountain Review Plan (YMRP). We agree that if the YMRP was released to one stakeholder, it should be available to all stakeholders. Consequently, we are making the draft YMRP available to the State of Nevada (enclosed) and other stakeholders by placing a version on NRC's web site. The Commission has not approved this or any other version of the YMRP. Although we believe that this July 2000 version is the version that may have been released, it should be recognized that, as of this date, the investigation by NRC's Inspector General into the alleged release is not complete and the facts are yet to be revealed. Consequently, there is some continuing uncertainty regarding the nature and extent of the alleged release.

Review plans provide guidance to the NRC staff on the conduct of a review of a potential license application and it is common for drafts of these plans to be published for public comment. The version of the YMRP that is being provided to you and placed on NRC's web site is out-of-date, obsolete, and potentially misleading because it is not consistent with the NRC or EPA final rules applicable to Yucca Mountain. Consequently, although we are making this early version of the draft YMRP public, we are not requesting public comments on it. Since publication of NRC's final regulations at 10 C.F.R. Part 63 on November 2, 2001, the staff has been working to conform the YMRP with those regulations. It is the Commission's intention to provide an opportunity for the public to comment on the YMRP when this revision is complete. We expect this will occur sometime after the first of the year.

If you have any questions or comments, please contact me.

Sincerely,

/RA/

Richard A. Meserve

Enclosure: As stated