

July 20, 2004

Mrs. Sally Devlin
P.O. Box 9266
Pahrump, NV 89060

Dear Mrs. Devlin:

On June 3, 2004, I received a letter from the Honorable Harry Reid, requesting that I respond to your various questions about the Yucca Mountain Project.

In response to your question regarding the timetable for the Yucca Mountain Project, we believe you are inquiring about the timetable for completion of the U.S. Nuclear Regulatory Commission's (NRC) review for the portions of the license application (LA) relevant to construction authorization. The U.S. Department of Energy (DOE) has stated it plans to submit the LA in December 2004. If the NRC determines that the LA is acceptable for docketing, the NRC intends to conduct its review of the portions relevant to construction authorization in accordance with the timetable set forth in Appendix D, of 10 CFR Part 2. Appendix D is enclosed for your convenience.

In your letter to Senator Reid you asked several questions that would require a highly speculative response, including: "Will Bechtel SAIC and all other companies and other contractors be viable? Will we be alive? Will there be a nation willing to support this project through 50 Congresses and 25 Presidents?" These questions are beyond NRC's jurisdiction, and will not be factored into any licensing decision on the repository. However, the law provides that NRC's regulatory role will continue until any repository at Yucca Mountain is closed and DOE has demonstrated that the license can be safely terminated.

You also make reference to the Key Technical Issues as well as NRC staff's experience in reviewing the LA. Additionally, you mentioned that there is no canister, no implementable design, no safety plan, and no proper study of the effects of radiation poisoning. It will be DOE's responsibility and burden to demonstrate, in the LA, that a repository at Yucca Mountain will protect public health and safety. The staff has developed NUREG-1804, "Yucca Mountain Review Plan" as its guidance document for reviewing the LA, according to the requirements of 10 CFR Part 63, "Disposal of High-level Radioactive Wastes in a Geologic Repository at Yucca Mountain, Nevada." Once we receive DOE's application, we will thoroughly review its contents to determine whether it meets all our safety requirements and that DOE can safely store radioactive waste in Yucca Mountain. You may read more about NRC's licensing review process and staff's guidance documents on our webpage at <http://www.nrc.gov/waste/hlw-disposal.html>.

S. Devlin

-2-

In your letter to Senator Reid, you also posed several questions that are rhetorical in nature that I am not able to respond to because, again, they are beyond the NRC's jurisdiction. Specifically, I cannot respond to "... if Yucca Mountain is another government BLACK PROJECT?" or "[w]ill this continue until the funding runs out or congress says "NO," like so many failed government projects?"

I appreciate your letter and interest in the nation's high-level waste disposal program. Please contact Omid Tabatabai of my staff if you have further questions. Mr. Tabatabai may be reached at 301-415-6616 or via e-mail at OTY@nrc.gov.

Sincerely,

/RA/

Luis A. Reyes
Executive Director
for Operations

Enclosure:

Appendix D "Schedule for the Proceeding on Consideration of Construction Authorization for a High-Level Waste Geologic Repository"

cc: Senator Harry Reid

S. Devlin

-2-

In your letter to Senator Reid, you also posed several questions that are rhetorical in nature that I am not able to respond to because, again, they are beyond the NRC's jurisdiction. Specifically, I cannot respond to "... if Yucca Mountain is another government BLACK PROJECT?" or "[w]ill this continue until the funding runs out or congress says "NO," like so many failed government projects?"

I appreciate your letter and interest in the nation's high-level waste disposal program. Please contact Omid Tabatabai of my staff if you have further questions. Mr. Tabatabai may be reached at 301-415-6616 or via e-mail at OTY@nrc.gov.

Sincerely,

/RA/

Luis A. Reyes
Executive Director
for Operations

Enclosure:

Appendix D "Schedule for the Proceeding on Consideration of Construction Authorization for a High-Level Waste Geologic Repository"

cc: Senator Harry Reid

DISTRIBUTION: G20040410

HLWRS r/f NMSS DO r/f EDO r/f LReyes MVirgilio PShea
MRodgers SECY-LTR-04-0378

*See Previous Concurrence

ML041810292

OFC	HLWRS		HLWRS		OGC		Tech Ed		HLWRS	
NAME	OTabatabai*		NKStablein*		JMoore* NLO		EKraus*		CWReamer*	
DATE	07/02/04		07/06/04		07/07/04		07/02/04		07/07/04	
OFC	NMSS		DEDMRS		EDO					
NAME	JRStrosnider*		MVirgilio* (PLohaus for)		LReyes*					
DATE	07/12/04		07/19/04		07/20/04					