

August 4, 2010

The Honorable James M. Inhofe  
United States Senate  
Washington, DC 20510

Dear Senator Inhofe:

I am responding to your June 23, 2010, letter to U.S. Nuclear Regulatory Commission (NRC) Chairman Gregory Jaczko, seeking an update on the status of the NRC staff's technical review of the Department of Energy's (DOE) Yucca Mountain license application. Chairman Jaczko has asked that I respond to your inquiry on behalf of the agency. On June 29, 2010, the Atomic Safety and Licensing Board (ASLB) ruled against the DOE's motion to withdraw its license application. The Commission invited briefs on whether the Commission should review, and reverse or uphold, the ASLB's decision. These filings are currently before the Commission.

We informed the Commission in March 2010 that the staff plans to issue Volumes 1 and 3 of the Safety Evaluation Report (SER) in August and November 2010, respectively. This schedule was reiterated to the ASLB during oral arguments on June 4, 2010. The NRC staff will be continuing with the remainder of its safety review and SER preparation subject to the availability of resources. The NRC's Office of Congressional Affairs will provide your office with updates on staff schedules as they develop.

Prior to completion of the various SER volumes, it would be premature to discuss issues currently under review that might affect the proposed geologic repository's ability to meet all applicable Federal standards for protection of public health and safety and the environment. Staff conclusions will be provided in completed SER volumes. To date, there are no outstanding requests for additional information.

I appreciate your interest in this matter and assure you that the NRC is working to meet its statutory and regulatory obligations. If you have any additional questions, please feel free to contact me or Ms. Rebecca Schmidt, Director of our Office of Congressional Affairs.

Sincerely,

*/RA/*

R. W. Borchardt  
Executive Director  
for Operations

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