

February 25, 2011

The Honorable Ralph M. Hall
Chairman, House Committee on Science,
Space, and Technology
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Hall:

I am writing in response to your letter of February 10, 2011, regarding release of Volume 3 ("Review of Repository Safety after Permanent Closure") of the "Safety Evaluation Report (SER) Related to Disposal of High-Level Radioactive Wastes in a Geologic Repository at Yucca Mountain, Nevada" and the status of U.S. Nuclear Regulatory Commission (NRC) activities related thereto. Thank you for soliciting my individual views, as a member of the Commission.

As I outlined to Congressman Hastings in a November 1, 2010 letter (enclosed), subsequent to the decision by NRC Chairman Gregory Jaczko to direct the closure of NRC's High-Level Waste program, Commissioner William Ostendorff formally proposed that the Commission revisit the Chairman's direction, and establish a new direction to explicitly instruct the NRC staff to continue towards its scheduled release of Volume 3 of the Yucca Mountain SER. I voted in support of this proposal; however, the remainder of the Commission declined to participate in the matter, depriving the proposal of a quorum needed for action. In my vote, I stated that "whatever the ultimate disposition of the Yucca Mountain license application and associated activities, complete SER documents should be a matter of public record and will be the best vehicle to memorialize the scientific knowledge and analysis gained during the technical review."

I continue to hold my previously-stated views. As an individual Commissioner, however, I currently have no access to, or authority over, Volume 3 of the SER. There has been no majority, to this point, to overturn the current plan to shut down the program. The Commission continues internal deliberations related to the NRC staff's High-Level Waste program activities. As an example, I am enclosing an excerpt from the transcript of the October 18, 2010 NRC All-Hands Meeting, which touches on this issue.

My understanding of these plans and the current status of remaining SER volumes is, as follows. Since ceasing its safety review of the Yucca Mountain license application on October 1, 2010, the NRC staff has been converting the remaining SER volumes (Volume 3: Review of the Repository Safety after Permanent Closure, Volume 2: Review of Repository Safety before Permanent Closure, and Volume 4: Review of Administrative and Programmatic Requirements) into technical evaluation reports. This conversion involves the removal of any staff findings of regulatory compliance from the SER volumes. The resulting technical evaluation reports are intended to be made publicly available by the NRC as knowledge management tools. Also, in response to a request under the Freedom of Information Act, the staff made available redacted copies of Volumes 2 and 3 of the SER in the NRC's Publicly Available Record System. In a related action, on February 25, 2011, the Atomic Safety and Licensing Board issued an order

(also enclosed) in the high-level waste licensing adjudicatory proceeding, directing the NRC staff to show cause why the staff should not be ordered to place, in unredacted form except for classified and safeguards information, Volume 3 of the SER in its Licensing Support Network document collection as circulated draft documentary material.

I respectfully acknowledge that differences of opinion exist among policy makers, and the public, regarding the Nation's nuclear waste program. These matters will be addressed in appropriate venues, as they should. As a personal view, however, I agree with the statement of Dr. John P. Holdren, the Director of the Office of Science and Technology Policy, in his memorandum on the subject of scientific integrity, where he states, "Open communication among scientists and engineers, and between these experts and the public, accelerates scientific and technological advancement, strengthens the economy, educates the Nation, and enhances democracy." I am committed to working with my colleagues on the Commission to advance this principle.

Respectfully,

/RA/

Kristine L. Svinicki

Enclosures: as stated

February 25, 2011

The Honorable F. James Sensenbrenner, Jr.
Vice-Chairman
House Committee on Science,
Space, and Technology
United States House of Representatives
Washington, D.C. 20515

Dear Vice-Chairman Sensenbrenner:

I am writing in response to your letter of February 10, 2011, regarding release of Volume 3 ("Review of Repository Safety after Permanent Closure") of the "Safety Evaluation Report (SER) Related to Disposal of High-Level Radioactive Wastes in a Geologic Repository at Yucca Mountain, Nevada" and the status of U.S. Nuclear Regulatory Commission (NRC) activities related thereto. Thank you for soliciting my individual views, as a member of the Commission.

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The Honorable Paul Broun, M.D.
Chairman, Subcommittee on
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House Committee on Science,
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Washington, D.C. 20515

Dear Chairman Broun:

I am writing in response to your letter of February 10, 2011, regarding release of Volume 3 ("Review of Repository Safety after Permanent Closure") of the "Safety Evaluation Report (SER) Related to Disposal of High-Level Radioactive Wastes in a Geologic Repository at Yucca Mountain, Nevada" and the status of U.S. Nuclear Regulatory Commission (NRC) activities related thereto. Thank you for soliciting my individual views, as a member of the Commission.

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February 25, 2011

The Honorable Andy Harris
Chairman, Subcommittee on
Energy and Environment
House Committee on Science,
Space, and Technology
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Harris:

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DISTRIBUTION:
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Identical Letters Sent to: Representatives Sensenbrenner, Broun, and Harris

OFFICE	Dep. Chief of Staff/General Counsel	Commissioner			
NAME	DMReddick/jll	KLSvinicki			
DATE	02/25/11	02/25/11	02/ /11	02/ /11	

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