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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 22, 2008

The Honorable Barbara Boxer
Chairman, Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Madam Chairman:

This is to acknowledge receipt of your letter dated January 16, 2008, urging the NRC not to accept a license application from the Department of Energy that does not include final designs for all the proposed facilities at Yucca Mountain.

Please be assured that we are working on a response and a reply will be forwarded to you as soon as possible.

Sincerely,

Rebecca L. Schmidt
Rebecca L. Schmidt, Director
Office of Congressional Affairs
jm

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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-8175

January 16, 2008

The Honorable Dale E. Klein
Chairman
Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Chairman Klein:

I appreciate the Nuclear Regulatory Commission (NRC) sending Michael Weber, Director of the Office of Nuclear Material Safety and Safeguards, to testify at the Committee on Environment and Public Works' October 31st hearing examining the licensing process for the proposed Yucca Mountain repository.

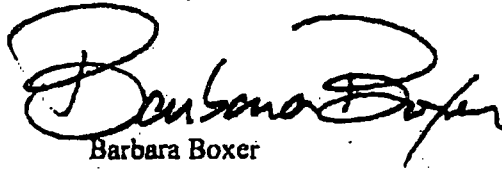
As you may have heard, I expressed concern at the hearing about the Department of Energy's (DOE) plan to submit a license application that is only 35 percent complete. When I asked Mr. Weber whether or not the NRC would accept such an application for review, I was told that the NRC's decision would depend upon what is included in the 35 percent.

I urge the NRC not to accept an application for review that does not include final designs for all the proposed facilities at Yucca Mountain. The NRC should not begin work on this license application if final designs are unknown because unanticipated problems could put the health of Americans, particularly those in Nevada and California, at risk. The NRC must devote its efforts to fulfilling its mission to protect public health and safety, promote the common defense and security, and protect the environment.

Due to the controversy surrounding this project, it is essential that the NRC conduct a full and complete review of DOE's application that is transparent to the public and provides interested parties with access to all license materials. Accepting an application from DOE that is only 35 percent complete and allowing DOE to add to the application in coming years will make the entire licensing process much less transparent. Requiring DOE to submit a license containing final designs for all proposed facilities at Yucca Mountain will help reassure the American public that the NRC will be conducting a fair and impartial review of DOE's license.

Thank you for your consideration of this request.

Sincerely,



Barbara Boxer
Chairman

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Date: 1/17/08

Time: 8:18 a.m.