

September 6, 2013

The Honorable Fred Upton
Chairman, Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Upton:

On behalf of the Commission, I write in response to your August 23, 2013 letter discussing the recent decision by the U. S. Court of Appeals for the District of Columbia Circuit directing the U. S. Nuclear Regulatory Commission (NRC) to resume its review of the Department of Energy's (DOE) application to construct a geologic repository for high-level waste at Yucca Mountain, Nevada. The letter also indicated your intent to hold a hearing on September 10, 2013 before the Subcommittee on Environment and the Economy on the Commission's actions to implement the Court's decision.

In preparation for the upcoming hearing, you requested responses to two questions. Our responses are provided in the enclosure to this letter.

I also want to follow up on a commitment that the Commission made during the February 28, 2013 hearing held jointly by the Subcommittees on Energy and Power, and Economy and the Environment. When my colleagues and I appeared before you, we agreed that the NRC would submit monthly progress reports to the Committee if the Court ordered the agency to resume its review of the DOE license application. With the Court's decision now rendered, we will consider September 2013 to be the beginning point for activities to be captured in these monthly reports. Our first progress report to the Committee will be mid-October 2013, then continuing each month thereafter.

Please feel free to contact me or Rebecca Schmidt, Director of Congressional Affairs, at (301) 415-1776 if you have additional questions or need more information. I look forward to appearing before the Subcommittee on September 10, 2013.

Sincerely,

/RA/

Allison M. Macfarlane

Enclosure:
As stated

cc: Representative Henry A. Waxman

- 1) A description of actions already taken to comply with the August 13 Court Order, including any reassignment of staff: and

On August 30, 2013, the Commission issued an Order inviting all participants to the suspended adjudication to provide the Commission with their views on how the NRC should continue with the licensing process. The responses from the parties are due on September 30, 2013. The Commission has also directed the NRC offices to gather pertinent budgeting information. This work by the NRC staff is currently underway.

Based on the input from the parties and the budget information provided by NRC offices, the Commission will determine the path forward.

- 2) NRC's remaining schedule for releasing each volume of the Safety Evaluation Report.

In August 2010, the NRC staff published the first volume of a five-volume Safety Evaluation Report (SER). The complete SER would represent the staff's technical determination as to whether the proposed repository meets NRC's safety and security regulations and whether construction should be authorized with appropriate license conditions. At the end of fiscal year 2011, the NRC formally suspended its review of the Yucca Mountain license application. At the time of the suspension, the four remaining volumes of the SER were in various stages of completion.

The Commission's decision on the path forward will address issues pertaining to the resumption of the NRC's review of the DOE license application to construct a repository at Yucca Mountain, including the schedule for completion of the SER volumes.

Enclosure

Identical letter to:

The Honorable Fred Upton
Chairman, Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515
cc: Representative Henry A. Waxman

The Honorable John Shimkus
Chairman, Subcommittee on Environment
and the Economy
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515
cc: Representative Paul Tonko