



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

February 18, 2011

COMMISSIONER

The Honorable Ralph M. Hall
Chairman, Committee on Science, Space,
and Technology
United States House of Representatives
2321 Rayburn House Office Building
Washington, DC 20515-6371

Dear Congressman Hall:

I am writing in response to your letter of February 10, 2011, in which you request the immediate release of Volume III of the "Safety Evaluation Report Related to Disposal of High-Level Radioactive Wastes in a Geologic Repository at Yucca Mountain, Nevada" (SER), all documents related to the SER, as well as an update on the current status of the remaining volumes of the SER.

The NRC technical staff has had the responsibility for the development and publication of Volume III of the Yucca Mountain SER. Commissioners normally do not receive an SER or portion thereof until it is finalized and made public. This is particularly important when a contested adjudicatory proceeding is pending, such as the High Level Waste Repository proceeding, in which I served notice of my recusal in July of 2010. My understanding of the current status of Volume III is that the staff is no longer working toward its completion as a consequence of budget guidance issued on October 4, 2010. Rather, the staff is taking steps toward closure of the Yucca Mountain program. This would include preservation of the staff's work products such as draft Volume III and completion and implementation of a plan to document the staff's review and other knowledge concerning the program. I have, however, been made aware that in response to a request submitted pursuant to the Freedom of Information Act, the staff made available redacted copies of drafts of Volumes II and III of the SER. These documents are posted in the Publicly Available Records System (PARS) of the Commission's Agencywide Documents Access and Management System (ADAMS), Accession Number ML110480651.

I understand that your requests have also been referred to the NRC's Office of Congressional Affairs. I appreciate your interest in the work of the NRC.

Sincerely,

A handwritten signature in black ink, appearing to read "George Apostolakis", written over a horizontal line.

George Apostolakis