



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

COMMISSIONER

October 27, 2010

The Honorable Doc Hastings
1203 Longworth House Office Building
Washington, DC 20515-4704

Dear Congressman Hastings:

Thank you for your letter dated October 21, 2010. I share your view that the Nuclear Regulatory Commission's (NRC) work on the Yucca Mountain license application has been performed at the direction of Congress as required under the Nuclear Waste Policy Act. I firmly believe that Congress and the American public deserve to have the benefit of the information. In fact, I believe that the NRC is obligated to provide it.

With respect to the decision to halt all work on the Yucca Mountain license application, I have made my views available for the record in documents I released to the public earlier this month (see enclosed documents). In sum, I disagree with Chairman Jaczko's decision to transition to close out of the NRC's High-Level Waste Repository program, and I have voiced this disagreement to the Chairman, my other colleagues on the Commission, and the NRC staff. I endorse your view that the actions taken contravene the intent of the President's directive on openness and transparency.

Regarding your request for the current status of Volume III of the Yucca Mountain Safety Evaluation Report, it is my understanding that on July 15, 2010, Volume III was transmitted to the Director of the NRC's Office of Nuclear Material Safety and Safeguards for concurrence and authorization to publish. In light of the recent guidance to the NRC staff for the fiscal year 2011 Continuing Resolution, it is now my understanding that the NRC staff is no longer working on Volume III. Instead, the NRC staff will be developing a separate report to document its technical review activities completed to date. It is also my understanding that this report will not contain any specific regulatory findings made by the NRC staff with respect to the Yucca Mountain license application.

Concerning your request for a copy of the latest draft of Volume III and the associated data to compile the report, I have forwarded your request to the NRC's Office of Congressional Affairs.

I am available to respond to any further inquiries you may have on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "W. C. Ostendorff".

William C. Ostendorff

Enclosures
as stated