

December 7, 2004

Mr. Robert R. Loux, Executive Director
Office of the Governor
Agency for Nuclear Projects
1761 E. College Parkway, Suite 118
Carson City, NV 89706

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION REVIEW OF PROSPECTIVE
APPLICATION FOR THE YUCCA MOUNTAIN HIGH-LEVEL WASTE
REPOSITORY

Dear Mr. Loux:

This letter is in response to your letter dated November 4, 2004, to Chairman Diaz, regarding the initiation of the U.S. Nuclear Regulatory Commission (NRC) staff's review of a license application for the Yucca Mountain high-level waste repository. Your letter expresses concern regarding consideration of an application by the NRC staff before final regulations are promulgated by the U.S. Environmental Protection Agency in response to the recent Court of Appeals' decision.

A number of issues bearing on both the timing and content of a prospective application were touched on at the public quarterly management meeting between U.S. Department of Energy (DOE) and the NRC staff on November 22, 2004. One point made clear by DOE, though, is that its application will not be submitted in December 2004. Equally clear was the uncertainty of just when DOE would file its application, although it committed to provide further information at the next quarterly management meeting, if not sooner. The acceptability of any application will be judged when one is submitted.

Sincerely,

/RA/ M. Federline for

Jack R. Strosnider, Director
Office of Nuclear Material Safety
and Safeguards

cc: See attached list

Letter to R. Loux from J. Strosnider, dated: December 7, 2004

cc:

A. Kalt, Churchill County, NV	A. Elzeftawy, Las Vegas Paiute Tribe
R. Massey, Churchill/Lander County, NV	J. Treichel, Nuclear Waste Task Force
I. Navis, Clark County, NV	W. Briggs, Ross, Dixon & Bell
E. von Tiesenhausen, Clark County, NV	M. Chu, DOE/Washington, D.C.
G. McCorkell, Esmeralda County, NV	G. Runkle, DOE/Washington, D.C.
R. Damele, Eureka County, NV	C. Einberg, DOE/Washington, D.C.
L. Marshall, Eureka County, NV	S. Gomberg, DOE/Washington, D.C.
A. Johnson, Eureka County, NV	W. J. Arthur, III , DOE/ORD
A. Remus, Inyo County, CA	R. Dyer, DOE/ORD
M. Yarbro, Lander County, NV	J. Ziegler, DOE/ORD
S. Hafen, Lincoln County, NV	A. Gil, DOE/ORD
M. Baughman, Lincoln County, NV	W. Boyle, DOE/ORD
L. Mathias, Mineral County, NV	D. Brown, DOE/OCRWM
D. Swanson, Nye County, NV	S.A. Wade,, DOE/ORD
M. Maher, Nye County, NV	C. Hanlon, DOE/ORD
D. Hammermeister, Nye County, NV	T. Gunter, DOE/ORD
M. Simon, White Pine County, NV	A. Benson, DOE/ORD
J. Ray, NV Congressional Delegation	N. Hunemuller, DOE/ORD
B. J. Vonderheide, NV Congressional Delegation	M. Mason, BSC
	R. L. Craun, DOE/ORD
T. Story, NV Congressional Delegation	S. Cereghino, BSC
R. Herbert, NV Congressional Delegation	N. Williams, BSC
M. Murphy	E. Mueller, BSC
S. Joya, NV Congressional Delegation	J. Mitchell, BSC
K. Kirkeby, NV Congressional Delegation	D. Beckman, BSC/B&A
R. Loux, State of NV	M. Voegele, BSC/SAID
S. Frishman, State of NV	B. Helmer, Timbisha Shoshone Tribe
S. Lynch, State of NV	R. Boland, Timbisha Shoshone Tribe
P. Guinan, Legislative Counsel Bureau	R. Arnold, Pahrump Paiute Tribe
R. Clark, EPA	J. Birchim, Yomba Shoshone Tribe
R. Anderson, NEI	R. Holden, NCAI

cc: (Continued)

R. McCullum, NEI

S. Kraft, NEI

J. Kessler, EPRI

D. Duncan, USGS

R. Craig, USGS

W. Booth, Engineering Svcs, LTD

C. Marden, BNFL Inc.

J. Bacoach, Big Pine Paiute Tribe of the.
Owens Valley

P. Thompson, Duckwater Shoshone Tribe

T. Kingham, GAO

D. Feehan, GAO

E. Hiruo, Platts Nuclear Publications

G. Hernandez, Las Vegas Paiute Tribe

K. Finrock, NV Congressional Delegation

P. Johnson, Citizen Alert

A. Capoferri, DOE/Washington, DC

J. Williams, DOE/Washington, DC

A. Robinson, Robinson-Seidler

M. Dayton, City of Las Vegas

D. Wilson, Sen. Reid's Office

L. Lehman, T-REG, Inc.

J. Donnell, DOE/ORD

R. L. Craun, OPM&E

B. Gattoni, Burns & Roe

C. Meyers, Moapa Paiute Indian Tribe

R. Wilder, Fort Independence Indian Tribe

D. Vega, Bishop Paiute Indian Tribe

J. Egan, Egan, Fitzpatrick & Malsch, PLLC

J. Leeds, Las Vegas Indian Center

J. C. Saulque, Benton Paiute Indian Tribe

C. Bradley, Kaibab Band of Southern Paiutes

R. Joseph, Lone Pine Paiute-Shoshone Tribe

L. Tom, Paiute Indian Tribes of Utah

E. Smith, Chemehuevi Indian Tribe

D. Buckner, Ely Shoshone Tribe

V. Guzman, Walker River Paiute

D. Eddy, Jr., Colorado River Indian Tribes

H. Jackson, Public Citizen

J. Wells, Western Shoshone National
Council

D. Crawford, Inter-Tribal Council of NV

I. Zabarte, Western Shoshone National
Council

S. Devlin

G. Hudlow

D. Irwin, Hunton & Williams

L. Alfano, Lincoln County

M. Henderson, Cong. J. Gibbon's Office

D. Duquette, NWTRB

R. Murray, DOE/ORD

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and Safeguards

cc: See attached list

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*See Previous Concurrence

OFC	OGC		HLWRS		NMSS			
NAME	LChandler*		CWReamer*		JStrosnider			
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