



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 6, 2010

SECRETARY

The Honorable Doc Hastings
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Hastings:

This responds to your letter of November 19, 2010, in which you expressed concerns regarding Commission action with respect to the Construction Authorization Board's decision denying the Department of Energy's motion to withdraw its application for the Yucca Mountain geologic repository. You request, in particular, that deliberations be concluded and a final order be affirmed, and request a date certain for issuance of a final order by the Commission in this matter.

Given that the adjudicatory process is ongoing, the Commission itself cannot discuss or comment on the issues involved. No specific date has been established for completion of the matter.

A copy of your letter and this response will be served on the participants in the *Yucca Mountain* proceeding. In addition, we will keep you informed of the Commission's decisions in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette Vietti-Cook".

Annette L. Vietti-Cook

cc: Service List



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

December 6, 2010

SECRETARY

The Honorable Darrell Issa
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Issa:

This responds to your letter of November 19, 2010, in which you expressed concerns regarding Commission action with respect to the Construction Authorization Board's decision denying the Department of Energy's motion to withdraw its application for the Yucca Mountain geologic repository. You request, in particular, that deliberations be concluded and a final order be affirmed, and request a date certain for issuance of a final order by the Commission in this matter.

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Sincerely,

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Annette L. Vietti-Cook

cc: Service List



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 6, 2010

SECRETARY

The Honorable James Sensenbrenner
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Sensenbrenner:

This responds to your letter of November 19, 2010, in which you expressed concerns regarding Commission action with respect to the Construction Authorization Board's decision denying the Department of Energy's motion to withdraw its application for the Yucca Mountain geologic repository. You request, in particular, that deliberations be concluded and a final order be affirmed, and request a date certain for issuance of a final order by the Commission in this matter.

Given that the adjudicatory process is ongoing, the Commission itself cannot discuss or comment on the issues involved. No specific date has been established for completion of the matter.

A copy of your letter and this response will be served on the participants in the *Yucca Mountain* proceeding. In addition, we will keep you informed of the Commission's decisions in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook".

Annette L. Vietti-Cook

cc: Service List

Congress of the United States
Washington, DC 20515

November 19, 2010

Gregory Jaczko
Chairman
Nuclear Regulatory Commission
11555 Rockville Pike
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Dear Chairman Jaczko:

We write to you today to request the release of the Nuclear Regulatory Commission's decision regarding the Department of Energy's authority to withdraw the application for the Yucca Mountain nuclear waste repository.

As Chairman, you have stressed the importance of "conduct[ing] the public's work in an open and transparent manner." Unfortunately, the continued delay in finalizing the adjudicatory review of the Department of Energy's motion to withdraw the license application for Yucca Mountain fails to live up to this pledge.

It has come to our attention that Commissioners William Ostendorff, Christine Svinicki, and William Magwood filed their votes with the Secretary of the Commission nearly two months ago. In fact, it is clear you delayed the resolution of this matter by withdrawing your vote of August 25, 2010, before submitting the only outstanding vote on October 29, 2010 – six weeks after the third Commissioner cast his vote.

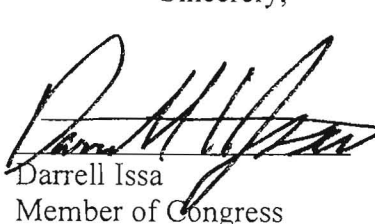
The NRC has had this issue pending since July 16, 2010. During that time, the D.C. Circuit Court has postponed proceedings while they await the NRC's response to the Atomic Safety and Licensing Board's decision. With all of the votes submitted, it is time to fulfill your commitment to openness and provide the public with the answers they deserve. Therefore, we ask that you conclude your deliberations and affirm a final Order.

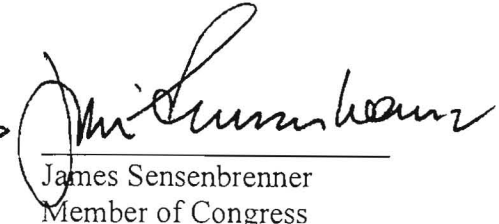
Please respond regarding your plans, including specific dates, for issuing a final order on this matter by December 2, 2010.

Thank you for your timely attention to this matter.

Sincerely,


Doc Hastings
Member of Congress


Darrell Issa
Member of Congress


James Sensenbrenner
Member of Congress

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
U.S. DEPARTMENT OF ENERGY)
)
(High-Level Waste Repository))
)

Docket No. 63-001-HLW
ASLBP No. 09-892-HLW-CAB04

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Letters from the Secretary to the Honorable Doc Hastings, the Honorable Darrell Issa, and the Honorable James Sensenbrenner**, dated December 6, 2010, have been served upon the following persons by Electronic Information Exchange.

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U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW
**Letters from the Secretary to the Honorable Doc Hastings, the Honorable Darrell Issa,
and the Honorable James Sensenbrenner**

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U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW
**Letters from the Secretary to the Honorable Doc Hastings, the Honorable Darrell Issa,
and the Honorable James Sensenbrenner**

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U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW
**Letters from the Secretary to the Honorable Doc Hastings, the Honorable Darrell Issa,
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and the Honorable James Sensenbrenner**

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U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW
**Letters from the Secretary to the Honorable Doc Hastings, the Honorable Darrell Issa,
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U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW
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and the Honorable James Sensenbrenner**

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U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW
**Letters from the Secretary to the Honorable Doc Hastings, the Honorable Darrell Issa,
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[Original Signed by Linda D. Lewis]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
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