

October 13, 2005

The Honorable Evan Bayh
United States Senate
1201 East Tenth Street
Suite 106
Jeffersonville, Indiana 47130

Dear Senator Bayh:

I am responding to your letter of September 12, 2005, sent to Chairman Nils J. Diaz, in which you express concern regarding the state of depleted uranium at the Jefferson Proving Ground (JPG).

Under NRC regulations, the Commission has an adjudicatory role in the JPG proceeding. An Atomic Safety and Licensing Board recently issued a decision on how to move forward with this decommissioning proceeding, and referred an issue to the Commission for its consideration. Furthermore, the Commission itself sits as an appellate body to review the Licensing Board decisions. Due to the nature of the Commission's role, I trust you will understand that all members of the Commission must remain impartial during the pendency of this case. It would be inappropriate at this time for any of them to discuss or comment on issues involved in this matter.

A copy of your letter and this response will be served on the participants in the JPG proceeding.

Sincerely,

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

cc: JPG Service List