

Congress of the United States
Washington, DC 20510

DOCKETED 05/01/08

SERVED 05/01/08

April 30, 2008

Annette L. Vietti-Cook
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Mail Stop O-16G4
Washington, DC 20555-0001

Dear Ms. Vietti-Cook:

As you know, the Department of Energy plans to submit a license application (LA) for construction of a nuclear waste repository to the Nuclear Regulatory Commission (NRC) this June. We write today to request that the Commission extend the deadline for submitting petitions and contentions to the NRC related to licensing construction at Yucca Mountain. We also request that you file and serve this letter in the appropriate NRC Yucca Mountain public adjudicatory docket for consideration.

On behalf of Nevadans who would like to participate as full parties in NRC's consideration of a LA for Yucca Mountain, we request that the Commission provide potential parties to the licensing proceedings with 180 days from the date NRC staff "dockets" the LA and publishes the notice of hearing to submit their petitions and contentions. Currently, NRC regulations (10 CFR 2.309), provide parties with only 30 days to submit a petition or contentions.

In the Nuclear Waste Policy Act of 1982, Congress asserted that "State and public participation in the planning and development of repositories is essential in order to promote public confidence in the safety of disposal of such waste and spent fuel." Considering the expected size and technical complexity of the LA, the DOE's decision to delay publication of key technical documents until on or after the date it submits the LA, and the Commission's high standard for admitting contentions, it is unreasonable to expect parties and potential parties to submit well-crafted contentions 30 days after the license application is accepted for review.

The Department of Energy has spent several decades preparing its case to build a repository at Yucca Mountain. The Department has generated over 3.5 million documents, exceeding 30 million pages of data, studies and analyses that are relevant, in DOE's view, to licensing Yucca Mountain. The LA and its primary supporting references will be over 100,000 pages long. Even if these documents were 'quick reads,' like novels, a person would need over 400 days, at eight hours per day, just to read them once-through. We are asking for less than half of that.

Moreover, several documents that will play an important role in licensing proceedings have not yet been finalized or made public, including two final Environmental Impact Statements and the NRC's and the Environmental Protection Agency's radiation protection standards. In the

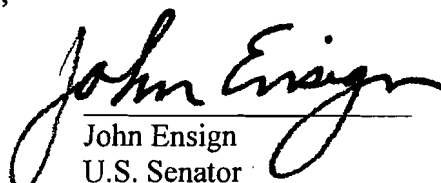
interest of fairness and good public policy, the NRC should extend the time parties and potential parties have to review this material and submit thoughtful contentions to the Commission.

Thank you for considering our request and promptly addressing this issue. Should you have any questions, please contact Dayle Cristinzio/Alex McDonough (Senator Reid, 202-224-3542), Pam Thiessen/Andrew Shaw (Senator Ensign, 202-224-6244), David Cherry (Congresswoman Berkley, 202-225-5965), Shannon Meade (Congressman Porter, 202-225-3252), or Greg Facchiano (Congressman Heller, 202-225-6155).

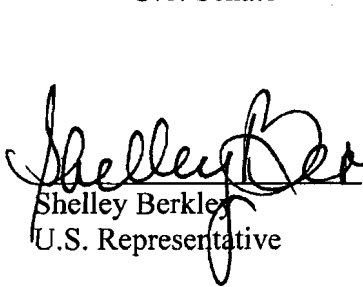
Sincerely,



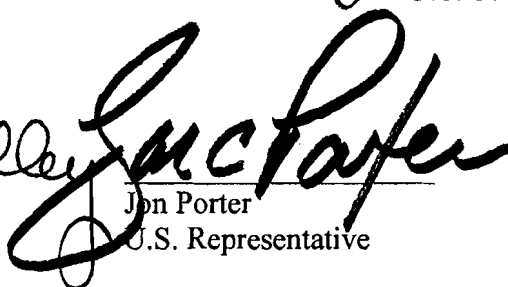
Harry Reid
U.S. Senator



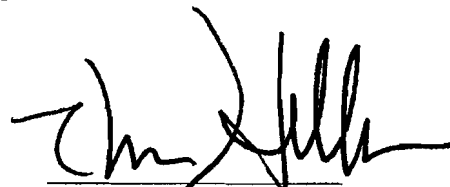
John Ensign
U.S. Senator



Shelley Berkley
U.S. Representative



Jon Porter
U.S. Representative



Dean Heller
U.S. Representative

cc: Chairman Dale E. Klein
Commissioner Gregory B. Jaczko
Commissioner Peter B. Lyons
Commissioner Kristine L. Svinicki
Governor Jim Gibbons
Affected Units of Local Government

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
U.S. DEPARTMENT OF ENERGY) Docket No. PAPO-001
)
(Advisory Pre-License Application:)
Presiding Officer Board)
(Advisory PAPO Board))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LETTER FROM THE CONGRESS OF THE UNITED STATES, DATED APRIL 30, 2008 have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission.
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
Washington, DC 20555-0001

Thomas S. Moore, Chair
Administrative Judge
E-mail: thomas.moore@nrc.gov

G. Paul Bollwerk, III
Administrative Judge
E-mail: gbp@nrc.gov

Alex S. Karlin,
Administrative Judge
E-mail: alex.karlin@nrc.gov

Paul S. Ryerson
Administrative Judge
E-mail: psr1@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-16C1
Washington, DC 20555-0001
Hearing Docket
E-mail: hearingdocket@nrc.gov

ASLB (cont'd.)

Anthony C. Eitrem, Esq.
Chief Counsel
E-mail: anthony.eitrem@nrc.gov

James M. Cutchin: james.cutchin@nrc.gov
Joseph Deucher: joseph.deucher@nrc.gov
Margaret Parish: margaret.parish@nrc.gov
Marcia Carpentier: marcia.carpentier@nrc.gov
Bradley S. Baxter: bradley.baxter@nrc.gov
Lauren Bregman: lauren.bregman@nrc.gov
Zachary Kahn: zachary.kahn@nrc.gov
Erica LaPlante: erica.laplante@nrc.gov
Johanna Thibault: johanna.thibault@nrc.gov
Emily Krause: emily.krause@nrc.gov

Daniel J. Graser: daniel.graser@nrc.gov
LSN Administrator
ASLB HLW Adjudication
E-mail: ASLBP_HLW_Adjudication@nrc.gov*

U.S. Nuclear Regulatory Commission
Office of Public Affairs
Mail Stop O-16D3
Washington, DC 20555-0001

David McIntyre:
E-mail: david.mcintyre@nrc.gov

DOCKET NO. PAPO-001
LETTER FROM THE CONGRESS OF THE UNITED STATES, DATED APRIL 30, 2008

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D21
Washington, DC 20555-0001

Janice E. Moore, Esq.
janice.moore@nrc.gov
Mitzi A. Young, Esq.
mitzi.young@nrc.gov
Marian L. Zabler, Esq.
marian.zabler@nrc.gov
Andrea L. Silvia, Esq.
andrea.silvia@nrc.gov
Margaret J. Bupp, Esq.
margaret.bupp@nrc.gov
Daniel W. Lenehan, Esq.
daniel.lenehan@nrc.gov
Jessica Bielecki, Esq.
jessica.bielecki@nrc.gov

OGC Mail Center : OGCMailCenter@nrc.gov

U.S. Department of Energy
1551 Hillshire Drive
Las Vegas, NV 89134-6321

Timothy C. Gunter
E-mail: timothy_gunter@ymp.gov
Susan L. Rives
E-mail: susan_rives@ymp.gov

U.S. Department of Energy
Office of General Counsel
1000 Independence Avenue S.W.
Washington, DC 20585

Martha S. Crosland, Esq.
E-mail: Martha.crosland@hq.doe.gov
Nicholas P. DiNunzio, Esq.
E-mail: nick.dinunzio@rw.doe.gov
Angela M. Kordyak, Esq.
E-mail: angela.kordyak@hq.doe.gov
Mary B. Neumayr, Esq.
E-mail: mary.neumayr@hq.doe.gov

U.S. Department of Energy
Office of General Counsel
1551 Hillshire Drive
Las Vegas, NV 89134-6321

George W. Hellstrom, Esq.
E-mail: george.hellstrom@ymp.gov

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Counsel for the U.S. Department of Energy
Morgan, Lewis, Bockius LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004

Lewis Csedrik, Esq.

E-mail: lcshedrik@morganlewis.com

Jay Gutierrez, Esq.

E-mail: jgutierrez@morganlewis.com

Thomas Poindexter, Esq.

E-mail: tpoindexter@morganlewis.com

Alex S. Polonsky, Esq.

E-mail: apolonsky@morganlewis.com

Thomas A. Schmutz, Esq.

E-mail: tschmutz@morganlewis.com

Donald Silverman, Esq.

E-mail: dsilverman@morganlewis.com

Paul J. Zaffuts, Esq.

E-mail: pzaffuts@morganlewis.com

Thomas E. Reinert, Jr., Esq.

E-mail: treinert@morganlewis.com

Corrine A. Niosi, Esq.

E-mail: cniosi@morganlewis.com

Counsel for the U.S. Department of Energy
Hunton & Williams, LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

W. Jeffrey Edwards, Esq.

E-mail: jedwards@hunton.com

Kelly L. Faglioni, Esq.

E-mail: kfaglioni@hunton.com

Melissa Grier

E-mail: mgrrier@hunton.com

Donald P. Irwin, Esq.

E-mail: dirwin@hunton.com

Stephanie Meharg:

E-mail: smeharg@hunton.com

Edward P. Noonan, Esq.

E-mail: enoonan@hunton.com

Audrey B. Rusteau

E-mail: arusteau@hunton.com

Michael R. Shebelskie, Esq.

E-mail: mshebelskie@hunton.com

Pat Slayton

E-mail: pslayton@hunton.com

Belinda A. Wright

E-mail: bwright@hunton.com

Counsel for the State of Nevada
Egan, Fitzpatrick & Malsch, PLLC
2001 K Street
Washington, DC 20006

Joseph R. Egan, Esq.

E-mail: eganpc@aol.com

Martin G. Malsch, Esq.

E-mail: mmalsch@nuclearlawyer.com

Susan Montesi

E-mail: smontesi@nuclearlawyer.com

Counsel for Lincoln County
Carter Ledyard & Milburn, LLP
1401 Eye Street, N.W.
Suite 300
Washington, DC 20005

Barry S. Neuman, Esq.

E-mail: neuman@clm.com

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Egan, Fitzpatrick & Malsch, PLLC
12500 San Pedro Avenue, Suite 555
San Antonio, TX 78216

Charles J. Fitzpatrick, Esq
E-mail: cfitzpatrick@nuclearlawyer.com
Laurie Borski, Paralegal
E-mail: lborski@nuclearlawyer.com

Clark County (NV) Nuclear Waste Division
500 S. Grand Central Parkway
Las Vegas, NV 98155

Engelbrecht von Tiesenhausen
E-mail: evt@co.clark.nv.us
Phil Klevorick
E-mail: klevorick@co.clark.nv.us

Counsel for the State of Nevada
Ross Dixon & Bell
2001 K. Street N.W., Suite 400
Washington, DC 20006

Merril Hirsh, Esq.
E-mail: mhirsh@rdblaw.com

Clark County, Nevada

Elizabeth A. Vibert, Deputy District Attorney
500 South Grand Central Parkway
Las Vegas, NV 89106
E-mail: VibertE@co.clark.nv.us

Counsel for Eureka County, Nevada
Harmon, Curran, Speilberg & Eisenberg, LLP
1726 M. Street N.W., Suite 600
Washington, DC 20036

Diane Curran, Esq.
E-mail: dcurran@harmoncurran.com

Nevada Nuclear Waste Task Force
P.O. Box 26177
Las Vegas, NV 89126

Judy Treichel, Executive Director
E-mail: judyntwf@aol.com

Churchill County, Eureka County, Lander
County, Mineral County, and Esmeralda
County

Robert F. List, Esq.
1975 Village Center Circle, Suite 140
Las Vegas, NV 89134-6237
E-mail: rlist@armstrongteasdale.com

Nuclear Energy Institute
1776 I Street, NW Suite 400
Washington, DC 20006-3708

Michael A. Bauser, Esq.
E-mail: mab@nei.org
Anne W. Cottingham, Esq.
E-mail: awc@nei.org
Ellen C. Ginsberg, Esq.
E-mail: ecg@nei.org

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City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Margaret Plaster, Management Analyst
E-mail: mplaster@LasVegasNevada.gov
Liane Lee, Legislative Affairs Officer
E-mail: lilee@LasVegasNevada.GOV

Inyo County (CA) Yucca Mountain Nuclear
Waste
Repository Assessment Office
Inyo County
163 May St.
Bishop, CA 93514

Chris Howard, GIS/LAN Administrator
E-mail: choward@inywater.org

NWOP Consulting, Inc.
1705 Wildcat Lane
Ogden, UT 84403

Loreen Pitchford, LSN Coordinator
For Churchill, County, Eureka County, and
Lander County,
E-mail: lpitchford@comcast.net

Nuclear Information and Resource Service
(NIRS)
6930 Carroll Ave., Suite 400
Takoma Park, MD 20912

Kevin Kamps
E-mail: kevin@beyondnuclear.org

Nuclear Waste Project Office
1761 East College Parkway, Suite 118
Carson City, NV 89706

Robert Loux
E-mail: bloux@nuc.state.nv.us
Steve Frishman, Tech. Policy Coordinatory
E-mail: Steve.frishman@gmail.com

Timbisha Shoshone Tribe
Frederick and Peebles, LLP
1001 Second St.
Sacramento, CA 95814

Darcie L. Houck, Esq.
E-mail: dhouch@ndlaw.com
John M. Peebles, Esq.
E-mail: jpeebles@ndlaw.com
Joe Kennedy, Esq.
E-mail: chairperson@timbisha.org

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Nye County (NV) Regulatory/Licensing Adv.
18160 Cottonwood Rd. #265
Sunriver, OR 97707

Malachy Murphy, Esq.
E-mail: mrmurphy@chamberscable.com
Jeffrey D. VanNiel
E-mail: nbrjdv@gmail.com
Zoie Choate, Secretary
E-mail: zchoate@co.nye.nv.us
Sherry Dudley, Administrative Technical
Coordinator
E-mail: sdudley@co.nye.nv.us

White Pine County
City of Caliente
Lincoln County
P.O. Box 126
Caliente, NV 89008

Jason Pitts
E-mail: jayson@idtservices.com

Talisman International, LLC
1000 Potomac St., NW
Suite 300 Washington, DC 20007

Patricia Larimore, Senior Paralegal
E-mail: plarimore@talisman-intl.com

Yucca Mountain Project Licensing Group
DOE/BSC
Regulatory Programs
1180 North Town Center Dr.
Las Vegas, NV 89144

Jeffrey Kriner
E-mail: jeffrey.kriner@ymp.gov

California Department of Justice
Office of the Attorney General
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550

Timothy E. Sullivan, Deputy Attorney General
Email: Timothy.Sullivan@doj.ca.gov
Michele Mercado, Analyst
Email: Michele.Mercado@doj.ca.gov

[Original signed by L. Lewis]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 1st day of May 2008