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

May 20, 2008

SECRETARY

The Honorable Harry Reid
United States Senate
Washington, D.C. 20510

Dear Senator Reid:

I am responding to your letter of April 30, 2008, in which you request that the Commission extend the deadline for submitting petitions to intervene and requests for hearing in an adjudicatory proceeding on an application to construct and operate a geologic repository at Yucca Mountain, Nevada. As you may be aware, counsel for the State of Nevada also has recently filed a motion requesting an extension of time to file petitions to intervene and contentions. The Commission will address the State's request, which is substantively identical to yours, in the near future.

Pursuant to your request, a copy of your letter has been served on the participants in both pre-application adjudicatory dockets relevant to the Yucca Mountain matter, and a copy of this response also will be served on those participants.

Sincerely,

Annette L. Vietti-Cook

cc: Service Lists, Docket Nos. PAPO-000 and PAPO-001

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

May 20, 2008

SECRETARY

The Honorable John Ensign
United States Senate
Washington, D.C. 20510

Dear Senator Ensign:

I am responding to your letter of April 30, 2008, in which you request that the Commission extend the deadline for submitting petitions to intervene and requests for hearing in an adjudicatory proceeding on an application to construct and operate a geologic repository at Yucca Mountain, Nevada. As you may be aware, counsel for the State of Nevada also has recently filed a motion requesting an extension of time to file petitions to intervene and contentions. The Commission will address the State's request, which is substantively identical to yours, in the near future.

Pursuant to your request, a copy of your letter has been served on the participants in both pre-application adjudicatory dockets relevant to the Yucca Mountain matter, and a copy of this response also will be served on those participants.

Sincerely,

Annette L. Vietti-Cook

cc: Service Lists, Docket Nos. PAPO-000 and PAPO-001

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

May 20, 2008

SECRETARY

The Honorable Shelley Berkley
United States House of Representatives
Washington, D.C. 20515

Dear Representative Berkley:

I am responding to your letter of April 30, 2008, in which you request that the Commission extend the deadline for submitting petitions to intervene and requests for hearing in an adjudicatory proceeding on an application to construct and operate a geologic repository at Yucca Mountain, Nevada. As you may be aware, counsel for the State of Nevada also has recently filed a motion requesting an extension of time to file petitions to intervene and contentions. The Commission will address the State's request, which is substantively identical to yours, in the near future.

Pursuant to your request, a copy of your letter has been served on the participants in both pre-application adjudicatory dockets relevant to the Yucca Mountain matter, and a copy of this response also will be served on those participants.

Sincerely,

Annette L. Vietti-Cook

cc: Service Lists, Docket Nos. PAPO-000 and PAPO-001

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

May 20, 2008

SECRETARY

The Honorable Jon Porter
United States House of Representatives
Washington, D.C. 20515

Dear Representative Porter:

I am responding to your letter of April 30, 2008, in which you request that the Commission extend the deadline for submitting petitions to intervene and requests for hearing in an adjudicatory proceeding on an application to construct and operate a geologic repository at Yucca Mountain, Nevada. As you may be aware, counsel for the State of Nevada also has recently filed a motion requesting an extension of time to file petitions to intervene and contentions. The Commission will address the State's request, which is substantively identical to yours, in the near future.

Pursuant to your request, a copy of your letter has been served on the participants in both pre-application adjudicatory dockets relevant to the Yucca Mountain matter, and a copy of this response also will be served on those participants.

Sincerely,

Annette L. Vietti-Cook

cc: Service Lists, Docket Nos. PAPO-000 and PAPO-001

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

May 20, 2008

SECRETARY

The Honorable Dean Heller
United States House of Representatives
Washington, D.C. 20515

Dear Representative Heller:

I am responding to your letter of April 30, 2008, in which you request that the Commission extend the deadline for submitting petitions to intervene and requests for hearing in an adjudicatory proceeding on an application to construct and operate a geologic repository at Yucca Mountain, Nevada. As you may be aware, counsel for the State of Nevada also has recently filed a motion requesting an extension of time to file petitions to intervene and contentions. The Commission will address the State's request, which is substantively identical to yours, in the near future.

Pursuant to your request, a copy of your letter has been served on the participants in both pre-application adjudicatory dockets relevant to the Yucca Mountain matter, and a copy of this response also will be served on those participants.

Sincerely,

Annette L. Vietti-Cook

cc: Service Lists, Docket Nos. PAPO-000 and PAPO-001

Congress of the United States
Washington, DC 20510

DOCKETED
USNRC

May 1, 2008 (11:57 am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

SERVED May 1, 2008

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-00
	)	
(High-Level Waste Repository:	)	
Pre-Application Matters)	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LETTER FROM ANNETTE L. VIETTI-COOK, SECRETARY OF THE COMMISSION, TO THE HONORABLE HARRY REID, THE HONORABLE JOHN ENSIGN, THE HONORABLE SHELLEY BERKLEY, THE HONORABLE JON PORTER, AND THE HONORABLE DEAN HELLER (IN RESPONSE TO THEIR 04/30/08 LETTER – COPY ATTACHED), dated May 20, 2008, have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission.
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Washington, DC 20555-0001

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DOCKET NO. PAPO-00
LETTER FROM ANNETTE L. VIETTI-COOK, SECRETARY OF THE COMMISSION, TO THE HONORABLE HARRY REID, THE HONORABLE JOHN ENSIGN, THE HONORABLE SHELLEY BERKLEY, THE HONORABLE JON PORTER, AND THE HONORABLE DEAN HELLER (IN RESPONSE TO THEIR 04/30/08 LETTER – COPY ATTACHED)

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California Department of Justice
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Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 20th day of May 2008