

WINSTON & STRAWN LLP

1700 K Street, N.W., Washington, D.C. 20006-3817
P: (202) 282-5000 F: (202) 282-5100

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November 10, 2009

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

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

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

**Re: Westinghouse Electric Company
(Hematite Decommissioning Project),
Docket No. 70-036-MLA**

Dear Administrative Judges:

As you are aware, Citizens for a Clean Idaho (“CCI”) submitted a “Petition for Leave to Intervene” (“Petition”), dated September 3, 2009, in a license amendment proceeding related to Westinghouse’s Hematite facility. Westinghouse and the NRC Staff filed separate answers opposing the Petition on October 26, 2009. CCI did not submit a reply, which would have been due on November 2, 2009.

Counsel for the applicant has become aware of a recent news article in the Idaho Statesman (see attached). This article raises questions on our part regarding CCI’s continued existence and its interest in pursuing the Petition. In addition, the website for CCI (<http://www.cleanidaho.org/>), which had been available as recently as October 26, 2009, has apparently been taken down.

We have contacted counsel for both CCI and the NRC Staff regarding the article. These conversations have not resolved our questions. Accordingly, we provide this information

Atomic Safety and Licensing Board
November 10, 2009
Page 2

to the Licensing Board consistent with our obligation to keep the Board informed of new developments potentially material to the pending matter.

Sincerely,

/s/ signed electronically by
David A. Repka
Counsel for Westinghouse Electric Co.

cc: Service List

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November 07, 2009

Short-lived nuclear waste watchdog, Citizens For A Clean Idaho, folds

Citizens For A Clean Idaho disbands amidst allegations it was tied to a Utah waste storage facility.

BY ROCKY BARKER - rbarker@idahostatesman.com

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Citizens For A Clean Idaho disbands amidst allegations it was tied to a Utah waste storage facility.

A group created to protest American Ecology's plan to bring extremely low-level nuclear waste to its Owyhee County burial facility has closed up shop after the company filed a defamation lawsuit.

Rexburg-based Citizens for a Clean Idaho has taken its Web site down and failed to respond to a Nuclear Regulatory Commission staff report that discounted its claims about Westinghouse Electric's request for a federal exemption to ship 50,000 tons of soil and debris contaminated with extremely low levels of radioactive material to American Ecology's state-regulated facility.

The Idaho company filed a lawsuit in 4th District Court last week claiming the group and its founder Stephen Loosli - with the support of American Ecology's Utah competitor EnergySolutions - made false and misleading statements about American Ecology.

Loosli said the lawsuit was filed to quiet a critic and that the assertions that Citizens for a Clean Idaho is a front group for EnergySolutions are unfounded.

"We believe their lawsuit is meritless but we took our Web site down," he said.

American Ecology spokesman Chad Hyslop said the company was not trying to silence critics or prevent them from participating in the Nuclear Regulatory Commission review.

"Any citizen has a right to file a petition with the NRC and express their opinion," Hyslop said. "That process is different than defamation."

Previously, Steve Romano, the president and CEO of American Ecology, claimed Loosli and his consulting company, kosphre, was serving as a front for EnergySolutions in Utah. He also claimed EnergySolutions was backing similar groups in at least two other states - all to protect its monopoly on low-level nuclear waste.

EnergySolutions refused to answer any questions then and did not return a call Friday. Its spokesman, Mark Walker, issued a statement that did not directly deny Romano's claim: "Anyone attributing the actions of environmentalists or others to EnergySolutions is obviously trying to make a headline for themselves."

Loosli said after his group filed its request for a public hearing on Westinghouse's application, the NRC staff report made it clear they weren't going to prevail.

"We made an effort and it didn't work," he said.

Rocky Barker:377-6484