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From: Powell, Amy Sent: Tue 4/6/2010 4:03 PM

To: Powell, Amy

Cc:

Bcc: 'pete.modaff@mail.house.gov'; 'james.windle@mail.house.gov'; 'Jones, Kevin (Approps)'; 'Blair, Rob'; 'Doug_Clapp@apro.senate.gov'; 'Carrie Apostolou'; 'Spencer, Peter'; 'Caputo, Annie (EPW)'; 'Dedrick, Kathy (EPW)'; 'Bisconsi, Giulia (Carper)'; 'Haynes, Laura (Carper)'; 'Freedhoff, Michal'; 'Matthews, Kete'; 'Spring, Andrea'; 'Neumayr, Mary'; 'Baran, Jeff'; 'Cherry, David'; 'McDonough, Alexander (Reid)'; 'Cristinzio, Dayle (Reid)'; 'Story, Tod'; 'greg.facchiano@mail.house.gov'; 'john_min@ensign.senate.gov'; 'matt.morris@mail.house.gov'; 'Shaw, Andrew (Ensign)'; 'Consolvo, Brandon (Ensign)'; 'Shannon_Raborn@reid.senate.gov'; 'Agostisi, Karen'; 'Fowler, Sam (Energy)'; 'tim_valentine@energy.senate.gov';

Subject: Atomic Safety & Licensing Board Memo and Order suspending briefing and consideration of DOE's motion to withdraw

Message: 04-06-10-HLW-MO.pdf (157 KB)

Attached is a Memo and Order from the Atomic Safety and Licensing Board (Construction Authorization Board #4 in the Yucca Mountain proceeding) that was issued today, suspending further briefing/filings on the new petitions to intervene as well as further consideration of the DOE's motion to withdraw its application for a high-level waste repository at Yucca Mountain, NV, "pending guidance from the Court of Appeals on the relevant legal issues."

The Board indicates that the principal issues raised by the new petitioners as well as DOE's motion to withdraw are presently before the U. S. Court of Appeals for the DC Circuit (e.g. both Aiken County and State of South Carolina filed in federal court simultaneously with petitioning the Board to intervene). That Court's "rulings have the potential to resolve or moot most if not all issues raised by the new petitions and by DOE's motion" before the Board. Therefore, the Board cites "judicial efficiency" in suspending further consideration. "pending guidance from the Court of Appeals on the relevant legal issues." The Board also "concludes that the pending actions in the Court of Appeals will likely yield quicker and more authoritative resolution of most if not all relevant legal issues" than if the Board addressed them. The Board's reasoning is laid out in detail starting on page 9 of the attached Order.

As with any Board decision, it can be appealed to the Commission.

Amy

Amy Powell
Associate Director
U. S. Nuclear Regulatory Commission
Office of Congressional Affairs
Phone: 301-415-1673

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Powell, Amy

From: Powell, Amy
Sent: Tuesday, April 06, 2010 4:03 PM
To: Powell, Amy
Subject: Atomic Safety & Licensing Board Memo and Order suspending briefing and consideration of DOE's motion to withdraw
Attachments: 04-06-10-HLW-MO.pdf
Importance: High

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