

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



SECRETARY

August 2, 2010

Mr. Gary J. Duarte, Director
US Nuclear Energy Foundation
PO Box 2867
Sparks, NV 89432

Dear Mr. Duarte:

I am responding to your letter dated July 4, 2010, addressed to Chairman Jaczko and members of the Commission, related to the pending adjudicatory proceeding that is associated with the U.S. Department of Energy's (DOE) application for the proposed Yucca Mountain high-level waste repository. You request, among other things, that the "Yucca Mountain facility be put back on track."

Your letter addresses matters which the Commission has under advisement in its adjudicatory capacity, and which it will decide with due consideration to applicable law. Given the pendency of the adjudicatory proceeding, therefore, the Commission cannot discuss or comment on issues involved in this matter, including those raised in your letter.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Annette L. Vietti-Cook", is written over a horizontal line.

Annette L. Vietti-Cook

cc: Service List