

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

August 2, 2010



SECRETARY

Mr. Stephen H. Shepherd
2135 Silvertree Road
Claremont, CA 91711

Dear Mr. Shepherd:

I am responding to your letter dated July 1, 2010, addressed to 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. Among other things, you state your support for the repository, and you request that the Commission leave in place the decision of the Construction Authorization Board to deny DOE's motion to withdraw its request for authorization to construct a high-level nuclear waste repository at Yucca Mountain, Nevada.

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 black ink, appearing to read "Annette Vietti-Cook".

Annette L. Vietti-Cook

cc: Service List