

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", with a stylized flourish at the end.

Annette L. Vietti-Cook

cc: Service List

2135 Silvertree Rd.  
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July 1, 2010

Hon. William D. Magwood, Commissioner  
United States Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Commissioner Magwood:

I write you today to urge you to support the decision of the Atomic Safety Licensing Board for the Yucca Mountain high level waste repository which found that the Secretary of the Department of Energy does not have the authority to withdraw the construction and operation of the Yucca Mountain Repository application filed pursuant to Congressional decision.

Our nation needs stable and predictable nuclear energy and nuclear waste regulatory planning and policy. There is a lamentable legacy of increased public risk from sporadic, political changes in planning and policy. Notable in this legacy was the failure of politicians to comply with repeated Atomic Energy Commission (your Commission's predecessor) requests that they appropriate money for planned double-hulled storage tanks or purification of chemically reactive, radioactive reprocessing residue from World War II-era source and byproduct production at the Hanford Reservation before substantial leakage eventually developed.

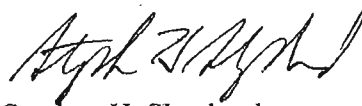
Because the Congressionally-mandated High Level Waste Repository has not been opened, my State (California) subjects its citizens to significant health risks from fossil-fuel combustion air pollutants under a politically-induced policy to ban new, clean nuclear electric power stations. Not only does this impose an immediate health risk upon me and other citizens, it ensures that future production of hydrogen in this State will be restricted, guaranteeing that past levels of air pollution health risks will be maintained.

The Congress established national policy with the Atomic Energy Act of 1954, setting a foundation for President Eisenhower to proclaim a worldwide policy of Atoms for Peace. Under this Act, the Energy Reorganization Act of 1974, and the Nuclear Waste Policy Act of 1982, the Nuclear Regulatory Commission is provided with advisory committees of noted scientific and engineering expertise and Atomic Safety and Licensing Boards comprised of "persons of recognized caliber and stature in the nuclear field" who assist the Commission in safeguarding the public's safety and welfare. Establishing a high level waste repository that isolates highly radioactive materials from the public and the environment is a desirable social benefit and a mandate of Congress. No individual President Pro-Tem of the Senate or President of the United States should be allowed to thwart our clear national policy or subvert the processes and safeguards of the Commission's regulation by implementing a personal political agenda based upon personal preferences.

The Commission enjoys a fine and well-deserved reputation as an effective regulator. Its past independence from reckless political interference has served it well. One need look no further than the current oil spill in the Gulf to see how a sister federal regulator has been hampered by

the ebb and flow of political interference in its mission to safeguard the public health and safety and the environment. I would ask you to consider how the Commission's effectiveness and reputation could be damaged if it were to become subject to political interference inconsistent with its mission. There is a modern example directly relevant to nuclear technology. Ramifications of such political interference were demonstrated last year in Canada when a political minister attempted to subjugate the nuclear regulator. Could the Commission maintain its ranking as the best place to work in the federal government if its staff of qualified scientists and engineers have their sound decisions regarding public health and safety disregarded through political interference as its peers in Canada have had? Of course not. This would result in the Commission being unable to maintain a staff as qualified as it currently enjoys and would eventually and inevitably lead to regulatory decisions inconsistent with national policy.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Steph H. Shepherd".

Stephen H. Shepherd

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
)  
U.S. DEPARTMENT OF ENERGY )  
)  
(High-Level Waste Repository) )  
)

Docket No. 63-001-HLW  
ASLBP No. 09-892-HLW-CAB04

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Letter from the Secretary to Stephen Shepherd**, dated August 2, 2010, have been served upon the following persons by Electronic Information Exchange.

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U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW  
**Letter from the Secretary to Stephen Shepherd**

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U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW  
**Letter from the Secretary to Stephen Shepherd**

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U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW  
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U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW  
**Letter from the Secretary to Stephen Shepherd**

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U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW  
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[Original Signed by Linda D. Lewis]  
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Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 4<sup>th</sup> day of August 2010