



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

July 30, 2010

SECRETARY

The Honorable Mike Hewitt  
Washington State Legislature  
Senate Republican Leader  
Legislative Building  
Olympia, Washington 98504-0482

Dear Senator Hewitt:

I am responding to your letter to Chairman Jaczko and the Commission, dated July 16, 2010, relating 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 your request that the Commission approve the decision of the Construction Authorization Board denying DOE's motion to withdraw the construction authorization application.

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, reading "Annette Vietti-Cook", is positioned above the printed name.

Annette L. Vietti-Cook

cc: Service List



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

July 30, 2010

SECRETARY

The Honorable Jim Honeyford  
Washington State Legislature  
Ranking Republican  
Environment, Water and Energy Committee  
Legislative Building  
Olympia, Washington 98504-0482

Dear Senator Honeyford:

I am responding to your letter to Chairman Jaczko and the Commission, dated July 16, 2010, relating 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 your request that the Commission approve the decision of the Construction Authorization Board denying DOE's motion to withdraw the construction authorization application.

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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, reading "Annette L. Vietti-Cook". The signature is fluid and cursive, with a long horizontal stroke at the end.

Annette L. Vietti-Cook

cc: Service List



## Washington State Legislature

July 16, 2010

Chairman Gregory B. Jaczko  
U.S. Nuclear Regulatory Commission  
Mail Stop O-16G4  
Washington, DC 20555-0001

Dear Chairman Jaczko and Commissioners:

Earlier this month, the Nuclear Regulatory Commission's Atomic Safety and Licensing Board ruled the U.S. Department of Energy could not unilaterally cancel the long-term, high-level nuclear waste repository at Yucca Mountain, Nevada.

Rather, the board declared that any such move necessitated public hearings and a final decision from the full Commission.

Like most Americans, we are relieved to learn that no sitting Administration – Republican or Democrat – can simply override Congress and shut down a state-of-the-art facility this country has waited more than 20 years to see and paid more than \$14 billion to build.

In fact, U.S. electricity ratepayers have paid an additional \$21 billion into a Department of Energy fund, which by contractual obligation, must deliver a national nuclear waste storage facility. A federal court has already held that the United States has breached its obligation to remove the waste from power plants. Each year a decision is deferred, the liability climbs. By 2020, the DOE may face an estimated \$11 billion in damages for continued failure to provide this service. With the federal government going further into debt each day, this is something our country can't afford.

According to the board's ruling, Congress can change the law, but no Administration can simply choose to ignore it. We are gratified to see that reason has triumphed – at least for now.

We are concerned, however, about the precedent of a sitting administration being allowed to unilaterally discard the nation's nuclear waste policy with the stroke of a pen. What would stop a future President from abandoning our nation's next plan? How much more would then be spent on dead ends if the process could be discarded at any administration's whim?

Yucca Mountain is the state-of-the-art solution to the challenge of storing nuclear waste. It took 20 years of scientific study for Congress to agree on this location. In 2002, Congress designated



Yucca Mountain as the nation's only repository site for deep geological disposal of high-level radioactive waste and spent nuclear fuel.

But Yucca Mountain can be so much more than that. It is the future of America's potential to produce limitless, clean, low-cost energy. Why? Because instead of simply storing nuclear waste, Yucca Mountain could use advanced technology to reprocess nuclear waste, eliminating as much as 90 percent of the material. In fact, modern nuclear technology delivers very little true "waste" since most of that waste can be repeatedly reused, leaving only a tiny amount to be safely stored.

Yucca Mountain could also be designated as a national laboratory, receiving stable funding from the Department of Energy for research and development in addition to its role as the nation's geologic repository. To eliminate Yucca Mountain from further consideration as a repository also disregards its research and economic potential for the State of Nevada and our nation as a whole.

America's nuclear sites are counting on both of Yucca Mountain's abilities: reprocessing and storage. The Hanford site in eastern Washington is currently constructing a multi-billion-dollar vitrification plant specifically designed to meet Yucca Mountain specifications. Other national labs have spent countless millions on long-term spent nuclear fuel and high-level waste plans assuming Yucca Mountain will eventually be open for business.

This same scenario is played out at nuclear sites around America. Every year existing nuclear plants turn out another 2,000 tons of waste. All are waiting for the long-promised repository. We need help now – not tomorrow or in another 10 or 20 years.

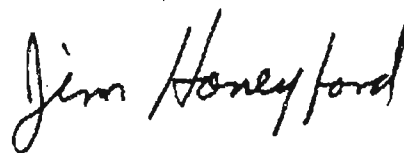
As Washington state legislators representing taxpayers around the Hanford area who are hoping for a future that includes clean, affordable nuclear energy, we can tell you our citizens were counting on Yucca Mountain. We are hopeful that when the full Nuclear Regulatory Commission reviews the facts, it will keep Yucca Mountain on track as authorized by Congress. Millions of Americans are watching your decision.

Thank you in advance for your consideration. Please don't hesitate to contact us for further information or clarification.

Sincerely,



Sen. Mike Hewitt  
Washington State Legislature  
Senate Republican Leader



Sen. Jim Honeyford  
Ranking Republican  
Environment, Water and Energy Committee

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 **Letters from the Secretary to the Honorable Mike Hewitt and the Honorable Jim Honeyford**, dated July 30, 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  
**Letters from the Secretary to the Honorable Mike Hewitt and the Honorable Jim Honeyford**

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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  
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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  
**Letters from the Secretary to the Honorable Mike Hewitt and the Honorable Jim Honeyford**

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**Letters from the Secretary to the Honorable Mike Hewitt and the Honorable Jim Honeyford**

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[Original Signed by Linda D. Lewis]  
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Dated at Rockville, Maryland  
this 4<sup>th</sup> day of August 2010