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AUTHOR: REP Doc Hastings
AFFILIATION: CONG
ADDRESSEE: Gregory Jaczko
SUBJECT: Concerns the delay in the release of the NRC's decision on the DOE's move to withdraw the application for Yucca Mountain

ACTION: Signature of Secretary
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Congress of the United States

House of Representatives

August 17, 2010

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

Dear Chairman Jaczko:

I write today regarding the delay in the release of the Nuclear Regulatory Commission's decision on the Department of Energy's (DOE) move to withdraw the license application for Yucca Mountain with prejudice.

As you know, earlier this year several parties challenged the Obama Administration's decision to abandon the Yucca Mountain project as the site for permanent disposal of high level nuclear waste. These actions have been consolidated in the U.S. Circuit Court of Appeals for the D.C. Circuit, and were set for argument on September 23, 2010.

At the same time, DOE filed to withdraw the license application for the Yucca Mountain project from consideration by the NRC. The NRC directed the Atomic Safety and Licensing Board to consider the motion immediately. On June 29, 2010, the ASLB unanimously rejected DOE's motion and found that DOE must move forward with the application. The very next day, the NRC issued an order directing the parties to submit briefs by July 16 as to whether it should review the ASLB's decision.

Based on the NRC's action of requesting the parties provide briefs, the Department of Justice asked the D.C. Circuit to postpone the September 23 argument on the broader issue of abandoning the site, pending a decision by the NRC.

This matter has now been pending before the NRC since July 16, when all briefs were to have been filed. Although the NRC acted quickly in taking the case, and the D.C. Circuit postponed argument based on the NRC's response to the ASLB's opinion, the Commission has yet to act. I am also concerned that it took two commissioners almost a month to deny motions to recuse themselves, while a third commissioner decided to recuse himself in a matter of just six days of when the motions were filed, albeit for different reasons. I believe that every day of delay creates serious harm to the project. DOE continues to dismantle the Yucca Mountain project at great cost to taxpayers and in total disregard of the ASLB's decision that DOE has no authority to do so.

I would encourage you to decide on the merits of the claim that DOE acted illegally in seeking to withdraw its license application without delay. Thank you for your timely consideration and I would ask that you notify me when a decision will be reached.

Sincerely,

A handwritten signature in black ink, appearing to read "Doc Hastings". The signature is written in a cursive, flowing style with a prominent initial "D".

Doc Hastings
Member of Congress