

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

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**PAPER NUMBER:** LTR-10-0504 **LOGGING DATE:** 11/24/2010  
**ACTION OFFICE:** OCAA

**AUTHOR:** Doe Hastings  
**AFFILIATION:** CONG  
**ADDRESSEE:** Gregory Jaczko  
**SUBJECT:** Request the release of the NRC's decision regarding the DOE's authority to withdraw the application for the Yucca Mountain nuclear waste repository

**ACTION:** Signature of Secretary  
**DISTRIBUTION:** RF, OCA

**LETTER DATE:** 11/19/2010

**ACKNOWLEDGED:** No

**SPECIAL HANDLING:**

**NOTES:**

**FILE LOCATION:** ADAMS

**DATE DUE:** 12/02/2010 **DATE SIGNED:**

**Congress of the United States**  
**Washington, DC 20515**

November 19, 2010

Gregory Jaczko  
Chairman  
Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

Dear Chairman Jaczko:

We write to you today to request the release of the Nuclear Regulatory Commission's decision regarding the Department of Energy's authority to withdraw the application for the Yucca Mountain nuclear waste repository.

As Chairman, you have stressed the importance of "conduct[ing] the public's work in an open and transparent manner." Unfortunately, the continued delay in finalizing the adjudicatory review of the Department of Energy's motion to withdraw the license application for Yucca Mountain fails to live up to this pledge.

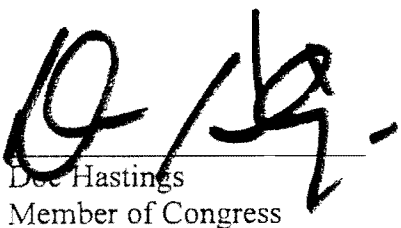
It has come to our attention that Commissioners William Ostendorff, Christine Svinicki, and William Magwood filed their votes with the Secretary of the Commission nearly two months ago. In fact, it is clear you delayed the resolution of this matter by withdrawing your vote of August 25, 2010, before submitting the only outstanding vote on October 29, 2010 – six weeks after the third Commissioner cast his vote.

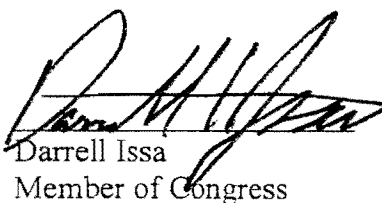
The NRC has had this issue pending since July 16, 2010. During that time, the D.C. Circuit Court has postponed proceedings while they await the NRC's response to the Atomic Safety and Licensing Board's decision. With all of the votes submitted, it is time to fulfill your commitment to openness and provide the public with the answers they deserve. Therefore, we ask that you conclude your deliberations and affirm a final Order.

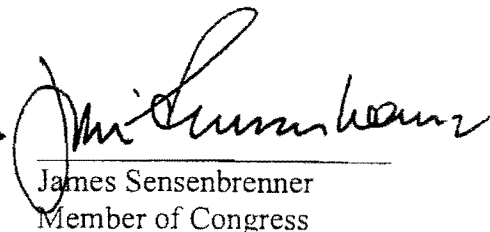
Please respond regarding your plans, including specific dates, for issuing a final order on this matter by December 2, 2010.

Thank you for your timely attention to this matter.

Sincerely,

  
Doc Hastings  
Member of Congress

  
Darrell Issa  
Member of Congress

  
James Sensenbrenner  
Member of Congress