



OFFICE OF THE  
GENERAL COUNSEL

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

January 7, 2011

John E. Arbab, Esq.  
U.S. Department of Justice  
Appellate Section  
Environment and Natural Resources Division  
P.O. Box 23795 (L'Enfant Plaza Station)  
Washington, DC 20026

Re: *Honeywell International, Inc. v. NRC*, No. 10-1022 (D.C. Cir.)

Dear Mr. Arbab,

We have reviewed the decision of the Court of Appeals in the captioned case dated December 21, 2010, remanding the matter to the NRC for further proceedings consistent with the decision, and have concluded, after internal review by our Solicitor and General Counsel, that no basis exists for requesting further review of this decision. While we do not agree with the outcome in the case, the decision rests on fact-specific grounds, and therefore does not meet the standards for review by the full court of appeals (see FRAP 35) or the Supreme Court (see Supreme Court Rules, Rule 10).

Accordingly, we do not recommend that the Solicitor General authorize *en banc* review or that the Solicitor General seek certiorari on behalf of the NRC in this matter. Please call me if you have any questions.

Thank you again for your kind and helpful assistance throughout this case.

Sincerely,

A handwritten signature in cursive script that reads "Robert M. Rader".

Robert M. Rader  
Senior Attorney