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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

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November 1, 2010

The Honorable Gregory Jaczko
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Chairman Jaczko:


You had stated previously that an effective regulator acts openly and transparently, describing openness as access to information and transparency as a clear explanation of the decision-making process. Over the past several months, the Nuclear Regulatory Commission's actions on the license application to build a repository at Yucca Mountain have fallen far short of those ideals--including withholding important licensing documents from the public and failure to conclude the adjudicatory review of DOE's motion to withdraw the license application in a timely fashion. As such, it is no surprise that the public and the agency's own employees are increasingly questioning the agency's credibility.

A crucial first step to rebuild the public's trust is simply to conclude the adjudicatory proceeding and answering the simple question of whether DOE can lawfully withdraw the license application. Answering this question would also eliminate any opportunity for tortured interpretations of budgetary authority under Continuing Resolutions regarding whether the staff should continue their review of the license application. Please respond in writing to the following questions:

1. Have you voted in the adjudicatory proceeding regarding the Atomic Safety and Licensing Board's ruling that DOE cannot lawfully withdraw the Yucca Mountain license application? If so, when?
2. If not, when do you anticipate voting on the matter?

These questions are simple, straightforward, and of great interest to many stakeholders. I respectfully request that each of you respond by November 5, 2010.

Sincerely,



James M. Inhofe
Ranking Member
Senate Committee on Environment and Public Works