

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT

No. 11-1271

In re: AIKEN COUNTY, et al., Petitioners,

U.S. NUCLEAR REGULATORY COMMISSION, et al., Respondents.

ON PETITION FOR WRIT OF MANDAMUS

SECOND NOTICE OF UNDERLYING DECISION IN CASE

On July 29, 2011, Petitioners filed this action seeking a Writ of Mandamus from this Court directing the U.S. Nuclear Regulatory Commission to take several specified actions. On September 9, 2011, the Commission issued a decision in the administrative proceeding underlying this case. *See Department of Energy* (High-Level Waste Repository), CLI-11-07, 74 NRC ____ (2011). We filed a copy of that decision with this Court for its information. *See Notice of Underlying Decision in Case* (Sept. 9, 2011).

In CLI-11-07, the Commission directed the Licensing Board, *inter alia*, “to, by the close of the current fiscal year, complete all necessary and appropriate case management activities, including disposal of all matters currently pending before it and comprehensively documenting the full history of the adjudicatory proceeding.” *Id.*, Slip Op. at 1-2.

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The Licensing Board has now issued a decision responding to the Commission's direction. *Department of Energy* (High-Level Waste Repository), LBP-11-24, 74 NRC ____ (2011). In its decision, the Board suspended the proceeding. Slip Op. at 3. A copy of the Board's decision is attached for this Court's information.

Respectfully submitted,

____s/Charles E. Mullins____
CHARLES E. MULLINS
Senior Attorney
Office of the General Counsel
U.S. Nuclear Regulatory Commission
(301) 415-1618

Attachment: Licensing Board Decision LBP-11-24 (Sept. 30, 2011)

Dated September 30, 2011

Filed by CM/ECF