

UNITED STATES OF AMERICA

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BEFORE THE SURFACE TRANSPORTATION BOARD  
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STB FINANCE DOCKET NO. 35106

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UNITED STATES DEPARTMENT OF ENERGY – RAIL  
CONSTRUCTION AND OPERATION – CALIENTE RAIL LINE  
IN LINCOLN, NYE, AND ESMERALDA COUNTIES, NEVADA  
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NOTICE OF U.S. DEPARTMENT OF ENERGY'S MOTION TO WITHDRAW  
LICENSE APPLICATION IN NRC DOCKET NO. 63-001

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March 9, 2010

**NOTICE OF U.S. DEPARTMENT OF ENERGY'S MOTION TO WITHDRAW  
LICENSE APPLICATION IN NRC DOCKET NO. 63-001**

On March 3, 2010 the United States Department of Energy (DOE) filed with the Construction Authorization Board (CAB or Board) a motion to withdraw the license application for a permanent geologic repository at Yucca Mountain, Nevada now pending in Docket No. 63-001 before Atomic Safety and Licensing Board of the United States Nuclear Regulatory Commission (NRC).

DOE's Motion requests the Board to prescribe only one term for withdrawal - that "*the pending application...shall be dismissed with prejudice*". DOE Motion, p. 3. (Italics added). DOE explains it "*seeks this form of dismissal because it does not intend ever to refile an application to construct a permanent geologic repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain.*" *Id.*, n. 3 (Italics added).

A true copy of DOE's Motion to Withdraw is attached hereto as Exhibit A.

Dated this 9<sup>th</sup> day of March 2010 by \_\_\_\_\_/s/\_\_\_\_\_

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**Certificate of Service**

I HEREBY CERTIFY that true and correct copies of the foregoing document with exhibit were served on Parties of Record or their designated Counsel either by (1) first-class U.S. mail, postage prepaid, (2) e-mail, or (3) other expeditious method, this 12<sup>th</sup> day of March, 2010.

\_\_\_\_\_/s/\_\_\_\_\_  
Paul H. Lamboley

**EXHIBIT A**  
(U.S. Department of Energy's Motion to Withdraw)