



March 17, 2010

The Honorable Byron L. Dorgan
Chairman
Senate Appropriations Subcommittee on
Energy & Water Development
United States Senate
Washington, DC 20510

Re: Proposed Yucca Mountain Project Termination

Identical Letters Sent to:

Senate Appropriations Subcommittee on Energy & Water Development:
The Honorable Bob Bennett, Ranking Member

House Subcommittee on Energy & Water Development:
The Honorable Peter Visclosky, Chairman
The Honorable Ed Pastor, Vice Chairman
The Honorable Rodney Frelinghuysen

Dear Mr. Chairman:

The undersigned organizations -- which represent energy and individual taxpayers; state elected and regulatory officials; communities and energy-related businesses -- wish to advise you of our vigorous opposition to the U.S. Department of Energy's (DOE) proposed termination of the Yucca Mountain license application now pending before the U.S. Nuclear Regulatory Commission (NRC).

We believe this termination action -- which the DOE has requested in its Fiscal Year 2011 budget request and is seeking to implement in the current fiscal year -- will:

- Unnecessarily leave the United States with no path forward or operative "Plan B" for the Nation's nuclear waste. This has especially profound implications for defense waste communities and ten shut-down civilian nuclear facilities in nine states, which can expect protracted waste storage for the better part of this century along with more than a hundred other communities in thirty-nine states;



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- Violate the provisions of the bipartisanly-enacted Nuclear Waste Policy Act, which provide no discretion for DOE to effectively terminate a viable application while surely compounding the mounting breach-of-contract with respect to the Government's longstanding failure to meet its legal obligations to begin collecting spent fuel. This will result in damage claims now estimated to approach one hundred billion dollars, particularly in the wake of the recent Federal Circuit Court of Appeals January, 2010, decision blocking DOE from claiming unavoidable delay;
- Represent unjustified intrusion into an ongoing -- heretofore successful -- review by the NRC, contradicting the President's Memorandum on Scientific Integrity stating that "political officials should not suppress or alter scientific or technological findings and conclusions;"
- Result in wholly inadequate funding to preserve the integrity of the taxpayers' \$10 billion investment to date in the Yucca Mountain project; and
- Continue to siphon approximately \$770 million annually from electricity consumers in 41 states with no return on investment.

It is our hope that your Committee will consider the following measures in light of the DOE's actions:

1. Restore sufficient funding for the DOE to continue its defense of the Yucca Mountain license application in FY2011;
2. Deny DOE reprogramming of FY2010 appropriations (as outlined in its February 17, 2010 letter) to accelerate termination of the project before full consideration by the Congress and/or approval of the DOE's license withdrawal with prejudice request by the NRC;



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3. Ensure that the Blue Ribbon Commission on America's Nuclear Energy Future's study includes Yucca Mountain "given the public investment made to date and the integrity of the scientific process", consistent with the Energy and Water Development Appropriations Bill Report for Fiscal Year 2010 allocating \$5,000,000 for the Blue Ribbon Commission "only for an analysis of alternatives that include all options for nuclear waste disposal based on scientific merit";
4. Facilitate the public release of all documents associated with the Administration's decision to terminate the Yucca Mountain Project;
5. Require on an urgent basis the preservation of all information of scientific value relevant to the Yucca Mountain repository licensing and all past site investigations; and
6. Suspend collection of payments to the Nuclear Waste Fund immediately, in the event Congress chooses to implement the Department's termination request.

Yucca Mountain is the most viable option for managing spent commercial fuel and defense waste under the current law, recognizing that the Blue Ribbon Commission has every right to review and enhance the current strategy. Cancelling this program, without providing a bona fide alternative path forward remains unacceptable and troubling, particularly to defense and civilian waste communities, taxpayers and future generations who will bear the full burden of this action.

Accordingly, we encourage you to continue the current approach of providing "costs necessary to answer inquiries from the NRC," while the Administration evaluates its strategy toward nuclear waste disposal, as embraced in the FY2010 budget.



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Please note that -- while these views represent the consensus viewpoint of the undersigned organizations -- they do not necessarily represent the specific views of every individual member of these organizations.

Sincerely,

Sustainable Fuel Cycle Task Force
National Association of Regulatory Utility Commissioners
United States Chamber of Commerce
National Association of Manufacturers
Citizens Against Government Waste
United States Nuclear Infrastructure Council
Partnership for Science and Technology
Nuclear Waste Strategy Coalition
Tri-City Development Council
Institute for 21st Century Energy
United States Nuclear Energy Foundation
Idaho Chamber Alliance
Coalition 21
Alliance for Nevada's Economic Prosperity
Economic Development Partnership of Aiken and Edgefield Counties (SC)
Nevadans 4 Carbon Free Energy
SRS Community Reuse Organization
Greater Idaho Falls Chamber of Commerce