



October 7, 2009

The Honorable Steven Chu  
Secretary  
United States Department of Energy  
1000 Independence Avenue, Southwest  
Washington, DC 20585

Dear Secretary Chu:

The undersigned organizations are writing to advise you of our growing concern over reports that the U.S. Department of Energy (DOE) will decline to seek funding in Fiscal Year 2011 for continuation of the Yucca Mountain license application now pending before the U.S. Nuclear Regulatory Commission (NRC).

We believe that termination of the Yucca Mountain license application would be premature and unwise as well as deleterious in general to the Nation's energy independence, environmental progress, economic competitiveness, job creation and national security.

Among other things, this defunding action may:

- Leave the Nation with no path forward or "Plan B" for the Nation's nuclear waste management while conflicting with the Nuclear Waste Policy Act, as amended, as well as Public Law 107-200, which approved Yucca Mountain as the site for the national repository -- a measure that was adopted in 2002 by decisive, bipartisan majorities of the U.S. House and Senate. The recent deferral by the NRC with respect to the pending Waste Confidence Rule is but one manifestation of the serious repercussions inherent in this policy vacuum and a harbinger of things to come;
- Potentially strand a minimum of over 140,000 metric tons of spent commercial fuel and defense waste at 121 sites in 39 states for over 100 years creating a logistical backlog that would take an additional 50 years to relocate or recycle;
- Exacerbate the current breach-of-contract with respect to the Government's longstanding failure to meet its legal obligation to begin collecting spent nuclear fuel -- resulting in damages estimated by some at in excess of \$50 billion;
- Unravel the Nuclear Waste Fund now reflecting an aggregate electricity consumer investment of nearly \$31 billion in receipts to date, including collections and interest;



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- Disproportionately impact defense waste states and erode public confidence in the Department by undermining the DOE's own agreements with states and local governments to remove defense-related high-level waste, as well as the U.S. Navy's nuclear fuel management operations. The U.S. Navy has purportedly designed its entire fuel disposal system entirely for Yucca Mountain and any violation of the "Batt Agreement" will create yet another complexity with respect to the Navy's program for de-fueling and refueling of the nuclear fleet;
- Re-open site investigations for a national geologic repository in up to 28 states, as identified by the DOE in its 2008 report to Congress;
- Unnecessarily abandon the pending Yucca Mountain license application as well as more than 40 years of scientific investigation and \$10 billion of taxpayer funding toward development of a national repository while terminating up to 700 jobs and evaporating decades of institutional knowledge;
- Remove funding of cooperative agreements with regional transportation organizations which have worked effectively with DOE on transportation planning and other organizations representing stakeholders involved with nuclear waste disposal issues;
- Contradict the President's Memorandum on Scientific Integrity as issued on March 9, 2009, stating that "political officials should not suppress or alter scientific or technological findings and conclusions;"
- Needlessly undercut full trust and confidence in the independence of the proposed Blue Ribbon panel and any ensuing recommendations; and
- Create an unnecessary hurdle and uncertainty for new nuclear generation in the United States, which is diametrically opposed to the Administration's emphasis on reducing carbon emissions and stimulating jobs.

While we understand that it is the Administration's intent to charter a new strategy for nuclear waste disposal and form a blue ribbon commission to study and recommend alternative waste management strategies, as summarized by the U.S. Chamber of Commerce in a recent report, Yucca Mountain is currently the "safest and best option" for managing spent commercial fuel and high-level waste "given the parameters of U.S. law." Cancelling this program without providing a bona fide alternative path forward is unacceptable and troubling, particularly to future generations that bear the full burden of this action.



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Accordingly, we encourage you to continue with the current approach of providing "costs necessary to answer inquiries from the 'NRC', while the Administration devises a new strategy toward nuclear waste disposal," as stipulated in the President's budget submission to Congress in February.

Please note that -- while these views represent the consensus viewpoints 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

United States Nuclear Infrastructure Council

Partnership for Science and Technology

Nuclear Waste Strategy Coalition

United States Nuclear Energy Foundation

Institute for 21st Century Energy

Idaho Chamber Alliance

South Carolina Chamber of Commerce

Tri-City Industrial Development Council

Coalition 21

Alliance for Nevada's Economic Prosperity

Economic Development Partnership  
of Aiken and Edgefield Counties

Citizens for Nuclear Technology Awareness

Greater Idaho Falls Chamber of Commerce

INL Retired Employees Association

Commissioner Gary Hollis, Nye County,  
NV

Fuel Cycle Science Panel