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**F. James Sensenbrenner, Jr., Ranking Republican**

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***News Advisory***

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For Immediate Release  
July 15, 2010

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## Members Urge NRC to Follow Board's Ruling on Yucca Mountain

*'Throwing away 30-year, \$10 billion taxpayer investment due to a  
campaign pledge is not acceptable'*

**Washington, D.C.** – More than a dozen members of the House of Representatives joined Rep. Jim Sensenbrenner, R-Wis., Ranking Republican on the House Select Committee on Energy Independence and Global Warming, in expressing support for a Nuclear Regulatory Commission board's ruling against the Obama Administration's plans to abandon the 30-year, \$10-billion taxpayer investment in Nevada's Yucca Mountain nuclear waste facility.

"The Atomic Safety and Licensing Board got it right," Sensenbrenner said. "While the political favor to Senator Harry Reid is obvious, the board failed to see any actual merit in the Energy Department's request to withdraw Yucca Mountain as a nuclear waste facility. There were no safety concerns, no cost concerns, only political concerns, and I'm pleased that the board saw through this and voted against this wasteful policy change by the Administration. The full Nuclear Regulatory Commission should now follow suit."

The letter, signed by 14 members of Congress and sent to NRC Chairman Gregory Jaczko, also raised concerns that some members of the NRC have indicated they could vote against further development of the Yucca Mountain facility, regardless of the merits. The letter said that during a February Senate hearing, Nuclear Regulatory Commissioners George Apostolakis, William Magwood, and William Ostendorff all told the Senators they would not second guess the Department of Energy's decision to withdraw the license application for Yucca Mountain. Sen. Barbara Boxer, D-Calif., said Senate Majority Leader Harry Reid, D-Nev., submitted the question on Yucca Mountain.

"The massive investment in both time and taxpayer dollars warrant proper consideration of the license application by the NRC. Over the course of thirty years, approximately \$10 billion have been spent on Yucca Mountain. Throwing away this investment due to a campaign pledge is not acceptable. Should the Commission overturn the board's decision, DOE and Congress will be forced to start anew to address spent fuel, which will only cost more taxpayer dollars, increase

the government's liability, and burden facilities that are currently storing waste on-site," the letter said.

Additionally, the letter said that by reversing course on Yucca Mountain, the Obama Administration was ignoring Congress' clear intent to develop the Nevada facility into the nation's primary nuclear waste storage repository.

Other signers included: Reps. Bob Inglis, R-S.C., Joe Wilson, R-S.C., Gresham Barrett, R-S.C., Cathy McMorris Rodgers, R-Wash., Doc Hastings, R-Wash., John Shimkus, R-Ill., Jo Bonner, R-Ala., Donald Manzullo, R-Ill., Steven LaTourette, R-Ohio, Lee Terry, R-Neb., Paul Broun, R-Ga., Pete Olson, R-Texas, and Dennis Rehberg, R-Mont.

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Letter below:

July 15, 2010

Chairman Gregory Jaczko  
Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

Dear Chairman Jaczko:

We are writing to express our support of the June 29, 2010 decision by the Atomic Safety and Licensing Board (Board) to deny the Department of Energy's (DOE) motion to withdraw the license application to construct a high-level nuclear waste repository at Yucca Mountain, Nevada.

As clearly expressed in the Board's decision, DOE does not have the authority to withdraw the license application simply as a matter of policy. At no point in DOE's motion to withdraw did the agency fault any scientific or technical portions of the license application. This omission highlights the shaky grounds on which DOE rested its argument to shutter Yucca Mountain.

We agree with the Board's observation that congressional intent was clear in the Nuclear Waste Policy Act (NWPA). NWPA was specific with the associated procedures to prepare Yucca Mountain for waste storage. Congress did not pre-approve the license application; however, once the license application was initially submitted, the Nuclear Regulatory Commission (NRC) was required to consider it. Congress has repeatedly voted in support of locating a national high-level waste repository at Yucca Mountain. DOE cannot short change proper examination of the repository because of political preferences.

The massive investment in both time and taxpayer dollars warrant proper consideration of the license application by the NRC. Over the course of thirty years, approximately \$10 billion have

been spent on Yucca Mountain. Throwing away this investment due to a campaign-pledge is not acceptable. Should the Commission overturn the Board's decision, DOE and Congress will be forced to start anew to address spent fuel, which will only cost more taxpayer dollars, increase the government's liability, and burden facilities that are currently storing waste on-site.

Further, we are concerned that some Commissioners have pre-judged the outcome of this decision. In their February 9, 2010 confirmation hearing, Senator Boxer, Chairwoman of the Environment and Public Works Committee, which is the oversight committee of jurisdiction said, "I have a question here for all three of you from Senator Reid. You can just answer it yes or no. If confirmed, would you second guess the Department of Energy's decision to withdraw the license application for Yucca Mountain from NRC's review?" Commissioners Apostolakis, Magwood, and Ostendorff all answered "no." We think it was an inappropriate commitment and as nominees, the commissioners should not have faced intense pressure both from Environment and Public Works Chairwoman Boxer and Senate Majority Leader Reid. The Commission should examine each case on its merits, rather than pre-judging an argument. We hope the entire Commission considers the Board's decision in an objective manner.

Lastly, we call for the Commission to make all relevant documents related to DOE's motion to withdraw public. Given the significant ramifications of DOE's actions, it is in the public's interest to be fully informed of the entire decision-making process.

With these thoughts in mind, we urge you to leave the Board's decision in place.

Sincerely,

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F. James Sensenbrenner, Jr.  
Member of Congress

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Bob Inglis  
Member of Congress

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Joe Wilson  
Member of Congress

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Gresham Barrett  
Member of Congress

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Cathy McMorris Rodgers  
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Doc Hastings  
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Pete Olson  
Member of Congress

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Dennis Rehberg  
Member of Congress

Cc: Commissioner Kristine L. Svinicki  
Commissioner George Apostolakis  
Commissioner William D. Magwood, IV  
Commissioner William C. Ostendorff