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March 9, 2010

Letter sent by facsimile

Mr. Gregory Friedman
Inspector General
U. S. Department of Energy
Office of Inspector General
1000 Independence Avenue, SW
Washington, DC 20585

Dear Mr. Friedman:

The Nuclear Waste Strategy Coalition (NWSC) requests that your office investigate the willful failure on the part of the Department of Energy (DOE) to preserve key records associated with the proposed geologic repository at Yucca Mountain.

Over the course of close to three decades, DOE has generated an immense quantity of records in support of the ongoing application for the construction of a permanent repository at Yucca Mountain. These records take many forms, including reports, studies, calculations, notebooks, and actual metallurgical and geological samples. Now, despite the fact that Congress appropriated money to support the Yucca Mountain license application in fiscal year (FY) 2010, the Secretary of Energy has moved to withdraw the license application¹. DOE stated that it will bring the Yucca Mountain Project to an orderly close in FY 2010², despite the fact that it currently has no authorization or direction from Congress to do so. Moreover, the Nuclear Regulatory Commission (NRC) has yet to rule on DOE's very recent motion to withdraw the license application, and NRC approval or denial of DOE's motion may be months away. Numerous citizens, groups, and government entities have expressed opposition to the Secretary's action, and several petitions to intervene and court actions have been filed with the intent of stopping the Yucca Mountain termination^{3,4,5,6}.

Nuclear ratepayers and taxpayers have spent more than \$10 billion on the Yucca Mountain project. The Secretary's actions to terminate the licensing of Yucca Mountain constitute a massive waste of money that was taken from the citizens of the United States, and a colossal abuse of the public trust. Even more disconcerting is the fact that the NWSC has received reliable reports that the shutdown is being conducted in a manner that exhibits disregard for the integrity of the information that was carefully assembled at ratepayer and taxpayer expense.

¹ U. S. Department of Energy Motion to Withdraw, Docket No. 63-001, ASLBP No. 09-892-HLW-CAB04, March 3, 2010.

² Letter, Steve Isakowitz (DOE Chief Financial Officer) to the Honorable Peer J. Visclosky, United States House of Representatives, February 17, 2010.

³ Petition for Declaratory and Injunctive Relief and Writ of Mandamus made to the United States Court of Appeals for the District of Columbia Circuit, Aiken County, February 19, 2010.

⁴ Petition for Review made to the United States Court of Appeals for the District of Columbia Circuit, Robert L. Ferguson, William Lampson, and Gary Petersen, February 25, 2010.

⁵ Petition of the State of South Carolina to Intervene, Docket No. 63-001, ASLBP No. 09-892-HLW-CAB04, February 26, 2010.

⁶ State of Washington's Petition for Leave to Intervene and Request for Hearing, Docket No. 63-001, ASLBP No. 09-892-HLW-CAB04, March 3, 2010.

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While DOE asserted that DOE will archive "... project and program documents and scientific material so that lessons learned during this process are not lost,"⁷ reports from Nevada are that power is being shut off to key records facilities. DOE is reportedly acting with unprecedented haste to terminate knowledgeable project employees who have devoted many years to the service of their country through their work on Yucca Mountain Project. It appears that DOE's actions (and failure to take actions) stems from a desire to ensure that the Yucca Mountain Project termination is irrevocable, even if a future Administration were to determine that it is in the public interest to resume the licensing process. This appearance is entirely consistent with DOE's request to withdraw the Yucca Mountain license application "with prejudice"⁸ so that it cannot be resubmitted.

In your independent oversight role with DOE, you have the opportunity to conduct an expedited investigation of the shutdown practices. By holding up a spotlight on DOE's actions in Nevada, you can help protect the information that was assembled at billions of dollars of taxpayer and ratepayer expense.

The NWSC⁹ was formed because of our mutual, pressing need for storage and disposal of civilian radioactive waste from nuclear power plants. The NWSC was established by three states in 1993 due to a lack of progress by DOE's Office of Civilian Radioactive Management and has since grown to include state utility regulators, state attorneys general, electric utilities and associate members representing 47 organizations from 31 states.

If you have any questions on this request, please contact the NWSC Executive Director, Martez Norris. We look forward to hearing from you soon.

Respectfully yours,



David Wright
Commissioner, South Carolina Public Service Commission, and
Chairman, Nuclear Waste Strategy Coalition

- C: The President of the United States.
The Secretary of Energy.
Members of the House and Senate Appropriations Committees.
Members of the House and Senate Armed Services Committees.
Members of Congress that represents 41 states whose ratepayers pay into the NWF.
Governors with stranded SNF/HLRW in their state.
States Attorney Generals.
Mr. Pete Lyons, Principal Deputy Assistant Secretary, DOE/Nuclear Energy.
Mr. David Zabransky, Acting Principal Director, DOE/OCRWM.

⁷ Letter, Steve Isakowitz (DOE Chief Financial Officer) to the Honorable Peer J. Visclosky, United States House of Representatives, February 17, 2010.
⁸ U. S. Department of Energy Motion to Withdraw, Docket No. 63-001, ASLBP No. 09-892-HLW-CAB04, March 3, 2010.
⁹ <http://www.thenwsc.org/>