

Congress of the United States
Washington, DC 20515

October 19, 2010

Mr. Hubert T. Bell
Inspector General of the Nuclear Regulatory Commission
11545 Rockville Pike
Rockville, MD 20852

Dear Mr. Bell,

Recent news reports have indicated that Chairman Gregory Jaczko is delaying a ruling on whether the Department of Energy has the legal authority to withdraw the license for the Yucca Mountain Repository in Nevada. Because of these reports, we are asking you to convene a formal investigation into the Chairman's recent actions to shut down the project.

As you know, Yucca Mountain was designated as the nuclear waste repository by the United States Congress in legislation signed by the President as part of the Nuclear Waste Policy Act of 1982 (NWPA), as amended in 1987. In 2002, Congress passed a Joint Resolution reaffirming the site as the country's nuclear waste repository. Despite these actions and the fact that Congress to date has continued to provide funding for Yucca Mountain, the actions by the Chairman make us concerned that he has overstepped his authority by making a decision to terminate the review of the license application based on his FY 2011 budget request, which has yet to be approved by Congress. We are concerned that this unilateral decision by the Chairman is undermining the intent of the Congress and possibly the Commission, as it is our understanding that at least one Commission member has issued a memo detailing his objections to the Chairman's actions.

Countless times Congress has reaffirmed that we must have a permanent storage site to protect the public and the environment, as well as to continue to develop nuclear power in the United States. Nuclear power accounts for twenty percent of our electricity supply and is expected to grow substantially in the next several decades. Additionally, the average nuclear plant generates approximately \$430 million in the local community and the operation of a nuclear plant creates 400 to 700 permanent jobs. Any delay to advance nuclear power places our economy and national security at risk. Playing political games with this issue, which has been suggested in the news, has already cost taxpayers \$1 billion through lawsuits filed and that number is expected to increase to over \$50 billion in the next twenty years, not to mention that the federal government has already spent \$9 billion constructing the Yucca Mountain project and this would also be wasted money. At a time when we have a nearly \$14 trillion debt, these actions are unwise and deserve your attention. Therefore, we appreciate your fair and expedited review of the Chairman's actions and this situation.

Thank you for your attention to this matter.



Fred Upton
Member of Congress



Ed Whitfield
Member of Congress