



Letter to Congress RE: A Report by the Department of Energy's Inspector General, which exposes apparent conflicts of interest within the Yucca Mountain Project

January 29, 2002

Dear Member of Congress:

As national, state, Native American, and local environmental and public interest organizations, we are writing to draw your attention to a recent report by the Department of Energy's Inspector General, which exposes apparent conflicts of interest within the Yucca Mountain Project.

Since 1987, Yucca Mountain has been the only site under consideration for a proposed high-level nuclear waste repository. The Secretary of Energy, under pressure from the nuclear industry, has indicated that he will recommend the site to the president next month. The president would likely refer a site recommendation to Congress. In light of new evidence, we urge you to oppose the Yucca Mountain Project.

Numerous technical, environmental, and policy problems plague the project, undermining the credibility of the Secretary of Energy's pending site recommendation. In addition, the attached report discloses evidence of potential conflict of interest involving the law firm Winston & Strawn, which was simultaneously employed as counsel to the DOE's Yucca Mountain Project and registered as a member of and lobbyist for the Nuclear Energy Institute, the pro-repository nuclear industry trade group, between 1992 and 2001.

The DOE, as a federal agency, is expected to be a fair and impartial arbiter in its evaluations of the repository proposal, and to uphold the same standards of integrity for its contractors. The Nuclear Energy Institute, on the other hand, is the lobbying arm of the nuclear industry and specifically advocates in favor of the proposed nuclear waste repository at Yucca Mountain, which would serve the narrow commercial interests of its nuclear industry members.

The involvement of Winston & Strawn lawyers in both shaping the DOE's Yucca Mountain activities and advising and lobbying on behalf of the Nuclear Energy Institute on nuclear waste legislation is a serious conflict of interest, which has no doubt compromised the integrity of the Yucca Mountain Project.

The recent Inspector General report notes as well that TRW, Inc., the managing and operations contractor for the Yucca Mountain Project until February 2001, was also

simultaneously engaged in lobbying activities on nuclear waste storage issues. TRW was additionally implicated in December 2000 as the author of a memo attached to a leaked overview of the Yucca Mountain Site Recommendation Considerations Report (later released as the Preliminary Site Suitability Evaluation and the Science and Engineering Report). The memo indicated that the overview was intended to help supporters of the Yucca Mountain Project express their support for a favorable site recommendation and that "the technical suitability of the site is less of a concern to Congress than the broader issue of whether the nuclear waste problem can be solved at an affordable price in both financial and political terms."

Clearly, the DOE has failed to exercise necessary oversight of its contractors, resulting in an apparent pro-industry bias in the agency's site characterization and site recommendation activities. It would be irresponsible for Congress to allow the Yucca Mountain Project to continue without a thorough review of the causes and consequences of contractor conflict of interest that have recently been brought to light. In defense of responsible, accountable government, as well as public health and safety, we urge your decisive opposition to the Yucca Mountain Project.

Sincerely,

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