

Alliance for Nuclear Accountability ▲ Alliance for Nuclear Responsibility ▲ American Rivers ▲  
Blue Ridge Environmental Defense League ▲ Citizens Action Coalition of Indiana ▲  
Citizen Alert ▲ Citizens Awareness Network ▲ Clean Water Action ▲  
Colorado Coalition for the Prevention of Nuclear War ▲ Concerned Citizens for Nuclear Safety ▲  
Friends of the Earth ▲ GRACE Policy Institute ▲ Greenpeace ▲ National Environmental Trust ▲  
Natural Resources Defense Council ▲ Nevada Nuclear Waste Task Force ▲  
New Mexico Environmental Law Center ▲ Nuclear Age Peace Foundation ▲  
Nuclear Energy Information Service ▲ Nuclear Information and Resource Service ▲ Nukewatch ▲  
Nuclear Watch of New Mexico ▲ Physicians for Social Responsibility ▲ Sierra Club ▲ Southern  
Alliance for Clean Energy ▲ Snake River Alliance ▲ Tri-Valley CAREs ▲  
Union of Concerned Scientists ▲ U.S. Public Interest Research Group ▲  
Women's Action for New Directions

May 16, 2006

**Re: Oppose the Nuclear Fuel Management and Disposal Act (S. 2589) and S. 2610**

Dear Senator:

On behalf of the undersigned consumer, environmental, public health, and peace and security organizations representing millions of Americans nationwide, we are writing to urge you to oppose the “Nuclear Fuel Management and Disposal Act” (S. 2589), sponsored by Senators Domenici and Inhofe on behalf of the Bush Administration. We also urge you to oppose S. 2610, which was introduced by Sen. Inhofe and contains identical provisions of Sections 4, 6, and 9 from S. 2589. These bills contain broad rollbacks of public health and environmental laws, along with provisions that preempt state, local, and Tribal laws and supplant scientific and technical decisions.

***Weakens Public Health and Environmental Laws:*** If enacted, the bill would waive state and local air quality laws at the site, and preempt states’ traditional authority to manage its waters, setting an alarming precedent for other DOE projects and sites. The bill would undermine the National Environmental Policy Act (NEPA) by exempting DOE from having to consider the need for the action, alternative actions, or a no-action alternative—the key analyses of an environmental impact statement—and legislating that any action related to the site is “beneficial” *before* an analysis of the action has been done under NEPA.

***Eliminates State and Tribal Rights:*** All authority over the transportation of radioactive waste would be given to DOE—contrary to the National Academy of Sciences’ recommendation that state, local, and tribal governments must play a central role in waste transportation. The bill would pre-empt *all states’* authority over the management of hazardous, mixed, low-level, and transuranic wastes under the Resource Control and Recovery Act (RCRA) if that waste is stored or transported in NRC-licensed containers, as is the waste transported to and stored at the Waste Isolation Pilot Project (WIPP) in New Mexico.

***Supplants Scientific and Technical Decisions:*** The bill would codify NRC’s “waste confidence rule,” which states that there will be a dump for spent fuel “in a timely manner,” thereby bypassing what should be a scientific and technical determination and setting up the federal

government for additional lawsuits by the nuclear industry for failing to meet its commitments. It rewards DOE's mismanagement of the Yucca Mountain project with direct access to future revenue into the Nuclear Waste Fund, and allows an unlimited amount of waste to be dumped at the site, despite ongoing questions of scientific fraud related to research on water movement through the site and on the integrity of the engineered barriers.

If enacted, the Nuclear Fuel Management and Disposal Act would legislatively waive public health and safety protections and diminish the role of science in decision-making, both onsite at Yucca Mountain and during transport. We strongly urge you to oppose the Nuclear Fuel Management and Disposal Act, as well as S. 2610, and to oppose any other attempts to weaken public health, safety, scientific, or technical standards for the proposed repository at Yucca Mountain. Rather than making even more exceptions for this already compromised project, Congress should convene an independent investigation into the implications of data falsification on DOE's license application and the waste of money in the project's history.

If you have any questions or need further information, please contact Michele Boyd at Public Citizen (202-454-5134 or [mboyd@citizen.org](mailto:mboyd@citizen.org)) or Aaron Pratt at National Environmental Trust (202-887-8800 or [apratt@net.org](mailto:apratt@net.org)).

Sincerely,

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