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Congress of the United States
House of Representatives
Washington, DC 20515

October 17, 1989

The Honorable James D. Watkins
Secretary of Energy
Washington, D.C. 20585

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Dear Mr. Secretary:

We are writing to express our dismay over the lack of progress on the nuclear waste program. While we recognize the large number of other serious problems demanding your attention and applaud your efforts to address them, we are growing increasingly concerned that the nuclear waste program has stalled.

To begin with, we are appalled that the program has been without a director for two years. With all due respect to the civil servants that have acted in this capacity, the importance, visibility, and political sensitivity of the post require that the director hold a commission from the President, be confirmed by the Senate, and have direct access to you.

In addition, we are frustrated by the Administration's failure to appoint a Nuclear Waste Negotiator as required by section 402 of the Nuclear Waste Policy Act. This requirement was added to the law in 1987 in an effort to avoid just the sort of impasse with the State of Nevada we now face. Nearly two years after this requirement became the law of the land, however, the post remains vacant.

We are concerned by recent press reports that you are planning major changes in the direction of the program. If you think changes are needed, we urge you to discuss them with us before taking any unilateral action. We were able to launch this program in the first place only by forging a consensus between the Administration and Congress, eastern states and western states, Republicans and Democrats. That coalition was shattered and the program brought to grief when your predecessor, without any effort to consult Congress, announced changes inconsistent with the 1982 law. We urge you not to repeat that mistake.

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PDR COMMS NRCC
CORRESPONDENCE PDR

We are perplexed by press reports that one of the changes you are considering is a two-year moratorium on underground site characterization pending completion of surface-based testing at Yucca Mountain. A similar proposal was advocated by the Senate Committee on Environment and Public Works in 1987 and later by the House conferees on the Nuclear Waste Policy Amendments Act of 1987. Yet your Department lobbied strenuously against this course at the time, claiming that it was too costly, unnecessary, and unlikely to shed light on the major questions about the site's suitability. We are puzzled by the Department's apparent change of mind.

We are troubled by slippages in the program's schedule, especially in light of the vast sums of money committed to the program. The Department has already set back the expected completion date for the repository by five years and we are hearing rumors that further delays are inevitable and will be announced soon.

Finally, we are concerned that the Department appears to have no plan, other than further delay, to address Nevada's refusal to grant the Department necessary site characterization permits.

In the course of our oversight activities, our respective committees will be exploring these issues with you in the months ahead. In the meantime, we would appreciate your responses to the following questions:

- (1) Why has the Administration not yet appointed a director for the nuclear waste program? When might we expect someone to be nominated?
- (2) Why has the Administration not yet appointed a Nuclear Waste Negotiator? When might we expect someone to be nominated?
- (3) What changes are you considering proposing in the nuclear waste program? Do you intend to seek the counsel of the leadership of House and Senate oversight committees before deciding on any changes?
- (4) Are you considering a two-year moratorium on underground site characterization pending completion of surface-based tests? If so, please explain what has changed to make this a reasonable course now in view of the Department's strong opposition to it only two years ago.
- (5) Are you confident that the repository can be ready to receive waste in 2003? If not, when?

- (6) Please identify all permits the Department must obtain from the State of Nevada in order to characterize the Yucca Mountain site, the statutory authority requiring each permit, and what steps the Department is taking or plans to take to obtain them. At this point, do you see any insuperable obstacles to obtaining these permits? Specifically, what is your position on Nevada's assertion that the state legislature has blocked issuance of such permits as a matter of law?

We want to assure you of our continued commitment to the successful completion of this program. We stand ready to work with you toward that end. Perhaps by first reestablishing the good faith cooperation between Congress and the Administration that led to the enactment of the Nuclear Waste Policy Act of 1982 we might get this program moving again.

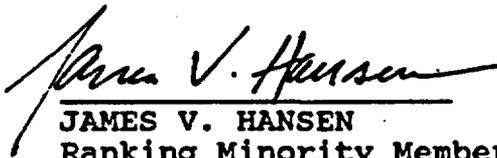
Sincerely,



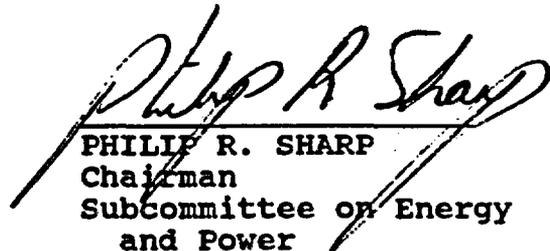
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