

EDO Principal Correspondence Control

FROM: DUE: 01/20/12

EDO CONTROL: G20120002
DOC DT: 12/22/11
FINAL REPLY:

Senatory Mark Kirk, et al.

TO:

Chairman Jackzo

FOR SIGNATURE OF :

** PRI **

CRC NO: 11-0684

Chairman Jaczko

DESC:

ROUTING:

Retention of the Intellectual Expertise/
Preservation of the Scientific Information and
Records During the Consideration of Yucca Mountain
as a Geological Waste Repository
(EDATS: SECY-2012-0001)

Borchardt
Weber
Virgilio
Ash
Mamish
OGC/GC
Haney, NMSS
Burns, OGC
Schmidt, OCA

DATE: 01/03/12

ASSIGNED TO:

CONTACT:

EDO

Rihm

SPECIAL INSTRUCTIONS OR REMARKS:

Please prepare response in accordance with OEDO
Notice 2009-0441-02 (ML093290179). NMSS to provide
input to Roger Rihm, OEDO, if required. Roger will
coordinate response with OGC and OCA.

Imyplate : SECY-017

E-Rid : SECY-01

EDATS

Electronic Document and Action Tracking System

EDATS Number: SECY-2012-0001

Source: SECY

General Information

Assigned To: OEDO

OEDO Due Date: 1/20/2012 11:00 PM

Other Assignees:

SECY Due Date: 1/24/2012 11:00 PM

Subject: Retention of the Intellectual Expertise/Preservation of the Scientific Information and Records During the Consideration of Yucca Mountain as a Geological Waste Repository

Description:

CC Routing: NMSS; OGC; OCA

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20120002, LTR-11-0684

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

OEDO Monthly Report Item: NO

Process Information

Action Type: Letter

Priority: Medium

Sensitivity: None

Signature Level: Chairman Jaczko

Urgency: NO

Approval Level: No Approval Required

OEDO Concurrence: YES

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions: Please prepare response in accordance with OEDO Notice 2009-0441-02 (ML093290179). NMSS to provide input to Roger Rihm, OEDO, if required. Roger will coordinate response with OGC and OCA.

Document Information

Originator Name: Senator Mark Kirk, et al.

Date of Incoming: 12/22/2011

Originating Organization: Congress

Document Received by SECY Date: 1/3/2012

Addressee: Chairman Jaczko/Steven Chu, DOE

Date Response Requested by Originator: NONE

Incoming Task Received: Letter

United States Senate

WASHINGTON, DC 20510

December 22, 2011

The Honorable Steven Chu
Secretary
U.S. Department of Energy
1000 Independence Ave, S.W.
Washington, D.C. 20585

The Honorable Gregory B. Jaczko
Chairman
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Secretary Chu and Chairman Jaczko:

We are writing to express concern regarding the retention of the intellectual expertise and the preservation of all the scientific information and records produced during the consideration of Yucca Mountain as a geological waste repository.

The expedited closure of the Yucca Mountain project and the steps taken by both the Department of Energy (DOE) and the Nuclear Regulatory Commission (NRC) to close out all activities by the end of Fiscal Year (FY) 2011, has made us concerned that records, technical documents and some physical evidence may be lost, misplaced or become irrecoverable. In July 2010, the DOE Inspector General raised similar concerns with a lack of a proper shutdown plan and the potential impacts this could have on the retention of extensive scientific documents and intellectual information related to the project. Responsible handling of all documentation and important physical evidence relating to Yucca Mountain is critically important for scientific research and development, decision-makers, and the future storage of spent nuclear fuel and high-level waste.

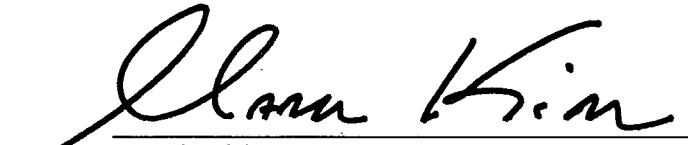
Yucca Mountain is one of the most extensive research and development investments this country has ever undertaken. More than \$14 billion of taxpayer money and nearly 25 years of scientific research, data collection, geologic characterization and evidence was collected to study the Yucca Mountain facility. It is the responsibility of the federal government to ensure that these documents are preserved and available to future decision-makers in a practicable manner.

Retaining the knowledge and personnel expertise associated with the Yucca project is equally vital for the future prosperity of a geologic repository for nuclear waste. To date, both the DOE and NRC have halted all operations relating to the project and dismantled teams and dispersed personnel who worked on the Yucca project. In 2010, the DOE dismantled the Office of Civilian Radioactive Waste Management. The NRC began taking similar actions in regards to the Division of High Level Waste Repository Safety in 2011. A high degree of knowledge is inherently lost from each agency when project personnel are scattered, contractors are laid off and contracts are terminated. We are concerned that a transparent plan to preserve and maintain records and scientific expertise has not been presented in detail.

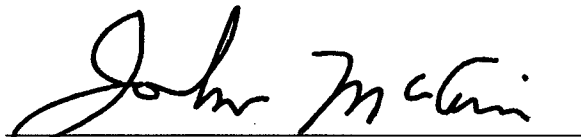
We therefore request that you provide a detailed account of the process your agency is following to handle all records relating to the project, including how all the documents and physical evidence are being stored, and how the public, the administration and lawmakers can access them. Additionally, please explain in detail the agency's contingency plans to reconstitute the necessary organizations to resume the licensing process.


Preserving the historical records and all scientific documents relating to Yucca Mountain is important to the nation's long-term goal of achieving a permanent solution to our nation's accumulating nuclear waste. We appreciate your detailed plan for handling such documents.


Sincerely,

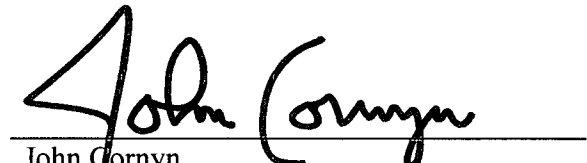

Mark Kirk
United States Senator

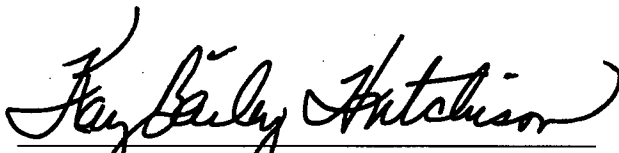

Mike Crapo
United States Senator

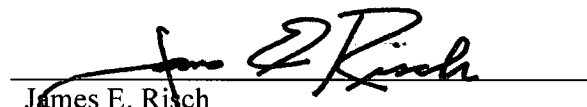

John McCain
United States Senator



John Barrasso
United States Senator


James M. Inhofe
United States Senator


John Cornyn
United States Senator


Kay Bailey Hutchison
United States Senator


James E. Risch
United States Senator


Jeff Sessions
United States Senator

cc: NRC Commissioners
DOE Inspector General