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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Chief Administrative Judge:

G. Paul Bollwerk, III

In the Matter of

U.S. DEPARTMENT OF ENERGY

(High Level Waste Repository:  
Pre-Application Matters)

Docket No. PAPO-00

ASLBP No. 04-829-01-PAPO

March 18, 2005

MEMORANDUM

(Referral to the Office of the Secretary)

Pursuant to 10 C.F.R. § 2.315(a), the letter dated March, 17, 2005, from United States Senators John Ensign and Harry Reid that is included as Attachment A to this memorandum is referred to the Office of the Secretary for placement in the docket of this proceeding.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD PANEL



G. Paul Bollwerk, III  
CHIEF ADMINISTRATIVE JUDGE

Rockville, Maryland

March 18, 2005

ATTACHMENT A

# United States Senate

WASHINGTON, DC 20510

March 17, 2004

The Honorable  
Mr. Alberto Gonzales  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

The Honorable  
Mr. Robert Mueller  
Director  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, NW  
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Dear Mr. Gonzales and Mr. Mueller,

We write to urge that you immediately intervene to protect and preserve any and all records associated with the Yucca Mountain Project (YMP) held by the Department of Energy, the Department of the Interior, the Environmental Protection Agency, and any other federal agencies, contractors, industry and other stakeholders associated with the YMP. We respectfully request that you take any actions necessary to preserve and protect any memoranda, reports, analyses, models, documents, correspondence, and other information associated with the Department of Energy's license application for the YMP. In addition, we request that you seek to protect and preserve any and all archival electronic messages and all records previously and currently being reviewed for placement on the Nuclear Regulatory Commission's (NRC) Licensing Support Network.

Announcements made yesterday by the Secretary of Energy and the Director of the U.S. Geological Survey called into question the quality, validity and integrity of the scientific review and quality assurance processes associated with the YMP. In light of these questions, we also are asking that you initiate an independent investigation of the document review and DOE's license application to the NRC for YMP.

Given the magnitude of human health and safety implications of the YMP, we hope that you will act decisively on this request. We appreciate your attention to this important matter.

Sincerely,



JOHN ENSIGN  
United States Senator



HARRY REID  
United States Senator

cc:

Samuel Bodman, Secretary of Energy  
Gale Norton, Secretary of the Interior  
Stephen Johnson, Administrator, Environmental Protection Agency

Nils Diaz, Chairman, Nuclear Regulatory Commission  
John Garrick, Chairman, Nuclear Waste Technical Review Board  
Paul Bollwerk, Chairman, Atomic Safety and Licensing Board  
Gregory Friedman, Inspector General, Department of Energy  
Earl Devaney, Inspector General, Department of the Interior  
Nikki Tinsley, Inspector General, Environmental Protection Agency  
Charles Groat, Director of the U.S. Geological Survey  
Kenny Guinn, Governor of Nevada

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM (REFERRAL TO THE OFFICE OF THE SECRETARY) have been served upon the following persons by electronic mail and/or Electronic Information Exchange as denoted by an asterisk (\*).

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[Original signed by Rebecca Giitter]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 18<sup>th</sup> day of March 2005