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NEVADA NUCLEAR WASTE TASK FORCE • NUCLEAR INFORMATION AND RESOURCE SERVICE •  
PUBLIC CITIZEN • SIERRA CLUB

June 14, 2005

**Re: Oppose funding for failed Yucca Mountain Project in FY2006 Energy & Water Appropriations bill**

Dear Energy & Water Development Subcommittee Member,

As state-based and national environmental and consumer organizations, *we urge you to oppose any funding for the Yucca Mountain Project in the FY2006 Energy & Water Appropriations bill*. During the past 25 years that the Department of Energy (DOE) has been studying Yucca Mountain, one finding has been clear: Yucca Mountain is unsuitable for deep geological disposal of highly radioactive waste.

The recent disclosure of redacted emails from DOE and USGS scientists is further evidence that that the data were falsified and criteria for the site were changed to meet the site, rather than used to determine that the site is safe. Yucca Mountain should have been disqualified as the law required as soon as it became clear that Yucca Mountain could not meet the 1985 Site Suitability Guidelines. Instead, the DOE turned from a strategy that relies on the geology of the site to hold the waste, which was the scientific justification for deep geologic disposal in the first place, to a strategy that relied on engineered barriers. According to an email dated Sept. 22, 1997 from Larry Rickertsen (DOE contractors) to Ed Taylor (DOE contractors):

We are going to engineered barriers “because the natural ones in themselves cannot do the job. . . The only purpose of the natural system now is to provide a benign environment for the engineering.”

In addition, the Site Suitability Guidelines were also changed to remove the qualifying and disqualifying conditions that required certain aspects of the site to be satisfied or the site would be disqualified. In another email dated Nov. 24, 1998, Larry Rickertsen wrote to Ed Taylor:

“It’s great that PA [Performance Assessment] finally admits ‘that everything is hinging on the corrosion-resistant waste package barrier.’ The next step is to realize that the [corrosion] resistance is not all that certain . . . I was just shown a version of the new Part 960, the DOE siting guidelines. What the DOE has finally admitted to itself is that the Yucca Mountain site fails the guidelines of the old 960, which was developed from the old transport picture of repository performance and the properties of saturated sites. So they had a quick one-week effort to write a new version. . .”

DOE never publicly disclosed the fact that the site failed the siting guidelines. All of this is further evidence of the unscientific approach inherent in the Yucca Mountain Project, which continues to try to fit a square peg in a round hole. The DOE was to be an

independent reviewer of Yucca Mountain rather than an advocate for disposal at Yucca Mountain, which is what it has become as indicated by emails like this one from Ed Taylor to Larry Rickertsen on April 8, 1998:

“What do you think of Brocoum’s command that we continue to obfuscate? . . . How would we all fare at Nuremberg?”

DOE continues to set unrealistic deadlines, now planning to submit a license application by December 2005, while issues of inadequate documentation for the Licensing Support Network and the Environmental Protection Agency’s illegal compliance period for its public health standards at the site have still not been resolved. Given that the court nullified the compliance period in both the EPA standard and the NRC repository licensing rule, there is no regulatory standard for evaluation of a Yucca Mountain license application and DOE cannot and should not submit its application.

The emails call into question the very foundation of the president’s recommendation that Yucca Mountain is suitable as a geologic repository for waste that will remain dangerous for hundreds of thousands of years. The falsification of quality assurance (QA), as the emails indicate was done by USGS scientists, is extremely important, because QA procedures are established to ensure that the data are generated, documented, and reported correctly. QA is integral to the accuracy of the water infiltration models, which have been used to predict how rapidly water can travel through the mountain, how waste containers will corrode, and when the containers will release material into the environment. Water infiltration is one of the most crucial questions determining whether the site can safely contain the nation’s high-level radioactive waste. Faster water movement will cause the radioactive waste to migrate more rapidly through the ground to the aquifer, which is used for drinking water and irrigation.

***Again, we urge you to oppose any funding to the failed Yucca Mountain Project and, instead, establish an independent investigation of the impact of the falsification on the veracity of the license application.***

Sincerely,

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