

NATIONAL ENVIRONMENTAL TRUST • NATURAL RESOURCE DEFENSE COUNCIL •
NUCLEAR INFORMATION AND RESOURCE SERVICE • NEVADA NUCLEAR WASTE TASK FORCE •
PHYSICIANS FOR SOCIAL RESPONSIBILITY • PUBLIC CITIZEN •
U.S. PUBLIC INTEREST RESEARCH GROUP • SIERRA CLUB •
TAXPAYERS FOR COMMON SENSE ACTION

June 24, 2004

Dear Energy and Commerce Committee Member:

Chairman Barton's bill H.R. 3981, which would reclassify fees paid into the Nuclear Waste Fund as offsetting collections for fiscal years 2005-2009, is scheduled for a full committee mark-up today. As national environmental, consumer, and taxpayer organizations, ***we urge you to oppose Chmn. Barton's legislation because it is a budgeting gimmick that increases the amount of money that can be squandered on a troubled federal project.***

This bill would undermine congressional rules that have been established to maintain integrity of the budget process. If passed, H.R. 3981 would allow funding allocated from the Nuclear Waste Fund to be counted against the Energy and Commerce Committee authorizations, rather than the Appropriations Committee budget allocation for the Energy and Water bill. H.R. 3981 would also set a bad precedent for other dedicated funds. This is an inappropriate way to fund federal projects, especially a project that is clearly mismanaged, facing pending legal challenges, and ignoring unresolved safety issues.

The Yucca Mountain Project is clearly a failure. DOE is struggling to meet its artificial, self-imposed deadline for submitting its license application to the Nuclear Regulatory Commission (NRC) by December 2004. An April 2004 report by the NRC to the DOE concluded that *“if DOE continues to use their existing policies, procedures, methods, and practices at the same level of implementation and rigor, the license application may not contain information sufficient to support the technical positions in the application.”* The problems with the Yucca Mountain Project are deeper than funding and cannot be solved by throwing more ratepayer money at the DOE.

Nuclear power ratepayer fees that are paid into the Nuclear Waste Fund should be spent wisely. In light of the management problems of the Yucca Mountain Project, as well as the fundamental questions that remain regarding the suitability of the site to safely and permanently isolate high-level radioactive waste, it is vital that the ratepayer fees are allocated in a straightforward and accountable manner. State utility commissions require that utilities operate in a “prudent” manner and Congress should not do less in managing ratepayers’ money. We urge you to oppose H.R. 3981 in full committee.

Sincerely,

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