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Committee on Appropriations
Washington, DC 20515-6015

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October 20, 2010

The Honorable Gregory B. Jaczko
Chairman
United States Nuclear Regulatory Commission
Mail Stop O-16G4
Washington, DC. 20555-0001

Dear Chairman Jaczko:

We are writing to protest your premature and partisan closure of the Nuclear Regulatory Commission's (NRC's) consideration of the Yucca Mountain license application. We are concerned that your actions call into question whether the NRC, under your leadership, will be able to maintain its historical role as an independent regulatory and oversight body. If continued, your actions may seriously erode the NRC's relationship with this subcommittee.

On October 4, 2010, NRC's staff received your guidance on program execution during the fiscal year 2011 continuing resolution (CR). Your direction states that, "...staff should continue its activities on the Yucca Mountain license application in accordance with the Commission's decisions on the FY 2011 budget...". You were also recently quoted as saying, "From an administrative standpoint I'm moving the agency to close down because that's really what our Fiscal

Year 2011 budget guidance is. That process will continue absent some other direction from Congress.”

Mr. Chairman, the NRC’s fiscal year 2011 budget request is irrelevant under the CR. Congress has approved only your fiscal year 2010 budget request, which did not include funding to shut down the Yucca Mountain license application. We expect that you will continue your fiscal year 2010 activities until Congress provides you additional funding and direction. Furthermore, we question the responsibility of your actions, considering that the NRC’s Atomic Safety and Licensing Board has rejected the Department of Energy’s motion to withdraw the application and you and your fellow Commissioners have not overturned this decision.

It is our constitutional duty to provide funding, oversight, and at times explicit direction on how the Commission, or any governmental agency, for that matter, executes its programs. If you continue to shut down the Yucca Mountain license application, which can only be seen as a partisan act, we will reconsider the flexibilities which the NRC has long enjoyed due to its reputation as an independent body.

Sincerely,



Jerry Lewis
Ranking Member
House Appropriations Committee



Rodney P. Frelinghuysen
Ranking Member
House Appropriations Committee
Subcommittee on Energy
and Water Development



Zach Wamp
Member
House Appropriations Committee
Subcommittee on Energy
and Water Development



Michael K. Simpson
Member
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