

**UNITED STATES
NUCLEAR INFRASTRUCTURE
COUNCIL**

NIC

The below reflects the advice and counsel of the NIC Executive Committee.

March 4, 2010

Statement by the U.S. Nuclear Infrastructure Council

Regarding the U.S. Department of Energy's (DOE) filing of a request to the U.S. Nuclear Regulatory Commission (NRC) to withdraw the Yucca Mountain license application with prejudice.

We continue to believe that the public interest with respect to U.S. energy security, competitiveness and environmental progress -- as well as nuclear new build -- is best served by continuation of the Yucca Mountain licensing process in tandem with the Blue Ribbon Commission review.

This action stands in marked contrast to President Obama's recent call for new nuclear energy plants and his announcement of the first loan guarantee along with a proposed \$36 billion expansion of the program.

The DOE's justification of its request to withdraw the license application is not compelling in light of the mandates of the Nuclear Waste Policy Act. It is conspicuously devoid of a meaningful scientific basis for the program's termination in the face of the President's Executive Order on Scientific Integrity. It offers little explanation for a withdrawal with prejudice. It is not surprising that several parties to the proceedings have already signaled their opposition to the request and others are seeking to intervene in support of the project through the courts.

We hope that Congress will provide clarity to this process by continuing to fund the license application as the Blue Ribbon Commission goes through its deliberations. We also urge DOE to show restraint on any further steps towards termination of the program until the NRC and Congress have provided more definitive guidance. Any rush to dismantle the 25 years worth of ratepayer funded scientific effort in a hasty manner before challenges can be aired and resolved will result in a serious breach of public confidence.

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Note: The above statement reflects the consensus view of the Council: however, it does not necessarily represent the specific views of individual members.