

## **Letter to Energy Secretary Spencer Abraham: Recuse yourself from the Yucca Mountain Project**

January 17, 2002

The Honorable Spencer Abraham  
Secretary  
Department of Energy  
1000 Independence Ave., SW  
Washington, DC 20585

Dear Secretary Abraham:

In view of the significant campaign contributions you received from the nuclear industry in the last election cycle, Public Citizen urges you to recuse yourself from responsibilities related to the Yucca Mountain project in order to avoid the appearance of conflict of interest.

Our analysis of data provided by the Center for Responsive Politics show that you accepted \$82,728 from the nuclear industry during the last election cycle (1995 through September 30, 2000). Based on Federal Election Commission filings, PoliticalMoneyLine reports that in 1999-2000 alone these contributions included \$9,000 from Florida Power and Light, \$5,000 each from Southern Company and DTE Energy, \$4,000 from the Nuclear Energy Institute and \$3,000 from PECO (now Exelon).

Under the terms of the Nuclear Waste Policy Act, the Secretary of Energy is required to evaluate the suitability of Yucca Mountain, Nevada, as the location for a proposed high-level radioactive waste repository. Your letter of January 10<sup>th</sup> to Nevada Governor Kenny Guinn indicates that you intend to favorably recommend the site - a decision certain to be controversial. As you know, the Yucca Mountain project is strongly opposed by Nevada's congressional delegation, governor and state legislature, as well as public interest, consumer advocacy and environmental organizations across the country. Already, three lawsuits are pending related to the repository proposal, with more likely to follow. In addition, recent investigations by the DOE Inspector General and the General Accounting Office have brought to light apparent contractor conflict of interest within the Yucca Mountain project and indications that the DOE is acting prematurely by preparing a site recommendation in the absence of data to support a potential license application.

The commercial nuclear industry is a long-time supporter of the proposed nuclear waste repository and would directly benefit if the project were approved. Independently and through various industry associations, nuclear operators have lobbied in support of the Yucca Mountain project. Your financial ties to the pro-repository nuclear industry pose an apparent conflict of interest in your evaluation of a Yucca Mountain site recommendation and threaten to undermine the integrity and objectivity of the DOE's process.

Conflict of interest regulations, codified in both 18 USC. 208(a) and 5 CFR 2635.502(d), require executive branch officials faced with an apparent or real financial conflict of interest to either recuse themselves or seek specific exemption from the conflict of interest rules. Therefore, and to ensure fair and independent proceedings related to the proposed repository, we urge you to immediately recuse yourself from involvement in the Yucca Mountain project.

Sincerely,

Joan Claybrook  
President  
Public Citizen