

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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June 1, 2011

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable John Shimkus
Chairman
Subcommittee on Environment and the Economy
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Upton and Chairman Shimkus:

We are writing to express concern about the partisan nature of investigative practices being employed in the Committee's ongoing inquiry into the licensing process relating to the Yucca Mountain nuclear waste depository.

On Friday, Democratic Committee staff discovered that your staff had conducted interviews of at least four employees of the Nuclear Regulatory Commission without notifying the Democratic members or staff of the Committee. We also learned that an additional Committee interview was planned over the Memorial Day weekend. Minority staff immediately asked your staff for information about the interviews that had already occurred and asked to participate in the witness interview scheduled over the weekend. Your staff did not respond until Tuesday and has yet to agree to include the minority in future Committee interviews.

Yesterday, Democratic Committee staff contacted three of the witnesses. They told us that they did not request that Democratic staff be excluded from the interviews. In fact, one said she would have preferred that Democratic staff be present because she did not view this matter as partisan and does not understand why two sets of interviews are necessary.

Excluding Democratic staff from Committee interviews of fact witnesses is inappropriate and inconsistent with Committee precedents. The practice denies nearly half the members of the Committee equal access to relevant information about the investigation. It wastes taxpayer

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resources by necessitating duplicative interviews. And it calls into question the basic fairness and credibility of the Committee's inquiry.

We recognize that there can be exceptional cases where a bipartisan interview could be problematic, such as an interview with a whistleblower who insists on confidentiality. But these circumstances are rare and do not justify the exclusion of Democratic staff from the NRC interviews.

We urge you to reconsider this practice and invite Democratic participation in future Committee interviews.

Sincerely,



Henry A. Waxman
Ranking Member



Gene Green
Ranking Member
Subcommittee on Environment
and the Economy