

**STATEMENT OF BRIAN SANDOVAL  
NEVADA ATTORNEY GENERAL**

**BEFORE THE SUBCOMMITTEE ON  
FEDERAL WORKFORCE AND AGENCY ORGANIZATION  
OF THE  
UNITED STATES HOUSE OF REPRESENTATIVES COMMITTEE  
ON GOVERNMENT REFORM**

**APRIL 5, 2005**



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Good morning Mr. Chairman and members of the subcommittee. I am Brian Sandoval, Nevada Attorney General. I appreciate this opportunity to address you today.

You have asked me to appear before you to provide testimony concerning the deeply disturbing disclosure by the U.S. Department of Energy (DOE) that certain critical data supporting the controversial Yucca Mountain project has been falsified by U.S. Geological Survey (USGS) scientists. The falsification of scientific data is evidenced in emails exchanged among USGS employees as part of scientific studies relating to water infiltration and climate at the Yucca Mountain site. The communications in question relate back to specific exchanges which occurred between 1998 and 2000, and which call into serious question the particular scientific work under discussion as well as other key scientific underpinnings of the project.

Falsification of scientific data concerning water filtration relates directly to the suitability or unsuitability of Yucca Mountain to house the nation's first high-level nuclear waste repository. The USGS studies form the very foundation of the federal government's recommendation to the President. The presidential recommendation in turn supports Congress' decision to override Nevada's notice of disapproval of the site and Congress' direction to DOE to pursue licensure for the project. That such disreputable actions have undermined the government's recommendation goes without saying. It also goes without saying that the public's confidence in the integrity of the Yucca Mountain project has been severely, if not irreparably, damaged.

Following DOE's troubling disclosure, I immediately sent a letter to the United States Attorney General, Alberto Gonzales. In that letter, I specifically requested that the Attorney General direct DOE to make all emails relevant to this matter available to my office. To date, this has not occurred. In addition, I asked Attorney General Gonzales to secure the entire Yucca Mountain data base to protect it from further manipulation by individuals likely to be motivated to hide other incriminating information. Finally, because of the possibility of criminal

conduct, I requested that an independent investigation be undertaken at the earliest possible time so that the full effect of DOE's and its contractors' conduct can be understood and addressed in the swiftest and most appropriate way possible.

As Nevada's Attorney General, my responsibility is to protect the public health and safety of Nevada's citizens. I am profoundly concerned that I have not yet been advised that urgent federal action is being pursued to freeze data and to secure information sources that may contain further evidence of data falsification, fabrication and manipulation. I stand ready to pursue available remedies under state law and to fully support appropriate independent federal action.

I strongly urge this Committee to demand immediate action to fully expose the extent of federal malfeasance. Thank you for this opportunity.