

April 24, 2017

Dear Senator,

We the undersigned are writing to express our objections to and our concerns about plans and efforts of members of Congress and the Trump Administration to legislate and fund a restart of the Nuclear Regulatory Commission (NRC) licensing proceeding for the Department of Energy's (DOE) Yucca Mountain high-level nuclear waste repository proposal. While it is a critical priority to solve the vexing problem of high-level nuclear waste disposition, legislation cannot overcome the physical, technical and scientific problems inherent in the Yucca Mountain proposal. Yucca Mountain should be terminated, not restarted.

Yucca Mountain is a failed project, having already cost electric utility ratepayers and taxpayers about \$15 billion, including oversight costs of the Nuclear Regulatory Commission, the Nuclear Waste Technical Review Board, and state and local government. At present, the Yucca Mountain site is physically and functionally disassembled and non-operational; it is a hole in the ground. To attempt a restart of Yucca Mountain would indeed be starting all over. All the necessary mechanical and administrative capacities would have to be developed from square one, and of course, paid for. Why spend significant time and money on what is a failed geological site? The Yucca Mountain project should be terminated.

The defining politics for Yucca Mountain took place in 1987, when Congress legislatively stopped the scientific site selection process and chose instead the politically weak and geologically deficient site in Nevada. Yucca Mountain, a facility that would be required to perform for at least one million years, is made of porous volcanic tuff rock located in an area of both seismic and volcanic activity, and over an important underground aquifer!

It is fantasy to think that congress can now 'pay the utility bill' and flip an imaginary switch to put Yucca Mountain back in business. The license application and environmental impact statement face a significant legal backlog of contentions challenging site suitability

and waste transportation issues. Yucca Mountain is an illusion of a solution. Why spend time and money going down a dead end?

The Yucca Mountain proceeding was suspended in 2010 due to lack of appropriations from the Nuclear Waste Fund to both the NRC and the DOE to continue the adjudicatory process. To date, no further appropriations for this activity have been approved by Congress, but in compliance with the 2013 Order from the Circuit Court of Appeals for the District of Columbia, the Nuclear Regulatory Commission has spent nearly all of its remaining Nuclear Waste Fund carry-over money from appropriations approved prior to FY 2011 completing tasks necessary to prepare for a possible resumption of the adjudicatory process should additional funds become available.

This year marks 30 years since the passage, in 1987, of the Nuclear Waste Policy Amendments Act that truncated the science-based site screening and selection process of the 1982 Nuclear Waste Policy Act and simply declared Yucca Mountain, Nevada, as the only candidate site for development of the first national high-level nuclear waste repository. The Amendments Act also terminated the mandated second repository site selection program.

Because only 28 of the current members of the Senate and House were in office at the time of that vote, the deeply troubled history of Yucca Mountain is known by only a few of the current legislators, whose decisions will impact generations to come.

In 2002, by overriding Nevada's Notice of Disapproval, Congress approved, and the President signed into law, a resolution directing that Yucca Mountain be developed as a nuclear waste repository if the Nuclear Regulatory Commission grants a license. Six years later, in 2008, the DOE submitted its Yucca Mountain repository license application.

The State of Nevada and numerous other entities filed Motions for Intervention, resulting in an unprecedented 299 admitted contentions for adjudication. It is estimated that this adjudication will require more than 400 days of hearings, with the entire hearing process lasting an optimistic minimum of 4 to 5 years. Both the DOE and the NRC have estimated that the hearing process will cost their agencies \$1.66 billion and \$330 million respectively (about \$2 Billion total), should the licensing process be resumed.

If a Construction Authorization is granted by NRC and then successfully defended against the inevitable legal challenges, construction and operation of the repository, including transportation of waste from nuclear power reactors nationwide to Yucca Mountain, was estimated by DOE in 2008 to cost about \$96 billion. Duration of national waste transport could be up to 50 years, and repository closure is planned for 100 years after first emplacement of waste. Site construction would involve 40-plus miles of underground waste emplacement tunnels, in addition to the 5-mile access tunnel built in the 1990s for site investigations, and earthquake-protected surface facility buildings for waste receipt and handling.

Additionally, a 300-plus mile rail line from the Union Pacific mainline to Yucca Mountain would need to be constructed across mountainous terrain at an estimated cost of over \$2 billion to begin waste receipt by rail as planned. The rail line would require acquisition of both private and federal land rights-of-way. Congressional land withdrawal legislation for the site also would be required before the NRC can grant the repository license. Yucca Mountain is on Western Shoshone land. The Native Community Action Council, an admitted party to the license proceeding, has challenged US federal ownership of the Yucca Mountain site, because such use of the land is a violation of the Shoshone 1863 Treaty of Ruby Valley.

Regulations also require that water rights for the repository operation and fire protection be acquired, in this case from the State of Nevada, which has denied the DOE's previous application for these rights.

In sum, a Congressional directive to the NRC and the DOE to restart the licensing proceeding for Yucca Mountain *might*, after great and uncertain expenses, and an unknown number of years of technical arguments and legal challenges, result in a forced license for a facility that never can be built and operated. Reasons for these conclusions could include a prudent lack of commitment to highly uncertain costs over an unprecedented and uncertain 100 year project period, or a myriad of other known or yet to be foreseen obstacles and challenges.

Such a directive would only add further decades of delay and cost to the already spent decades of uncertainty in meeting the ultimate goal of the nation to safely resolve the matter of disposition of the high-level radioactive wastes from commercial power generation and federal nuclear weapons production. Geologically, Yucca Mountain is not the solution to our radioactive waste problems, no matter how much money might be spent.

Questions or replies may be sent to these 80 organizations in care of Alfred Meyer, PSR New York: Alfred.c.meyer@gmail.com.

Sincerely,

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