

# United States Senate

WASHINGTON, DC 20510

March 19, 2018

The Honorable Rick Perry  
Secretary  
U.S. Department of Energy  
1000 Independence Avenue SW  
Washington, DC 20585

Dear Secretary Perry:

I am writing to request information on current Yucca Mountain activities and expenditures, and an update on expenditures that would be associated with a restarted Yucca Mountain licensing proceeding.

As you know, the Nuclear Waste Policy Act (NWPA), as amended in 1987, named Yucca Mountain in southern Nevada, as the nation's sole candidate site for a permanent high-level nuclear waste repository. NWPA required the Department of Energy (DOE) to study the site and seek a license from the Nuclear Regulatory Commission (NRC) to build a repository at that location. Due to overwhelming opposition from the State of Nevada and other Nevada-based stakeholders, the Department decided to halt the Yucca Mountain project, and no funding was requested by DOE, or appropriated by Congress, for it since FY 2010.

Subsequent to this decision, the Department of Energy established the “Blue Ribbon Commission on America's Nuclear Future” to develop an alternative nuclear waste policy. The Commission issued its final report on January 26, 2012, recommending a siting process based on the consent from host location stakeholders for future nuclear waste storage and disposal facilities.

In January 2013, DOE issued a nuclear waste strategy based on the Commission's recommendations. The strategy called for a pilot interim storage facility for spent fuel from closed nuclear reactors to open by 2021 and a larger storage facility to open by 2025. A site for a permanent underground waste repository would be selected by 2026, and the repository would open by 2048. DOE issued a draft consent-based nuclear waste siting process on January 12, 2017.

However, the Trump Administration has dismissed further consideration of the aforementioned plan, and reversed the decision that had been made in FY 2010 by including \$120 million in the President's FY 2018 Budget request to Congress to restart the Yucca Mountain licensing process.

According to the DOE FY 2019 Congressional Budget Justification, released last week, the Department is again requesting \$120 million for the Yucca Mountain and Interim Storage Program. However, the FY 2019 Budget Justification, like the FY 2018 Budget Justification, provides little meaningful information on how DOE would actually spend these funds to participate in U.S. Nuclear Regulatory Commission licensing activities for the Yucca Mountain nuclear waste repository.

Moreover, neither of these budget documents provide any information on DOE expenditures from the Nuclear Waste Fund for Yucca Mountain activities during FY 2017 and FY 2018. In an October 2014 letter to the House Committee on Energy and Commerce, then-Assistant Secretary Peter Lyons informed the Committee that the current available carryover funds in the Defense Nuclear Waste Disposal and the Nuclear Waste Disposal accounts totaled roughly \$41.7 million (\$21.7 million of which was obligated for specific purposes and \$20 million of which had not yet been obligated).<sup>1</sup> However, more than 3 years later in a January 23, 2018 letter from the United States Nuclear Infrastructure Council references an estimated \$10 million available in carryover funding that is available to DOE to make preparations to restart the Yucca Mountain licensing process.<sup>2</sup> Because no additional funds have been appropriated for Yucca Mountain purposes since FY2010, Congress has been clear in its wishes that this licensing not proceed, and I am greatly concerned about the drawdown of these carryover funds that would be used for this purpose.

Understanding the high-level of importance this matter is to my constituents, I request that you provide the following information on Yucca Mountain activities and expenditures, and provide transparency to these outstanding balances.

1. At the beginning of FY 2017, what were the unobligated balances in the Department's Defense Nuclear Waste Disposal and Nuclear Waste Disposal accounts? What were the Department's beginning FY 2017 obligated but unspent funds in those accounts?
2. During FY 2017, how much did the Department spend from these accounts for Yucca Mountain licensing activities? In addition to licensing activities, please provide a breakdown of FY 2017 expenditures for pension fund obligations for retired Yucca Mountain workers and closeout of legacy accounts; administration of the Nuclear Waste Fund, financial audits, investment guidance, and other analyses; and maintenance of Yucca Mountain Project records and technical and scientific information, including preservation and security of the geologic samples.

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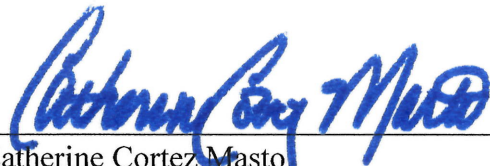
<sup>1</sup> Letter to Rep. John Shimkus, House Committee on Energy and Commerce, from Asst. Secretary for Nuclear Energy Peter Lyons, U.S. Department of Energy, October 17, 2014.

<sup>2</sup> Letter to Secretary Rick Perry, U.S. Department of Energy, from David Blee, Executive Director, United States Infrastructure Council, January 23, 2018.

3. At the beginning of FY 2018, what were the unobligated balances in the Department's Defense Nuclear Waste Disposal and Nuclear Waste Disposal accounts? What were the Department's beginning FY 2018 obligated but unspent funds in those accounts?
4. During the first five months of FY 2018, how much did the Department spend from these accounts for Yucca Mountain licensing activities? In addition to licensing activities, please provide a breakdown of FY 2018 expenditures to date for pension fund obligations for retired Yucca Mountain workers and closeout of legacy accounts; administration of the Nuclear Waste Fund, financial audits, investment guidance, and other analyses; and maintenance of Yucca Mountain Project records and technical and scientific information, including preservation and security of the geologic samples.
5. In 2008, the Department estimated that the cost of all activities associated with the NRC Yucca Mountain repository licensing proceeding, for the period FY 2007 through FY 2016, would be about \$1.66 billion (2007\$) in addition to \$670 million (2007\$) spent through the end of FY 2006.<sup>3</sup> How much did the Department spend for licensing activities in FY 2007 through FY 2011, before the NRC suspended the adjudicatory portion of the licensing proceeding? If the full legally-mandated NRC licensing proceeding is restarted, what is the Department's estimate of the cost of completing all activities associated with licensing the Yucca Mountain repository?

Thank you in advance for your prompt attention to my request.

Sincerely,



Catherine Cortez Masto  
United States Senator

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<sup>3</sup> DOE, *Analysis of the Total System Life Cycle Cost of the Civilian Radioactive Waste Management Program, Fiscal Year 2007*, DOE/RW-

0591, Washington, DC (July 2008). All values were stated in 2007 dollars; see pages 8, 17 - 19.