

United States Senate

October 24, 2018

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

The Honorable John Michael “Mick” Mulvaney
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Secretary Perry and Director Mulvaney,

In regards to President Trump’s remarks during his visit to the City of Elko, Nevada this past Saturday, he indicated a shift in his Administration’s policy pertaining to the storage of nuclear waste at Southern Nevada’s Yucca Mountain. Specifically, President Trump said, “I think you should do things where people want them, so I would be very inclined to be against it. We will be looking at it very seriously over the next few weeks, and I agree with the people of Nevada.”

With that in mind, I write to you today to ask that the Department of Energy and this Administration officially state their support for S. 95, the Nuclear Waste Informed Consent Act, to allow for the construction of a nuclear waste repository only if the Secretary of Energy has secured written consent from the governor of the host state, affected units of local government, and affected Indian tribes. In addition, I request that no funds for Yucca Mountain be included in your Fiscal Year 2020 budget request. Continuing to request funds to build Yucca Mountain in your forthcoming budget request to Congress will only make President Trump’s remarks meaningless, and will run counter to his stated support for the majority of Nevadans who oppose this project.

As you know, in 2013, the Department of Energy (DOE) published a strategy for implementing the recommendations of the Blue Ribbon Commission (BRC) on America’s Nuclear Future.¹ In December 2015, DOE requested public input on plans to develop a new consent-based process for siting facilities for nuclear waste storage and disposal based on BRC recommendations. At that time, DOE concurred with the recommendation from the BRC that a “phased, adaptive, consent-based siting process is the best approach to gain the public trust and confidence needed to site nuclear waste facilities.”²

In response, the aforementioned legislation, S. 95, was created as a new path forward in resolving the country’s nuclear waste storage problem. This bill is consistent with the consent-based siting approach recommended by DOE in 2015, while ensuring that states and affected

¹ Strategy for the Management and Disposal of Used Nuclear Fuel and High-level Radioactive Waste, Department of Energy, January 2013

² Report of the Nevada Commission on Nuclear Projects, January 2017, pg. 15

populations have a meaningful voice in the process so that no state or community will be forced to accept nuclear waste against its own will.

When DOE announced that it was terminating the project in 2010, all that existed, and all that continues to exist, at the project's location is a single 5-mile-long exploratory tunnel that cannot be used for waste storage or disposal. At a minimum, a repository at Yucca Mountain would require the construction of 42 miles of additional tunnels to accommodate the emplacement limit of 70,000 metric tons of spent nuclear fuel and high-level radioactive waste. DOE also would need to construct extensive new surface facilities for waste receipt and handling and more than 300 miles of new railroad, the country's longest new rail construction project in the past 100 years.

Including the \$15 billion already spent on Yucca Mountain by the federal government, DOE estimated in December 2012 that going forward with Yucca Mountain would require another \$82.5 billion for construction, operation, and closure, for a total cost of at least \$97 billion. To begin actual construction, DOE would need the approval of the license application and the granting of a construction authorization from the U.S. Nuclear Regulatory Commission (NRC) – something that is being – and will continue to be – vigorously contested by the State of Nevada.³

In addition, the recent annual budget request by the President included \$120 million for nuclear waste storage and disposal at Yucca Mountain. The Nevada Congressional Delegation opposed this request and prevented its inclusion in the FY19 Energy & Water appropriations package that President Trump recently signed into law on September 21, 2018. The only way to uphold President Trump's position that the federal government "should do things where people want them to happen" is to suspend any further action and appropriations requests for a nuclear waste repository at Yucca Mountain.

I look forward to working with you in a scientific and fair process in determining a final repository for the Nation's waste, not at Yucca Mountain, but in keeping with the President's word at a site that has the consent of the host state and will keep all communities safe.

Sincerely,



Catherine Cortez Masto
United States Senator

³ Report of the Nevada Commission on Nuclear Projects, January 2017, pg. 14-17