

United States Senate

WASHINGTON, DC 20510

September 21, 2022

The Honorable Jennifer Granholm
Secretary
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Secretary Granholm,

On September 20, 2022, the State of Nevada filed a motion with the Nuclear Regulatory Commission (NRC) to reopen the licensing proceeding to consider motions for summary disposition related to the Yucca Mountain Nuclear Waste Repository. Since September 2011, the NRC licensing adjudicatory process has been on hold, thereby suspending the NRC's consideration of the pending application. This filing by the State of Nevada will give the Commission the opportunity to vote on the State's long-sought termination of the Yucca Mountain license application.

For nearly four decades, the State of Nevada has consistently and firmly opposed the disposal of spent nuclear fuel and high-level waste in Yucca Mountain, Nevada. Our state has long held the position that the license application will not be workable for the Yucca Mountain site due to a host of technical and institutional reasons. In December 2008, the State of Nevada submitted 229 contentions in opposition to the U.S. Department of Energy's (DOE) prior license application. In May 2009, the NRC Construction Authorization Boards admitted 218 of Nevada's contentions, setting the stage for the longest and most challenging licensing proceeding in NRC history. Even DOE estimated that the licensing proceeding and related litigation would take a decade or more and cost billions of dollars.

As you know, Congress passed the *Nuclear Waste Policy Act* in 1982, creating a science-based framework to select a permanent nuclear waste repository site. The framework established by this Act created a schedule for the selection of a first repository to be made among three candidates in a Western state, followed by the selection of a second repository from a set of five candidates in an Eastern state, along with consideration of an interim site to be located at Oak Ridge, Tennessee.

However, the search for an Eastern second repository site was indefinitely postponed by the Reagan Administration site in 1986 – unravelling a key compromise of the 1982 law. Later, in 1987, Congress dropped the scientific-based compromise process, nullified the selection of an interim site at Oak Ridge, Tennessee, and arbitrarily designated Yucca Mountain as the sole site for a repository.

In 2010, following years of opposition from the State of Nevada, the Obama Administration determined that trying to develop the Yucca Mountain repository over the continuing objections of our state was not a workable option and further determined that a different solution for nuclear

waste disposal was needed. Subsequently, DOE moved to withdraw the Yucca Mountain repository license application from further consideration by the NRC. Congress has not funded Yucca Mountain activities at NRC or DOE since that time.

After the Obama Administration moved to halt the Yucca Mountain project, Secretary Steven Chu established the Blue Ribbon Commission on America's Nuclear Future, as directed by the President's Memorandum for the Secretary of Energy dated January 29, 2010. This effort sought to develop an alternative waste management strategy that was focused on the need for a consent-based siting process. Unfortunately, the Yucca Mountain license application has been on hold, and our state continues to face an uncertain future of not knowing whether hazardous nuclear waste will be forced upon Nevadans.

We appreciate that the Biden Administration also opposes the use of Yucca Mountain for the storage of nuclear waste, and we appreciate your prior commitment to a consent-based siting process, as recommended by the Blue Ribbon Commission. Further, we acknowledge the need to explore and invest in innovative solutions for nuclear waste disposal and will continue to work with you and our Congressional colleagues to find viable and sustainable solutions to dispose of our nation's high-level nuclear waste. However, Yucca Mountain is not the answer. We believe this is a pivotal step for the Department and request that it continue its commitment to implement the consent-based recommendations made by the Blue Ribbon Commission.

Sincerely,



Catherine Cortez Masto
United States Senator



Jacky Rosen
United States Senator