

## United States Senate

May 18, 2018

The Honorable Kristine Svinicki, Chairman  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

Dear Chairman Svinicki:

I write today to request information on activities and expenditures that would be associated with a restarted Yucca Mountain licensing proceeding, specifically in regards to the potential need of the Nuclear Regulatory Commission (NRC) to reestablish a hearing facility in Las Vegas if the licensing process pertaining to Yucca Mountain should begin anew.

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 Congress has appropriated no further funding to DOE or NRC on the matter since FY 2010.

Following the Department's decision to halt further action on the Yucca Mountain project, along with Congress' decision to no longer appropriate funds to either DOE or NRC, the NRC began to dismantle its capabilities to carry out the Yucca Mountain licensing proceeding, including the dismantling of a dedicated and customized hearing facility in Las Vegas, Nevada. The Las Vegas Hearing Facility was created to host the Atomic Safety and Licensing Board Panel (ASLBP), under the direction of the NRC, to review petitions and contentions from various parties and to issue decisions and case management directives on behalf of the project. In March 2011, the ASLBP, with no allocated funding or staffing resources to continue the Yucca Mountain licensing effort, began to shut down the facility.

As you know, 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.

However, the Trump Administration has dismissed further consideration of the aforementioned plan, and reversed the decision that had been made in FY 2010 beginning with a FY 2018 request to Congress to restart the Yucca Mountain licensing process. Subsequently, in the FY 2019 budget request, the NRC has requested \$47.7 million to restart the licensing proceeding, but provides no meaningful information in the Budget Justification document other than the proposed cost for 124 Full Time Employees (FTEs).

Were the Yucca Mountain licensing process to resume, it would be particularly necessary for the NRC to rebuild the requisite organizational capabilities, and the NRC would specifically need “time and money to rent and equip another hearing facility in or near Las Vegas, as referenced by the U.S. Government Accountability Office’s April 2017 report to the U.S. House Committee on Energy and Commerce.”<sup>1</sup> Additionally, a July 31, 2017 NRC memorandum directed staff to “perform a high-level survey of potential Nevada hearing venue sites and begin limited market research, including interactions with the General Services Administration concerning the possible procurement of Nevada hearing facility space.”<sup>2</sup> Furthermore, on March 5, NRC officials, including Chairman Kristie Svinicki met with officials from Nye County, Nevada, where the discussion included Nye County’s “increased hotel capacity, the availability of larger meeting venues, and widened highway lanes.”<sup>3</sup>

Even though Congress has yet to appropriate any funds to the NRC related to Yucca Mountain, I am concerned the NRC is already moving in a direction to use allocated funds for a purpose that has not yet been authorized. It is imperative that my congressional colleagues and I, along with other concerned stakeholders, have a full and complete understanding of the intentions for how the NRC’s aforementioned requested funds would be used.

Given the above, I would appreciate your response to the following questions and information requests:

1. Describe the location and details of the previous hearing facility in Las Vegas, Nevada including the communications and security requirements necessary for the operation of the facility.
2. Confirm the time and cost estimates to lease and equip the previous facility in Las Vegas, beginning at the time the NRC began leasing the facility in 2005 until its closure, as referenced in the April 2017 GAO report.

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<sup>1</sup> GAO-17-340 (April 2017), “Commercial Nuclear Waste – Resuming Licensing of the Yucca Mountain Repository Would Require Rebuilding Capacity at DOE and NRC, Among Other Key Steps.” <https://www.gao.gov/assets/690/684327.pdf>

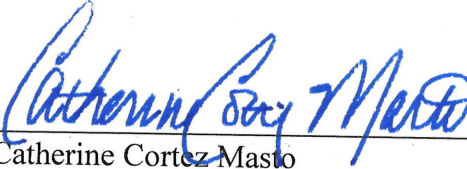
<sup>2</sup> U.S. Nuclear Regulatory Commission memorandum to E. Roy Hawkins, Chief Administrative Judge; July 31, 2017. <https://www.nrc.gov/docs/ML1721/ML17212B393.pdf>

<sup>3</sup> March 15, 2018 Letter to Robert Halstead, Executive Director, Nevada State Agency for Nuclear Projects, from NRC Chairman Kristine Svinicki. <https://www.nrc.gov/docs/ML1807/ML18074A048.pdf>

3. Confirm the time and cost estimates to dismantle the previous facility, as referenced in the April 2017 GAO report.
4. Have any actions been undertaken by the NRC staff, or on behalf of the NRC staff, in regards to a "survey of potential Nevada hearing sites," as referenced by the July 31, 2017 NRC memorandum?
5. Describe to what extent any and all work that may have been undertaken thus far on potential Nevada hearing sites, how NRC staff would evaluate functional requirements in the survey of such hearing sites (for example: needs of NRC-ASLBP judges and staff, admitted parties and other participants, members of the public and media, etc.), how costs would be evaluated for potential Nevada hearing sites, and what costs and expenditures have thus far been determined.
6. Describe all interactions with Nye County and other Nevada local governments regarding evaluation of Nevada hearing sites.
7. What assumptions and findings regarding the reorganization of a hearing facility in Las Vegas (or elsewhere in Nevada) have been established thus far?
8. What assumptions and findings regarding the use of an existing or new hearing facility in Rockville, Maryland, in regards to a Yucca Mountain licensing effort, have been established thus far?
9. What assumptions and findings regarding the use of virtual hearings technology at a facility in Las Vegas (or elsewhere in Nevada) and/or an existing or new hearing facility in Rockville, Maryland have been made thus far?

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

Sincerely,

  
Catherine Cortez Masto  
United States Senator