

United States Senate

WASHINGTON, DC 20510

March 20, 2018

The Honorable Lisa Murkowski, Chairman
Senate Committee on Energy and Natural Resources
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Murkowski:

I write today to reiterate my steadfast opposition to the Administration's efforts to restart licensing activities at Yucca Mountain, Nevada, given the outstanding and unresolved safety concerns. Despite Congress' continuous refusal to pass a law funding the high-level nuclear waste repository, the Administration's fiscal year 2019 budget includes a request for \$120 million for the Department of Energy (DOE) to revive this ill-conceived and fiscally irresponsible plan. This request perpetuates a long-standing fight over states' rights and distracts us from the real task at hand, which is finding a viable long-term nuclear waste storage solution that meets the needs of the American people.

Chairman Murkowski and Ranking Member Cantwell, I want to commend for your leadership in helping find bipartisan solutions to our nation's long-term nuclear waste problem. We all recognize the important role nuclear power plays in a stable and secure all-of-the-above energy strategy as well as the need to properly store spent nuclear fuel, and I want you to know that I stand ready to work with you to implement consent-based siting. I firmly believe consent-based siting presents a viable path forward on this issue and a means of addressing our nation's high-level nuclear waste problem while at the same time respecting the sovereignty of states to object to becoming dumping sites.

The proposed high-level nuclear waste repository at Yucca Mountain presents a very different path, however. Indeed, this project represents the exact opposite of consent; it is a unilaterally imposed federal mandate that runs contrary to the will of the people that it directly affects. Yucca Mountain poses numerous health and safety risks to the people of southern Nevada and potentially catastrophic financial risks to our state's tourism economy, and yet we, as Nevadans, have received no assurances that these safety concerns will be properly accounted for or dealt with, nor have we received any assurances from DOE or the Nuclear Regulatory Commission (NRC) that concerned stakeholders will receive the due process to which they are entitled under existing law.

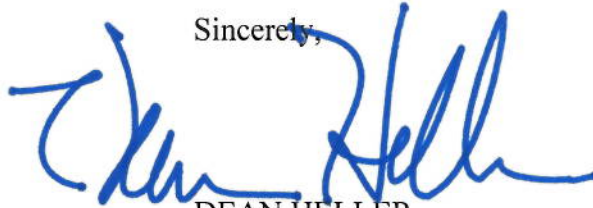
Before the adjudication proceeding on the DOE's application to open the Yucca Mountain facility was suspended in September 2011, the NRC's Atomic Safety and Licensing Board Panel had admitted hundreds of technical and legal contentions. Decisions on these contentions, as well as those related to a potential future DOE application to possess high-level nuclear waste at

Yucca Mountain, which would also likely number in the hundreds, if not thousands, would have to be issued for this project to move forward. From the perspective of Nevadans, however, very little consideration has been given to how to fairly adjudicate these contentions.

Given Nevada's significant interest in receiving fair and full consideration of these contentions, much work remains to be done to adequately resolve the issues they present. For example, procedural safeguards, like local hearings and local adjudication, must be put in place to guarantee affected parties receive the process they are due. In addition, basic safety and security measures, as recommended by the National Academy of Sciences and the Blue Ribbon Commission, must be considered and implemented to ensure the risk of radiological hazards and severe accidents does not go unmitigated. I intend to follow up with DOE on these and other issues to ensure that if the Yucca Mountain proposal moves forward over the objections of Nevadans and Nevada, basic procedural and safety measures are not also forgotten.

Because of these outstanding and unresolved concerns, I will continue to stand with the State of Nevada in its staunch opposition to any effort to restart the repository licensing process. I strongly urge you not to fund the Administration's request, and I once again encourage you to devote resources toward DOE's consent-based siting initiative for the storage and disposal of high-level nuclear waste. Thank you for your timely attention to this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dean Heller", is written over the word "Sincerely,".

DEAN HELLER
U.S. Senator