April 24, 2017

Dear House Member,

We the undersigned are writing to express our objections to and our concerns about plans and efforts of members of Congress and the Trump Administration to legislate and fund a restart of the Nuclear Regulatory Commission (NRC) licensing proceeding for the Department of Energy’s (DOE) Yucca Mountain high-level nuclear waste repository proposal. While it is a critical priority to solve the vexing problem of high-level nuclear waste disposition, legislation cannot overcome the physical, technical and scientific problems inherent in the Yucca Mountain proposal. Yucca Mountain should be terminated, not restarted.

Yucca Mountain is a failed project, having already cost electric utility ratepayers and taxpayers about $15 billion, including oversight costs of the Nuclear Regulatory Commission, the Nuclear Waste Technical Review Board, and state and local government. At present, the Yucca Mountain site is physically and functionally disassembled and non-operational; it is a hole in the ground. To attempt a restart of Yucca Mountain would indeed be starting all over. All the necessary mechanical and administrative capacities would have to be developed from square one, and of course, paid for. Why spend significant time and money on what is a failed geological site? The Yucca Mountain project should be terminated.

The defining politics for Yucca Mountain took place in 1987, when Congress legislatively stopped the scientific site selection process and chose instead the politically weak and geologically deficient site in Nevada. Yucca Mountain, a facility that would be required to perform for at least one million years, is made of porous volcanic tuff rock located in an area of both seismic and volcanic activity, and over an important underground aquifer!

It is fantasy to think that congress can now ‘pay the utility bill’ and flip an imaginary switch to put Yucca Mountain back in business. The license application and environmental impact statement face a significant legal backlog of contentions challenging site suitability
and waste transportation issues. Yucca Mountain is an illusion of a solution. Why spend time and money going down a dead end?

The Yucca Mountain proceeding was suspended in 2010 due to lack of appropriations from the Nuclear Waste Fund to both the NRC and the DOE to continue the adjudicatory process. To date, no further appropriations for this activity have been approved by Congress, but in compliance with the 2013 Order from the Circuit Court of Appeals for the District of Columbia, the Nuclear Regulatory Commission has spent nearly all of its remaining Nuclear Waste Fund carry-over money from appropriations approved prior to FY 2011 completing tasks necessary to prepare for a possible resumption of the adjudicatory process should additional funds become available.

This year marks 30 years since the passage, in 1987, of the Nuclear Waste Policy Amendments Act that truncated the science-based site screening and selection process of the 1982 Nuclear Waste Policy Act and simply declared Yucca Mountain, Nevada, as the only candidate site for development of the first national high-level nuclear waste repository. The Amendments Act also terminated the mandated second repository site selection program.

Because only 28 of the current members of the Senate and House were in office at the time of that vote, the deeply troubled history of Yucca Mountain is known by only a few of the current legislators, whose decisions will impact generations to come.

In 2002, by overriding Nevada’s Notice of Disapproval, Congress approved, and the President signed into law, a resolution directing that Yucca Mountain be developed as a nuclear waste repository if the Nuclear Regulatory Commission grants a license. Six years later, in 2008, the DOE submitted its Yucca Mountain repository license application.

The State of Nevada and numerous other entities filed Motions for Intervention, resulting in an unprecedented 299 admitted contentions for adjudication. It is estimated that this adjudication will require more than 400 days of hearings, with the entire hearing process lasting an optimistic minimum of 4 to 5 years. Both the DOE and the NRC have estimated that the hearing process will cost their agencies $1.66 billion and $330 million respectively (about $2 Billion total), should the licensing process be resumed.
If a Construction Authorization is granted by NRC and then successfully defended against the inevitable legal challenges, construction and operation of the repository, including transportation of waste from nuclear power reactors nationwide to Yucca Mountain, was estimated by DOE in 2008 to cost about $96 billion. Duration of national waste transport could be up to 50 years, and repository closure is planned for 100 years after first emplacement of waste. Site construction would involve 40-plus miles of underground waste emplacement tunnels, in addition to the 5-mile access tunnel built in the 1990s for site investigations, and earthquake-protected surface facility buildings for waste receipt and handling.

Additionally, a 300-plus mile rail line from the Union Pacific mainline to Yucca Mountain would need to be constructed across mountainous terrain at an estimated cost of over $2 billion to begin waste receipt by rail as planned. The rail line would require acquisition of both private and federal land rights-of-way. Congressional land withdrawal legislation for the site also would be required before the NRC can grant the repository license. Yucca Mountain is on Western Shoshone land. The Native Community Action Council, an admitted party to the license proceeding, has challenged US federal ownership of the Yucca Mountain site, because such use of the land is a violation of the Shoshone 1863 Treaty of Ruby Valley.

Regulations also require that water rights for the repository operation and fire protection be acquired, in this case from the State of Nevada, which has denied the DOE’s previous application for these rights.

In sum, a Congressional directive to the NRC and the DOE to restart the licensing proceeding for Yucca Mountain might, after great and uncertain expenses, and an unknown number of years of technical arguments and legal challenges, result in a forced license for a facility that never can be built and operated. Reasons for these conclusions could include a prudent lack of commitment to highly uncertain costs over an unprecedented and uncertain 100 year project period, or a myriad of other known or yet to be foreseen obstacles and challenges.
Such a directive would only add further decades of delay and cost to the already spent decades of uncertainty in meeting the ultimate goal of the nation to safely resolve the matter of disposition of the high-level radioactive wastes from commercial power generation and federal nuclear weapons production. Geologically, Yucca Mountain is not the solution to our radioactive waste problems, no matter how much money might be spent.

Questions or replies may be sent to these 80 organizations in care of Alfred Meyer, PSR New York: Alfred.c.meyer@gmail.com.

Sincerely,

Judy Treichel, Executive Director
Nevada Nuclear Waste Task Force
Las Vegas, NV

John Coequyt, Director Federal and International Climate Campaign
Sierra Club
Washington DC

Timothy Judson, Executive Director
Nuclear Information and Resource Service
Takoma Park, MD

Damon Moglen, Senior Advisor
Friends of the Earth
Washington DC

Tyson Slocum, Director
Public Citizen's Energy Program
Washington, DC

Jeff Carter, Executive Director
Physicians for Social Responsibility
Washington, DC

Lynn Thorp, National Campaigns Director
Clean Water Action
Washington, DC

Mary Hanson Harrison, President
Women's International League for Peace and Freedom, United States Section
Boston, Massachusetts
David Kraft, Executive Director  
Nuclear Energy and Information Center  
Chicago, IL

Mali Lightfoot, Executive Director  
The Helen Caldicott Foundation  
Asheville, NC

Karen Hadden  
SEED Coalition  
Austin, TX

Ralph Hutchison, coordinator  
Oak Ridge Environmental Peace Alliance  
Oak Ridge, TN

John McFadden, CEO and Don Safer, Board Member  
Tennessee Environmental Council  
Nashville, TN

Garry Morgan, Executive Committee Representative  
Bellefonte Efficiency and Sustainability Team and Mothers Against Tennessee River Radiation (BEST/MATRR)  
Scottsboro, Alabama

Stephen Brittle, President  
Don’t Waste Arizona  
Phoenix, AZ

Roger Herried and Don Eichelberger  
Abalone Alliance Safe Energy  
Clearinghouse  
San Francisco CA

Marylia Kelley, Executive Director  
Tri-Valley CAREs (Communities Against a Radioactive Environment)  
Livermore, CA

Robert M. Gould, MD, President  
San Francisco Bay Area Chapter Physicians for Social Responsibility  
San Francisco, CA

Jane Swanson and Linda Seeley  
San Luis Obispo Mothers for Peace  
San Luis Obispo, CA

Donna Gilmore  
San Onofre Safety  
Orange County, CA

Robert Dodge MD, President, Board of Directors  
Physicians for Social Responsibility-Los Angeles (PSR-LA)  
Los Angeles, CA

Bradley Angel, Executive Director  
Greenaction for Health and Environmental Justice  
San Francisco, CA

Mary Beth Brangan, Executive Director  
Ecological Options Network, EON  
Bolinas, CA

Paul Frey, President  
Frey Vineyards Winery  
Redwood Valley CA
Gene Stone  
Residents Organized For a Safe Environment (ROSE)  
San Clemente, CA

Humberto Lugo  
IVAN Statewide Network  
California/Mexico Border Region  

mark! Lopez, Executive Director  
East Yard Communities for Environmental Justice  
Commerce, CA

Janice Schroeder, Core Member  
West Berkeley Alliance for Clean Air and Safe Jobs  
Berkeley, CA

Ellen Rosser, President  
World Peace Now  
Point Arena, CA

Judith Mohling  
Rocky Mountain Peace and Justice Center  
Boulder, CO

Nancy Burton, Director  
Connecticut Coalition Against Millstone  
Waterford, CT

Rani Gereige, MD, Chapter President  
Florida Physicians for Social Responsibility  
Tampa, FL

Glenn Carroll, Coordinator  
Nuclear Watch South  
Atlanta, GA

CeeCee Anderson  
Georgia WAND  
Atlanta, GA

Maureen McCue, MD  
Iowa Chapter PSR  
Oxford, IA

Beatrice Brailsford  
Snake River Alliance  
Boise, Idaho

Maureen K. Headington, President  
Stand Up/Save Lives Campaign  
Burr Ridge, IL

Terry Lodge, Convener  
Toledo Coalition for Safe Energy  
Toledo, OH

Lisa Crawford, President  
Fernald Residents for Environmental Safety & Health, Inc.  
Harrison, OH

Charles K. Johnson, Director Joint Task Force on Nuclear Power  
Oregon and Washington Physicians for Social Responsibility  
Portland, OR

Deb Katz  
Citizen Awareness Network  
Shelburne Falls, MA

Diane Turco  
Cape Downwinders and MA  
Downwinders  
Harwich, MA
Paula Sharaga
Boston Downwinders
Cambridge, MA

Gwen L. DuBois MD, President
Chesapeake Physicians for Social Responsibility
Baltimore, MD

Alice Hirt
Don't Waste Michigan
Holland, MI

Michael J. Keegan
Coalition for a Nuclear Free Great Lakes
Monroe, MI

Carol Izant, Chair
Alliance to Halt Fermi 3
Livonia MI

Jeremy V. Whitmore
Great Lakes Environmental Alliance
Port Huron, MI

Vic Macks, Steering Committee
MI Stop the Nuclear Bombs Campaign
St. Clair Shores, MI

Jessie Pauline Collins, co-chair
Citizens' Resistance at Fermi 2 (CRAFT)
Redford, MI

Dr Terrence Clark
Physicians for Social Responsibility of Western North Carolina
Asheville, NC

Paul Gallimore, Director
Long Branch Environmental Education Center
Big Sandy Mush Creek, Leicester, NC

Paula Gotsch, Co-Director
GRAMMES – Grandmothers, Mothers and More for Energy Safety
Normandy Beach, NJ

Don Hancock, Nuclear Waste Program Director
Southwest Research and Information Center
Albuquerque, NM

Susan Gordon, Coordinator
Multicultural Alliance for a Safe Environment
Albuquerque, NM

Leona Morgan
Nuclear Issues Study Group
Albuquerque, NM

NukeWatch
Santa Fe, NM

Joni Arends, Executive Director
Concerned Citizens for Nuclear Safety
Santa Fe, NM
Laura Cunningham, Executive Director  Barbara Warren
Basin and Range Watch  Citizens' Environmental Coalition
Beatty NV  Cuddebackville, NY

Alfred Meyer, President
Physicians for Social Responsibility- New York Chapter
New York, NY

Susan Hito Shapiro
PHASE - Promoting Health and Sustainable Energy
Nanuet, NY

David Hughes, President
Citizen Power
Pittsburgh, PA

Yaira Robinson, Executive Director.
Texas Chapter, Physicians for Social Responsibility
Austin, TX

Jerry Stein  Mavis Belisle
The Peace Farm  JustPeace
Amarillo TX  79106  Dallas Texas

Sarah Fields  David Swanson, Campaign Coordinator
Uranium Watch  RootsAction.org
Moab, UT  Charlottesville, VA

Debra Stoleroff
Vermont Yankee Decommissioning Alliance
Montpelier, VT

Rep. Gerry Pollet, Executive Director,
Heart of America Northwest "The Public's Voice for Hanford Clean-Up"
Seattle, WA

David Kliegman  John LaForge Co-Director
Okanogan Highlands Alliance  Nukewatch
Tonasket, WA  Luck, Wisconsin

Steering Committee
Physicians for Social Responsibility-Wisconsin
Madison, WI

Marybeth Gardam
Corporations v Democracy National Issue Committee of WILPF—US Section