

December 06, 2018

Speaker Ryan, Democratic Leader Pelosi, Majority Leader McConnell, Democratic Leader Schumer:

In recent days, there have been repeated reports of Congressional interest to include funding for restarting the contentious licensing process for the proposed Yucca Mountain nuclear waste repository in Nevada in year-end legislation. While we acknowledge that the national failure to deliver a final resting place for highly toxic, radioactive nuclear waste that will be dangerous for millennia is of profound concern, on behalf of our millions of members and supporters, the undersigned organizations urge Congress not take this deeply unwise course of action.

Any such effort would be profoundly contentious and likely waylay the process of developing a truly sound repository program for years, if not forever.

If the licensing process is exhumed, all Congress will have ensured is a reopening of litigation that will take years, if not decades, to resolve. As a point of comparison, one recent hearing process for a NRC licensing proceeding where environmental intervenors were involved took about 6 years to fully litigate just three (3) contentions, and this was with all parties working to conclude the matters as expeditiously as possible. By contrast, the State of Nevada has filed and the NRC Hearing Board has admitted more than two hundred (200) substantive contentions challenging the Department of Energy's (DOE) license application for Yucca Mountain.

As an example of the myriad technical and legal hurdles facing the rightfully abandoned Yucca project, one issue sure to be contested is DOE's design for titanium drip shields that are supposed to sit over each of the thousands of waste canisters in Yucca Mountain's underground tunnels to keep out corroding water. Although DOE included the drip shields as part of the repository design, and NRC has accepted them for license-review purposes, there is no plan to design, license, pay for, and much less install the shields until at least 100 years after the waste goes in. This unacceptable state of affairs was detailed by former NRC Commissioner Victor Gilinsky.ⁱ Quite simply, Yucca's likely repository configuration doesn't come close to meeting NRC requirements.

Any suggestion the Yucca licensing proceeding could easily restart and quickly move to a successful conclusion for permanent disposal is a fallacy. Litigation will rightly waylay the misguided efforts to force the repository on Nevada and the damage to the nation's prospects to ever developing a workable repository may be permanent.

This issue should not be forced during a lame duck session. Rather, lawmakers should wait until the next Congress is seated to take the first steps toward a scientifically defensible and publicly accepted, consent-based repository program by commencing with hearings in the committees of jurisdiction where it considers protective standards and consistency with environmental laws, adherence to "polluter pays" principles, and as the previous administration's [Blue Ribbon Commission on America's Nuclear Future](#) detailed, the necessity for "consent" of the host state.ⁱⁱ

Nuclear waste is a national challenge of profound import, but the waste – in any scenario – will not be moving anywhere for years. Therefore, it should be incumbent on Congress to fix problems in a meaningful fashion, not attempt an expedient solution in a lame duck session that is destined to fail, again.

Thank you for your consideration of our views.

Sincerely,

Albuquerque Peace Center in New Mexico
Alliance for Environmental Strategies
Beyond Nuclear
Cape Downwinders
Center for Biological Diversity
Citizen Power, Inc.
Citizens for Alternatives to Radioactive Dumping
Citizens' Environmental Coalition
Citizens' Resistance at Fermi 2 (CRAFT)
Clean Water Action
Coalition for a Nuclear Free Great Lakes
Concerned Citizens for Nuclear Safety
Crabshell Alliance
Don't Waste Arizona
Don't Waste Michigan
Endangered Species Coalition
Environment America
Environmental Justice Task Force of the WNY Peace Center
Friends of the Earth
Green State Solutions
Greenpeace
Healthy Environment Alliance of Utah
Heart of America Northwest, Washington State
Indian Point Safe Energy Coalition
League of Conservation Voters
Michigan Stop the Nuclear Bombs Campaign
National Nuclear Workers for Justice
Natural Resources Defense Council
Network for Environmental & Economic Responsibility / United Church of Christ
Nevada Conservation League
Nevada Nuclear Waste Task Force
New England Coalition on Nuclear Pollution
North American Water Office
Nuclear Age Peace Foundation
Nuclear Energy Information Service (NEIS)
Nuclear Free World Committee, DPJC

Nuclear Information and Resource Service (NIRS)
Nuclear Watch New Mexico
Nukewatch
Occupy Bergen County (New Jersey)
Oregon Physicians for Social Responsibility
Physicians for Social Responsibility - Kansas City
Physicians for Social Responsibility - Los Angeles
Physicians for Social Responsibility - San Francisco Bay Area Chapter
Portsmouth-Piketon Residents for Environmental Safety and Security (PRESS)
Promoting Health and Sustainable Energy (PHASE)
Public Citizen
Sacramento Chapter of Physicians for Social Responsibility
San Clemente Green
SanOnofreSafety.org
Sierra Club
Snake River Alliance
Southwest Research and Information Center
Stand Up/Save Lives Campaign
The Peace Farm
Toledo Coalition for Safe Energy
Tri-Valley CAREs
UNITE HERE
Uranium Watch
Vermont Yankee Decommissioning Alliance
Woman's International League for Peace and Freedom

ⁱ See Yucca Mountain Redux, Victor Gilinsky, Bulletin of the Atomic Scientist, November 5, 2014 (accessed November 29, 2018) <http://thebulletin.org/yucca-mountain-redux7800>.

ⁱⁱ See, A Final Resting Place for Nuclear Waste, March 05, 2018 Geoffrey H. Fettus, <https://www.nrdc.org/experts/geoffrey-h-fettus/final-resting-place-nuclear-waste>.