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## Office of the Governor

May 9, 2018

Dear Members of the House of Representatives,

As the House of Representatives prepares to vote on the Nuclear Waste Policy Amendments Act of 2018, H.R. 3053, I write as I have done previously, to reiterate the firm and consistent position of the State of Nevada on the proposed Yucca Mountain nuclear waste repository.

My position, and that of the State of Nevada, remains identical to my previous letters to the House Energy and Commerce Committee, Subcommittee on Environment, in May 2015, January 2016, April 2016, and April 2017: **the State of Nevada opposes the project based on scientific, technical, and legal merits.** And as I have reminded members of this body on previous occasions, under the Nuclear Waste Policy Act (NWPA) of 1982, only the Governor is empowered to consult with the Federal government on matters related to the siting of a nuclear waste repository.

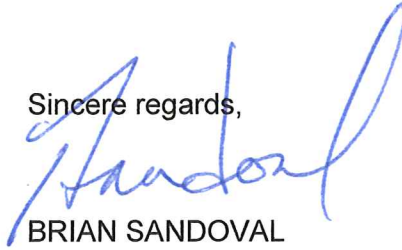
In the past thirteen months as H.R. 3053 moved through subcommittee and committee, Members of Nevada's congressional delegation have communicated our specific concerns about the provisions of the bill. The full committee responded by eliminating the unwise and likely unconstitutional proposals to usurp Nevada's jurisdiction over water resources and air quality. Nonetheless, our primary objection remains the fundamentally flawed adherence to the 1987 NWPA amendments that unfairly and without scientific justification singled out Nevada as the only state where a proposed nuclear waste repository is being considered. The bill continues the truncation of the Nuclear Regulatory Commission's (NRC) licensing proceeding in ways that would limit Nevada's ability to protect public health and safety and the environment.

Yucca Mountain is an unsuitable site for a high-level nuclear waste repository because of its geology and hydrology. Fractured rock above and below the repository tunnels would allow highly corrosive oxidizing groundwater to transport dangerous radioactive material from the waste packages into the water table, where they would be transported to an aquifer from which water is used for a variety of purposes. In 2009, the NRC licensing boards admitted 218 Nevada contentions, supported by over one thousand pages of documentation that challenged the safety and environmental impacts of the DOE license application. If the NRC process is restarted, Nevada will fully adjudicate these contentions through trial-like hearings and cross-examination of expert witnesses. Nevada intends to prevail in this process, which could take five years and \$2 billion to complete, and which will inevitably be followed by years of litigation.

H.R. 3053 continues to ignore the primary recommendation of the Blue Ribbon Commission on America's Nuclear Future, a consent-based siting process for a repository, and again singles out Nevada as the nation's only repository. As I have stated before, if the Congress had embraced such a process when my predecessor, Governor Kenny Guinn, vetoed the selection of Yucca Mountain 16 years ago, we would today be closer to a long-term solution for managing the nation's spent nuclear fuel and high-level radioactive waste. As a nation, we should be able to do better

than simply repeating this failed exercise, wasting billions of ratepayer and taxpayer dollars, trying once again to force an unsafe site on an unwilling State.

Sincere regards,



BRIAN SANDOVAL  
Governor

cc: Nevada Congressional Delegation