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# Congress of the United States

## House of Representatives

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The Honorable Gene Dodaro  
Acting Comptroller General  
U.S. Government Accountability Office  
441 G. Street, N.W.  
Washington, D.C. 20548

Dear Mr. Dodaro:

Beginning with the production of nuclear weapons in the 1940s, the United States government has generated and stored spent nuclear fuel and high-level radioactive waste. This waste is stored at Department of Energy (DOE) sites around the country. Commercial nuclear power plants also generate spent nuclear fuel that requires storage and ultimately disposal. DOE is responsible for the permanent stewardship of these wastes, and because these wastes pose serious risks to both human and ecological health, DOE needs an appropriate long-term management and disposal solution.

To address the issue of how and where to dispose of these wastes, Congress passed the Nuclear Waste Policy Act of 1982 which established a process for the siting, construction, and operation of one or more national repositories for permanent disposal of the Nation's spent nuclear fuel and high-level radioactive waste. In 1987, after DOE had conducted studies of nine potential repository sites located throughout the United States, Congress amended the Nuclear Waste Policy Act to direct DOE to continue studying the suitability of only the Yucca Mountain site, located in Nye County, Nevada. In 2002, after DOE had spent billions of dollars and more than a decade of scientific and engineering study, the then-Secretary of Energy recommended to the President and the Congress that Yucca Mountain was a suitable site for the development of a permanent geologic repository for the disposal of spent nuclear fuel and high-level radioactive waste. In 2002, the Congress passed and the President signed Public Law 107-200 which approved Yucca Mountain as the site for the repository.

For a number of reasons, DOE's planned opening of the site has been delayed by more than one decade. DOE originally planned to begin accepting nuclear waste at the repository by January 31, 1998. By 2006, the Department announced that the earliest possible opening date for the Yucca Mountain repository was March 2017, but more likely 2020. On June 3, 2008, DOE submitted a license application to the Nuclear Regulatory Commission (NRC) seeking construction authorization for the repository at Yucca Mountain, and that licensing proceeding is currently underway.

In March 2009, a new Secretary of Energy declared that the Yucca Mountain site was no longer viewed as an option for storing commercial reactor or defense waste and stated that other options would be considered instead. The Secretary gave little information to explain the change in direction. In its fiscal year 2010 budget submission, the Department proposed to eliminate funding for the proposed Yucca Mountain repository except that needed to answer inquiries from the Nuclear Regulatory Commission related to licensing matters. The budget submittal also proposed establishing a blue-ribbon commission to explore alternative solutions for managing defense and commercial radioactive waste.

The full ramifications of the decision to abandon Yucca Mountain—legal, financial, and other—are also unclear. If DOE and commercial reactor sites are required to continue to temporarily store this waste until a more permanent solution can be found, DOE may need to design, build, and manage additional temporary waste storage facilities. The Nuclear Waste Policy Act severely restricts DOE's authority to accept spent nuclear fuel for interim storage, and the costs for the development, licensing, construction, operation, on-site maintenance, monitoring, and security could amount to billions of dollars. Due to specific limitations included in the Nuclear Waste Policy Act, new authorizing legislation and specific appropriations would also be needed before the Department could conduct any site-specific work on an alternate repository site, and the timing and costs for beginning the process anew of siting, designating, licensing and constructing a repository at an alternate site are also not fully known.

Whether and to what extent storage issues could affect cost and schedule of waste treatment at DOE sites and DOE's ability to meet regulatory milestones is also unclear. Further, tens of billions of dollars in fees and interest have been paid into the Nuclear Waste Fund to fund activities associated with the disposal of civilian spent nuclear fuel and it is not clear how past and future payments into that fund will be affected by the decision to discontinue efforts to pursue the Yucca Mountain repository. Finally, the failure of DOE to begin the acceptance of spent nuclear fuel by 1998 has been the subject of ongoing litigation between DOE and the utilities, and last year DOE estimated taxpayer liabilities to be approximately \$12.3 billion if a repository opens in 2020. DOE has also previously estimated that those liabilities will increase by hundreds of millions of dollars annually for each additional year of delay.

To better understand why DOE has decided to discontinue efforts to develop Yucca Mountain as a permanent nuclear waste repository and the potential ramifications of this decision, we request that GAO answer the following questions:

1. What factors did the Administration weigh in its decision to discontinue Yucca Mountain as a permanent repository for spent nuclear fuel and high-level waste?
2. What are the potential ramifications—environmental, financial, legal, national security, energy security, regulatory, or other—of the decision to discontinue plans for Yucca Mountain?
3. What amounts have been expended by the federal government, in total, in support of implementation of the Nuclear Waste Policy Act of 1982, as amended, including for all activities relating to the siting, development, and licensing of the proposed Yucca Mountain repository? This analysis should include, but not be limited to, funding for DOE and its contractors, the Nuclear Regulatory Commission, the Department of Defense, the Environmental Protection Agency, States, Indian tribes, the Nuclear Waste Technical Review Board, and the National Academies.
4. What are the potential taxpayer liabilities associated with the Administration's decision not to pursue plans for Yucca Mountain?

Thank you for your prompt attention to this request. Please work with Mr. Peter Spencer of the Minority Committee Staff at (202) 225-3641 on the specifics of your study.

Sincerely,



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Joe Barton  
Ranking Member



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Greg Walden  
Ranking Member  
Subcommittee on Oversight and Investigations

cc: The Honorable Henry A. Waxman, Chairman

The Honorable Bart Stupak, Chairman  
Subcommittee on Oversight and Investigations