

111TH CONGRESS
2D SESSION

H. RES. 1209

Expressing disapproval of the House of Representatives with respect to the Department of Energy's motion with the Nuclear Regulatory Commission to withdraw the license application for a high-level nuclear waste repository at Yucca Mountain with prejudice.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2010

Mr. INSLIEE (for himself, Mr. CLYBURN, Mr. HASTINGS of Washington, Mr. DICKS, Mr. SPRATT, Mr. UPTON, and Mr. BARRETT of South Carolina) submitted the following resolution; which was referred to the Committee on Energy and Commerce

RESOLUTION

Expressing disapproval of the House of Representatives with respect to the Department of Energy's motion with the Nuclear Regulatory Commission to withdraw the license application for a high-level nuclear waste repository at Yucca Mountain with prejudice.

Whereas the Department of Energy filed a motion with the Nuclear Regulatory Commission to withdraw their Yucca Mountain license application for a high-level nuclear waste repository with prejudice;

Whereas Congress passed the Nuclear Waste Policy Act of 1982 (NWPA) to centralize the long-term management

of nuclear waste, including construction of a safe and permanent nuclear waste repository;

Whereas in 1987 Congress amended the NWPA by designating Yucca Mountain as the only option for a long-term storage site by a vote of 237–181 in the House of Representatives and 61–28 in the Senate;

Whereas Congress reaffirmed Yucca Mountain’s designation as the only option for a long-term storage site in 2002 by a vote of 306–117 in the House of Representatives and 60–39 in the Senate;

Whereas in 2007 the House of Representatives overwhelmingly rejected by a vote of 80–351 an attempt to eliminate funding for the Yucca Mountain nuclear waste disposal program;

Whereas, since 1982, consumers of electricity produced at nuclear power plants have paid in excess of \$33,000,000,000 into a fund for a waste repository program;

Whereas the Department of Energy has not met the statutory and contractual deadline of January 31, 1998, to dispose of spent nuclear fuel, resulting in 72 breach of contract claims filed against the Department at an approximate liability cost of \$1,300,000,000 to date;

Whereas the Department of Energy predicts damages stemming from breach of contract claims will be approximately \$12,300,000,000 if the Department is able to begin accepting spent nuclear fuel by 2020 under the current plan, with nuclear utilities estimating the Department’s total potential liability being closer to \$50,000,000,000;

Whereas the Department of Justice has incurred \$150,000,000 on litigation related expenses;

Whereas the total spent for the preparation and construction of a permanent storage site at Yucca Mountain has exceeded \$11,200,000,000;

Whereas without the Yucca Mountain repository, current law provides for no other alternative for the permanent or temporary central storage of the Nation's intensely radioactive reactor wastes;

Whereas taxpayers will receive nothing for their substantial investment as a result of the decision to abandon the Yucca Mountain project;

Whereas nuclear materials are stored at 121 locations in 39 States across the country awaiting transport to a permanent repository;

Whereas the Federal Government generated high-level nuclear waste as a part of its national defense program to help end World War II and the Cold War and is currently storing this waste at several sites across the Nation including the Hanford Site in Washington State, the Savannah River Site in South Carolina, and the Idaho National Laboratory;

Whereas the records of decision for the disposal of waste associated with multiple defense related activities have Yucca Mountain as the ultimate disposition site, including waste at many locations across the country storing and processing various types of defense related waste; and

Whereas plans underway to treat and process this waste are based on standards associated specifically with the na-

tional repository at Yucca Mountain: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) strongly believes that the decision to abandon
3 the 23-year bipartisan project establishing
4 Yucca Mountain as the Nation’s primary permanent
5 nuclear waste storage site—

6 (A) breaks a commitment made to certain
7 States nearly 3 decades ago; and

8 (B) goes against the will and intent of
9 Congress by extending the length of time States
10 will be forced to store nuclear waste at significant
11 additional cost to the taxpayers; and

12 (2) calls upon the Administration to uphold and
13 comply with the bipartisan commitment passed by
14 Congress and to—

15 (A) cease and desist withdrawing the
16 Yucca Mountain license application from the
17 Nuclear Regulatory Commission with or without
18 prejudice;

19 (B) cease and desist any action to move
20 forward with terminating activities required to
21 complete the Yucca Mountain license application,
22 including the termination of employees
23 supporting the project and termination of any
24 leases housing employees;

1 (C) halt reprogramming of fiscal year 2010
2 funds appropriated by Congress for the Yucca
3 Mountain license application; and

4 (D) preserve all scientific and site-specific
5 files and data related to Yucca Mountain in ac-
6 cordance with Nuclear Regulatory Commission
7 document controls and quality assurance proce-
8 dures.

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