

## Yucca Mountain

### A Brief History

1982 - Nuclear Waste Policy Act (NWPA) established policy and process for national repository

Commercial Spent Nuclear Fuel

DOE High Level Radioactive Waste

Navy Spent Nuclear Fuels

Requirement to evaluate three locations

Accept fuel from Utilities beginning 1998 (Standard Contract)

Established Waste Fund

Payments from nuclear utility ratepayers

Proceeds to develop and operate repository

To date, ~\$17 Billion collected from rate payers. An additional \$13 Billion available from DOE, Navy and interest. Approximately \$10 Billion spent to develop YM, \$4 Billion for other activities. ~\$16 Billion current fund balance

In 1987, NWPA restricted sites for review to Yucca Mountain

DOE issued Environmental Impact Statement in 2001

Congress, by joint resolution approved Yucca Mountain as site for repository in 2002

Utilities have brought Suit against DOE for breach of Standard Contract

Courts award payment – estimated \$12 Billion thru 2020, increasing by \$500 Million per year

DOE submitted construction license application to NRC in 2008

2009 - DOE proposes Blue Ribbon Commission to “conduct a comprehensive review of policies for managing the back end of the nuclear fuel cycle.”

In FY2010 - Congressional funding and direction to support license application

FY 2011 budget: Doe Proposes

Withdraw license application from NRC with prejudice

Terminate program by September 30, 2010

No funding requested in 2011

DOE 'notifies' Congress of reallocation of FY 2010 YM funds from license support to program shutdown

Members of Congress write DOE to object to reprogramming

Joint Resolution to disapprove reprogramming introduced in Congress

March, 2010 - Blue Ribbon Commission initial meeting

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### Summary of Legal and Other Challenges

#### 1. Multiple legal actions filed against DOE and NRC

Motion to intervene in NRC licensing proceedings

Obtain status to participate in NRC hearing re DOE's request to withdraw license with prejudice

Aiken County

State of South Carolina

State of Washington

National Association of Regulatory Utility Commissioners

Prairie Island Indian Community

Lawsuits to require compliance with Nuclear Waste Policy Act and other laws

Ferguson, et al

Aiken County

State of South Carolina

Issues include:

Non-compliance with requirement of NWPA

DOE "shall" submit license application

NRC "shall" review and make determination

DOE to develop and operate a repository - YM specified in law

NEPA - abandoning YM is a 'major federal action' requiring EIS

APA - requirement for review

Constitutional separation of powers

#### 2. Request to have Congress deny DOE reprogramming action