

United States Senate

WASHINGTON, DC 20510

March 27, 2018

The Honorable Kristine Svinicki, Chairman
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Dear Chairman Svinicki:

Thank you for your timely letter dated March 20, 2018, in which you responded to a number of questions regarding licensing activities at the proposed Yucca Mountain nuclear waste repository. I write today to seek clarification on, and amplification of, some of the answers contained in that letter.

While I remain concerned by your adamant insistence upon restarting the failed Yucca Mountain project, I take pride in the fact that under my leadership, Congress has not appropriated funding for licensing activities at Yucca Mountain. In fact, as a direct result of my efforts to engage Senate leadership and relevant committee chairmen, in the recently enacted Consolidated Appropriations Act, 2018, Congress once again made clear what I have said all along – that Nevada will not become our nation's nuclear waste dump.

Given what we know to be the immense health and safety risks to the people of southern Nevada and the devastating effects on Nevada's tourism economy, it is incumbent upon all of us to fully appreciate the risks inherent in and costs associated with the Yucca Mountain project before – not after – the application moves forward. Moreover, beyond establishing these concrete facts, it would be nearly impossible to provide adequate due process to the countless affected stakeholders after the fact. That is why I am firmly committed to getting the adjudication process right the first time.

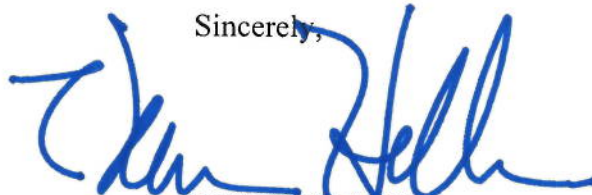
To that end, I respectfully request you respond to the following questions and, if available, produce the specified documents:

1. As you know, in 2014, the Nuclear Regulatory Commission (NRC) estimated that completing the Yucca Mountain licensing adjudication would cost \$330 million.
 - a. On what basis did the NRC determine this 2014 cost estimate?
 - b. Was this estimate based on a detailed analysis by NRC staff? If so, please provide any written documents related to the estimate.
2. For fiscal year (FY) 2019, the NRC has requested \$47.7 million to support continuation of the Yucca Mountain licensing proceeding.

- a. What portion of this request will be spent on NRC employees, and what portion of it will be spent on contractors?
 - b. Does the NRC plan to reassign current NRC staff who would otherwise be terminated as a result of budget cuts in other areas of work?
 - c. What portion of the FY 2019 request would be spent on reconstituting the Licensing Support Network (LSN)?
 - d. What portion of the FY 2019 request would be spent on re-establishing an NRC hearing facility in Nevada?
3. At the LSN Advisory Review Panel meeting, there was considerable discussion of the pros and cons of adopting a cloud-based system.
- a. How will the NRC determine if the Office of Management and Budget directive regarding “Cloud First” solutions for new federal government information technology projects applies to reconstitution of the LSN?
 - b. If the NRC moves to adopt a cloud-based LSN collection, will the current Agencywide Documents Access and Management System LSN collection be maintained as a backup system?
4. I appreciate your recognition that the historical practice of the NRC has been to hold hearings and oral limited appearance sessions in the general vicinity of the proposed facility.
- a. Please provide a detailed report on all NRC staff activities undertaken to assess hearing venue options in Nevada, as directed by the Commission in SRM-COMSECY-17-0019 (July 2017).
 - b. If the Yucca Mountain administrative adjudication is recommenced, will you commit to procuring and utilizing one or more hearing facilities in Nevada?

Thank you for your attention to this matter. Please respond by April 10. If you have any questions or need additional information, please feel free to contact Joseph Boddicker of my staff at (202) 224-6244.

Sincerely,



DEAN HELLER
U.S. Senator