

**RESOLUTION ON YUCCA MOUNTAIN AS
NUCLEAR WASTE REPOSITORY**

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Gene Davis

This joint resolution of the Legislature urges the President of the United States to reject the recommendation of the Secretary of Energy that Yucca Mountain be designated as the national repository for high level nuclear waste.

Be it resolved by the Legislature of the state of Utah:

WHEREAS, the Secretary of the Department of Energy has recommended to the President of the United States that Yucca Mountain be designated as the national repository for high level nuclear waste;

WHEREAS, should the President accept the recommendation, the state of Nevada may, under the Nuclear Waste Policy Act, veto the recommendation;

WHEREAS, the United States Congress may override such a veto by a simple majority vote;

WHEREAS, if the Yucca Mountain Project is subsequently licensed, federal government approval would increase the likelihood that Private Fuel Storage will succeed in its efforts to license and construct a high level nuclear waste storage facility on the Skull Valley Goshute Reservation in Utah;

WHEREAS, federal government rejection of the Yucca Mountain Project would jeopardize the viability of the Private Fuel Storage project and the credibility of its claims that high level nuclear waste storage in Utah would be temporary;

WHEREAS, the legislative and executive branches of Utah State Government are united with the overwhelming majority of the citizens of the state in opposition to the Private Fuel Storage proposal;

WHEREAS, as currently proposed, the Yucca Mountain Project will not have the capacity



28 to store the entire national inventory of commercial spent fuel, thus requiring a second storage
29 facility, and increasing the likelihood that Private Fuel Storage, if licensed, may become
30 permanent;

31 WHEREAS, approvals of recommendations that could lead to the opening of the Yucca
32 Mountain Project would result in more highway and railroad miles of high level nuclear waste
33 transportation in Utah than any other state in the nation;

34 WHEREAS, transportation of high level nuclear waste through Utah poses a significant
35 risk of terrorist attack and catastrophic accidents that could result in radiation releases that would
36 threaten the lives and health of Utah citizens, and cost enormous sums to clean up;

37 WHEREAS, adequately training emergency responders for accidents or terrorist attacks
38 involving high level nuclear waste transports will cost millions of dollars;

39 WHEREAS, no funding source is currently designated to cover training for these potential
40 accidents or attacks;

41 WHEREAS, the transportation of high level nuclear waste to Yucca Mountain on the
42 highways and railways of Utah will decrease property values along the routes;

43 WHEREAS, in 2001, the General Accounting Office issued an audit which declared the
44 Yucca Mountain Project a failed scientific process that will take years to fix; found that the
45 Department of Energy had suffered a loss of management control over studies to determine the
46 safety and suitability of the Yucca Mountain Project to store nuclear waste; concluded that the
47 Department of Energy cannot be sure when the site will open, how much it will cost, and how it
48 ultimately will be designed; and recommended that the Secretary of Energy delay a site
49 recommendation on Yucca Mountain until the Department of Energy has completed technical
50 work on a license application;

51 WHEREAS, the Nuclear Regulator Commission has indicated that at least 292 major
52 studies remain to be completed in 19 key areas, including corrosion of waste packages, potential
53 effects of earthquakes and volcanic activity, rapid groundwater flow rates through the mountain,
54 large uncertainties in predicted repository performances, and even the design of the repository
55 itself;

56 WHEREAS, the Department of Energy's contractor, Bechtel/SAIC Company, LLC, the
57 General Accounting Office, the Nuclear Regulatory Commission, the Advisory Committee on
58 Nuclear Waste, the Yucca Mountain Technical Review Board, the National Academy of Sciences,

59 the International Atomic Energy Agency, and the OECD's Nuclear Energy Agency have each
60 concluded that significant additional studies need to be performed before Yucca Mountain can be
61 seriously recommended for permanent waste disposal;

62 WHEREAS, Utah and Nevada share a disastrous legacy from federal nuclear projects; and

63 WHEREAS, approval of the Yucca Mountain Project is decidedly not in the best interests
64 of Utah, Nevada, or the nation:

65 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah urges
66 the President of the United States to reject the Yucca Mountain site recommendation of the
67 Secretary of Energy.

68 BE IT FURTHER RESOLVED that the Legislature of the state of Utah urges Utah's
69 congressional delegation and the United States Congress to reject a Presidential recommendation
70 of the Yucca Mountain site.

71 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of the
72 United States, the President of the United States Senate, the Speaker of the United States House
73 of Representatives, the Secretary of Energy, the General Accounting Office, Bechtel/SAIC
74 Company, LLC, the Nuclear Regulatory Commission, the Advisory Committee on Nuclear Waste,
75 the Yucca Mountain Technical Review Board, the National Academy of Sciences, the International
76 Atomic Energy Agency, the Organization for Economic Cooperation and Development's Nuclear
77 Energy Agency, Private Fuel Storage, and the Skull Valley Goshute Reservation.

Legislative Review Note
as of 2-6-02 11:42 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel