

**Senator Gene Davis** proposes the following substitute bill:

**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 United States Congress 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, the President has accepted the recommendation and 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



26 Storage proposal;

27 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, railroad, or both, miles of high level nuclear  
33 waste transportation through 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 United States Congress to reject the President's recommendation of the Yucca Mountain site.

67 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of the  
68 United States, the President of the United States Senate, the Speaker of the United States House  
69 of Representatives, the Utah Congressional Delegation, the Nevada Congressional Delegation, the  
70 governor of Nevada, the Secretary of Energy, the General Accounting Office, the Nuclear  
71 Regulatory Commission, the Advisory Committee on Nuclear Waste, the Yucca Mountain  
72 Technical Review Board, the National Academy of Sciences, the International Atomic Energy  
73 Agency, the Organization for Economic Cooperation and Development's Nuclear Energy Agency,  
74 Private Fuel Storage, and the chairman of the Skull Valley Goshute Tribe.