

United States Senate

WASHINGTON, DC 20510

August 6, 2013

The Honorable Ernest Moniz
Secretary
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585

Dear Sec. Moniz,

I appreciated the exchange we were able to have last week during the July 30, 2013, Senate Energy and Natural Resources Committee hearing on the Nuclear Waste Administration Act, particularly as it related to our discussion regarding the Department of Energy's (DOE) proposal to bring waste from Oak Ridge, Tennessee to Nevada. I am grateful for your commitment to work with me and Governor Sandoval regarding these proposed shipments, and I am writing in that spirit of collaboration and transparency.

As you are well aware, the subject of importing any type of nuclear waste to Nevada is a sensitive subject. In 1987, with the stroke of a pen, Nevada was legally designated as the nation's nuclear waste dump. This political decision was wrong then, and is still wrong today. I have previously expressed my appreciation for your commitment to consent-based siting for spent nuclear materials. As you know, Yucca Mountain is not the only place the government is determined to bury waste in Nevada, and I believe consent for this activity is just as important.

I have made it clear that I am concerned about DOE's plan to bring hazardous nuclear waste from out-of-state to the Nevada National Security Site (NNSS). In light of discussions I have had since the July 30th hearing, as well as additional information that has come to light, I would like further information from you about the following:

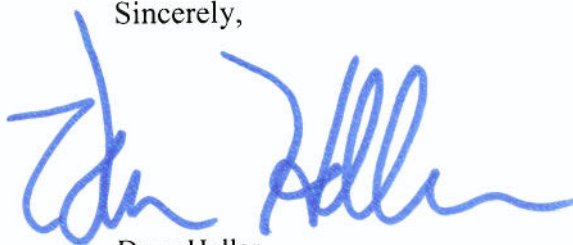
1. During your testimony last week, you seemed to indicate that DOE believed the State of Nevada had signed off on the proposed shipments to the NNSS. If this is your Department's belief, I would appreciate clarification from you on how this conclusion was reached.
2. Nevadans have a right to be safe in their communities and on the roads, and I am not convinced DOE has a plan to import waste to Nevada that meets this basic threshold. In the past, Nevada Governors and DOE have worked together to avoid shipping radioactive waste through Las Vegas to the NNSS. Will you commit to continue this practice?
3. In the hearing, I mentioned the importance of partnership between the State and DOE. This partnership must also include impacted local governments and Native American

Tribes. What concrete steps are DOE taking to increase transparency and partner with cities, counties, and tribes in Nevada? What indicator do you have that affected local units of governments and tribes believe you are making a satisfactory effort?

4. You mentioned in your testimony that you and the Governor discussed creating a working group to deal with the issues and opportunities associated with NNSS waste management decisions. Are you still committed to creating a working group, and what will be the next steps in making that happen?
5. Regarding the recently released Environmental Impact Statement (EIS) and the new Waste Acceptance Criteria (WAC) published in June, the State of Nevada's position is that the EIS may no longer be valid because its evaluation of impacts was based on the previous version of the WAC. What is DOE's position on this?
6. I appreciate your desire to be a wise steward of taxpayer dollars as it relates to waste storage. If these canisters were down-blended for disposal as originally planned, is it true that they could have also gone to commercial waste facilities in Utah and Texas, as well as the NNSS? What are the security implications and economic costs of alternative long-term secure storage of the canisters at a secure federal facility?

Your timely response would be greatly appreciated. Thank you again for your willingness to work on the many issues of importance to the State of Nevada and DOE. I look forward to hearing from you.

Sincerely,



Dean Heller
U.S. Senator