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## Office of the Governor

March 12, 2012

The Honorable Dr. Steven Chu  
Secretary, U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington DC 20585

RE: BRC Recommendation for Consent-Based Approach

Dear Secretary Chu:

It has come to my attention that the U.S. Department of Energy is in the process of establishing an internal study group to consider implementation of the recommendations of the Blue Ribbon Commission on America's Nuclear Future (BRC). A centerpiece of the BRC's recommendations for restructuring the nation's nuclear waste management system is the requirement for a consent-based approach whereby potential host states must agree to a storage or disposal facility within their borders. The BRC also has recommended that the country move ahead expeditiously to find an interim storage site for spent nuclear fuel in order to address issues involving shut down nuclear power reactors or instances where operating reactors are not able to implement sufficient on-site spent fuel storage.

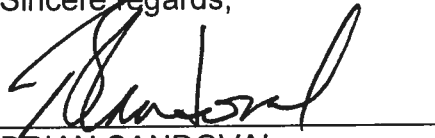
There should be no uncertainty or misunderstanding of my position with regard to an interim spent fuel storage site or repository site in Nevada; the state of Nevada does not support the location of any such site within the state and will oppose any attempt to either resurrect the defunct Yucca Mountain project or locate an interim storage facility at Yucca or elsewhere in Nevada. While I am cognizant of the letter sent to you last week from Nye County expressing support for a Yucca Mountain repository, Nye County does not and cannot speak for the state of Nevada.

Under the provision of the Nuclear Waste Policy Act of 1982 as amended, DOE is explicitly prohibited from locating an interim storage site in Nevada while Yucca Mountain is still a potential repository location. Even though DOE has indicated it intends to terminate the Yucca program and has taken steps in that direction, the NRC licensing proceeding remains "suspended" and not terminated. In addition, Nevada statutes (NRS 459.910) make it "unlawful for any person or governmental entity to store high-level radioactive waste in Nevada" and reflect the clear position of the Nevada Legislature on this matter.

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Please be advised that Nevada wholeheartedly supports the recommendations of the BRC and believes that the consent-based approach represents the best chance for ultimately solving the nation's nuclear waste management problem. However, Nevada will not consent to an interim storage facility or repository being considered in the state.

Sincere regards,

A handwritten signature in black ink, appearing to read "B. Sandoval", is written over a horizontal line.

BRIAN SANDOVAL  
Governor

cc: Nevada Congressional Delegation  
Catherine Cortez Masto, Nevada Attorney General  
Richard Bryan, Chairman, Nevada Commission on Nuclear Projects