

Testimony of Senator Dean Heller (R-NV)

Wednesday, April 26, 2017, at 10:00 am

Before the House of Representatives Committee on Energy and Commerce

Subcommittee on Environment

Hearing Entitled: “H.R. __, the Nuclear Waste Policy Amendments Act of 2017.”

Chairman Shimkus, Ranking Member Tonko, Members of the Committee, thank you for the opportunity to testify before you at today’s hearing.

As the Senior Senator from Nevada, nothing is more important to me than the well-being of my home state and of all Nevadans.

Since 1987, the Yucca Mountain Nuclear Waste Repository has been a thorn in Nevada’s side.

Due to political antics, not science, Nevada quickly moved to the federal government’s number one targeted location to permanently store all of the nation’s nuclear waste.

Our state has been fighting this misguided proposal ever since, and we’re not finished.

Although I recognize both the crucial role nuclear power plays in our nation’s long-term energy strategy and the need to properly store expired nuclear fuel, I remain strongly opposed to any efforts to reinstate Yucca Mountain.

I believe this ill-conceived project would not only cause significant harm to the well-being of my home state and all Nevadans, but it also poses a national security risk that is too great to ignore.

My position remains clear: Yucca Mountain is dead and should remain dead. It’s time to move past failed proposals of the past and look to solutions of the future.

Mr. Chairman, while we both know that we disagree on the issue of Yucca Mountain, we are in agreement that it is in the best interest of our nation that a program to dispose of and store spent nuclear fuel and high-level radioactive waste be implemented as soon as possible.

I appreciate your commitment to ensure that progress is made on this issue; however, I do not believe the bill that is before the committee today – the Nuclear Waste Policy Amendments Act of 2017 – is the solution.

Rather, I believe it is heavy-handed, federal government-only proposal to reinstate Yucca Mountain while making false promises to the residents of Nevada.

With all due respect, Mr. Chairman, I do not believe this is a solution to our nation's nuclear waste problem. In fact, I believe it would only lead to more litigation on the issue, wasting more taxpayer dollars while usurping states' air and water permitting authority.

Governor Sandoval has made clear the State of Nevada will contest over 200 elements of any license application, which would likely take years to resolve and cost the federal government over \$1.6 billion.

Rather than attempting to force this project on the people of Nevada – a state that currently does not have any nuclear power plants of its own – it is clear taxpayers' dollars would be better spent identifying viable alternatives for the long-term storage of nuclear waste in areas that are willing to house it.

Before I discuss an alternative viable solution to this problem, I would like to first address the bill that is before us today.

I have a test – or an entrepreneurial standard – that I usually perform when evaluating legislation. I call it the “More, Higher, Less test.” Does this bill provide more competition, with higher quality, at less cost?

Let me address each of these categories with respect to the Nuclear Waste Policy Amendments Act of 2017.

Does this bill provide more competition? Instead of allowing for consent-based siting for willing communities, this bill would make Yucca Mountain the only repository. It also eliminates the current requirement for progress on a second repository.

This legislation does, however, allow for more federal government control over state permitting authority usurping the State of Nevada.

The pre-emption of state water law and states' authority to issue air permits is jarring to say the least and should be of concern to the members of this subcommittee.

Particularly in a region where water is a scarce and precious resource.

With that, I ask does this bill provide a higher quality? Not to Nevadans. In fact, by eliminating the current capacity limitation of 70,000 metric tons of heavy metal, this legislation would effectively allow for the unlimited disposal of spent nuclear fuel and high-level radioactive waste.

Furthermore, by allowing the EPA Administrator to change the repository radiation protection standards before final licensing by the Nuclear Regulatory Commission, you run the risk of eroding standards that were put in place to protect public health.

Finally, by allowing thousands of nuclear waste shipments to Yucca Mountain, you create a higher national security risk by completely ignoring recommendations made by the National Academy of Sciences and the Blue Ribbon Commission for stronger safety and security measures.

This is a risk that is not just felt by the people of Nevada, but also businesses within the state. Las Vegas continues to serve as a world class tourist destination, and any attempt to reinstate the repository will have significant economic impact on this industry and visitors to the state.

Finally, will this bill provide less cost? I strongly believe that it will only serve to continue to waste taxpayer dollars on a failed project.

The federal government has already spent decades and wasted billions of dollars to design and permit Yucca Mountain without any rational hope that Nevada would consent to the project – and Nevada never will.

As I said earlier in my testimony, Governor Sandoval has made clear that the state of Nevada will contest any license application. This will mean years of litigation while progress remains stalled on how to dispose of spent nuclear waste, but it doesn't have to be that way.

I come to the table with a bipartisan solution supported by the members of my delegation that join us today.

I want to thank Congresswoman Titus (NV-1), Congressman Kihuen (NV-4), and Congresswoman Rosen (NV-3) for partnering with me to introduce the Nuclear Waste Informed Consent Act.

Our legislation would allow for the construction of a nuclear waste repository only if the Secretary of Energy has secured written consent from the governor of the host state, affected units of local government, and affected Indian tribes.

This legislation is consistent with the consent-based siting initiative to site waste storage and disposal facilities initiated by the Department of Energy (DOE) in late 2015.

This open process ensures that a state has a meaningful voice in the process and that no state will be forced to accept nuclear waste against its own will.

Identifying communities that are willing hosts for long-term repositories, rather than forcing it upon states that have outright opposed such a site for decades, is the only viable solution to our nation's nuclear waste problem.

Taxpayer dollars are better spent securing safe and viable alternatives for the long-term storage of nuclear waste, especially in a community that is willing to house it.

I encourage this subcommittee to focus its efforts on that worthwhile initiative.

Failing to do so would just squander more time and scant federal resources that would be better spent pursuing viable solutions to this important public policy challenge.

Chairman Shimkus, Ranking Member Tonko, and members of the Subcommittee, thank you again for the opportunity to appear before you today.

Once again, I stand ready to partner with you to find a viable solution to this problem once and for all.