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6 FEDERAL, STATE, AND LOCAL AGREEMENTS AND

7 ASSOCIATED BENEFITS FOR SPENT NUCLEAR

8 FUEL DISPOSAL

9 THURSDAY, JULY 7, 2016

10 House of Representatives,

11 Subcommittee on Environment and the Economy,

12 Committee on Energy and Commerce,

13 Washington, D.C.

14

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17 The subcommittee met, pursuant to call, at 10:00 a.m., in

18 Room 2123 Rayburn House Office Building, Hon. John Shimkus

19 [chairman of the subcommittee] presiding.

20 Members present: Representatives Shimkus, Harper, Murphy,

21 Latta, McKinley, Johnson, Bucshon, Flores, Hudson, Cramer, Tonko,

22 Schrader, Green, McNerney, and Pallone (ex officio).

23 Staff present: Mike Bloomquist, Deputy Staff Director;

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24 Rebecca Card, Assistant Press Secretary; Giulia Giannangeli,
25 Legislative Clerk, Commerce, Manufacturing, and Trade,
26 Environment and the Economy; A.T. Johnston, Senior Policy
27 Advisor; David McCarthy, Chief Counsel, Environment and the
28 Economy; Chris Santini, Policy Coordinator, Oversight and
29 Investigations; Chris Sarley, Policy Coordinator, Environment
30 and the Economy; Dan Schneider, Press Secretary; Peter Spencer,
31 Professional Staff Member, Oversight; Dylan Vorbach, Deputy Press
32 Secretary; Andy Zach, Counsel, Environment and the Economy; Jeff
33 Carroll, Minority Staff Director; Jean Fruci, Minority Energy and
34 Environment Policy Advisor; Tiffany Guarascio, Minority Deputy
35 Staff Director and Chief Health Advisor; Rick Kessler, Minority
36 Senior Advisor and Staff Director, Energy and Environment;
37 Alexander Ratner, Minority Policy Analyst; Tuley Wright, Minority
38 Energy and Environment Policy Advisor; and C.J. Young, Minority
39 Pres Secretary.

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40 Mr. Shimkus. Doors closed. If members could have their
41 seats. If the first panel will take their seats there. We've
42 got both -- all my colleagues and the leadership here so we can
43 start promptly. I know a lot of people have other meetings.

44 So I would like to call the hearing to order and recognize
45 myself for five minutes for an opening statement.

46 Good morning and welcome to our hearing to receive input from
47 Nevada stakeholders about opportunities to move forward with the
48 Yucca Mountain project.

49 First, I would like to thank my colleagues who are here to
50 testify on this important issue. The members of the Nevada
51 delegation demonstrate a willingness to engage in this
52 conversation of national importance and demonstrate leadership
53 in the federal policymaking process.

54 Congressman Crescent Hardy represents Nye County, the site
55 of Yucca Mountain, and the immediate surrounding counties. I
56 appreciate his dedication in representing his constituents in
57 Congress and recognition of the need to be part of a constructive
58 dialogue.

59 He has stated that he will not tolerate the compromising of
60 his constituents' safety nor the safety of other -- any other
61 Nevadan and I wholeheartedly agree.

62 I welcome my colleague from Illinois, Congressman Bob Dold.

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63 His testimony and legislation highlights the implications on
64 communities around the country associated with this
65 administration's decision to walk away from Yucca Mountain.

66 The legacy impact on cities like Zion, Illinois is often lost
67 in the national conversations regarding the development of the
68 Yucca Mountain repository to dispose of our nation's commercial
69 spent nuclear fuel.

70 While we will hear from many Nevada stakeholders this
71 morning, we will not be hearing directly from the state of Nevada.
72 Governor Sandoval declined the committee's invitation to
73 participate and stated his opposition to the project based on
74 scientific, technical and legal merit.

75 I understand Governor Sandoval's position and look forward
76 to seeing the scientific and technical issues resolved when the
77 licensing process resumes.

78 We are not here to prejudge the outcome of this process but,
79 rather, discuss what Congress should consider when the license
80 is issued.

81 Governor Sandoval is rightly proud of Nevada's contributions
82 to our nation as a host of key national security facilities and
83 armed forces bases. He notes, and I quote, "Nevadans also believe
84 our relationship with the federal government should be one where
85 the state is seen as a valued partner, an ideal that is often not

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86 recognized," closed quote.

87 I hope going forward we will have a meaningful conversation
88 about how exactly that partnership can be constructed despite the
89 state's formal objection in 2002, one Congress overwhelmingly
90 rejected. I look forward to building this relationship and
91 continuing dialogue with the governor.

92 Our second panel of witnesses today consist of a wide range
93 of Nevada stakeholders including state and local elected
94 officials and private citizens.

95 Those families who reside closest to the repository site
96 should have their voices heard so that Congress can understand
97 their priorities including how the federal government can provide
98 assurance for safety, security and other infrastructure needs.
99 This must be a two-way conversation.

100 Last March, a Las Vegas newspaper published an editorial
101 titled, and I quote, "Washington, Make Us an Offer," closed quote.
102 That's stated in quotations "If we're going to have a conversation
103 about nuclear waste storage it should start with honesty from both
104 sides," closed quote.

105 The editorial proceeds to identify the potential associated
106 with reprocessing and research on nuclear material. This is the
107 very conversation that we are here today to have.

108 Today's testimony will inform a key component of this

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109 committee's efforts to develop comprehensive legislation to
110 advance used fuel management. This session of Congress we
111 received testimony addressing challenges associated with a
112 variety of nuclear waste issues including how to safely transport
113 nuclear material and fix a broken budgetary system.

114 Those two topics in particular are relevant to the state of
115 Nevada's interests. I have heard concerns that spent fuel
116 shipments will travel too close to population centers. To
117 address these concerns, I would welcome alternative proposals.

118 Further, Congress needs to assure financial resources for
119 the state and affected local governments are available for
120 technical and administrative costs when the money is needed.

121 However, beyond financial resources I look forward to
122 hearing what tangible items could benefit the state such as
123 associated infrastructure, access to federal land rights and
124 economic value and the jobs to support a nuclear reprocessing
125 facility.

126 While we are examining the Nuclear Waste Policy Act in
127 Nevada, we can also learn from similar examples relating to
128 hosting nuclear storage facilities for the federal government.

129 For example, what lessons can be learned from the New
130 Mexico's experience as a host of the Waste Isolation Pilot Plant,
131 WIPP, a repository for transuranic nuclear waste.

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132 In the WIPP Land Withdrawal Act, Congress helped to mitigate
133 transportation risk by authorizing an alternative route around
134 Santa Fe, New Mexico. Similarly, New Mexico state officials have
135 the authority to inspect transportation canisters to make sure
136 they meet the high regulatory standards in place.

137 The federal government also entered into an agreement with
138 the state of Idaho in 1995 to govern the storage of U.S. Navy spent
139 nuclear fuel. This agreement included a required milestone and
140 legally binding consequences if the federal government does not
141 meet those standards.

142 I recognize that New Mexico and the Idaho situations are each
143 unique. But we should be applying lessons learned to Nevada
144 rather than current path proposed by this administration.

145 The Department of Energy is currently in the midst of an
146 extended road show to highlight a political message that states
147 should have veto power over a national decision to resolve a
148 national challenge. But this publicity campaign ignores the law
149 of the land.

150 Nye County offered to host the DOE in public meetings but
151 the department has chose to pursue meetings in the far reaches
152 of the country and pretend that the citizens of Nye County are
153 irrelevant to the discussion.

154 The federal government made the decision to site the

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155 repository at Yucca Mountain site in 1987. The DOE should be
156 working with Nevada stakeholders to make sure of the progress on
157 this repository instead of ignoring the law of the land.

158 Our hearing this morning will do the job that DOE isn't. We
159 will continue to listen to all stakeholders to develop a
160 comprehensive solution to dispose of our country's spent nuclear
161 fuel.

162 Thank you again for your participation on this important
163 issue and I apologize for going over time, and I yield back the
164 remainder of the time I have.

165 The chair now recognizes the ranking member of the
166 subcommittee, Mr. Tonko, from New York.

167 Mr. Tonko. Thank you, Mr. Chair, and I thank the witnesses
168 for joining us here this morning.

169 The inventory of spent nuclear fuel in the United States is
170 now over 72,000 metric tons and growing every year. We have held
171 a number of hearings on this issue during this Congress so it will
172 come to no surprise to members of the committee or our witnesses
173 to hear me say that we are at an impasse.

174 We have been for decades and we will not resolve that here
175 today. As we have discussed in previous hearings, many factors
176 have prevented the Department of Energy from completing a nuclear
177 waste repository at Yucca Mountain.

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178 At this time I would like to, Mr. Chair, ask for unanimous
179 consent for letters from the Nevada governor, Brian Sandoval, and
180 State Attorney General Adam Paul Laxalt, to be entered into the
181 record.

182 Mr. Shimkus. Without objection, so ordered.

183 [The information follows:]

184

185 *****COMMITTEE INSERT 1*****

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186 Mr. Tonko. Thank you.

187 In both of these letters these officials make it clear that
188 the state of Nevada's position has not changed. They call for
189 a long-term sustainable solution for the nation's nuclear waste
190 through a consent-based process.

191 This also will not be news to anyone here. A consent-based
192 approach to siting future nuclear waste management facilities was
193 a recommendation of the Blue Ribbon Commission and supported by
194 the Department of Energy.

195 The host state, tribal and local governments need to have
196 a seat at the table and that certainly includes negotiating
197 benefits. I am sure that it is a message we will hear this
198 morning.

199 So I thank our witnesses for being here and in particular
200 I want to thank our colleagues for taking the time to testify
201 before this subcommittee.

202 But with that said, I think it must be acknowledged that there
203 are other issues we should be examining within our limited time
204 remaining in the session of the 114th Congress.

205 Our time could be spent working on problems we can resolve
206 now. We can work on an aid package for the city of Flint and bring
207 it to the floor.

208 Our Senate colleagues and Mr. Kildee have made a number of

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209 suggestions and yet we have seen no action in this House to help
210 the thousands of children that were poisoned by lead in their
211 drinking water.

212 According to a recently released report from the Natural
213 Resources Defense Council, more than 18 million people are served
214 by community water systems that exceed the action level of the
215 EPA's lead and copper rule guides us with.

216 It isn't just Flint. This is a widespread problem. In
217 fact, even in our own Cannon Office Building high levels of lead
218 have been found in the drinking water. Blood level lead testing
219 is now being offered to House members and staffers.

220 In my own backyard in upstate New York in the village of
221 Hoosick Falls, perfluorooctanoic acid, or PFOA, has contaminated
222 the drinking water. Hoosick Falls is not unique either.

223 A number of communities have found PFOA or other unregulated
224 contaminants present in their drinking water. Whether it's lead,
225 PFOA or other contaminants, it is clear that the quality of our
226 drinking water deserves greater scrutiny.

227 We have ignored our crumbling drinking water infrastructure.
228 We ignored lead and other contaminants in our drinking water
229 supplies and we have ignored getting the city of Flint and other
230 impacted communities the just assistance they need and certainly
231 deserve.

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232 We cannot ignore these problems any longer. Safe drinking
233 water is essential to our every life. It's essential to every
234 job in this country.

235 This is only one of many issues we could address this year
236 to make meaningful health, environment economic impacts in our
237 country. I hope we can give these other issues the attention they
238 deserve also.

239 And with that, Mr. Chair, I yield back my time.

240 Mr. Shimkus. Chairman yields back his time.

241 The chair now recognizes the majority side to see if anyone
242 wants time for an opening statement. Seeing none, the chair now
243 recognizes the ranking member of the full committee, Mr. Pallone,
244 for five minutes.

245 Mr. Pallone. Thank you, Mr. Chairman.

246 Today's hearing will take a look at the storage of nuclear
247 waste in the United States and the benefits provided to
248 communities hosting waste facilities and I want to welcome all
249 our witnesses, particularly our colleagues on the first panel.

250 While the safe storage and disposal of spent fuel from our
251 nation's nuclear reactors is an important matter in the realm of
252 our country's energy future, this subcommittee has already spent
253 more than enough time on this issue while avoiding other more
254 pressing issues, in my opinion.

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255 In fact, this is the fifth hearing this subcommittee has held
256 during this Congress on the issue of nuclear waste. With the
257 little time that we have left in this session, we should be
258 spending our time focusing on other pressing matters that are of
259 serious concern to our constituents and that have not already
260 received such significant hearing time.

261 For example, we could be using today's hearing time to
262 discuss safe drinking water. Last week, Mr. Tonko and I requested
263 hearings to address meaningful steps to provide the additional
264 tools the state and local governments need to ensure the public
265 is provided with clean and safe drinking water and this committee
266 has simply not done enough to address this issue.

267 But we're here again holding another hearing on the
268 decades-long debate over the disposal of nuclear waste at the
269 Yucca Mountain site. But even in that context this hearing misses
270 the mark.

271 Regardless of your position on this issue, focusing solely
272 on Nevada and Yucca Mountain does not help in moving this
273 conversation forward. I believe this hearing might have been
274 useful had we invited the Department of Energy to discuss its work
275 on consent-based siting and interim storage.

276 There are also important perspectives we could hear related
277 to applications for storage in Texas and New Mexico that are

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278 currently pending before the Nuclear Regulatory Commission as
279 well as related bipartisan legislation from Mr. Conaway, Mr. Green
280 and others that have been pending before the subcommittee.

281 Unfortunately, instead of looking for a new path forward all
282 we're doing is pursuing the same old path down the same old rabbit
283 hole with no clear purpose or benefit to the American people.

284 I'd like to yield the remainder of my time to Mr. Green.

285 Mr. Green. I want to thank my colleague, Ranking Member
286 Pallone for yielding time.

287 This is our fifth subcommittee -- has held on nuclear waste
288 storage this Congress. It's a very important issue and I want
289 to thank Chairman Shimkus for our continued oversight.

290 I believe it's now time for our subcommittee to go beyond
291 the fight over Yucca Mountain and consider proposals that will
292 move the ball forward and safely store our nation's spent nuclear
293 fuel.

294 I'm an original co-sponsor of the Interim Consolidated
295 Storage Act introduced by Congressman Mike Conaway of Texas.
296 This legislation would allow for interim storage of nuclear waste.

297 An interim facility would have to be licensed by the Nuclear
298 Regulatory Commission and would be paid through the nuclear waste
299 fund.

300 Passage of this bipartisan legislation would provide our

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301 country with a path forward to securely store nuclear waste
302 currently held at dozens of facilities like the South Texas
303 Nuclear Project in our area around the country while we decide
304 what to do with Yucca.

305 Waste Control Specialists, a private company out of west
306 Texas, has already applied to operate an interim facility with
307 federal regulators and believe it can start receiving spent fuel
308 by 2020. This proposal is supposedly supported locally and by
309 the state and is in line with the Blue Ribbon Commission's
310 recommendations.

311 I'm on record supporting Yucca Mountain. I visited the
312 facility in 2011 with Chairman Shimkus when I was ranking member
313 of the subcommittee and believe it's safe for long-term storage.

314 Taxpayers in Houston and Harris County, Texas and round the
315 country have spent \$15 billion studying and building the facility.
316 Unfortunately, we have not been able to go beyond the fight over
317 Yucca for over a decade.

318 All the while, thousands of metric tons of spent fuel are
319 stored at power plants throughout our country. We owe it to the
320 American people to move forward and I urge the subcommittee to
321 consider alternative proposals including the Interim
322 Consolidated Storage Act.

323 And I thank you and yield back my time.

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324 Mr. Shimkus. Gentleman yields back his time and I thank my
325 colleagues.

326 Mr. Pallone. Mr. Chairman, I don't know if any other member
327 on my side wants their time. I guess not. I yield back.

328 Mr. Shimkus. I am sorry.

329 And now I'd like to turn to our colleagues at the first panel
330 and we will -- introduce you one at a time as you give your openings
331 statements.

332 First is Congressman Dina Titus from -- she has corrected
333 me many times -- Nevada. I'm doing well, right? At least I got
334 something in pronouncing the state correctly, and you're welcome
335 and recognized for five minutes.

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336 **STATEMENT OF THE HON. DINA TITUS, A REPRESENTATIVE IN CONGRESS FROM**
337 **THE STATE OF NEVADA**

338

339 Ms. Titus. Well, thank you very much, Mr. Chairman. Ranking
340 Member Pallone, Ranking Member Tonko and other members of the
341 subcommittee.

342 I appreciate this opportunity to testify. As you have
343 stated, Yucca Mountain has been an issue of major importance for
344 Nevadans for decades. It dates back to 1987 when President Reagan
345 signed the so-called Screw Nevada bill into law.

346 In the years that have followed, I along with bipartisan
347 business, civic and apolitical leaders throughout Nevada have
348 been unified with rare exception and vehement opposition to this
349 failed proposal.

350 Now, it's my understanding that today's hearing is intended
351 to suggest that some benefit will accrue to Nevada for hosting
352 nuclear waste generated elsewhere.

353 Well, on behalf of three out of four Nevadans who oppose Yucca
354 Mountain, I'm here to say we cannot and will not be bought off.

355 Mr. Chairman, after word of this hearing got out I was
356 contacted by major stakeholders throughout Nevada who wanted to
357 weigh in and have their voices heard.

358 I have letters in opposition from leading Nevadans and

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359 organizations, also our governor and Senator Heller, an editorial
360 from the Las Vegas Sun. I would request that these be entered
361 into the record.

362 Mr. Shimkus. Yes. I can get staff to grab those bring those
363 up here. We'll look at them and then --

364 Ms. Titus. Thank you so much.

365 Now, I realize that many people may not know about or
366 appreciate the significant contributions and major sacrifices
367 that Nevada made during Atomic Age.

368 More than a thousand nuclear detonations occurred near
369 downtown Las Vegas and you could see the mushroom cloud rising
370 over the desert not far away.

371 These tests took place at a time when the federal government
372 conducted duck and cover drills to show us how to protect ourselves
373 from radioactive fallout. I imagine some among you will remember
374 Bert the Turtle -- duck and cover.

375 Well, since then billions of dollars have been paid to the
376 residents of Nevada, Utah and other downwind states that were
377 under that radioactive cloud earlier in the 20th century.

378 I give this history lesson not only to highlight Nevada's
379 role in atomic development but also to remind you that they told
380 us then we were safe and they are telling us now we are safe.

381 Members of Congress may board a plane to my district and then

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382 be shuttled out to the desert north of town for a photo op where
383 they can see the dry and desolate moonscape where Yucca Mountain
384 is located.

385 But you shouldn't be fooled by such a superficial look at
386 land that Nevadans love and want to protect. Nevada is not a
387 wasteland. It's home to unique desert habitats, rare and
388 endangered species of plants and animals, iconic wildlife like
389 bighorn sheep and desert tortoises, and cultural resources from
390 Native American tribes dating back thousands of years.

391 Such a quick visit also ignores the fact that beneath the
392 surface are major fault lines and a water table that moves towards
393 the Las Vegas Valley, where 2 million people live.

394 Furthermore, this waste that is going to be stored there has
395 to be shipped thousands of miles across this nation on highways
396 and byways that go through all of your districts -- in fact, almost
397 everybody in Congress' district.

398 Fourteen years ago, I stood next to our Republican governor,
399 Kenny Guinn, and other leaders from around the state on the day
400 he first vetoed the Yucca Mountain site. In the years that have
401 followed, billions of dollars have been wasted on this boondoggle
402 and we are still no closer to a solution.

403 It wasn't until the Obama administration assembled a Blue
404 Ribbon Commission on America's nuclear future with some of the

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405 most respected experts on this topic who released a list of
406 recommendations to guide us forward.

407 One such recommendation, which goes to the heart of the
408 matter and has been referenced earlier, is adopting a
409 consent-based process by which repositories are sited. That is
410 why I joined with my colleague, Joe Heck from the House, and
411 Senators Harry Reid and Dean Heller to introduce the Nuclear Waste
412 Informed Consent Act.

413 Now, I have heard proponents make all kind of false promises
414 to us in Nevada. They say Nevada could receive hundreds of
415 millions of dollars for infrastructure projects or maybe be
416 allocated more water from the Colorado River, for example.

417 Well, who can take that seriously, really? This Congress
418 has failed in its response to nearly every pressing issue facing
419 our nation. There's not even enough money for the completion of
420 the Yucca Mountain project, much less extra left over -- bribe
421 money to give to Nevada.

422 Nevadans may be gamblers but we are not fools. We know how
423 to calculate the odds.

424 So in conclusion, I would ask you to remember that Nevada
425 has done its part in the development of U.S. nuclear energy.
426 Furthermore, we didn't produce this commercial waste.

427 We don't have any nuclear power plants. So we say keep it

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428 where it is for now. Pass a consent-based bill. Move forward
429 so places who want it can have it.

430 So in short, I urge my colleagues on this subcommittee
431 concentrate your efforts on ways to make progress, to move
432 forwards, not backwards, so we can really solve this problem.

433 I thank you for your attention and I yield back.

434 [The statement of Ms. Titus follows:]

435

436 *****COMMITTEE INSERT 2*****

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437 Mr. Shimkus. The gentle lady yields back her time and we
438 thank her for her testimony.

439 The chair now recognizes Congressman Amodei from also the
440 great state of Nevada and he's recognized for five minutes.

441 Pull that mic a little closer. I know you've got a big mouth.

442

443 Mr. Amodei. I thought that you had wanted me to --

444 Mr. Shimkus. And turn the mic on.

445 Mr. Amodei. On purpose, Mr. Chairman.

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446 **STATEMENT OF THE HON. MARK E. AMODEI, A REPRESENTATIVE IN CONGRESS FROM**
447 **THE STATE OF NEVADA**

448

449 Mr. Amodei. Thank you, Mr. Chairman, for hosting this
450 hearing, Ranking Member Tonko. I appreciate the opportunity to
451 share my views regarding the sense of your subcommittee, the E
452 & C Committee as a whole and in fact what may indeed be the sense
453 of the House of Representatives Regarding the Yucca Mountain
454 Nuclear Repository in Nevada.

455 No one participating in this hearing should interpret
456 anything that I say as expressing a sense of what may or may not
457 happen in the 115th Congress either in this house or on the north
458 side of the building in the Senate.

459 But nonetheless, the 115th Congress will convene in about
460 six months and the issue regarding people sitting in new seats
461 and what the nation's policy is going to be with regard to
462 high-level long-term nuclear waste issues I think will be
463 something that is on the agenda.

464 I want to make it clear from the outset no one in Nevada is
465 in favor of a nuclear landfill. Neither am I. But I also have
466 young people telling me that you can go to things like
467 congressionalrecord.com and Google it and put in words like Yucca
468 and waste and you can see the names of some people who are in this

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469 House who take to the floor -- I believe, Mr. Chairman, your name
470 comes up occasionally -- talking about this issue. It is not
471 going to go away.

472 Nevada cannot afford to just say no. No disrespect to the
473 former First Lady, but this is an issue that needs to be dealt
474 with. We are not for sale and we are not deficient in the national
475 scoring sense of states of the union in terms of doing their
476 patriotic duty.

477 Accordingly, if we decide to deal with this I appreciate the
478 opportunity to have a discussion that says what are the real
479 impacts -- what should our policy be and in that context what is
480 the story for Nevada.

481 I have got some things for you to think about as policy makers
482 to evaluate a responsible course of conduct with respect to local
483 and state economic impacts, operating oversight, safety policy
484 in the near and long term and our policy as a nation regarding
485 the material itself. Let's start there.

486 Remember the statement nobody is in favor of a nuclear
487 landfill. There is ongoing research in this country, in the state
488 of Nevada, at the University of Nevada, Las Vegas, regarding
489 reprocessing.

490 So when we talk about dealing with this issue that I think
491 we need to talk about well, should we start treating this as a

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492 commodity instead of trash. Because guess what -- even if you
493 want to talk about consent as long as we really see it as trash
494 good luck with that consent thing. I think they're trying that
495 over in Sweden right now.

496 So the key becomes in terms of a responsible comprehensive
497 policy is how do we do reprocessing in a way that we are not looking
498 for someplace to dump it and run. There is already some
499 infrastructure there. There are people in Nevada delegation.

500 The senior senator has visited that. I would suggest that
501 if you want to deal comprehensively you say, what can we do to
502 that program there to make it the leader in the nation so that
503 we're not talking about trash anywhere -- we're talking about a
504 commodity. That is something that this committee should look at
505 and make it part of comprehensive policy as opposed to just Tuesday
506 is garbage day and when the truck is gone we don't have to worry
507 about it.

508 Next, oversight -- Nevada has an excellent scientific
509 research entity in terms of an outfit that's called the Desert
510 Research Institute in terms of nuclear monitoring, operational
511 monitoring, making sure that if the assumptions in terms of how
512 this is treated or correct that those assumptions actually come
513 through. They should be given that responsibility. It is
514 imminently fair if you decide to locate this in Nevada that people

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515 of qualification are put in charge of making sure that our
516 assumptions are correct.

517 Some people may scream, oh, earmark. Well, guess what --
518 the siting is the biggest earmark you can have and we ought to
519 at least have our homegrown folks taking a look at it that have
520 scientific objective credentials and credibility.

521 Let us talk about safety first a minute. Since the location
522 of this before -- before it transforms hopefully back into a
523 commodity is something that is of primary concern to those folks
524 in the region. That ought to be the National Center for Nuclear
525 Safety.

526 That ought to be the National Center for Nuclear Emergency
527 Reaction Training. What better place to do it than the folks with
528 the largest stake in the nation in terms of proximity to the
529 material?

530 Now, I want to stop for just a minute and let you know this
531 is not hey, how much is it -- can you buy us off for this or that.
532 This is responsible policy infrastructure which will have an
533 economic impact but also has the dual role of saying we're dealing
534 with this comprehensively instead of hit and run.

535 The final thing I want to leave for your consideration is
536 this. Nevada is a state that is owned by a super majority in terms
537 of federal lands. Right now, that site is in the possession of

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538 the Bureau of Land Management, which means if you move forward
539 you are going to have to do a federal lands transfer to DOE.

540 I would suggest that there is a very, very successful example
541 in Nevada. It's called the Southern Nevada Public Lands
542 Management Act where we transfer lands in a highly transparent
543 process for purposes that are agreed upon by everybody in the
544 state.

545 If you're going to do this and transfer that land I would
546 implore you to look for other opportunities in other states,
547 because as my colleague from southern Nevada -- there are
548 transportation issues.

549 Transportation issues in Nevada, outside of Nevada, safety
550 issues. It is an opportunity to do other lands transfers to get
551 you away from the earmark thing, and by the way, when you do all
552 those a state that is 87 percent owned by the federal government
553 might, if you take some suggestions, oh, my, only be owned 80
554 percent by the federal government.

555 So it is not ipso facto magical way to get all the lands back
556 in the state. It is a responsible way, and by the way, the beauty
557 of this we don't have to write a check in Congress for that.

558 There will be some costs but it is a relatively efficient
559 way to say okay, you want some more control -- you want to some
560 of that economic development stuff, here are some lands that make

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561 the most step -- have at it.

562 So, in conclusion, I would just say this. Nuclear policy
563 is more than where you're going to put it and walk away. If you're
564 going to be responsible it needs to be comprehensive. Not looking
565 for a payday, not looking for special treatment.

566 But when you think about things like safety operations and
567 what's going on in the state there are many opportunities for this
568 Congress or the next Congress to go ahead and deal
569 comprehensively.

570 You'll never get everybody in the state to hug it but at least
571 you can stake out some ground that is usually unique these days
572 in terms of saying we've dealt with it comprehensively,
573 transparently and from a responsible perspective.

574 I appreciate the opportunity, Mr. Chairman, and I yield back.

575 [The statement of Mr. Amodei follows:]

576

577 *****INSERT 3*****

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578 Mr. Shimkus. The gentleman yields back his time and I thank
579 him for his testimony.

580 The chair now recognizes my colleague from Illinois,
581 Congressman Dold, and you are recognized for five minutes.

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582 **STATEMENT OF THE HON. ROBERT J. DOLD, A REPRESENTATIVE IN CONGRESS FROM**
583 **THE STATE OF ILLINOIS**

584

585 Mr. Dold. Thank you, Mr. Chairman. It's, obviously, great
586 to be here. I appreciate the honor to be able to testify before
587 you, Ranking Member Tonko and members of the subcommittee.

588 As you know, I'm Bob Dold. I represent Illinois 10th
589 congressional district. I am here today to testify about the
590 community of Zion, Illinois, and wanted to talk more specifically
591 about H.R. 5632, the Stranded Nuclear Waste Accountability Act
592 of 2016, which is a bipartisan bill that I had the opportunity
593 to introduce this week.

594 To fairly compensate the 13 communities across our country
595 affected by the federal government's failure to make good on its
596 commitment to remove spent nuclear fuel from formerly operating
597 nuclear power plants.

598 Zion is a city in the northern part of Lake County. Zion
599 is the home to approximately about 25,000 people and in 1973 the
600 Zion Nuclear Power Plant Station opened on 257 acres of Lake
601 Michigan shoreline.

602 The plant operated from 1973 to 1998. But before the plant
603 was closed, it created good high-paying jobs for the community
604 and the local governments received a significant amount of tax

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605 dollars from the increased tax base.

606 Unfortunately, once the plant closed those benefits to the
607 community went away. Since 1998, the community has faced a
608 difficult situation due to the presence of spent nuclear fuel on
609 the site.

610 As this committee is well aware, the federal government's
611 failure to move ahead with Yucca Mountain has meant that all of
612 the nuclear spent fuel, the radioactive materials that once
613 powered the nuclear plant, has remained on site in dry storage
614 in the middle of Zion, just a few hundred yards away from one of
615 the greatest natural resources we have in our nation in the Great
616 Lakes.

617 The community of Zion never negotiated to become an interim
618 spent nuclear fuel storage location. But without the federal
619 government doing its part in developing a long-term geologic
620 storage site for nuclear waste that is exactly what it has become.

621 Zion status as it is today has come with a very high cost.
622 Mr. Chairman, I have brought with me today two letters -- one from
623 the mayor of the city of Zion, Al Hill, and the other from 34 local
624 elected officials and community leaders in the Zion area.

625 Each of these letters details the impact on Zion, Illinois.
626 Each of these letters details, again, what has happened and they
627 would obviously would like to respectfully request that they be

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628 submitted for the record.

629 Mr. Shimkus. Without objection. Also, Congresswoman
630 Titus, we're accepting your letters also.

631 [The information follows:]

632

633 *****COMMITTEE INSERT 4*****

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634 Mr. Dold. In order to help with these 13 communities, Mr.
635 Chairman, impacted this way, earlier this week I introduced the
636 Stranded Nuclear Waste Accountability Act of 2016.

637 This bill recognizes the problem that the federal government
638 has caused in the communities that are home to a formerly operating
639 nuclear power plant but where spent nuclear fuel continues to be
640 stored.

641 The federal government would pay the local government a fee
642 to compensate that community for their status as a de facto spent
643 nuclear fuel storage site. That fee is the same amount per
644 kilogram as was included in the original Nuclear Waste Policy Act
645 of 1982.

646 Importantly, this bill puts a seven-year limit on these funds
647 so that these communities are fairly compensated but do not become
648 indefinitely reliant on federal dollars. The political failure
649 to move ahead with Yucca Mountain has created an unfortunate
650 situation for Zion and communities like her across our country.

651 Without negotiation and without compensation these
652 communities have been transformed into spent nuclear fuel storage
653 sites. While the best solution is still to find a way to make
654 sure that spent nuclear fuel is removed from these communities.

655 In the meantime, I believe that this bill -- my bill, a
656 bipartisan common sense proposal to help compensate these

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657 communities and defray some of the costs associated with storing
658 spent nuclear fuel out in these various 13 different communities.

659 Chairman Shimkus and Ranking Member Tonko, members of the
660 committee, I want to thank you again for the opportunity to testify
661 today and I also look forward to answering your questions.

662 I yield back.

663 [The statement of Mr. Dold follows:]

664

665 *****INSERT 5*****

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666 Mr. Shimkus. The gentleman yields back his time.

667 The chair now recognizes the gentleman from Nevada,

668 Congressman Hardy. You're welcome to the hearing room and you

669 are recognized for five minutes.

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670 **STATEMENT OF THE HON. CRESENT HARDY, A REPRESENTATIVE IN CONGRESS FROM**
671 **THE STATE OF NEVADA**

672

673 Mr. Hardy of Nevada. Thank you. Chairman Shimkus and
674 Ranking Member Tonko and members of the committee, thank you for
675 the opportunity to --

676 Mr. Shimkus. I think it's on. Just pull it closer.

677 Mr. Hardy of Nevada. Thank you for the opportunity testify
678 here at today's hearing. I represent Nevada's 4th congressional
679 district which stretches from north Las Vegas and the northern
680 Clark County into the part of six rural counties in central Nevada.

681 Now, there is many folks that -- back here in Washington who
682 might be aware that anything exists north of a little strip of
683 land called Las Vegas Boulevard along the strip, as far as they're
684 concerned, and that it just might be empty desert.

685 However, such thinking fails to recognize the diverse mosaic
686 of people who represent the backbone of Nevada including the
687 hardworking families of north Las Vegas, the rich cultural
688 heritage of our indigenous tribes and the miners and ranchers who
689 symbolize the industrious spirit of America West.

690 It also ignores the incredible contributions and burdens
691 borne by this part of Nevada to protect our national security
692 generation after generation. From the testing and development

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693 of our nuclear deterrent that allowed the United States to win
694 the Cold War to the most advanced realistic air combat training
695 anywhere in the world to the dedicated airmen and women who fly
696 remotely-piloted aircraft in the war against ISIS and al-Qaeda.
697 People in this part of Nevada are no strangers to serving our
698 country. They are also no pushovers, nor am I.

699 As a representative, I am committed to fight so that all their
700 voices are heard, to ensure that they always have a seat at the
701 table. That brings us to the reason that I am seated here at this
702 table here today.

703 Yucca Mountain, located roughly a hundred miles northwest
704 of Las Vegas, has been designated by an act of Congress as the
705 only authorized site for a permanent repository to house spent
706 nuclear fuel and highly radioactive waste.

707 In the nearly 30 years since that decision billions of
708 taxpayer dollars have been spent, endless litigation has played
709 out, administrations have stonewalled, recriminations have
710 abounded.

711 Yet, two fundamental problems continue fester. Number one,
712 our nation has tens of thousands of metric tons of high-level
713 radioactive waste and spent nuclear fuel dangerously piling up
714 at the power plants across this country with nowhere to safely
715 put it.

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716 Number two, many Nevadans feel that they are being forced
717 by the federal government to store dangerous material that they
718 had no role in creating. Both of these facts are shameful
719 failures of the federal government and both need to be addressed
720 now.

721 I often reflect on the courage of our Founders and the many
722 great American leaders who followed them to take tough issues and
723 make difficult decisions. On the heels of Monday's celebration
724 of the 240th year of independence, I am reminded of the
725 responsibility elected officials have to the American people, now
726 more than ever.

727 This issue of nuclear storage is not just about any one
728 politician's legacy. It can't be, because this issue -- because
729 on this issue we are talking about millennia. Not just about
730 millennia but millions of years in the future.

731 Geologic time doesn't care about partisan politics or
732 eagles. Long after we are all forgotten, footnotes in the dusty
733 pages of history, the decision we make here won't be. The
734 decisions we make here will live on and impact the lives of
735 countless generations.

736 That's why the decision we make here in Washington or Carson
737 City or Tonopah or anywhere else for that matter need to be based
738 on the soundest science and the best interests of Nevadans and

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739 every single American.

740 The beauty of science is that it's the great equalizer,
741 whether you're in Nevada, Illinois or on the surface of the moon.
742 The laws of science are universal regardless of politics.

743 Yucca Mountain needs to stop being an issue that
744 administrations here in Washington only find useful every four
745 years in the state of Nevada. Nevadans deserve to have honest
746 brokers in their federal government and they deserve to hear the
747 unbiased scientific results that are -- their hard-earned dollars
748 funded.

749 After being privileged enough to be elected as a
750 representative of the Nevada's 4th district in Congress, I
751 discovered that too many politicians are afraid to engage in the
752 constructive dialogue on this issue.

753 They fail to recognize that discussing Yucca Mountain
754 doesn't equal endorsement. It's leadership. I will never
755 support a repository in Nevada that isn't safe and that the people
756 don't want, period. Nevadans deserve a seat at the table. I've
757 taken one of those seats.

758 I appreciate the committee's willingness to hear my
759 testimony today and I look forward to working with members on both
760 sides of the aisle to work towards solutions that is really worthy
761 of Americans who have sent us here.

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762

Thank you.

763

[The statement of Mr. Hardy follows:]

764

765

*****INSERT 6*****

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766 Mr. Shimkus. The gentleman yields back the time and the
767 chair appreciates the testimony of my colleagues.

768 It's not the tradition of this committee to take questions
769 to our colleagues so we'll dismiss the first panel and ask the
770 second panel to take their seats and thank you very much for your
771 time.

772 So we thank the second panel for joining us today. I want
773 to thank my colleagues who have actually shown up in good numbers
774 today to hear both our colleagues and this panel and their
775 testimony, and hopefully will stay around for a few questions.

776 So as with the first panel, I will just go one at a time.
777 You'll be recognized for five minutes. Your full statements
778 submitted for the record.

779 So with that, Mr. -- first we will have Mr. Dan Schinhofen,
780 county commissioner of Nye County, Nevada -- a friend of the
781 committee's. Good to see you back, and you are recognized for
782 five minutes.

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783 STATEMENTS OF DAN SCHINHOFEN, COUNTY COMMISSIONER, NYE COUNTY,
784 NEVADA; THE HONORABLE JOSEPH HARDY, STATE SENATOR, STATE OF
785 NEVADA; GENE HUMPHREY, PRESIDENT, INTERNATIONAL TEST SOLUTIONS,
786 INC.

787

788 STATEMENT OF MR. SCHINHOFEN

789 Mr. Schinhofen. Thank you.

790 Mr. Chairmen, members of the committee, thank you for the
791 opportunity to appear before you today to discuss the need for
792 a realistic set of mitigation benefits to go to the state of Nevada
793 and affected local communities for accepting a high-level spent
794 nuclear fuel repository at Yucca Mountain.

795 I am Dan Schinhofen, vice chairman of the Nye County
796 Commission and designated liaison commissioner on Yucca Mountain.
797 I appreciate the committee's continued interest in Yucca Mountain
798 issues.

799 If built, the Yucca Mountain repository would be located
800 entirely within the boundaries of Nye County. No governmental
801 body has more responsibility for the health and safety of our
802 residents than the Nye County Commission.

803 For that reason, we have been actively involved in the Yucca
804 Mountain process for decades. In fact, Nye County has conducted
805 its own scientific studies.

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806 Some of our results became part of DOE's license application.
807 Others have been for our own oversight purposes. We believe in
808 the integrity of the scientific review process for the Yucca
809 Mountain repository. There is a federal process led by the
810 Nuclear Regulatory Commission that includes all entities in a
811 final independent decision on the safety of Yucca Mountain.

812 The final determination if the repository can be built and
813 operated safely should follow this process to completion. After
814 spending over three decades and \$15 billion dollars, common sense
815 demands this. So do the clear mandates of the Nuclear Waste
816 Policy Act. In other words, we want to see the federal government
817 follow the law.

818 My written testimony lays our views that there is no good
819 alternative to the licencing process established in the Nuclear
820 Waste Policy Act. It also makes a recommendation on ways to
821 improve that act.

822 To summarize, we believe the law should be amended to include
823 a benefit of -- a package of benefits that should go to the state
824 of Nevada and local communities. This would not be bribe money.
825 Instead, it would compensate the state and local communities for
826 the increased responsibility that being the home of a spent
827 nuclear fuel repository brings with it. It would also provide
828 resources needed to build the personnel and physical

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829 infrastructure to support a massive public work project.

830 We believe there should be two sets of benefits -- one while
831 the license is under review and the second when the repository
832 is being built and operated.

833 For the first stage we propose the following. One,
834 resources to the state and local governments to fund oversight
835 activities and participation in the license proceeding. Also,
836 resources so those governments can fully participate in the
837 planning of transportation routes to guarantee that the waste does
838 not pass through Las Vegas.

839 Two, resources to the site county to improve its
840 infrastructure in preparation for construction. This would
841 include resources for equipment, manpower and training for Nye
842 County's EMS, fire, law enforcement and other relevant county
843 agencies. It would also provide resources to upgrade the
844 county's roads and water systems.

845 Three, transfer of federal land to the state and impacted
846 counties needed to support a repository. Four, resources to the
847 University of Nevada system and community colleges to develop the
848 trained workforce and expertise to support and monitor the
849 project.

850 Five, relocation of Department of Energy support offices and
851 contractors into Nevada. Six, construction of new DOE laboratory

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852 facilities in Nye County to support Yucca Mountain to develop the
853 next generation of nuclear technologies.

854 Seven, payments to the state and local governments to replace
855 any lost taxes and other revenues.

856 Regarding the second set of benefits, which would kick in
857 during the construction and operation phase of the project we do
858 not have a comprehensive list prepared. Instead, we propose that
859 the law-created task force with representatives from the DOE, NRC,
860 state of Nevada, Nye County, impacted Native American tribes and
861 other local governments to develop a list of reasonable benefits.

862 The task force should report back to Congress within two
863 years. The list should include a minimum additional land
864 transfers, construction of a multi-use rail line that would serve
865 both Yucca Mountain and other users, construction of interstate
866 Highway 111, grants to the University of Nevada and local
867 community colleges and payments to the state site county, impacted
868 local communities and Native American tribes.

869 The package should also address the need for water which will
870 be required for the project and associated support activities.
871 If additional water became available for a desalinization plant,
872 it would greatly relieve the water controversies that plague
873 southern Nevada as well as guaranteed needed supply for the
874 project.

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875 To save even more money, we recommend that the Nuclear Waste
876 Policy Act be amended to allow Nevada to be an interim storage
877 site. The current site design of Yucca Mountain includes aging
878 pads that could hold up to 30,000 metric tons of waste. These
879 could be built quickly and Nye County could become an interim site
880 almost immediately. This would eliminate the unnecessary
881 expense of licensing another site . It would also facilitate
882 moving the waste away from utility sites.

883 I would add that the Nye County Commission has already
884 formally granted its consent to this facility. We believe all
885 the savings would result from proceeding with Yucca Mountain will
886 far exceed the most generous package.

887 Mr. Chairman, we appreciate your willingness to engage the
888 state of Nevada, local governments to develop a sensible package
889 of benefits related to Yucca Mountain.

890 I am here today to confirm to you that Nye County will be
891 a willing partner in those efforts.

892 Thank you.

893 [The statement of Mr. Schinhofen follows:]

894

895 *****INSERT 7*****

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896 Mr. Shimkus. The gentleman's time has expired and I thank
897 you for your testimony.

898 The chair now recognizes, again, from the state of Nevada
899 State Senator Joseph Hardy, and you are recognized for five
900 minutes and that the five minutes isn't, like, drop dead.

901 We are fine if you over a few minutes. So don't let that
902 clock scare you. But if you go over too long then we'll intervene.
903 But you're recognized for five minutes.

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904 STATEMENT OF MR. HARDY

905

906 Mr. Hardy. Thank you, Mr. Chair and Ranking --

907 Mr. Shimkus. I think you have to push a button at the mic
908 at the bottom there.

909 Mr. Hardy. So if it's a green light it's on?

910 Mr. Shimkus. Yes, sir.

911 Mr. Hardy. That's a new concept. Thank you.

912 So as a physician I don't want to do self-CPR so I'm glad
913 I have some leeway. Thank you, Mr. Chair and Ranking Member
914 Tonko.

915 I am grateful for the opportunity to be here. There can be
916 no discussion, no deal and no agreement from the state of Nevada
917 on Yucca Mountain, the spent fuel repository, until all safety
918 concerns have been addressed and resolved.

919 We cannot have anyone in Nevada or a visitor to Nevada put
920 at risk from either the shipment or the storage of spent nuclear
921 fuel. Real people have reasonable and real concerns about the
922 transportation and storage of nuclear waste in Nevada.

923 The hospitality industry is concerned even about the
924 perception of any risk that would decrease visitation to southern
925 Nevada. People who drive the roads and live in the proximity to
926 the roads that would be used have fears of accidents. Farmers

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927 could worry about well and danger of contamination. Politicians
928 do not want to be the one who has to live with the wrong decision
929 that could turn out like a water contamination on a much bigger
930 scale than Flint, Michigan.

931 In so many ways Yucca Mountain project illustrates that
932 perception is reality. Thus, it behooves us to be sure that the,
933 quote, "science," unquote, of nuclear storage is unassailable,
934 irrefutable and verifiable.

935 We will have to have every doubt and every question resolved
936 with rational answers, not just from the advocates but from the
937 skeptics with facts and figures.

938 Even from those in foreign countries need to be assured that
939 this is a safe place to come, stay and play. Water is critical
940 to our lives and prosperity.

941 We already know that the aquifers under the Nevada test site
942 have been contaminated by underground detonations as well as the
943 well documented effects of those downwind from the above-ground
944 detonations.

945 People will mistrust the government report as recently
946 released as May 2016 that uses the word, quote, "small," unquote,
947 in describing the potential adverse effect on water.

948 There are definite economic benefits and risks for Nevada
949 with the acceptance of spent fuel storage. People understand

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950 that spent fuel is not really inert or impotent in as much as we
951 have to cool it down on site for a about a decade before putting
952 it in unbreakable casks and burying it in the ground far away from
953 civilization.

954 Business, developers, public officials all care about the
955 fragile consumer confidence that drives our economy. Since
956 statehood, Nevada has been shortchanged. Nevada only received
957 one half the land as it could have had. Nevada leads the nation
958 in the percentage of land controlled by the federal government.

959 Payment in lieu of taxes, commonly called PILOT, has not
960 matched the revenue that would have been generated by land in
961 private hands. Nevada remains at or near the bottom of states
962 getting a percentage of our money back from the taxes sent to
963 Washington, D.C.

964 I have been impressed that the best laws come about with
965 getting consensus and resolution of concerns from all viewpoints
966 taken seriously into account. Partnerships work much better than
967 opposing parties when momentous changes are made.

968 How can we agree on something? Trust. It would be
969 difficult for Nevada to work with the federal government when
970 things are seen as impositions as opposed to agreed upon
971 opportunities.

972 How can Congress build trust? Relinquish land control,

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973 build the railroad, participate in road financing, consider local
974 problems such as SNPLA, recognize the BLM land take downs need
975 to take into account continuous parcels with water runoff
976 realities, facilitate communication corridors for fiber optics
977 and energy transmissions, I-11 to Las Vegas and on to Reno, making
978 a test site -- that's what we call it -- a place to develop research
979 for reprocessing nuclear waste using spent fuel as a heat source
980 to generate energy without water like some solar plants are doing
981 now using salt, as well as protecting grid including
982 microprocessing technologies and listening to the locals who know
983 Nevada better than those who live far away.

984 I realize that political science, counting votes will trump
985 science. But we need both to concur and work together. I
986 appreciate what Senator Reid and the Governors Bryan, Guinn and
987 Sandoval have done to protect Nevada.

988 We have come to a position where things are changing and the
989 tide is shifting. I can count votes. In 2003, I presented
990 Assembly Joint Resolution 6 originally asking for enough land to
991 build a railroad from the Utah border to the test site as well
992 as making a more reasonable PILT to Nevada. The land part was
993 not accepted as Nevada had the votes to stop nuclear waste from
994 coming.

995 I now see Nevada in a position to call for all the

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996 above-mentioned requirements to be met, especially safety for all
997 and a relationship built on trust and respect for the process of
998 working together in this land of the free.

999 This is only my opinion but I am under the impression that
1000 many share it with me.

1001 Thank you, Mr. Chair.

1002 [The statement of Mr. Hardy follows:]

1003

1004 *****INSERT 8*****

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1005

Mr. Shimkus. I thank you for your time.

1006

The chair now recognizes Mr. Gene Humphrey, president of

1007

International Test Solutions, Incorporated. Again, your

1008

testimony is submitted for the record. You have five minutes and

1009

take your time.

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1010 STATEMENT OF MR. HUMPHREY

1011

1012 Mr. Humphrey. Thank you, Mr. Chairman.

1013 Mr. Shimkus. You are recognized.

1014 Mr. Humphrey. Thanks for allowing me to speak. I am Gene
1015 Humphrey. I have a small business in Nevada. We moved it to Nevada
1016 from California because of the business climate in Nevada and for
1017 tax reasons, naturally.

1018 We manufacture a thin film that is used in making computer
1019 chips. We supply 164 different companies around the world. All
1020 of our material is manufactured in the United States. Most of
1021 our material is consumed in Asia and foreign countries.

1022 WE maintain offices in Singapore and Taiwan and Japan and
1023 Korea so pretty international. I was raised in -- near Cheyenne,
1024 Wyoming, in an area much similar to what Nevada is. Our house
1025 didn't have running water until I went in the Army. Going into
1026 the Army was the way I could get out of the environment that I
1027 was in and advance myself.

1028 And so through going into the service and spending two tours
1029 in Vietnam I was able to go back to the University of Wyoming and
1030 get an education.

1031 In that area around Cheyenne they built the Atlas site --
1032 ICBM site in 1958 and then later on those were replaced with

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1033 Minuteman and Peacekeeper weapons systems. There is 200 silos
1034 around the ranch. Nuclear weapons are transported approximately
1035 a hundred miles from the main base at Cheyenne out to the furthest
1036 of the silos. They are transported over interstate highways --
1037 dual state highways that oiled and on gravel roads.

1038 So I know that there is -- that transportation can be done
1039 safely and there is technology out there to be able to do it. As
1040 Americans, we've always faced these problems and been able to
1041 identify solutions for the problems, and I look at the
1042 transportation issue simply as technical issues that need to be
1043 addressed to solve the concerns that people have about safety.

1044 I also was a member of Nevadans for Carbon-Free Energy a
1045 number of years ago, a nonprofit to look at various technologies
1046 that could be brought to the state of Nevada to increase jobs in
1047 Nevada and revenue for Nevada and one of the things that we
1048 identified was a business opportunity that relates to processing
1049 of spent nuclear waste.

1050 We saw that the Nevada test site already had a history of
1051 nuclear weapons with multiple nuclear detonations down there and
1052 also storage currently of low-level nuclear waste in the Nevada
1053 test site area and it seemed that if it was done properly that
1054 the Yucca Mountain site could be utilized for the benefit of the
1055 people in Nevada.

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1056 I've never been able to understand as a private citizen why
1057 we make the nuclear fuel rods, only use about 6 percent of the
1058 energy that's in the fuel rod and then propose to park them
1059 someplace underground 30,000 years, 300,000 years or a million
1060 years instead of utilizing the rest of the energy that's in that
1061 rod.

1062 Seems to me, as a normal business guy, you'd try to utilize
1063 as much of that energy as you possibly could. I started my career
1064 working for the Energy Research and Development Administration
1065 for the U.S. government after the '73 embargo, looking at ways
1066 to increase energy production in the United States. I ended up
1067 in the fossil fuels division. My first patent was in the
1068 conversion of coal to gaseous fuels.

1069 So I later then went to work for the Department of Defense
1070 and I was a weapons systems engineer on ICBMs in Cheyenne and we
1071 moved nuclear warheads and 220,000 pounds of high explosives
1072 around regularly in the community around Cheyenne without
1073 incident.

1074 So all of this can be done. In the Nevadans for Carbon-Free
1075 Energy one of the things we did is we funded a survey in the state
1076 to determine what people felt about using Yucca Mountain and
1077 reprocessing.

1078 And in that 2012 survey about 67 percent of the people said

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1079 they supported some kind of development at Yucca Mountain and if
1080 the storage could be done safely and the plant safely operated
1081 they would support that.

1082 There has been surveys done ever since 2003 by multiple
1083 people and every year they come back with about the same kind of
1084 response.

1085 So I think in my time in Nevada people really want an open
1086 honest decision and input about what the facts are. We get a lot
1087 of scare tactics by a lot of people to be used for various reasons.

1088 But I think if you present the honest facts to the people
1089 they'll support development at the Yucca Mountain site. They
1090 look forward to using the facilities to support our education
1091 system.

1092 I was at the Harry Reid Center for Environmental Studies
1093 where they were doing treatment of nuclear waste and to destroy
1094 the waste instead of store it and I met with several of major
1095 companies who have reprocessing technologies and I know that
1096 technically it is something that we can do.

1097 And so I would encourage you in the committee to look at an
1098 open honest discussion with the citizens of Nevada to find a safe
1099 way to develop a reprocessing facility and storage at Yucca
1100 Mountain.

1101 Thank you, sir.

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1102

[The statement of Mr. Humphrey follows:]

1103

1104

*****INSERT 9*****

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1105 Mr. Shimkus. Thank you. The gentleman's time has expired
1106 and the chair will now recognize himself for five minutes for my
1107 first round of questions -- probably the only round that I'll take.

1108 For Commissioner Schinhofen, did Nye County request to host
1109 a DOE consent-based siting public meeting?

1110 Mr. Schinhofen. Yes, sir. We did.

1111 Mr. Shimkus. Did DOE provide a meaningful response to your
1112 quest and if so, when?

1113 Mr. Schinhofen. Yes, they did, yesterday. We're going to
1114 meet with them today.

1115 Mr. Shimkus. Yesterday?

1116 Mr. Schinhofen. Yes. We requested in, I think, 2012.

1117 Mr. Shimkus. Very timely.

1118 Mr. Schinhofen. We'd guess.

1119 Mr. Shimkus. Well, will you let us know how that meetings
1120 goes, will you?

1121 Mr. Schinhofen. Happy to.

1122 Mr. Shimkus. Thank you. DOE is currently seeking to
1123 develop, and I quote, "a consent-based siting process." What is
1124 your perspective on their endeavor?

1125 Mr. Schinhofen. I don't know how you can get consent on any
1126 issue, you know, over the next election, let alone over 30 years
1127 and in consent-based, again, I don't see how that happens because

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1128 this would be a national security site. I don't know what other
1129 national security sites allow state, local and tribal governments
1130 to object. So I think this needs to be seen as a national security
1131 issue, not as a consent. I don't see it working.

1132 Mr. Shimkus. Yes, and it's interesting that the country
1133 that actually Yucca Mountain resides in has offered and asked for
1134 involvement in a consent based process. The DOE continues to go
1135 elsewhere and then they try to propose it, as they have in two
1136 other states, they've already been told no.

1137 So it's a little frustrating from our point of view when local
1138 residents are willing to at least have a discussion and the
1139 Department of Energy is refusing that request from local folks.

1140 So do you think it is a missed opportunity for DOE to listen
1141 to the people who have the most experience in having a dialogue
1142 on spent nuclear fuel disposal? They've offered now to have a
1143 dialogue as of last night.

1144 But do you think they've lost a lot of time by not doing this
1145 when they first talked about this process?

1146 Mr. Schinhofen. Yes, sir. Absolutely lost a lot of time
1147 in that process.

1148 Mr. Shimkus. Great. So let me move to Senator Hardy.

1149 Senator Hardy, I recently hear claimed -- I routinely hear
1150 claims that nuclear waste would be shipped through downtown Las

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1151 Vegas on its way to Yucca Mountain.

1152 DOE analyzed a variety of transportation alternatives to
1153 ship spent fuel to Yucca Mountain and concluded that a, and I
1154 quote, "mostly rail," closed quote, scenario was selected as the
1155 route of choice. Knowing those areas, I think that makes sense.

1156 However, as part of DOE's comprehensive transportation
1157 evaluation highway routing was considered as part of the analysis.
1158 Federal transportation regulations permit states to identify
1159 highway, in quotations, preferred routes for radiological
1160 shipments to minimize risk and file those with the Federal Motor
1161 Carrier Safety Administration.

1162 Currently, Nevada is receiving shipments of low-level
1163 radioactive waste for permanent disposal at the Nevada national
1164 security site. Are you aware if the state of Nevada has
1165 designated any routes for radioactive material with the federal
1166 government?

1167 Mr. Hardy. Joe Hardy, for the record. No, sir. I am not
1168 aware of any particular route that has been designated,
1169 recognizing that low-level radiation is used in Las Vegas for
1170 medical purposes, obviously, and so there would be low-level
1171 radiation things that are in Las Vegas right now.

1172 And so they would have to be taken somewhere outside of Las
1173 Vegas from inside of Las Vegas, which means there are no routes

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1174 that I'm aware of that have been so designated.

1175 Mr. Shimkus. Yes. It's our understanding the state of
1176 Nevada has never asked -- gone through this process of designating
1177 routes.

1178 Mr. Hardy. That is correct, as far as I know, sir.

1179 Mr. Shimkus. Would you support the state submitting such
1180 a plan to the Federal Motor Carrier Safety Administration?

1181 Mr. Hardy. I think realistically a plan is better than no
1182 plan and recognizing that if we have the concept of rail being
1183 the thing that is most important and has been designated as safest
1184 that I would recognize we need to look at rail seriously as opposed
1185 to taking things through Las Vegas.

1186 Mr. Shimkus. Would identifying low-risk routes help the
1187 state of Nevada assure that preferred highway routes avoid major
1188 population centers such as Las Vegas and Reno?

1189 Mr. Hardy. It would give, certainly, help for the people
1190 who are in Las Vegas to recognize that we, the people who make
1191 decisions, are interested in their safety and wellbeing.

1192 Mr. Shimkus. Thank you. It is ironic that the state-based
1193 opposition to Yucca Mountain used previously discounted
1194 transportation routes as part of their scare tactics. But Nevada
1195 has not yet identified a preferred transportation route for
1196 low-level waste that is currently being shipped into Nevada for

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1197 disposal at the Nevada national security site.

1198 And with that, I yield back my time and turn to the Ranking
1199 Member, Mr. Tonko, from New York.

1200 Mr. Tonko. Thank you, Mr. Chair, and perhaps Mr. Schinhofen
1201 and to our senator -- how do you foresee getting around the state
1202 water rights issues? Obviously, that's an important part of an
1203 outcome here.

1204 Mr. Schinhofen. State water rights issues, Congressman?

1205 Mr. Tonko. Right.

1206 Mr. Schinhofen. In the state of Nevada the state water
1207 engineer has authority over all water issues. There is plenty
1208 of water in my county. Where all the low-level waste goes too
1209 is all in Nye County.

1210 It's a matter of will, a matter of -- and it unfortunately
1211 is political will and not based in any science at this point and
1212 that's what we hope is the science would speak to it and the state
1213 engineer would follow that and allow the water to be used because
1214 the water is currently used in Area 5, which is just down the road
1215 from Yucca Mountain.

1216 Mr. Tonko. And that's a state determination, not a --

1217 Mr. Schinhofen. A state determination, absolutely.

1218 Mr. Tonko. And I'm sure you all have examples of incentives
1219 or benefits that should be included to assist the state, a tribal

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1220 or local government that has agreed to host a nuclear repository.

1221 Do you believe that the Nuclear Waste Policy Act would need
1222 to be amended to modify or expand the incentives that could or
1223 should be provided?

1224 Mr. Schinhofen. As my written testimony and my oral
1225 testimony, there are some amendments that could help this process,
1226 make it clear and easier.

1227 Mr. Tonko. Uh-huh. Senator, any improvements or
1228 modifications that you can --

1229 Mr. Hardy. Yes. Thank you. Joe Hardy, for the record.

1230 We have been meeting on a regular basis with the water
1231 committee -- the legislative water committee, as it were, and
1232 almost every basin in Nevada is over prescribed as meaning we don't
1233 have as much water as we've said people have a water right to.

1234 And when you consider the aquifers under Nevada test site
1235 those major three aquifers have been contaminated already and so
1236 you don't want to put a well down and bring that up.

1237 And if you consider the water being contaminated then you
1238 have to say that maybe when you store something such as the interim
1239 thing that would require an amendment that you probably aren't
1240 going to have as much contamination above-ground storage or
1241 anywhere else as we've already had detonations underground but
1242 have contaminated the aquifers. So we basically have aquifers

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1243 that are unavailable to us for those reasons.

1244 Mr. Tonko. And beyond that, are there other specific
1245 examples of benefits that you support that are not currently
1246 included in the existing statute?

1247 Mr. Hardy. And if that question is to me, I firmly believe
1248 that the consent such as the county of Nye is critical and I think
1249 realistically that consent can happen and when it's done
1250 cooperatively recognizing the benefit and risk ratio and the
1251 benefits are probably going to far exceed the risks when it comes
1252 down to the reality of how to store it.

1253 And particularly I'm intrigued with the interim opportunity
1254 because that could be done, I think, fairly quickly according to
1255 the Nye County people.

1256 Mr. Tonko. Uh-huh. Thank you.

1257 And Mr. Humphrey, in your testimony you mentioned that the
1258 public should not be concerned by the transportation of spent
1259 nuclear fuel.

1260 Can someone give us an explanation of how spent fuel would
1261 be transported to Yucca Mountain? And would it be, for instance,
1262 in a combination of rail and truck transport?

1263 Mr. Humphrey. All of the information that I've seen is in
1264 casks either by rail or on truck. I know that Sandia did a number
1265 of tests. If you see the movie where the train runs into the cask

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1266 and it doesn't damage the cask -- I mean, there's been, I don't
1267 know, hundreds of millions of dollars of testing done by the
1268 national labs, by the British government and others on
1269 transportation casks.

1270 Mr. Tonko. And does the current infrastructure exist to
1271 allow for a safe and secure transport of spent fuel or would that
1272 have to be modified and improved?

1273 Mr. Humphrey. I would imagine it would have to be modified
1274 and improved. I'm not an expert on that.

1275 Mr. Tonko. Uh-huh. The transportation issues, Mr.
1276 Schinhofen or Senator Hardy, any concerns there that you would
1277 want to share?

1278 Mr. Hardy. You know, it was interesting. I think
1279 transportation is probably one of the biggest challenges that we
1280 have if not the biggest.

1281 Earlier, we had put into the record a article from the Sun
1282 that just came out on the 6th and it used the phrase "radioactive
1283 pellets encased in ceramic also can be safely kept for more than
1284 120 years in steel-lined water-filled concrete pools or
1285 reinforced concrete containers alongside the nuclear power plants
1286 that created them."

1287 So it's a little ironic to me to see that we have the article
1288 that's against storage saying that it can be safely stored outside

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1289 of Yucca Mountain next to a -- so the storage issue, I think, has
1290 some interesting dynamics there.

1291 So it becomes the transportation issue and I enjoyed looking
1292 at some of the pictures of the on-site storage where they have
1293 the four guys and -- three guys and four guys on a little thing
1294 on the other side of a storage place and the other four guys on
1295 the other side of the storage place and they're putting the cask
1296 down into the concrete barrier and they are literally guiding it
1297 in and within arm's reach making sure that it gets in.

1298 So the concept of how much radiation is going to be in that
1299 transportation issue is going to be -- have to be looked at for
1300 the reality of it and divorce some of the emotions from it.

1301 So the transportation is something that I think can be done
1302 and can be done safely and we have to recognize that people still
1303 have rational fears and we have to adjust and make sure that we
1304 resolve those.

1305 Mr. Tonko. Thank you.

1306 Mr. Shimkus. Your time has expired. We need to -- we need
1307 to move on.

1308 Mr. Tonko. With that, I yield back.

1309 Mr. Shimkus. Thank you. Chair recognizes my colleague
1310 from Pennsylvania, Dr. Murphy, for five minutes.

1311 Mr. Murphy. Thank you, and I welcome this panel.

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1312 I'm from the Pittsburgh area which is the home of
1313 Westinghouse where the first commercial nuclear power plants were
1314 built where we still do a great deal of nuclear power plant
1315 designing and building and where we -- it's also the home of the
1316 nuclear Navy in many ways in terms of design and work being done
1317 there.

1318 So quite familiar with this and Shippingport was the first
1319 commercial nuclear power plant along the Ohio River west of
1320 Pittsburgh and we still have Beaver Valley there and other plants
1321 around.

1322 So we recognize is when you have spent nuclear fuel it's still
1323 there right now underneath several feet of water on site and it's
1324 there and I hope the nation understands this too -- it's safe there
1325 but it's still in close proximity to cities and suburban areas
1326 very close by.

1327 So when I look upon things like Yucca Mountain and other
1328 facilities and I look at the places I have toured in France where
1329 they grind up spent nuclear fuel and embed it in rock, where in
1330 Sweden where they drill down hundreds of meters and build a cave
1331 and look at storing it there.

1332 There's different designs around the world but it is still
1333 a clean fuel. It does not have an impact there in terms of CO2
1334 emissions and it's something I want to make sure we continue to

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1335 support.

1336 But all of you have discussed infrastructure needs
1337 associated with hosting a nuclear disposal facility and I'd like
1338 to know in your opinion what do you consider to be the highest
1339 priority infrastructure opportunities for Congress to examine?

1340 Mr. Schinhofen, we'll begin with you and just go across the
1341 panel.

1342 Mr. Schinhofen. Thank you, Congressman.

1343 I think essential to the Yucca Mountain project to store the
1344 spent fuel down there would be a rail line. Absolutely. If we
1345 had a rail to move it there would be the best option.

1346 We currently, with transportation right down the road from
1347 proposed Yucca Mountain, is Area 5, where we ship what's called
1348 low-level waste there all the time.

1349 We have U-233, -35, which is as hot as anything that would
1350 go to Yucca Mountain, ship there recently safely on the roads.
1351 But the roads need to be improved and the I-11 corridor would help
1352 with that, too.

1353 And they do -- currently the city council of Las Vegas does
1354 not allow shipments to go through the Spaghetti Bowl, which is
1355 right downtown Las Vegas. So all that material does come through
1356 Nye County and Area 5 is completely in Nye County too where we
1357 store all that, too.

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1358 Mr. Murphy. Thank you. Senator Hardy.

1359 Mr. Hardy. It would be a little disingenuous of myself to
1360 say it's rail in Nevada. In order to get to a rail anywhere in
1361 Nevada you have to get on a rail from someplace elsewhere and so
1362 you have every single state, every single city on the way who's
1363 interested in what's coming between there and radiation, however
1364 safe it may be.

1365 So yes, we need a rail line in order to be able to do that
1366 and recognizing that that rail is connected we need the
1367 conversation to exist bigger than Nevada.

1368 Mr. Murphy. Thank you.

1369 Mr. Humphrey.

1370 Mr. Humphrey. Yes. I assume that the rail lines would have
1371 to be improved. But it also is a matter of what size shipments
1372 you're going to use.

1373 Just because of the tonnage it makes sense to use rail and
1374 you'd have to improve the rail line. But if you broke it into
1375 smaller shipments to take it in over longer period of time in more
1376 random intervals to eliminate any kind of, you know, predetermined
1377 schedule for shipments you could also ship it with trucks.

1378 Mr. Murphy. Thank you.

1379 Mr. Schinhofen, on another question -- your testimony notes
1380 the design of facilities at Yucca Mountain could accommodate

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1381 consolidated interim storage sites, which Department of Energy
1382 is currently pursuing at others sites.

1383 However, Nuclear Waste Policy Act currently prohibits an
1384 interim storage facility and a repository in the whole state. So
1385 would you support removing this statutory barrier so Nye County
1386 could compete with other locations to host a consolidated storage
1387 facility?

1388 Mr. Schinhofen. Yes, sir. In my written testimony too we
1389 believe that the aging pads that are designed at part of Yucca
1390 Mountain would be a great place for that and we do realize that
1391 it would need to be amended, the Nuclear Waste Policy Act.

1392 Mr. Murphy. Thank you. I appreciate all of your comments
1393 and testimony on this and we know we have to deal with this and
1394 every state has their role to play and I'm thankful for your candid
1395 testimony.

1396 Mr. Chairman, I yield back.

1397 Mr. Shimkus. Chairman yields back his time.

1398 The chair now recognizes my colleague from California, Mr.
1399 McNerney, for five minutes.

1400 Mr. McNerney. Well, I thank the chairman for holding this
1401 hearing. It's an important hearing and we need to find a
1402 solution. I mean, we can't just assume the nuclear waste is going
1403 to go away -- close our eyes, click our heels. No, that's not

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1404 going to work. We need hard solutions and I appreciate your
1405 testimony this morning.

1406 Nuclear waste does have value, in my opinion, but history
1407 is not very kind about this. I mean, look at Savannah River, Rocky
1408 Flats, Hanford.

1409 There are very expensive, very dangerous nuclear waste sites
1410 that need to be cleaned up because of the actions of the federal
1411 government. And now the federal government has tried to force
1412 Nevada to accept using Yucca Mountain without proper
1413 transparency, without consent and now what's result? We've got
1414 a big stalemate.

1415 Twenty years, 30 years, nothing has happened. There are
1416 technical solutions, I agree completely. I'm a scientist, an
1417 engineer. We need to just be transparent. We need to be honest
1418 and we need to do the science properly. But, again, we need
1419 complete transparency and we need consent-based solutions.

1420 Now, there's a lot of mistrust that's been sowed over time
1421 with Nevada because of actions of the federal government.

1422 Mr. Schinhofen and Senator Hardy have a list of demands,
1423 which I think are quite in line with what's needed. If the federal
1424 government meets some of those demands or all of those demands
1425 are the people of Nevada going to be accepting of a project there?

1426 Mr. Schinhofen. Congressman, if I may speak first.

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1427 I believe they will but I think this goes -- my three children
1428 live in the biggest town to Yucca Mountain. My four grandchildren
1429 have all been born there.

1430 So it all goes back to safety -- is it going to be safe and
1431 we won't know that unless the law is followed and we get after
1432 30 years and \$15 billion dollars and all the science has been
1433 collected we need to hear the science.

1434 I think if the science is proven and done by the NRC in a
1435 fair and open process people would definitely be more responsive
1436 and I refer to the studies the gentleman mentioned and the last
1437 one in the RJ was 64 percent of Nevadans wouldn't object.

1438 But I think what needs to happen more than anything we need
1439 to follow the law and let the process play itself out and then
1440 we will know.

1441 Mr. McNerney. Well, I mean, we've heard a lot of emotional
1442 -- not a lot. We've heard some emotional testimony this morning.
1443 Nevada has put up with a lot. They have done their duty. They
1444 don't want any more of this. I mean, is it possible to overcome
1445 that?

1446 And that's not only a question for Nevada. If the citizens
1447 of Nevada say no, then is any other community in the country going
1448 to say yes? I mean, I think we're in a real difficult quandary
1449 here today.

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1450 So what is it going to take for the federal government? And
1451 you've said that we need transparency. We need science. I'm
1452 just worried that even if we do those things that mistrust is so
1453 deep that we're not going to be able to convince any community
1454 to accept nuclear waste. That's my concern.

1455 Mr. Hardy. If I may.

1456 Mr. McNerney. Yes.

1457 Mr. Hardy. Thank you, Congressman. I appreciate the
1458 question.

1459 I was a little stunned. February June 17th, Wall Street
1460 Journal business section, front page of the business section, has
1461 a subhead line "Green Groups Ease Opposition to Nuclear Power."

1462 I mean, we are seeing a understanding that hasn't been there
1463 before when you are comparing carbon footprints, for instance.

1464 So you are seeing people who are understanding that we have
1465 nuclear power. It works without the sun shining or the wind
1466 blowing and we recognize that you're going to have to do something
1467 and if Texas wanted it we would be thrilled.

1468 Nevada is not at this table saying we won this. I am not
1469 going to represent Nevada nor pretend to. But I can tell you there
1470 are a lot of people that I talk to on a daily basis and I've made
1471 a point of asking this that say I understand it and I think it
1472 makes sense.

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1473 Mr. Humphrey. And I would say, sir, that I look at it as
1474 a business opportunity for Nevada. It's a lot of jobs, a lot of
1475 revenue, improving our school systems, all the things that we've
1476 been working for in Nevada to try to do over the last years.

1477 And with this program we are actually getting paid to take
1478 the jobs and we are not having to use tax abatement and other
1479 programs to buy the jobs.

1480 Mr. McNerney. Well, I think it comes down to there really
1481 is value in the waste material. There is energy. There is plenty
1482 of value if we can get to it without contaminating other areas
1483 without -- you know, without sowing mistrust like has been done
1484 in the past.

1485 So Mr. Chairman, I yield back. Again, I thank you for
1486 holding this hearing.

1487 Mr. Shimkus. Gentleman yields back his time.

1488 The chair now recognizes my colleague from Ohio, Mr. Latta,
1489 for five minutes.

1490 Mr. Latta. Well, thank you very much, Mr. Chairman, and
1491 thank you very much to the panel for being here. We appreciate
1492 your testimony today.

1493 And Mr. Humphrey, if I could start my questions with you and
1494 first, thank you very much for your service in the Army, to our
1495 country. We appreciate it.

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1496 Mr. Humphrey. Thank you.

1497 Mr. Latta. And if I could just kind of go into some of your
1498 testimony. You talked about reprocessing and we all know what's
1499 happening in France with their reprocessing.

1500 I was wondering if you might talk a little bit about France
1501 and its experience in reprocessing that spent nuclear fuel, what
1502 their experience has been and maybe what the economic impact has
1503 been on France because of that reprocessing.

1504 Mr. Humphrey. Well, my understanding was that France is
1505 about 60 percent of their electric power was generated from
1506 nuclear power plants. And so their reprocessing facilities were
1507 integral and key to their nuclear program.

1508 Those facilities also are decades old and the technology has
1509 much improved since that time. In our discussions with various
1510 companies that can do reprocessing we found in the new plants and
1511 in the ability to build a reprocessing facility that would
1512 actually eliminate the need for this long-term storage of the
1513 large quantities of material.

1514 Britain had a reprocessing facility. Russia has
1515 reprocessing. China is incorporating. Japan has a reprocessing
1516 facility.

1517 But somehow in the United States we've elected not to do
1518 reprocessing and yet we are the leaders in technology in the world.

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1519 And it would seem to me that we need to emphasize our efforts on
1520 eliminating the nuclear waste instead of storing it.

1521 Mr. Latta. Well, also just to follow up on that, if we would
1522 have reprocessing here in the United States would it make sense
1523 that the reprocessing plant really locate near the Yucca site if
1524 -- when Yucca becomes, let's just say, a repository?

1525 Mr. Humphrey. I think it's the perfect location. You have
1526 -- you also have interim storage. You'll have some small amount
1527 of permanent storage and if you had the reprocessing facility
1528 right there the security for the area is great and I think it would
1529 be great for the state of Nevada, the jobs it would create, and
1530 the support for our university systems, having a research center
1531 located on the site to be a center of the world for nuclear
1532 research.

1533 Mr. Latta. Well, thank you.

1534 Mr. Schinhofen, I see you shaking your head there. Would
1535 you like to comment?

1536 Mr. Schinhofen. I agree wholeheartedly that that would be
1537 -- Nye County, when we've heard that Nevada has done its part,
1538 and I agree it has.

1539 But all of that is located in Nye County and after all these
1540 years and Area 5 where we store low-level waste and being the only
1541 county that has had an atomic dropped from a plane on it, we have

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1542 nothing to show for it.

1543 A reprocessing facility, I agree with Congressman Amodei
1544 too, as part of this holistic approach, not just dump and run,
1545 is a great idea and where it should go.

1546 But the first step is we need to follow what we do have and
1547 let the science speak and show it safe. But I agree with the
1548 gentleman here, too.

1549 Mr. Latta. Let me follow up. In your testimony you also
1550 discuss how the commission has been actively and constructively
1551 engaged with the DOE on Yucca for decades. Can you elaborate as
1552 well as discuss what relationship and communications you have had
1553 with the NRC?

1554 Mr. Schinhofen. Our relationship with the DOE over the
1555 years?

1556 Mr. Latta. Right.

1557 Mr. Schinhofen. Okay.

1558 Mr. Latta. And also with -- what your communication has been
1559 with the NRC.

1560 Mr. Schinhofen. Unfortunately, I would have to say our
1561 communication hasn't been quite so good with the DOE as we would
1562 hope, as evidenced by we're just going to have a meeting now about
1563 interim when we asked a few years ago.

1564 And in light of them putting U-233, -35 in Area 5 and we asked

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1565 for a year and a half for information and we didn't get it and
1566 when we finally did the governor --

1567 Mr. Shimkus. So if I may -- so they used the site to store
1568 and they didn't even really ask or -- they didn't ask for any
1569 permission?

1570 Mr. Schinhofen. No.

1571 Mr. Shimkus. There was no consent-based program for this
1572 storage?

1573 Mr. Schinhofen. Yes. There was no consent. They did sit
1574 -- the governor did sit down and hold a group of meetings -- a
1575 group of meetings for about a year with them and we were excluded
1576 from those meetings. And the site is wholly in our county. So
1577 we haven't had a lot of open communication with them but we have
1578 done a lot of studies.

1579 We have done a lot of water studies in particular. With due
1580 respect to Congresswoman Titus, none of the water flows towards
1581 Las Vegas. It flows out towards Amargosa and Beatty in Death
1582 Valley.

1583 So we have done a lot of the studies. But as for our
1584 relationship with DOE we have constantly asked to be involved and
1585 be included.

1586 Mr. Latta. Well, thank you very much. My time has expired.

1587 Mr. Shimkus. And I thank my colleague for letting me jump

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1588 in there.

1589 The chair now recognizes the gentleman from West Virginia,
1590 Mr. McKinley, for five minutes. I think -- check your mic again.
1591 I don't think it's working. So either --

1592 Mr. McKinley. Thank you. Three quick questions and we'll
1593 see any one of you that would like to answer that.

1594 This -- the waste isolation pilot plant that is located --
1595 it's an obvious geologic repository for nuclear waste located in
1596 New Mexico. As part of this partnership with the state of New
1597 Mexico, they had the ability to inspect -- to inspect the
1598 transportation of canisters into the state.

1599 That's what I understand the agreement was with DOE. Would
1600 this model actually help the confidence of your constituents that
1601 the spent fuel rods can be transported safely?

1602 Mr. Hardy. If I may. Thank you, Mr. Chair.

1603 Anything that we do that allows the state to have control
1604 is something that is critical. So not only can send but control
1605 the ability to inspect, the ability to sign off on would be
1606 absolutely necessary.

1607 It's not something that you can say we trust the federal
1608 government and all of its different agencies at a different time
1609 with a different administrator, et cetera.

1610 So the state would be critical that it would be involved with

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1611 that and obviously you do not want to ignore the people who live
1612 there in that process. And so it would behoove us to make sure
1613 that Nye County not only has a seat at that table but has input
1614 to it. So if it comes it won't be pretty if we don't have the
1615 say.

1616 Mr. McKinley. All right. And maybe just a follow-up
1617 question.

1618 Are there other transportation priorities that Congress and
1619 DOE should examine to, again, continue to increase its confidence
1620 in people in the transportation? Are there others?

1621 Mr. Hardy. And while I've got the mic -- Joe Hardy, for the
1622 record -- if you consider, and I've heard some people say depending
1623 on how big the cask is, for instance, you would have to do highway
1624 hardening.

1625 So you have a highway that is strong enough to maintain the
1626 truck traffic. You would have look at where that is going to be
1627 and you would have to extend what we call I-11 to a place because
1628 the current road system probably would not be able to sustain the
1629 loads that would be needed if there's any truck carrying at all
1630 through Nevada.

1631 Mr. McKinley. Okay. The third wrap-up question that I have
1632 with Senator -- excuse me, Congressman Murphy, we went over to
1633 the Hague in France to see the recycling facility about five years

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1634 ago, I assume it was.

1635 But one of the things that I recall very vividly was they
1636 were talking about the cost of the recycling was so expensive and
1637 they said that because there is such a demand in France of using
1638 the nuclear rods that they could afford to make that happen and
1639 the fact that their utility bills are considerably higher than
1640 ours in America.

1641 So they were warning us, I suppose, or alerting us that this
1642 cost of the spent fuel -- the recycling is an expensive process.
1643 Can any of you enlighten? Is there -- other than advancing
1644 technology, pursuing it so more innovatively that we might be able
1645 to find that? I've heard you earlier say there is none occurring
1646 in this country and that's a shame. But what is the current --
1647 is it cost-driven?

1648 Mr. Humphrey. I think it's primarily cost-driven. The
1649 reprocessing and the people that we've talked to said that it's
1650 going to be much more expensive than generating power from a
1651 straight, you know, new electric power plant.

1652 But you're disposing of a problem and under the original
1653 legislation, as I understand it, the ratepayers are paying this
1654 tenth of a mil per kilowatt hour, anyone who uses electric power,
1655 and that's being paid for the disposal of the fuel.

1656 And so in the original enabling legislation the idea always

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1657 had been as the people that use electric power are going to pay
1658 for the ultimate life cycle of it, which I also believe should
1659 be done for other things such as solar, wind and everything else.

1660 But it certainly will be more expensive. But it solves a
1661 problem that we've had for a long time and I think the cost of
1662 it would be minimal.

1663 Mr. McKinley. Just to illuminate a little, are we -- when
1664 people use these terms a lot of expense is this twice the cost?
1665 Three times the cost?

1666 Mr. Humphrey. In what I've seen it's probably close to twice
1667 the cost.

1668 Mr. McKinley. Twice the cost.

1669 Mr. Humphrey. And then but also in the new technology you
1670 destroy the plutonium and generate electric power, which gives
1671 you additional revenue so there's some offsetting. And I'm not
1672 an expert on the economics of reprocessing.

1673 Mr. McKinley. Okay. Thank you very much. I yield back my
1674 time.

1675 Mr. Shimkus. Gentleman's time has expired.

1676 The chair now recognizes the gentleman from Mississippi, Mr.
1677 Harper, for five minutes.

1678 Mr. Harper. Thank you, Mr. Chairman, and thanks to each of
1679 you for being here. I guess most of you have been here before

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1680 and we appreciate you taking the time.

1681 And first, I just want to say to Mr. Humphrey thank you for
1682 your service to our country and your two tours in Vietnam, and
1683 I want to say thank you and welcome home. Thank you.

1684 Mr. Humphrey. Thank you.

1685 Mr. Harper. Senator Hardy, your testimony notes that the
1686 federal government obviously owns a large amount of land in
1687 Nevada. Could you please explain a little more about how this
1688 federal land control impacts state economic development
1689 opportunities?

1690 Mr. Hardy. Thank you. Joe Hardy, for the record.

1691 If you can have land in private hands, it's very easy to do
1692 property tax, for instance, and property tax is what the East does
1693 in order to fund education.

1694 Eighty-seven percent of the land controlled by the federal
1695 government we can't tax. So if you look at the numbers you're
1696 probably getting a tenth of the amount of money that you could
1697 generate when it's compared with four other states, for instance,
1698 on how much you could generate in proper use of the land. And
1699 I heard Congressman Amodei say, you know, we want 5 percent of
1700 the land.

1701 Well, in 2004 -- 2003, rather -- I said I wanted 1.5 percent
1702 of the land. But if you look at the reality of the land in Nevada

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1703 there is some land that's better than other land at putting in
1704 the hands of private property.

1705 BLM doesn't have enough to administer everything anyway and
1706 if we had the opportunity to sell land and have that opportunity
1707 to have property tax we would then be able to fund education
1708 whereas Alaska they got money to fund education -- poof, here's
1709 your money, fund your education.

1710 I would like land. I can do something with land. I can
1711 build things. I can -- we can have a economic opportunity in
1712 Nevada.

1713 Mr. Harper. Right. Thank you, Senator Hardy.

1714 Commissioner Schinhofen, does Nye County experience similar
1715 limitations on economic development and if so what does that mean
1716 for your economy?

1717 Mr. Schinhofen. Similar, yes. Ninety-eight percent of my
1718 county is either owned or managed by the federal government and
1719 we are the third largest county by land mass in the continental
1720 United States.

1721 So yes, we have that same limitation in trying to work with
1722 BLM to free some of that up it has been 15 years since our last
1723 RMP.

1724 Mr. Harper. Thank you both for that input.

1725 And Senator Hardy, I'm going to talk a little bit about the

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1726 authorizing legislation for the Waste Isolation Pilot Plant,
1727 WIPP.

1728 In includes a requirement that DOE provide free and timely
1729 access to data related to health, safety and environmental issues
1730 at WIPP to New Mexico and the New Mexico Environmental Evaluation
1731 Group.

1732 This enables New Mexico to provide an independent technical
1733 evaluation of WIPP. So my question, Senator Hardy, is would a
1734 similar construct for an independent technical evaluation for a
1735 Nevada-based organization build trust for your constituents and
1736 assuring the repository meets all regulatory requirements?

1737 Mr. Hardy. Thank you. Appreciate it.

1738 Independent is interesting. I'm not sure I want an
1739 independent. I want one by Nevada. In other words --

1740 Mr. Harper. Okay. Who would you recommend or do you have
1741 an entity --

1742 Mr. Hardy. I don't -- I don't have a list in my pocket.

1743 Mr. Harper. Okay.

1744 Mr. Hardy. But I would like Nevada to have a role in that
1745 because if I have the federal government, who has that independent
1746 group not to use current political things in a sentence right now
1747 it's not as independent as it is that we would trust.

1748 So if we choose it, we trust it. If you choose it, we don't

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1749 trust it. And so we want control. We want to be able to say this
1750 is what we hired to have done.

1751 To illustrate New Mexico, for instance, back in the day I
1752 did the numbers and we got 75 cents back from our dollar that we
1753 sent to Washington, D.C. and New Mexico got \$2.01 back.

1754 And so if you look at the medical aspect of the WIPP and how
1755 it affects health, we went ahead and did our Medicaid acceptance
1756 and so now you're looking at we doubled the number of Medicaid
1757 recipients in the state of Nevada when we did that. That is a
1758 huge cost to the state of Nevada and we are, obviously, looking
1759 for ways that we can afford that.

1760 Mr. Harper. Thank you, and I yield back.

1761 Mr. Hardy. Thank you.

1762 Mr. Shimkus. Gentleman yields back his time.

1763 The chair now recognizes the gentleman from Ohio, Mr.
1764 Johnson, for five minutes.

1765 Mr. Johnson. Thank you, Mr. Chairman, and gentlemen, thank
1766 you for joining us today. This is an important topic and your
1767 presence here certainly validates that.

1768 I want to get into a little bit about the education
1769 partnerships. Nevada higher education institutions have
1770 previously received funding to support nuclear science activities
1771 associated with Yucca Mountain.

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1772 So my question, Senator Hardy and Mr. Schinhofen, do you
1773 support resumption of that funding and if so how can Congress
1774 assure that funding is effectively managed and supports nuclear
1775 science programs in the state?

1776 Senator, why don't you go first?

1777 Mr. Hardy. I love the question. First of all, you're
1778 asking us if you can trust us. That's the irony, I guess, from
1779 my standpoint. So we have a history of --

1780 Mr. Johnson. Well, you got to realize, Senator, that the
1781 federal government issues -- and I say the federal government at
1782 large spends a lot of money on things that the American people
1783 don't trust. So it's not -- it's not me that's asking can we trust
1784 you.

1785 We're the voice of the American people. It's can the
1786 American people support the state of Nevada, and I think I know
1787 the answer to that but I want to give you an opportunity to
1788 articulate that.

1789 Mr. Hardy. The simple answer is yes. We have been very
1790 diligent in making sure we know where -- what the Nevada system
1791 of higher education does, where that money goes and how we do it.

1792 So if there is, and that's the big if and I can read tea
1793 leaves, you know -- you know, things are happening. They're going
1794 to happen. So what is it that if something happens that you can

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1795 depend on us.

1796 And you can put strings on that as we would hope somebody
1797 does because I pay taxes, too. So there have to be strings. But
1798 the recognition of somewhere that is probably the most secure,
1799 the most safe, the best place to do anything in the way of research
1800 for nuclear whatever it is happens to be on a place that is Yucca
1801 Flat --

1802 Mr. Johnson. Right.

1803 Mr. Hardy. -- where we have bombed under and over more than
1804 anywhere in the world and that is the place that is the most secure.

1805 Mr. Johnson. Okay. Mr. Schinhofen.

1806 Mr. Schinhofen. Short answer, yes. We would like to have
1807 that resumed and put the same restrictions on it you put on other
1808 moneys that came to us from before.

1809 Mr. Johnson. Okay. All right. Well, continuing with you
1810 and continuing on what some of the line of questioning that my
1811 colleague, Mr. Harper, asked, Mr. Schinhofen, I understand that
1812 the Bureau of Land Management owns a significant amount of land
1813 in Nye County.

1814 Some of this land specifically, Amargosa Valley, was
1815 previously made available to Nye County for purchase in 2007 --
1816 for purchase and then in 2007 the Nye County commissioners adopted
1817 an area plan to use a parcel of land to develop a, and I quote,

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1818 "Yucca Mountain project gateway area."

1819 Will you please describe the key components of this plan and
1820 how the federal government could assist in developing this
1821 proposal?

1822 Mr. Schinhofen. Congressman, I really couldn't go into
1823 great detail. We did acquire 61 acres or about 5,000 acres that
1824 were available. The BLM has pulled all of those back and has made
1825 no land now available in Amargosa for us. We have 61 acres near
1826 the gate that could be used for a variety of purposes -- for study,
1827 for offices, for support. But I would be happy to send you that
1828 information --

1829 Mr. Johnson. Do we know why -- did they give a reason for
1830 why they pulled that land back?

1831 Mr. Schinhofen. The BLM -- we are supposed to do a research
1832 management plan, an RMP, every ten years. We've been in the
1833 middle of ours for 15 years now. They're afraid of what taking
1834 that land away would do to one of the wildlife sites miles away
1835 from that.

1836 Other than that, I don't know why they've done it.

1837 Mr. Johnson. Okay. All right.

1838 And for any one of you on the panel, just real quickly in
1839 my last 30 seconds, the construction of a repository in Nevada
1840 would be a massive multi-generational infrastructure project.

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1841 What would this major investment mean for high-skilled jobs in
1842 the state? We have got about 20 seconds, so quickly.

1843 Mr. Hardy. The jobs in the state would come with all of the
1844 research and things that you're going to do there, not just the
1845 storage because once it is stored, you know, it is there.

1846 So I think it's the development of the research that comes
1847 afterwards. It's the development of the site for other purposes.
1848 It's using the land for other purpose. I want land.

1849 Mr. Johnson. Right. Okay. Thank you.

1850 Mr. Chairman, I yield.

1851 Mr. Shimkus. Gentleman yields back his time.

1852 Seeing no other colleagues present, we want to thank the
1853 second panel for not only your testimony but also your answering
1854 of the questions. This is just one of numerous hearings we've
1855 had.

1856 We've had it on funding. We've had it on transportation.
1857 We've done some on the science. Obviously, when we talk to NRC
1858 we've been involved with them in discussions.

1859 So this is just -- as the senator would know, this is a process
1860 as we move forward on legislation and negotiations with the state
1861 of Nevada. So we appreciate your time, look forward to working
1862 with you.

1863 And with that, the hearing is adjourned.

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1864

[Whereupon, at 11:41 a.m., the committee was adjourned.]