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Office of the Governor

April 21, 2017

The Honorable John Shimkus
Chairman, Subcommittee on Environment
and the Economy
2125 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

The Honorable Paul Tonko
Ranking Member, Subcommittee on
Environment and the Economy
2125 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Shimkus and Ranking Member Tonko:

As your House Energy and Commerce subcommittee meets next week to discuss the future of high-level nuclear waste storage in the United States, I write, as I have previously, to reiterate the firm and consistent position of the State of Nevada on the proposed Yucca Mountain Nuclear Waste Repository.

My position, and that of the State of Nevada, remains identical to my previous letters to this committee in May 2015, January 2016 and April 2016: **the State of Nevada opposes the project based on scientific, technical and legal merits.** Furthermore, as a reminder to your committee members, as set forth in the Nuclear Waste Policy Act of 1982, only the Governor is empowered to consult on matters related to the siting of a nuclear waste repository.

As the subcommittee knows, Nevada is host to two U.S. Air Force bases, a U.S. Naval Base, a U.S. Army Depot, the Nevada Nuclear Security Site (NNSS), and the Nevada Test and Training Range -- a total federal land withdrawal roughly the size of the State of Connecticut. Nevada is proud of this participation and contributions to national defense and security.

Furthermore, it is important to remember Nevada has made historical contributions to nuclear energy as the host state for 928 nuclear tests - 100 of which were conducted above ground. As a result of this testing, the federal government has paid \$1.9 billion over the past 25 years to innocent people in Nevada and individuals from neighboring states who were exposed to dangerous and deadly levels of radioactive material.

Nevadans also believe our relationship with the federal government should be one where the state is seen as a valued partner; an ideal that often is not realized. The proposed siting of a national nuclear waste repository in Nevada provides a vivid example of the failure of this partnership when, in 1987, Congress substituted politics for science to amend the Nuclear Waste Policy Act to limit the repository options to one state: Nevada.

The discussion draft that will serve as the focal point for this hearing is fundamentally flawed. While past federal legislation has unfairly and without scientific justification singled out Nevada as the only state where a proposed nuclear waste repository is being considered, the draft legislation before your committee goes much farther. It usurps Nevada's jurisdiction over the state's water resources, an unprecedented affront to all western states where water is a precious and scarce resource. Further, numerous provisions would truncate the final stages of the NRC licensing process in ways that would limit Nevada's ability to protect public health, safety and the environment. The transportation and benefits provisions are simply false promises that cannot be guaranteed or enforced.

The proposed legislation ignores the primary recommendation of the Blue Ribbon Commission on America's Nuclear Future, a consent-based siting for a repository, and again singles out Yucca Mountain as the nation's only repository. No amount of monetary benefits can compensate for the coerced selection of an unsafe site.

I note that the subcommittee, in reversing the statutory ban on interim storage, has recognized the importance of siting a facility in a consent-based manner. As the licensing process for storage sites in willing communities moves forward, I hope it will serve as an example that these decisions should be made in concert with the states, not forced upon the states by the federal government. If such a process had been embraced by the Congress when my predecessor, Governor Kenny Guinn, vetoed the selection of Yucca Mountain 14 years ago, we might today be closer to a long-term solution for the nation's spent nuclear fuel instead of simply repeating the exercise of wasting taxpayer money on an unsafe site.

I request that you enter this letter into the hearing record and appreciate your courtesy in doing so.

Sincere regards,



BRIAN SANDOVAL
Governor