

**Testimony of Congresswoman Dina Titus**  
**Nevada - 1**  
**House of Representatives Committee on Energy and Commerce**  
**Subcommittee on Energy and Environment**  
**Hearing Entitled: “H.R. \_\_\_, the Nuclear Waste Policy Amendments Act of 2017”**  
**April 26, 2017**

Chairman Shimkus, Ranking Member Tonko, members of the Subcommittee, I want to thank you for the opportunity to testify here today. Yucca Mountain has been an issue of major importance to Nevadans for three decades, dating back to 1982, when President Reagan signed the Nuclear Waste Policy Act (P.L.97-425). The ‘Screw Nevada’ amendments of 1987 made the matter even more pressing. In the years that have followed, I, along with my colleagues, both Democrat and Republican, in the Nevada Delegation, Governor’s Mansion, State Legislature, tribal, and local government together with leading business interests in our state have been unified, with rare exceptions, in vehement opposition to this failed proposal.

Prior to arriving in Congress, I spent a good bit of my time in the classroom as a professor of political science at the University of Nevada, Las Vegas, teaching, researching, and publishing on the politics of nuclear weapons and waste in Nevada. Accordingly, I realize many do not know about or appreciate the significant contributions and major sacrifices that Nevada made during the Atomic Age. More than 1,000 nuclear detonations occurred near downtown Las Vegas, where the mushroom cloud could be seen rising over the desert. Since then, billions of dollars have been paid to residents in Nevada, Utah, Arizona and other states who contracted illnesses caused by exposure to radiation from the nuclear tests of the 20<sup>th</sup> century. I give this history lesson not only to highlight the contributions that Nevada made to atomic development but also to remind you that they told us we were safe then, and they’re telling us we’re safe now. Members of Congress may board a plane to my District and then be shuttled out a few miles to the desert north of town for a photo op where they see the dry and desolate moonscape where Yucca Mountain is located. But they should not be fooled by such a superficial look at lands Nevadans love and want to protect.

Southern Nevada is not a wasteland. It is home to unique desert habitats, rare and endangered species of plants and animals, iconic wildlife like Big Horn Sheep and Desert Tortoises, and cultural resources from Native American tribes dating back thousands of years. Such a quick visit also ignores the fact that beneath the surface are major fault lines and a series of underground wells and water systems that feed farms, ranches, and communities in the surrounding areas. One also tends to forget that any waste coming to the site will have to travel through virtually every Congressional district in the country to reach its destination, right near homes, schools, churches, and factories.

Over the years, billions of dollars have been wasted on this boondoggle and still we are no closer to a solution. It was not until the Obama Administration assembled the Blue Ribbon Commission on America’s Nuclear Future that some of the most respected minds on this topic released a series of recommendations to guide us forward. One such recommendation, which goes to the heart of the matter, is adopting a consent-based process by which repositories are

sited. That is why I recently reintroduced the H.R. 456, the *Nuclear Waste Informed Consent Act* along with my colleagues from Nevada here in the House as well as in the Senate. This legislation codifies the Blue Ribbon recommendation that the siting of a repository be done not just in consultation with host states, local, and tribal communities, but with their approval. I was surprised to see the Chairman adopt the framework of my legislation in Section 143 of the draft bill with regards to interim sites, or as the bill refers to, “monitored retrievable storage.” Mr. Chairman, if we are to be successful in addressing the concerns of those communities like yours where nuclear power plants are located, we should also value the concerns of those where it could be deposited. This draft bill should afford the same consent-based provisions to any permanent storage facility. Yet it goes the opposite direction.

In fact, this bill removes language from the original law that requires progress on a second repository dictating that Nevada be the sole site for the dumping of the nation’s nuclear waste. If that weren’t bad enough, the bill removes the cap of 70,000 metric tons of nuclear waste, making way for an unlimited waste stream to the Nevada site. This is a significant change which calls into question the entirety of the licensing and safety evaluation for this project. As the NRC notes in their Supplemental Environmental Impact Statement, the Department of Energy’s license application, the Environmental Impact Statements of 2002 and 2008, and Safety Analysis Reports do not account for the unlimited increases in dangerous waste that are being proposed by the Chairman’s bill.

Every member, especially those of us from the West, should also be very concerned about what the Chairman’s bill does in Section 202. This section usurps the state’s rights to control its water. I know many of my colleagues took great pride in opposing the Waters of the United States (WOTUS) Rule under the Obama Administration, railing against it as “federal overreach” and an “outrageous power grab.” I’m not sure how you can support such a clear violation of state’s rights.

These are serious issues that we have been dealing with for decades. I ask you to remember that Nevada has done its part in the development of U.S. nuclear energy and we continue to carry those scars decades after the mushroom clouds dissipated. We did not produce this waste. We have no nuclear power plants. Keep it where it is, or adopt our consent-based bill so places that want it, can have it.

I again urge my colleagues on this Subcommittee to concentrate efforts on ways to move forward, not backwards, so we can make real progress towards resolving this problem. Thank you.