

TESTIMONY OF  
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ON BEHALF OF THE NEVADA CONGRESSIONAL DELEGATION

BEFORE THE SUBCOMMITTEE ON ENVIRONMENT AND CLIMATE CHANGE  
COMMITTEE ON ENERGY AND COMMERCE  
UNITED STATES HOUSE OF REPRESENTATIVES  
HEARING ON  
“CLEANING UP COMMUNITIES: ENSURING SAFE STORAGE AND DISPOSAL OF  
SPENT NUCLEAR FUEL”  
JUNE 13, 2019

Chairman Tonko, Ranking Member Shimkus, and Members of the Subcommittee, thank you for the organizing today’s hearing to discuss challenges to nuclear waste disposal and possible solutions to the problem. I appreciate the Subcommittee’s recognition of the immense gravity of the issue at hand. The nation’s nuclear waste stockpile continues to grow, with no immediate end or solution in sight. As the nation continues its transition towards renewable energy, it is expected that nuclear energy will continue to play a significant role in our nation’s energy sector, meaning the nation’s nuclear waste disposal problem will only continue to grow in magnitude and complexity.

Concerningly, the primary policy Americans depend on to facilitate nuclear waste disposal—the Nuclear Waste Policy Act of 1982 (NWPA) and its subsequent Amendments—is outdated, misguided, and misinformed. Additionally, as it was amended in 1987, policy makers removed what few Democratic principles the NWPA was founded upon, and instead decided to force the disposal of our nation’s nuclear waste on Yucca Mountain, Nevada. Despite the continued objections and opposition from the Nevada public, the Nevada Congressional Delegation, five different Nevada Governors, impacted native American tribes and communities, Nevada’s tourism industry, and reams of scientific data showing the dangers associated with Yucca Mountain, some members of Congress continue to cling to this flawed policy, hesitant to accept the responsibility that comes when we recognize that our nuclear waste problem is severe, and that the nation’s primary nuclear policy is seriously flawed and inadequate.

I believe all members of Congress can agree that we must act now to address this situation. However, in so doing, members of Congress must remember the many lessons we have learned since 1982 and begin to consider policy solutions that are scientifically backed and consent-based. I look forward to working with members of this Committee to find a solution to our nation's nuclear waste problem that does not involve forcing our nation's nuclear waste on Yucca Mountain, Nevada.

Unfortunately, one of the policies to be discussed today, H.R.2699, the Nuclear Waste Policy Amendments Act of 2019, introduced by Representatives Shimkus and McNerney, fails to recognize this reality and continues to promote outdated policies and undemocratic principles. This bill would restart and expedite the licensing process for Yucca Mountain and increase the amount of nuclear waste that can be stored at a nuclear waste repository from 70,000 metric tons to 110,000 metric tons, paving the way to force all the nation's nuclear waste on Yucca Mountain. The bill would also amend the Nuclear Waste Policy Act to allow for the interim storage of nuclear waste in Nevada. Just as concerning, H.R.2699 fails to develop a consent-based process that would provide states, local governments, and native American tribes with a meaningful voice in the decision to locate a nuclear waste repository. This bill is an undemocratic and misguided attempt to force nuclear waste on Nevada; it completely disregards the lessons we have learned since 1982, dissolves the few Democratic protections provided to Nevada in the NWPA, ignores recommendations made by the Blue-Ribbon Commission established to study nuclear waste disposal, and to my greatest concern, places American citizens in danger.

Establishing Yucca Mountain as the nation's only nuclear waste repository would endanger the lives of American people, disregard Nevada's opposition to Yucca Mountain, and ignore science related to Yucca Mountain. It would pave the way to disaster and create another problem, rather than provide the solution that our nation desperately needs. To start, transporting all the nation's nuclear waste to Yucca Mountain would require the shipment of more than 110,000 metric tons of high-level radioactive material over the next fifty years, traversing more than 44 states and placing the American people at significant risk of radioactive exposure caused by possible accidents. Yucca Mountain is also located in a moderate to severe earthquake hazard zone, as

defined by the U.S. Geological Survey, meaning an earthquake could destroy the potential nuclear waste repository surface facilities, releasing radioactive material that could contaminate Nevada's environment. Earthquakes could also affect the groundwater flow from the repository and increase the rate and the extent of radioactive contamination of the groundwater in Amargosa Valley, impacting the livelihood of Nevadans and Californians living near the region. In 1996, a 5.6 magnitude earthquake damaged the Yucca Mountain project's field operations center. There is no reason to assume this will not happen again. As we have learned in the past, it is unwise to assume that at some point, accidents will not happen. Large scale disasters, including the Deepwater Horizon oil spill, remind us that accidents do occur, and that when we ignore warning signs, we welcome disaster. H.R.2699 would endanger more than one million people who live within 100 miles of Yucca Mountain. The monumental impact of a disaster associated with Yucca Mountain should not be understated and it certainly should not be welcomed with open arms.

It is now well-understood that the NWPA, and its associated Amendments, created an inadequate nuclear waste program that needs considerable reworking or complete replacement. In recognition that our nation's nuclear waste policy needed reassessment, President Obama appointed a Blue-Ribbon Commission (BRC) on America's Nuclear Future to study the nation's nuclear waste problems, study the inadequacies of our nuclear waste program, and recommend solutions to the problem. In 2012, the Commission submitted its final report to the Obama Administration which summarized the Commission's findings and recommended the U.S. overhaul its nuclear waste management system. The new nuclear waste strategy recommended by the commission was founded on several key principles: 1) develop a new, consent-based approach to siting nuclear waste management facilities, 2) create a new organization dedicated solely to implementing the nuclear waste management program, and 3) construct multiple geologic repositories on a timely basis.

BRC recommendations were made in recognition of the significant opposition to Yucca Mountain from the state of Nevada and other stakeholders, and the many failures of the Department of Energy to properly and competently manage the nation's nuclear waste program. The Commission's consent-based recommendation is two-fold in nature. Firstly, it recognizes

the importance of consultation with impacted communities, which helps the government better understand the impacts of its proposed actions while upholding democratic principles. Secondly, it recognizes that the nation's nuclear waste disposal problem needs to be addressed in a timely manner. This has not been and will not be the case with Yucca Mountain, which will continue to face significant grassroots, legal, and political opposition. As democratically elected lawmakers, we should all recognize the importance of democratic principles and promote policy that empowers all impacted communities to have a voice in policy discussions.

That is why I sponsored H.R. 1544, the Nuclear Waste Informed Consent Act, introduced by the Nevada Congressional Delegation. H.R. 1544 would require a written consent agreement between DOE, the repository host state, affected counties, and affected native American Tribes before beginning construction of a nuclear waste repository. Importantly, my bill would extend consent to the State of Nevada, which has for too long been denied a voice in the nuclear waste discussion. While the bill is not a complete overhaul of the nuclear waste program and is not the only policy needed to fix our nuclear waste problem, it is an important first step to improve our nuclear waste program. A companion bill, S. 649, was introduced by Senators Catherine Cortez Masto and Jacky Rosen of Nevada. H.R. 1544 and S. 649 provide a basis for amending other proposals to create a workable approach to consent-based siting for all U.S. nuclear waste storage and disposal. I hope the Committee, in its consideration of nuclear waste proposals, will consider H.R. 1544, the Nuclear Waste Informed Consent Act as a viable part of the solution. Additionally, I commend Representative Levin and Representative Matsui for introducing legislation that would begin necessary reforms to our nuclear waste program. Importantly, these proposals are based on sound reasoning and science and would not force nuclear waste on unwilling communities.

Thank you again for recognizing our nation's nuclear waste problem and organizing this hearing to discuss improvements to our nuclear waste program. It is past time for Congress to address our nation's inadequate nuclear waste program and begin developing a program that is in the best interest of all Americans. Moving forward, I would be happy to work with my colleagues to promote sound nuclear policy that does not force nuclear waste on Nevada or any other unwilling state or community. I hope we can all accept the lessons of the past few decades and

work to solve our nation's nuclear waste problem in a consent-based manner, promoting the safety and security of the American people.