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FEDERAL, STATE, AND LOCAL AGREEMENTS AND ASSOCIATED BENEFITS FOR SPENT NUCLEAR FUEL DISPOSAL

HEARING

BEFORE THE

SUBCOMMITTEE ON ENVIRONMENT AND THE ECONOMY

OF THE

COMMITTEE ON ENERGY AND COMMERCE
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

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CONTENTS

	Page
Hon. John Shimkus, a Representative in Congress from the State of Illinois, opening statement	1
Prepared statement	4
Hon. Paul Tonko, a Representative in Congress from the State of New York, opening statement	5
Hon. Frank Pallone, Jr., a Representative in Congress from the State of New Jersey, opening statement	7

WITNESSES

Dina Titus, A Representative in Congress from the State of Nevada	8
Prepared statement	11
Mark E. Amodei, A Representative in Congress from the State of Nevada	14
Prepared statement	17
Robert J. Dold, A Representative in Congress from the State of Illinois	20
Prepared statement	22
Cresent Hardy, A Representative in Congress from the State of Nevada	26
Prepared statement	28
Dan Schinhofen, County Commissioner, Nye County, Nevada	31
Prepared statement	34
Joseph Hardy, State Senator, State of Nevada	41
Prepared statement	43
Gene Humphrey, President, International Test Solutions, Inc.	46
Prepared statement	48

SUBMITTED MATERIAL

Statement of Brian Sandoval, Governor of Nevada, submitted by Mr. Shimkus	64
Statement of Adam Paul Laxalt, Attorney General of Nevada, submitted by Mr. Shimkus	66
Statement of Al Hill, Mayor of Zion, Illinois, submitted by Mr. Dold	68
Statement of Zion-Benton Area Representatives & Business Interests	70
Statement of Hon. Dean Heller, U.S. Senator from the State of Nevada	74

FEDERAL, STATE, AND LOCAL AGREEMENTS AND ASSOCIATED BENEFITS FOR SPENT NUCLEAR FUEL DISPOSAL

THURSDAY, JULY 7, 2016

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ENVIRONMENT AND THE ECONOMY,
COMMITTEE ON ENERGY AND COMMERCE
Washington, DC.

The subcommittee met, pursuant to call, at 10:00 a.m., in room 2123 Rayburn House Office Building, Hon. John Shimkus (chairman of the subcommittee) presiding.

Members present: Representatives Shimkus, Harper, Murphy, Latta, McKinley, Johnson, Bucshon, Flores, Hudson, Cramer, Tonko, Schrader, Green, McNerney, and Pallone (ex officio).

Staff present: Mike Bloomquist, Deputy Staff Director; Rebecca Card, Assistant Press Secretary; Giulia Giannangeli, Legislative Clerk, Commerce, Manufacturing, and Trade, Environment and the Economy; A.T. Johnston, Senior Policy Advisor; David McCarthy, Chief Counsel, Environment and the Economy; Chris Santini, Policy Coordinator, Oversight and Investigations; Chris Sarley, Policy Coordinator, Environment and the Economy; Dan Schneider, Press Secretary; Peter Spencer, Professional Staff Member, Oversight; Dylan Vorbach, Deputy Press Secretary; Andy Zach, Counsel, Environment and the Economy; Jeff Carroll, Minority Staff Director; Jean Fruci, Minority Energy and Environment Policy Advisor; Tiffany Guarascio, Minority Deputy Staff Director and Chief Health Advisor; Rick Kessler, Minority Senior Advisor and Staff Director, Energy and Environment; Alexander Ratner, Minority Policy Analyst; Tuley Wright, Minority Energy and Environment Policy Advisor; and C.J. Young, Minority Press Secretary.

OPENING STATEMENT OF HON. JOHN SHIMKUS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

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

So I would like to call the hearing to order and recognize myself for 5 minutes for an opening statement.

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

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

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

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

I welcome my colleague from Illinois, Congressman Bob Dold. His testimony and legislation highlights the implications on communities around the country associated with this administration's decision to walk away from Yucca Mountain.

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

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

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

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

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

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

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

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

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

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

Today's testimony will inform a key component of this committee's efforts to develop comprehensive legislation to advance used fuel management. This session of Congress we received testimony addressing challenges associated with a variety of nuclear waste issues including how to safely transport nuclear material and fix a broken budgetary system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[The prepared statement of Mr. Shimkus follows:]

PREPARED STATEMENT OF HON. JOHN SHIMKUS

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

First, I would like to thank my colleagues who are here to testify on this important issue. The members of the Nevada delegation demonstrate a willingness to engage in this conversation of national importance and demonstrate leadership in the Federal policy-making process. Congressman Cresent Hardy represents Nye County, the site of Yucca Mountain, and the immediate surrounding counties. I appreciate his dedication in representing his constituents in Congress and recognition of the need to be a part of a constructive dialogue. He has stated that he will not tolerate the compromising of his constituents' safety, nor the safety of any other Nevadan. And I wholeheartedly agree.

I welcome my colleague from Illinois, Congressman Bob Dold. His testimony and legislation highlight the implications on communities around the country associated with this Administration's decision to walk away from Yucca Mountain. The legacy impact on cities like Zion, IL is often lost in the national conversation regarding the development of the Yucca Mountain repository to dispose of our nation's commercial spent nuclear fuel.

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Governor Sandoval is rightfully proud of Nevada's contributions to our nation as the host of key national security facilities and armed forces bases. He notes, "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 recognized." I hope going forward we will have a meaningful conversation about how exactly that partnership can be constructed espite the State's formal objection in 2002, one Congress overwhelmingly rejected. I look forward to building this relationship and a continuing dialogue with the Governor.

Our second panel of witnesses today consists of a wide range of Nevada stakeholders, including State and local elected officials, and private citizens. Those families who reside closest to the repository site should have their voices heard so Congress can understand their priorities, including how the Federal government can provide assurance for safety, security, and other infrastructure needs. This must be a two way conversation.

Last March, a Las Vegas newspaper published an editorial titled "Washington, Make us an Offer," that stated "if we're going to have a conversation about nuclear waste storage, it should start with honesty—from both sides." The editorial proceeds to identify the potential associated with reprocessing and research on nuclear material. This is the very conversation that we are here today to have.

Today's testimony will inform a key component of this Committee's efforts to develop comprehensive legislation to advance used fuel management. This session of Congress we received testimony addressing challenges associated with a variety of nuclear waste issues, including how to safely transport nuclear material and fix a broken budgetary system. Those two topics in particular are relevant to the State of Nevada's interests. I have heard concerns that spent fuel shipments will travel too close to population centers. To address these concerns, I would welcome alternative proposals. Further, Congress needs to assure financial resources for the State and affected local governments are available for technical and administrative costs when the money is needed.

However, beyond financial resources, I look forward to hearing what tangible items could benefit the State, such as associated infrastructure, access to Federal land, rights to economic value and the jobs to support a nuclear reprocessing facility.

While we are examining the Nuclear Waste Policy Act and Nevada, we can also learn from similar examples relating to hosting nuclear storage facilities for the Federal government. For example, what lessons can be learned from New Mexico's experience as the host for the Waste Isolation Pilot Plant (WIPP), a repository for transuranic nuclear waste. In the WIPP Land Withdrawal Act, Congress helped to mitigate transportation risks by authorizing an alternative highway route around Santa Fe, New Mexico. Similarly, New Mexico State officials have the authority to inspect transportation canisters to make sure they meet the high regulatory standards in place.

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The Department of Energy is currently in the midst of an extended roadshow to highlight a political message that states should each have veto power over a national decision to resolve a national challenge. But this publicity campaign ignores the law of the land. Nye County offered to host a DOE public meeting, but the Department instead chose to pursue meetings in the far reaches of the country and pretend the citizens of Nye County are irrelevant to this discussion. The Federal government made the decision to site the repository at the Yucca Mountain site in 1987. DOE should be working with Nevada stakeholders to make progress on the repository instead of ignoring the law. Our hearing this morning will do the job that DOE isn't.

We will continue to listen to all stakeholders to develop a comprehensive solution to dispose of our country's spent nuclear fuel. Thank you again to your participation on this important issue.

OPENING STATEMENT OF HON. PAUL TONKO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

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

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

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

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

Mr. SHIMKUS. Without objection, so ordered.

[The information appears at the conclusion of the hearing.]

Mr. TONKO. Thank you.

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

This also will not be news to anyone here. A consent-based approach to siting future nuclear waste management facilities was a

recommendation of the Blue Ribbon Commission and supported by the Department of Energy.

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

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

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

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

Our Senate colleagues and Mr. Kildee have made a number of suggestions and yet we have seen no action in this House to help the thousands of children that were poisoned by lead in their drinking water.

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

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

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

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

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

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

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

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

Mr. SHIMKUS. Chairman yields back his time.

The chair now recognizes the majority side to see if anyone wants time for an opening statement. Seeing none, the chair now recognizes the ranking member of the full committee, Mr. Pallone, for 5 minutes.

OPENING STATEMENT OF HON. FRANK PALLONE, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. PALLONE. Thank you, Mr. Chairman.

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

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

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

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

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

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

There are also important perspectives we could hear related to applications for storage in Texas and New Mexico that are currently pending before the Nuclear Regulatory Commission as well as related bipartisan legislation from Mr. Conaway, Mr. Green, and others that have been pending before the subcommittee.

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

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

Mr. GREEN. I want to thank my colleague, Ranking Member Pallone for yielding time.

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

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

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

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

Passage of this bipartisan legislation would provide our country with a path forward to securely store nuclear waste currently held at dozens of facilities like the South Texas Nuclear Project in our area around the country while we decide what to do with Yucca.

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

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

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

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

And I thank you and yield back my time.

Mr. SHIMKUS. Gentleman yields back his time and I thank my colleagues.

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

Mr. SHIMKUS. I am sorry.

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

First is Congressman Dina Titus from—she has corrected me many times—Nevada. I'm doing well, right? At least I got something in pronouncing the state correctly, and you're welcome and recognized for 5 minutes.

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

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

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

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

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

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

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

I have letters in opposition from leading Nevadans and organizations, also our governor and Senator Heller, an editorial from the Las Vegas Sun. I would request that these be entered into the record.

Mr. SHIMKUS. Yes. I can get staff to grab those, bring those up here. We'll look at them and then——

Ms. TITUS. Thank you so much.

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

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

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

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

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

Members of Congress may board a plane to my district and then be shuttled out to the desert north of town for a photo op where they can see the dry and desolate moonscape where Yucca Mountain is located.

But you shouldn't be fooled by such a superficial look at land that Nevadans love and want to protect. Nevada is not a wasteland. It's home to unique desert habitats, rare and endangered species of plants and animals, iconic wildlife like bighorn 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 water table that moves towards the Las Vegas Valley, where 2 million people live.

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

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

It wasn't until the Obama administration assembled a Blue Ribbon Commission on America's nuclear future with some of the most respected experts on this topic who released a list of recommendations to guide us forward.

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

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

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

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

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

We don't have any nuclear power plants. So we say keep it where it is for now. Pass a consent-based bill. Move forward so places who want it can have it.

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

I thank you for your attention and I yield back.

[The statement of Ms. Titus follows:]

Testimony of Congresswoman Dina Titus
Nevada -1
House of Representatives Committee on Energy and Commerce
Subcommittee on Energy and Environment
Hearing Entitled: "Federal, State, and Local Agreements and Associated Benefits for Spent Nuclear Fuel Disposal"

Chairman Shimkus, Ranking Member Pallone, 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 decades, dating back to 1987, when President Reagan signed the "Screw Nevada" bill into law.

In the years that have followed, I, along with my colleagues, both Democrat and Republican, in the Nevada Delegation, Governor's Mansion, State Legislature, and local government together with leading business interests in our state have been unified, with rare exceptions, in vehement opposition to this failed proposal.

It is my understanding that today's hearing is intended to suggest some benefit will accrue to Nevada for hosting nuclear waste generated elsewhere.

Well, on behalf of the 3 out of 4 Nevadans who oppose Yucca Mountain, I am here to say, we cannot and will not be bought off.

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

I have letters in opposition from the Nevada Resort Association, the Las Vegas Metro Chamber of Commerce, The League of Women Voters of the Las Vegas Valley, the Progressive Leadership Alliance of Nevada, The Nevada Nuclear Waste Task Force, The Governor of Nevada, and the Democratic Leaders of the Nevada Legislature.

Prior to arriving in Congress, I spent a good bit of my time in the classroom as a professor of political science at UNLV, 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.

These tests took place at a time when the federal government conducted "duck and cover" drills to show us how to protect ourselves from radioactive fallout. Who among you remember the Civil Defense character, Burt the Turtle?

Today, billions of dollars have been paid to residents in Nevada, Utah, and other states that were under the radioactive cloud of the nuclear tests of the 20th 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 to the desert north of town for a photo op where they can 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 water table that moves toward the Las Vegas Valley. Furthermore, the waste to be stored has to be shipped thousands of miles across the nation on highways and byways that travel through small towns and big cities, farmlands and scenic preserves, near churches, schools, and neighborhoods in almost every Member's district. God forbid there be an accident.

A New Path

Fourteen years ago I stood alongside our Republican Governor Kenny Guinn and other leaders from across the State on the day he first vetoed the site selection of Yucca Mountain.

In the years that have followed, 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 joined with my colleague Joe Heck and our Senators Harry Reid and Dean Heller to introduce the Nuclear Waste Informed Consent Act.

If the Subcommittee is serious about addressing the issue of nuclear waste storage, then instead of rehashing the same issues over and over again, you should focus on a new direction.

Empty Promises

I've heard proponents make all kinds of false promises: Nevada will receive hundreds of millions of dollars for infrastructure projects or be allocated more water from the Colorado River, for example.

Who can take that seriously?

This Congress has failed in its response to nearly every pressing issue facing our nation. House Republicans could not even agree on a Budget this year, and yet again we are facing an omnibus/crominibus/minibus appropriations situation.

There is not even money for the completion of the Yucca Mountain project, much less extra bribe funding for Nevada. Ask Governor Nicki Haley of South Carolina what she thinks of the deal her state entered into with the MOX facility.

Conclusion

Nevadans may be gamblers, but we're not fools. We know how to calculate odds.

I ask you to remember that Nevada has done its part in the development of U.S. nuclear energy. Furthermore, we did not produce this commercial waste. We have no nuclear power plants. Keep it where it is, or pass 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.

Mr. SHIMKUS. The gentlelady yields back her time and we thank her for her testimony.

The chair now recognizes Congressman Amodei from also the great state of Nevada and he's recognized for 5 minutes.

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

Mr. AMODEI. I thought that you had wanted me to——

Mr. SHIMKUS. And turn the mic on.

Mr. AMODEI. On purpose, Mr. Chairman.

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

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

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

But nonetheless, the 115th Congress will convene in about 6 months and the issue regarding people sitting in new seats and what the nation's policy is going to be with regard to high-level long-term nuclear waste issues I think will be something that is on the agenda.

I want to make it clear from the outset no one in Nevada is in favor of a nuclear landfill. Neither am I. But I also have young people telling me that you can go to things like congressionalrecord.com and Google it and put in words like Yucca and waste and you can see the names of some people who are in this House who take to the floor—I believe, Mr. Chairman, your name comes up occasionally—talking about this issue. It is not going to go away.

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

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

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

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

So when we talk about dealing with this issue that I think we need to talk about well, should we start treating this as a commodity instead of trash. Because guess what—even if you want to talk about consent as long as we really see it as trash good luck

with that consent thing. I think they're trying that over in Sweden right now.

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

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

Next, Nevada has an excellent scientific research entity in terms of an outfit that's called the Desert Research Institute in terms of nuclear monitoring, operational monitoring, making sure that if the assumptions in terms of how this is treated or correct that those assumptions actually come through. They should be given that responsibility. It is imminently fair if you decide to locate this in Nevada that people of qualification are put in charge of making sure that our assumptions are correct.

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

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

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

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

The final thing I want to leave for your consideration is this. Nevada is a state that is owned by a super majority in terms of federal lands. Right now, that site is in the possession of the Bureau of Land Management, which means if you move forward you are going to have to do a federal lands transfer to DOE.

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

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

Transportation issues in Nevada, outside of Nevada, safety issues. It is an opportunity to do other lands transfers to get you away from the earmark thing, and by the way, when you do all those a state that is 87 percent owned by the federal government

might, if you take some suggestions, oh my, only be owned 80 percent by the federal government.

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

There will be some costs but it is a relatively efficient way to say OK, you want some more control—you want to some of that economic development stuff, here are some lands that make the most step—have at it.

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

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

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

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

[The statement of Mr. Amodei follows:]

Statement for the Record of Congressman Mark Amodei
Subcommittee on Environment and the Economy
Hearing on "Federal, State, and Local Agreements and Economic Benefits for Spent Nuclear Fuel Disposal"
July 7, 2016

Chairman Shimkus, Ranking Member Tonko, and esteemed colleagues of the Committee, thank you for the opportunity to share my perspective on economic benefits for the State of Nevada for accepting the management of nuclear spent fuel and other high-level waste at the Yucca Mountain nuclear waste repository in Nye County, Nevada. When I was elected to Congress in 2011, the Yucca Mountain repository was located in my Congressional district. While Nevada's Second Congressional District has since changed, I continue to meet with Nevadans from across our great state to learn of their opinions on this important issue. I appreciate the Committee hosting this open dialogue and for allowing Nevada's Representatives to engage in meaningful discussion as you gather information on Yucca Mountain and consider economic benefits for our state.

First, let me be clear, I do not believe Yucca Mountain should become a single dumping site for the nation's nuclear waste. But the fact of the matter is that Nevadans cannot simply ignore Yucca Mountain and think it is off the table. As many Americans throughout the nation continue to work to open the facility and bring it online, Nevadans should use this as an opportunity to dictate the terms of the repository under the best conditions for our state. This facility has the potential to not only be a job creator in Nye County, but throughout the state of Nevada, and I appreciate the Committee for engaging and collaborating with our delegation on this important issue.

Second, Nevada can become a worldwide leader in reprocessing spent nuclear fuel so that high-level nuclear waste becomes a commodity instead of trash. In fact, the Nevada System of Higher Education, including the University of Nevada – Reno, and the University of Nevada – Las Vegas, is already conducting research on how to utilize innovative technologies currently available to reprocess spent fuel. Incorporating these two entities with the Desert Research Institute, which is the environmental research arm of the Nevada System of Higher Education, to develop the best technology for commercial reprocessing simply makes sense. Our nation needs a center that includes a nuclear safety best practices center, a training center, and incorporates advancements in technology to better address nuclear spent fuel, all of which these institutions could facilitate.

Other economic benefits could be directed towards Nevada's highway transportation system and infrastructure projects. Specifically, Interstate 11, the proposed Interstate highway partially designated by Congress to eventually connect Mexico to Canada. However, the proposed route from Las Vegas to Reno will likely require a right-of-way designation or public land transfer before constructing that portion. If a transfer is required, the State of Nevada may be interested in pursuing other federal land transfers throughout the State, such as transfers to resolve the public-private jurisdictional management issues of the Bureau of Land Management's 'checkerboard' pattern along Interstate 80. Resolving this jurisdictional lands issue would greatly assist landlocked communities in Northern Nevada where adjacent federal lands are restricting their expansion and growth.

Finally, the western watershed allocation of water resources, coupled with desalinization plants on the California coast, could be revised to provide more water to Nevada, eliminating the need for the Southern Nevada Water Authority pipeline from northern Nevada.

While these are only three brief examples of economic benefits for the State of Nevada, it is clear this project could generate a new form of clean energy for the nation, establish new export industries and create thousands of jobs for Nevadans. Again, thank you for affording me the opportunity to participate in this discussion, and I look forward to working with the Committee as you develop a comprehensive solution to dispose of our country's spent nuclear fuel.

Mr. SHIMKUS. The gentleman yields back his time and I thank him for his testimony.

The chair now recognizes my colleague from Illinois, Congressman Dold, and you are recognized for 5 minutes.

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

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

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

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

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

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

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

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

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

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

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

Mr. SHIMKUS. Without objection. Also, Congresswoman Titus, we're accepting your letters also.

[The information appears at the conclusion of the hearing.]

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

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

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

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

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

In the meantime, I believe that this bill—my bill, a bipartisan common sense proposal to help compensate these communities and defray some of the costs associated with storing spent nuclear fuel out in these various 13 different communities.

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

I yield back.

[The statement of Mr. Dold follows:]

CONGRESSMAN
Robert J. Dold

WRITTEN TESTIMONY OF

REPRESENTATIVE ROBERT J. DOLD

BEFORE THE HOUSE ENERGY AND COMMERCE COMMITTEE

SUBCOMMITTEE ON ENVIRONMENT AND THE ECONOMY

JULY 7, 2016

Good morning Chairman Shimkus, Ranking Member Tonko, and members of the Subcommittee. My name is Bob Dold, and I represent Illinois' 10th Congressional District. I thank you for the opportunity to testify today about the community of Zion, Illinois, and about H.R. _____, the *Stranded Nuclear Waste Accountability Act of 2016*, a bipartisan bill I introduced this week to fairly compensate the thirteen communities across the country that are affected by the federal government's failure to make good on its commitment to remove spent nuclear fuel from formerly operating nuclear power plant sites. Each of the thirteen communities is home to a formerly operating nuclear power plant site that is still used to store spent nuclear fuel.

Zion, Illinois, is a city in the northern part of Lake County, Illinois. Zion is home to approximately 25,000 people, and it lies approximately halfway between Chicago and Milwaukee. The city's location midway between these two major metropolitan areas made it an advantageous site for a power plant. In 1973, Zion Nuclear Power Station opened on 257 acres of Lake Michigan shoreline. The plant operated from 1973 to 1998, when the plant ceased operations.

Zion undoubtedly benefited from having the Zion Nuclear Power Station in operation over those 25 years, as it created good, high-paying jobs for the community. Unfortunately, once the plant closed, those benefits to the community went away. Since 1998, the community has faced a difficult situation due to the presence of spent nuclear fuel on the site. As this Committee is well aware, the failure to move ahead with plans for the Yucca Mountain permanent repository means that there is simply no place to take spent nuclear fuel. As such, the end result is that the spent nuclear fuel remains on the grounds of nuclear power plants across the country, both those still in operation and those that have closed.

For Zion, and for the dozen other communities in the same situation, the failure to finalize a permanent spent nuclear fuel storage location means that these communities have in essence become long-term spent nuclear fuel storage sites. Without the ability to remove the spent nuclear fuel to a safe, long-term geologic disposal site, the fuel will simply remain where it was last used: in the middle of Zion, within 300 yards of the shore of Lake Michigan.

When the Zion Nuclear Power Station opened, no one anticipated that Zion would eventually become home to a spent nuclear fuel storage site. But that is in essence what Zion has become. The community never agreed to be transformed into a long-term spent nuclear fuel storage site. Its *de facto* status as such has meant that the community is bearing all of the costs of hosting a nuclear power plant location without any of the benefits. I have brought with me today two letters, one from the Mayor of the City of Zion, Al Hill, and the other from 34 local elected officials and community leaders in the Zion area. Both of these letters detail the impact hosting a spent nuclear fuel storage site has had on their community, and I would respectfully request to submit these letters for the record.

Mr. Chairman, Ranking Member Tonko, and members of the Committee, that is the problem facing Zion and 12 other communities like it across the country. The best solution, of course, is to move ahead with a long-term disposal location for spent nuclear fuel and get this spent fuel out of Zion. But so long as the federal government fails to deliver on its commitment to provide a long-term storage facility to take spent nuclear fuel, these thirteen communities, including Zion, should be fairly compensated for their *de facto* status as interim spent nuclear fuel storage sites.

In the original Nuclear Waste Policy Act of 1982, Congress established a regime for compensating communities that agreed to become home to interim spent nuclear fuel storage sites. No such location has ever been designated under the NWPA, and consequently no community has ever received compensation from the federal government for being an interim spent nuclear fuel storage site. This means that the federal government has in essence been a free rider on a nuisance it itself has created for communities like Zion.

On Tuesday, I introduced H.R. _____, the *Stranded Nuclear Waste Accountability Act of 2016*. This bill recognizes this problem that the federal government has caused by failing to open a long-term storage site at Yucca Mountain. For communities like Zion, where the community is home to a formerly operating nuclear power plant but where spent nuclear fuel continues to be stored, the federal government would pay to the local government a fee to compensate that community for their status as *de facto* spent nuclear fuel storage sites. That fee is the same amount per kilogram as was included in the original Nuclear Waste Policy Act of 1982. The funds for compensating these thirteen communities will be appropriated out of the General Fund. Importantly, this bill puts a seven-year term on these funds so that these communities are fairly compensated, but do not become indefinitely dependent.

The political failure to move ahead with Yucca Mountain has created an unfortunate situation for Zion and communities like it across the country. These communities are carrying, uncompensated, the burden of our entire country to store spent nuclear fuel. Without negotiation and without compensation, these communities have been transformed into spent nuclear fuel storage sites. While the best solution is still to find a way to make sure spent nuclear fuel is removed from these communities, in the interim, my bill is a common sense proposal to help compensate these communities and defray some of the impact associated with storing spent nuclear fuel there.

Chairman Shimkus, Ranking Member Tonko, and members of the Committee, I want to thank you for the opportunity to testify today and to present to you information about the impact the failure to move spent nuclear fuel has had on communities like Zion. I would like to thank Representatives Courtney and Welch for their support. I thank you all, and would be happy to answer any questions the Committee may have.

Mr. SHIMKUS. The gentleman yields back his time.

The chair now recognizes the gentleman from Nevada, Congressman Hardy. You're welcome to the hearing room and you are recognized for 5 minutes.

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

Mr. HARDY OF NEVADA. Thank you. Chairman Shimkus and Ranking Member Tonko and members of the committee, thank you for the opportunity to——

Mr. SHIMKUS. I think it's on. Just pull it closer.

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

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

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

It also ignores the incredible contributions and burdens borne by this part of Nevada to protect our national security generation after generation. From the testing and development of our nuclear deterrent that allowed the United States to win the Cold War to the most advanced realistic air combat training anywhere in the world to the dedicated airmen and women who fly remotely-piloted aircraft in the war against ISIS and al-Qaeda. People in this part of Nevada are no strangers to serving our country. They are also no pushovers, nor am I.

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

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

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

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

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

I often reflect on the courage of our Founders and the many great American leaders who followed them to take tough issues and

make difficult decisions. On the heels of Monday's celebration of the 240th year of independence, I am reminded of the responsibility elected officials have to the American people, now more than ever.

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

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

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

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

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

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

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

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

Thank you.

[The statement of Mr. Hardy follows:]

Testimony of
Congressman Cresent Hardy (NV-04)
Thursday, July 7, 2016, at 10:00 a.m.
Before the Subcommittee on Environment and the Economy
Hearing titled:
"Federal, State, and Local Agreements and Economic Benefits for Spent Nuclear Fuel Disposal"

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

I represent Nevada's 4th Congressional District, which stretches from North Las Vegas and northern Clark County into all or part of 6 rural counties in Central Nevada.

Now, there are many folks back here in Washington who might not be aware that anything exists in Nevada north of a small strip of Las Vegas Boulevard. As far as they are concerned, it's just empty desert.

However, such thinking fails to recognize the diverse mosaic of people who represent the backbone of Nevada, including the hard-working families of North Las Vegas, the rich cultural heritage of our indigenous tribes, and the miners and ranchers who symbolize the industrious spirit of the American West.

It also ignores the incredible contributions and burdens borne by this part of Nevada to protect our national security, generation after generation.

From the testing and development of our nuclear deterrent that allowed the United States to win the Cold War, to the most advanced and realistic air combat training anywhere in the world, to the dedicated Airmen and women who fly remotely piloted aircraft in the war against ISIS and al Qaeda; people in this part of Nevada are no strangers to serving our country.

They are also no pushovers, nor am I.

As their Representative, I am committed to fight so all of their voices are heard, and to ensure that they always have a seat at the table.

That brings us to the reason why I am seated at this table here today.

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In the nearly 30 years since that decision, billions of taxpayers' dollars have been spent, endless litigation has played out, Administrations have stonewalled, recriminations have abounded.

Yet two fundamental problems have continued to fester:

Number One - Our nation has tens of thousands of metric tons of high-level radioactive waste and spent nuclear fuel dangerously piling up at power plants across the country, with nowhere to safely put it.

And Number Two - Many Nevadans feel that they are being forced by the federal government to store dangerous material that they had no role in creating.

Both of these facts are shameful failures of the federal government, and both need to be addressed now.

I often reflect on the courage of our Founders and the many great American leaders who followed them to take on the tough issues and make difficult decisions.

And on the heels of Monday's celebration of our nation's 240th year of independence, I am reminded of the responsibility elected officials have to the American people now more than ever.

The issue of nuclear storage is not about any one politician's legacy. It can't be. Because on this issue, we are talking not just about millennia, but millions of years into the future.

Geologic time doesn't care about partisan politics and egos.

Long after we're all forgotten, footnotes in the dusty pages of history, the decisions we make here won't be. The decisions we make here will live on and impact the lives of countless generations.

That is why the decisions we make here in Washington, or Carson City, or Tonopah, or anywhere else for that matter, need to be based on the on the soundest of science and the best interests of Nevadans and every single American.

The beauty of science is that it is a great equalizer. Whether you're in Nevada, Illinois, or on the surface of the moon, the laws of science are universal, regardless of politics.

Yucca Mountain needs to stop being an issue that Administrations here in Washington only find useful every four years in the state of Nevada.

Nevadans deserve to have honest brokers in their federal government, and they deserve to hear the unbiased, scientific results that all of their hard-earned dollars funded.

After being privileged enough to be elected to represent Nevada's 4th District in Congress, I discovered that too many politicians are afraid to engage in a constructive dialogue on this issue. They fail to recognize that discussing Yucca Mountain doesn't equal endorsement of the project.

Dialogue isn't capitulation. It's leadership.

I will never support a repository in Nevada that isn't safe and that the people don't want. Period.

Nevadans deserve a seat at the table, and I've taken one of those seats.

I appreciate the Committee's willingness to hear my testimony today, and I look forward to working with Members on both sides of the aisle to work toward a solution that is worthy of the Americans who have sent us here.

Mr. SHIMKUS. The gentleman yields back the time and the chair appreciates the testimony of my colleagues.

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

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

So as with the first panel, I will just go one at a time. You'll be recognized for 5 minutes. Your full statements submitted for the record.

So with that, Mr.—first we will have Mr. Dan Schinhofen, County Commissioner of Nye County, Nevada—a friend of the committee's. Good to see you back, and you are recognized for 5 minutes.

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

STATEMENT OF MR. SCHINHOFEN

Mr. SCHINHOFEN. Thank you.

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

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

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

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

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

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

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

To summarize, we believe the law should be amended to include a package of benefits that should go to the State of Nevada and local communities. This would not be bribe money. Instead, it would compensate the state and local communities for the increased responsibility that being the home of a spent nuclear fuel repository brings with it. It would also provide resources needed to build the personnel and physical infrastructure to support a massive public work project.

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

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

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

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

Five, relocation of Department of Energy support offices and contractors into Nevada. Six, construction of new DOE laboratory facilities in Nye County to support Yucca Mountain to develop the next generation of nuclear technologies.

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

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

The task force should report back to Congress within 2 years. The list should include a minimum additional land transfers, construction of a multi-use rail line that would serve both Yucca Mountain and other users, construction of interstate Highway 111, grants to the University of Nevada and local community colleges and payments to the state site county, impacted local communities, and Native American tribes.

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

To save even more money, we recommend that the Nuclear Waste Policy Act be amended to allow Nevada to be an interim storage site. The current site design of Yucca Mountain includes aging pads that could hold up to 30,000 metric tons of waste. These

could be built quickly and Nye County could become an interim site almost immediately. This would eliminate the unnecessary expense of licensing another site . It would also facilitate moving the waste away from utility sites.

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

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

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

Thank you.

[The statement of Mr. Schinhofen follows:]

Written Testimony of
Commissioner Dan Schinhofen
Vice-Chairman of the Nye County, Nevada Board of County Commissioners

House Energy and Commerce Committee
Subcommittee on Environment and the Economy
Hearing on Federal, State, and Local Agreements and
Associated Benefits for Spent Nuclear Fuel Disposal

July 7, 2016

Mr. Chairman, members of the Committee, thank you for the opportunity to appear before you today to discuss the need for a realistic set of benefits to go to the State of Nevada and affected local communities for accepting a permanent high level nuclear waste repository at Yucca Mountain. I am Dan Schinhofen, Vice-Chairman of the Nye County Commission and the designated liaison commissioner on Yucca Mountain. I appreciate the Committee's continued interest in Yucca Mountain issues.

The Science of Yucca Mountain

As you are well aware, the entire Yucca Mountain repository, if built, would be located within the boundaries of Nye County, Nevada. For that reason, the Nye County Commission has been actively and constructively engaged with the Department of Energy on Yucca Mountain issues for decades. As the site county, we have managed an independent oversight program utilizing a team of distinguished experts. Our program has conducted scientific investigations on the geology of the mountain, the potential water flows and the safety of the repository. All the evidence we have uncovered to date has shown that the repository can be built and operated safely.

Having said that, we know that we do not have all the relevant information on the project. That is why we strongly support completing the licensing proceeding. We want to know, based on a comprehensive review of all the data, by an impartial body, if a repository at Yucca

Mountain is safe. If it is not safe, I will be the first person to oppose the construction of the repository. My family and friends live in the County. As a Commissioner, I am responsible for the health and safety of the people and the protection of the environment of Nye County. To suggest that I am willing to compromise on the well-being of my family, friends and constituents for a federal payment is beneath contempt.

I find it hard to believe that there is anyone who does not want to have the science reviewed. Our opponents claim Yucca Mountain is unsafe. In my mind, that gives them an even greater incentive to have a thorough review. The President should also demand to see the science. In March 2009, he issued a Memorandum for the Heads of Executive Departments and Agencies on Scientific Integrity. A part of that document clearly states:

> "The public must be able trust the science and scientific process informing public policy decisions. Political officials should not suppress or alter scientific or technological findings and conclusions. If scientific and technological information is developed and used by the Federal Government, it should ordinarily be made available to the public. To the extent permitted by law, there should be transparency in the preparation, identification, and use of scientific and technological information in policy making...."

The Nuclear Waste Policy Act

Beyond the need to understand the facts, a full scientific review of Yucca Mountain is required by the Nuclear Waste Policy Act. That Act has been the law of the land for over thirty years. It has been amended, but never repealed.

The Nuclear Waste Policy Act created a carefully crafted balance between State and federal interests. The State of Nevada was given a statutory right to object to the repository, which it exercised. That objection was supposed to be based on a scientific determination that the

repository was unsafe, although Congress was given the right to overcome the State's objection due to the overriding federal interests involved. We all understand that at times the national interest must supersede local ones. This is especially true in cases of health and safety. In overriding Nevada's objection, Congress correctly determined that it was far better to store spent nuclear fuel in one safe, central location than to have it stored at private power plants all over the country. And the Congressional action was also based on the fact that the State did not make a convincing case that the repository was unsafe.

Along these lines, it is not true that the 1987 amendments to the Nuclear Waste Policy Act designated Yucca Mountain as the repository site only because the State was "politically weak." The Act designated Yucca Mountain because the science at the time said it was the best alternative. Further studies since that time have reinforced that conclusion.

The Obama Administration moved to withdraw the license application even though the stated reason for this action was not allowed under the Nuclear Waste Policy Act. The Act only allows the withdrawal of a license application if the Department determines that the repository would be unsafe. That determination was never made. In fact, DOE Secretaries Chu and Moniz acknowledged that the repository would be safe. But they went on to say that the withdrawal was acceptable because the site was "politically unworkable". By any reasonable definition, that makes DOE's actions illegal. Further, when the Nuclear Regulatory Commission also stopped the license review, the D.C. Court of Appeals found the Commission's failure to complete the process to be illegal.

I might note that if federal laws can be ignored because they are "politically unworkable" there is a long list of federal laws that would not be enforced in my county, starting with a several public land management laws and Obamacare.

No Alternatives

Beyond the need to follow the law, the opponents to Yucca Mountain have refused to give us a viable alternative. With great fanfare the Department created a Blue Ribbon Commission to make recommendations on the best solutions for the storage of nuclear waste. But the Commission was forbidden from looking at Yucca Mountain. In other words, a commission created to evaluate our nation's nuclear waste crisis was prohibited from reviewing a repository that had the approval of Congress, $15 billion in studies and the overwhelming support of the nation's scientific community.

Given that limitation, the Blue Ribbon Commission came up with an impracticable non-solution. It called for a "consent based" process. But consent has never been defined. Does it mean not only the local and state governments around the site, but also the entire Congressional delegation? How far away must local governments consent? What about adjoining states? What happens if after an election, the new local government withdraws its consent? Remember, many of the political leaders in Nevada that now oppose Yucca Mountain, originally favored it. Given the lack of answers, I believe that the whole consent based process that DOE is pursuing is an excuse to do nothing. And, in the meantime, nuclear waste continues to pile up at plants around the nation.

Low Level Waste

I also want to point out that low level nuclear waste is currently flowing into Nevada almost daily. Some of this low level waste is almost as dangerous as some of the high level waste scheduled to go to the Yucca Mountain repository. Yet this waste is simply buried at the Nevada National Security Site, formerly the Nevada Test Site. I can show you pictures of trucks carrying waste parked in a public parking lot in downtown Pahrump while the driver is eating lunch. Yet

despite this ongoing situation, the State of Nevada has not stopped the shipments. DOE has not found the shipment of low level waste to be "politically unworkable".

I never remember DOE asking the Nye County Commission if it consented to the shipment of the waste. For the record, I would not have objected if it was shown to be safe. But, the point is, we were never asked. Instead DOE asserted that the shipment of low level waste to Nevada was in the national interest. My point, of course, is that the objections to Yucca are all political and without scientific basis. Further, that DOE will twist political considerations to suit its own purposes.

In a similar manner, the Administration, which claims it is very concerned about local consent, did not ask the Nye County Commission for its consent before the President sealed off 704,000 acres of land when he created the Basin and Range National Monument. Unlike the case of the movement of low level waste, the Nye County Commission would never have consented to the national monument. The land taken is a source of needed energy, mining and grazing resources which translates into jobs and economic development. The local government would have done a much better job of balancing environmental and economic concerns. Creation of the monument is the definition of a "politically unworkable" act.

Benefits

I have praised the Nuclear Waste Policy Act as a good bill. But the law does have one deficiency which I am pleased you are reviewing today. That flaw is lack of a clearly articulated benefits package to go to the State of Nevada and the local communities. This is not "bribe money". It is a package of benefits to fairly compensate the local governments for the use of the land for nuclear waste. The resources are also for mitigation to the State and Nye County for the adverse impacts of a large multibillion dollar project located in a sparsely populated region.

We propose a two stage process to determine the proper level of benefits. The first stage would start when the license process is renewed. The second would start when construction of the repository commences.

For the first stage we propose the following:

1. Resources to the State and local counties to provide oversight and participation in the licensing process.
2. Resources to the State and local governments so they can be involved in the transportation decision making process to insure integration with existing infrastructure and needs.
3. Resources to the site county to improve its infrastructure in preparation for the construction. This would include resources for equipment, manpower and training for Nye County's EMS, fire and law enforcement agencies. It would also provide resources to upgrade to the county's roads and water systems.
4. The transfer of federal land to the State and impacted counties.
5. Resources to the University of Nevada system and community colleges to develop the trained workforce and expertise to support and monitor the project if it is approved.
6. Transferring more Yucca Mountain support activities by DOE and the contractors from other states to Nevada. Construction of new DOE laboratory facilities in Nye County to support Yucca Mountain and work on the next generation of nuclear technologies.
7. Payments to the State and local governments to replace any lost taxes and other revenue.

I do not have a comprehensive list of the benefits that will be needed during construction and operation of the repository. I propose that the law create a task force with representatives from the DOE, the NRC, the State of Nevada, Nye County, impacted Native American tribes and

other local governments to develop a prioritized list of the benefits. The task force will report back to Congress within two years. The legislation should provide, at a minimum, the additional land transfers, construction of a rail line that would serve both Yucca Mountain and other users, construction of I-11, grants to the University of Nevada and the local community colleges, and payments to the State, site county, impacted local communities and Native American tribes. The package should also address the need for water, which will be required for the project and associated support activities. If additional water became available from a desalination plant, it would greatly relieve the water controversies that plague Southern Nevada as well as guarantee needed supplies for the project.

This benefit package would not be a long term drain on the federal budget. Think of all the savings that would result if DOE is not required to study other sites. Also, as you know, nuclear utilities all over the U.S. are suing the federal government for failing to take control of their nuclear waste. This liability will run into tens of billions of dollars. Getting the waste moved to Yucca Mountain will end the suits and payments.

Finally, the current design of the Yucca Mountain repository includes aging pads to hold up to 30,000 metric tons of waste. These can be built quickly and efficiently. This would eliminate the need for an interim site in the near future. This, in turn, would eliminate the need to study and characterize another site. In short, all the savings from proceeding with Yucca Mountain will far exceed the most generous benefits package.

In short, I do not favor payment of a big check. Instead, I propose creating a collaboration between DOE, the State, Nye County and other impacted local governments to insure that resources are provided for activities that support the construction and operation of a nuclear waste repository at Yucca Mountain.

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

The chair now recognizes, again, from the state of Nevada State Senator Joseph Hardy, and you are recognized for 5 minutes and that the 5 minutes isn't, like, drop dead.

We are fine if you over a few minutes. So don't let that clock scare you. But if you go over too long then we'll intervene. But you're recognized for 5 minutes.

STATEMENT OF MR. HARDY

Mr. HARDY. Thank you, Mr. Chair and Ranking——

Mr. SHIMKUS. I think you have to push a button at the mic at the bottom there.

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

Mr. SHIMKUS. Yes, sir.

Mr. HARDY. That's a new concept. Thank you.

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

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

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

The hospitality industry is concerned even about the perception of any risk that would decrease visitation to southern Nevada. People who drive the roads and live in the proximity to the roads that would be used have fears of accidents. Farmers could worry about well and danger of contamination. Politicians do not want to be the one who has to live with the wrong decision that could turn out like a water contamination on a much bigger scale than Flint, Michigan.

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

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

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

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

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

There are definite economic benefits and risks for Nevada with the acceptance of spent fuel storage. People understand that spent fuel is not really inert or impotent in as much as we have to cool

it down on site for a about a decade before putting it in unbreakable casks and burying it in the ground far away from civilization.

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

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

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

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

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

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

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

I now see Nevada in a position to call for all the above-mentioned requirements to be met, especially safety for all and a relationship built on trust and respect for the process of working together in this land of the free.

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

Thank you, Mr. Chair.

[The statement of Mr. Hardy follows:]

Testimony Senator Joe Hardy, M.D. 7/7/16

There can be no discussion, deal, or agreement from the State of Nevada on Yucca Mountain spent fuel repository until all safety concerns have been addressed and resolved. We cannot have anyone in Nevada or visitor to Nevada put at risk from either the shipment or storage of spent nuclear waste.

Real people have reasonable and real concerns about the transportation and storage of nuclear waste in Nevada. The hospitality industry is concerned even about the perception of any risk that would decrease visitation to Southern Nevada. People who drive the roads and live in proximity to the roads that would be used have fears of accidents. Farmers could worry about wells in danger of contamination. Politicians do not want to be the one that has to live with the wrong decision that could turn out like a water contamination on a bigger scale than Flint, Michigan.

In so many ways the Yucca Mountain project illustrates that perception is reality. Thus, it behooves us to be sure that the "science" of nuclear storage is unassailable, irrefutable and verifiable. We will have to have every doubt and every question resolved with rational answers not just from the advocates but from the skeptics with facts and figures. Even from those in foreign countries need to be assured that this is a safe place to come, stay and play.

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Since Statehood Nevada has been shortchanged. Nevada only received one half the land as it could have had. Nevada leads the Nation in the % of land controlled by the federal government. Payment in Lieu of Taxes (PILT) has not matched the revenue that would be generated had land be in private hands. Nevada remains at or near the bottom of the States getting a percentage of our money back from our taxes sent to Washington, D.C.

I have been impressed that the best laws come about with getting consensus and resolution of concerns from all viewpoints taken seriously into account. Partnerships work better than opposing Parties when momentous changes are made. How can we agree on something? Trust. It would be difficult for Nevada to work with the federal government when things are seen as impositions as opposed to agreed-upon opportunities. How can Congress build trust? Relinquish land control, Build a railroad, participate in road financing, consider local programs such as SNPLA, recognize the BLM land take downs need to take into account contiguous parcels with water run-off realities, facilitate communication corridors for fiberoptics and energy transmission, I-II to LV and on to Reno, making the "Test Site" (we call it that) a place to develop research for reprocessing nuclear waste, using spent fuel as a heat source to generate energy without water like some solar plants using salt, as well as protecting the Grid including

microprocessor technologies, and listening to the locals who know Nevada better than those who live far away.

I realize that political science (count votes) will trump science but we need both to concur and work together. I appreciate what Senator Reid, Gov, Guinn and now Gov Sandoval have done to protect Nevada. We have come to a point where things are changing and the tide is shifting. I can count votes. In 2003 I presented Assembly Joint Resolution 6, originally asking for enough land to build a railroad from the Utah border to the Test Site as well as making a more reasonable PILT to Nevada. The land part was not accepted, as Nevada had the votes to stop the nuclear waste from coming. I now see Nevada in a place to call for all the above mentioned requirements to be met especially Safety for all and a relationship built on trust and respect for the process of working together in this land of the free.

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

Joe Hardy, M.D. Senate District #12, Clark County, Nevada

P.O. Box 60306 Boulder City, Nevada 89006 joe.hardy@sen.nv.state.us

Mr. SHIMKUS. I thank you for your time.

The chair now recognizes Mr. Gene Humphrey, president of International Test Solutions, Incorporated. Again, your testimony is submitted for the record. You have 5 minutes and take your time.

STATEMENT OF MR. HUMPHREY

Mr. HUMPHREY. Thank you, Mr. Chairman.

Mr. SHIMKUS. You are recognized.

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

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

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

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

In that area around Cheyenne they built the Atlas ICBM site in 1958 and then later on those were replaced with Minuteman and Peacekeeper weapons systems. There is 200 silos around the ranch. Nuclear weapons are transported approximately a hundred miles from the main base at Cheyenne out to the furthest of the silos. They are transported over interstate highways—dual state highways that oiled and on gravel roads.

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

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

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

I've never been able to understand as a private citizen why we make the nuclear fuel rods, only use about 6 percent of the energy that's in the fuel rod and then propose to park them someplace un-

derground 30,000 years, 300,000 years or a million years instead of utilizing the rest of the energy that's in that rod.

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

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

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

And in that 2012 survey about 67 percent of the people said they supported some kind of development at Yucca Mountain and if the storage could be done safely and the plant safely operated they would support that.

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

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

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

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

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

Thank you, sir.

[The statement of Mr. Humphrey follows:]

Alan E. Humphrey
Committee on Energy and Commerce
July 7, 2016

Good afternoon Chairman Shimkus and members of the Committee. My name is Gene Humphrey, I am a business owner, member of Nevadans for Carbon-Free Energy and a private citizen from the State of Nevada. In 1998 I established International Test Solution, Inc. International Test Solutions is the global leader in advanced probe card, test socket, and front-end chamber cleaning solutions and is a key supplier to the top semiconductor worldwide. Although one hundred percent of our manufacturing is in the United States eighty-five percent of our sales are outside the United States. We maintain offices in Singapore, Taiwan, Japan, South Korea, China and Germany.

I grew up on a ranch near Cheyenne, Wyoming. In 1958 the Department of Defense built the Atlas ICBM facilities a few miles from our house. In next decades those facilities were replaced with Minuteman and Peacekeeper ICBM systems. With 200 missile silos spread across hundreds of miles of southeast Wyoming, western Nebraska and northern Colorado, the Defense Department crews are required to transport missiles and nuclear warheads regularly for maintenance on the roadways next to the ranch.

After graduation from high school I enlisted in the Army and proudly served two tours in Vietnam as a helicopter pilot in the 116th Assault Helicopter Company. After spending over nine months in the hospital recovering from wounds, I instructed in Cobra attack helicopters for a year teaching advanced tactics and gunnery.

It was only though the availability of the GI Bill that I was able to continue my education at the University of Wyoming earning a degree in Mechanical Engineering. After graduation in 1973 and with the oil embargo against the United States causing long gas lines and shortages of energy for the nation, I worked with several government agencies and teams to find alternative sources for energy that would reduce consumption or increase production. I primarily worked in the conversion of coal to gaseous fuels for Energy Research and Development Administration and then Department of Energy, Fossil Energy Division.

In 1987 I started my employment with the Department of Defense, Technical Engineering, located at Cheyenne, Wyoming. I had engineering responsibility for maintenance for Minuteman III and Peacekeeper weapon systems. During my ten years we moved hundreds of nuclear warheads to and from multiple locations for maintenance.

As a private citizen, I have never been able to understand the argument used to scare people about the transportation of spent nuclear reactor fuel. I have personally seen nuclear warheads transported near our ranch in Wyoming since 1958 and it continues even today. I would challenge this committee to present the argument of technological advances to protect the safety of the public.

The spent nuclear fuel is not WASTE. Long term storage of this material is NOT required. Modern technology with respect to reprocessing allows us to convert 94% of the spent nuclear

fuel to productive use in generating electricity so that only 6% will need to be stored. Further technology developments will probably reduce the storage requirements even further.

In 2012, a poll was conducted by a respected pollster that asked Nevadans about how they felt about Yucca Mountain. 62% of Nevadans said we should open Yucca Mountain for the study of potential reprocessing of nuclear waste into usable energy because of the jobs and money such a project would bring into the state. The poll also indicates that despite the opposition of most political leaders in the state, the residents of Nevada realize that such a research park could create jobs, new industries and play an important role in the state's economy. The poll also disputes the notion that the closer you get to Yucca, the stronger the opposition. In fact, the poll shows just the opposite, with 75 percent of rural residents (primarily in the southern part of the state and Nye County where Yucca is located) supporting the opening of the site, with 17 percent opposed. In Clark County, 61 percent of residents support it, with 36 percent opposed. The results are similar to previous polls that have been conducted in the State since 2002 with virtually the same result.

Nevadans, in my personal opinion, want to have an honest conversation about Yucca Mountain and Nevada should have a seat at the table to discuss the potential economic opportunities.

Nevada is at a crossroads with economic diversification and Yucca mountain represents additional investment into the State without the need for the State of Nevada subsidies. The utilization of Yucca represents an import to the State of high paying professional jobs and would complement the recent renaissance that Nevada is appreciating with major technology companies choosing Nevada as their home. There is also an opportunity to develop a public private partnership with the Nevada Higher Education System leveraging the already existing expertise at the world renowned Desert Research Institute. The creation of a Nevada based Research Park, which could provide our researchers the opportunity to study clean technologies and the commercial application and drive down the amount of total nuclear energy that remains in the rods.

Nevada should identify the permanent funds that are attributable to Yucca Mountain and explore opportunities such as the Interstate 11 project. This Can-Mex interstate would only continue to support the infrastructure needs as our economy and trade between our countries thrive.

I feel strongly that Yucca is the national solution for this issue, and Nevada is at the precipice to begin working with the Federal Government to create investment to develop a nuclear repository and reprocessing solution. As a Nevada businessman I feel strongly that we need to begin conversations about how Nevada can be part of the energy solution and how business can help with the political discussion.

Mr. SHIMKUS. Thank you. The gentleman's time has expired and the chair will now recognize himself for 5 minutes for my first round of questions—probably the only round that I'll take.

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

Mr. SCHINHOFEN. Yes, sir. We did.

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

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

Mr. SHIMKUS. Yesterday?

Mr. SCHINHOFEN. Yes. We requested in, I think, 2012.

Mr. SHIMKUS. Very timely.

Mr. SCHINHOFEN. We'd guess.

Mr. SHIMKUS. Well, will you let us know how that meetings goes, will you?

Mr. SCHINHOFEN. Happy to.

Mr. SHIMKUS. Thank you. DOE is currently seeking to develop "a consent-based siting process." What is your perspective on their endeavor?

Mr. SCHINHOFEN. I don't know how you can get consent on any issue over the next election, let alone over 30 years and in consent-based, again, I don't see how that happens because this would be a national security site. I don't know what other national security sites allow state, local and tribal governments to object. So I think this needs to be seen as a national security issue, not as a consent. I don't see it working.

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

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

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

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

Mr. SCHINHOFEN. Yes, sir. Absolutely lost a lot of time in that process.

Mr. SHIMKUS. Great. So let me move to Senator Hardy.

Senator Hardy, I routinely hear claims that nuclear waste would be shipped through downtown Las Vegas on its way to Yucca Mountain.

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

However, as part of DOE's comprehensive transportation evaluation highway routing was considered as part of the analysis. Federal transportation regulations permit states to identify highway,

in quotations, preferred routes for radiological shipments to minimize risk and file those with the Federal Motor Carrier Safety Administration.

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

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

And so they would have to be taken somewhere outside of Las Vegas from inside of Las Vegas, which means there are no routes that I'm aware of that have been so designated.

Mr. SHIMKUS. Yes. It's our understanding the state of Nevada has never asked—gone through this process of designating routes.

Mr. HARDY. That is correct, as far as I know, sir.

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

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

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

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

Mr. SHIMKUS. Thank you. It is ironic that the state-based opposition to Yucca Mountain used previously discounted transportation routes as part of their scare tactics. But Nevada has not yet identified a preferred transportation route for low-level waste that is currently being shipped into Nevada for disposal at the Nevada national security site.

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

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

Mr. SCHINHOFEN. State water rights issues, Congressman?

Mr. TONKO. Right.

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

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

Mr. TONKO. And that's a state determination, not a——

Mr. SCHINHOFEN. A state determination, absolutely.

Mr. TONKO. And I'm sure you all have examples of incentives or benefits that should be included to assist the state, a tribal or local government that has agreed to host a nuclear repository.

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

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

Mr. TONKO. Yes. Senator, any improvements or modifications that you can——

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

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

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

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

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

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

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

Mr. TONKO. Yes. Thank you.

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

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

Mr. HUMPHREY. All of the information that I've seen is in casks either by rail or on truck. I know that Sandia did a number of tests. If you see the movie where the train runs into the cask and it doesn't damage the cask—there's been, I don't know, hundreds of millions of dollars of testing done by the national labs, by the British government and others on transportation casks.

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

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

Mr. TONKO. Yes. The transportation issues, Mr. Schinhofen or Senator Hardy, any concerns there that you would want to share?

Mr. HARDY. It was interesting. I think transportation is probably one of the biggest challenges that we have if not the biggest.

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

So it's a little ironic to me to see that we have the article that's against storage saying that it can be safely stored outside of Yucca Mountain next to a—so the storage issue, I think, has some interesting dynamics there.

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

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

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

Mr. TONKO. Thank you.

Mr. SHIMKUS. Your time has expired. We need to move on.

Mr. TONKO. With that, I yield back.

Mr. SHIMKUS. Thank you. Chair recognizes my colleague from Pennsylvania, Dr. Murphy, for 5 minutes.

Mr. MURPHY. Thank you, and I welcome this panel.

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

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

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

So when I look upon things like Yucca Mountain and other facilities and I look at the places I have toured in France where they

grind up spent nuclear fuel and embed it in rock, where in Sweden where they drill down hundreds of meters and build a cave and look at storing it there.

There's different designs around the world but it is still a clean fuel. It does not have an impact there in terms of CO_2 emissions and it's something I want to make sure we continue to support.

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

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

Mr. SCHINHOFEN. Thank you, Congressman.

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

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

We have U–235, which is as hot as anything that would go to Yucca Mountain, ship there recently safely on the roads. But the roads need to be improved and the I–11 corridor would help with that, too.

And currently the city council of Las Vegas does not allow shipments to go through the Spaghetti Bowl, which is right indowntown Las Vegas. So all that material does come through Nye County and Area 5 is completely in Nye County too where we store all that, too.

Mr. MURPHY. Thank you. Senator Hardy.

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

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

Mr. MURPHY. Thank you.

Mr. Humphrey.

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

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

Mr. MURPHY. Thank you.

Mr. Schinhofen, on another question—your testimony notes the design of facilities at Yucca Mountain could accommodate consolidated interim storage sites, which Department of Energy is currently pursuing at others sites.

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

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

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

Mr. Chairman, I yield back.

Mr. SHIMKUS. Chairman yields back his time.

The chair now recognizes my colleague from California, Mr. McNerney, for 5 minutes.

Mr. MCNERNEY. Well, I thank the chairman for holding this hearing. It's an important hearing and we need to find a solution. We can't just assume the nuclear waste is going to go away—close our eyes, click our heels. No, that's not going to work. We need hard solutions and I appreciate your testimony this morning.

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

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

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

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

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

Mr. SCHINHOFEN. Congressman, if I may speak first.

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

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

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

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

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

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

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

Mr. HARDY. If I may.

Mr. MCNERNEY. Yes.

Mr. HARDY. Thank you, Congressman. I appreciate the question.

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

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

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

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

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

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

Mr. MCNERNEY. Well, I think it comes down to there really is value in the waste material. There is energy. There is plenty of value if we can get to it without contaminating other areas without sowing mistrust like has been done in the past.

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

Mr. SHIMKUS. Gentleman yields back his time.

The chair now recognizes my colleague from Ohio, Mr. Latta, for 5 minutes.

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

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

Mr. HUMPHREY. Thank you.

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

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

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

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

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

But somehow in the United States we've elected not to do reprocessing and yet we are the leaders in technology in the world. And it would seem to me that we need to emphasize our efforts on eliminating the nuclear waste instead of storing it.

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

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

Mr. LATTA. Well, thank you.

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

Mr. SCHINHOFEN. I agree wholeheartedly that that would be—Nye County, when we've heard that Nevada has done its part, and I agree it has.

But all of that is located in Nye County and after all these years and Area 5 where we store low-level waste and being the only county that has had an atomic dropped from a plane on it, we have nothing to show for it.

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

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

Mr. LATTA. Let me follow up. In your testimony you also discuss how the commission has been actively and constructively engaged with the DOE on Yucca for decades. Can you elaborate as well as

discuss what relationship and communications you have had with the NRC?

Mr. SCHINHOFEN. Our relationship with the DOE over the years?

Mr. LATTA. Right.

Mr. SCHINHOFEN. OK.

Mr. LATTA. And also what your communication has been with the NRC.

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

And in light of them putting U–235 in Area 5 and we asked for a year and a half for information and we didn't get it and when we finally did the governor——

Mr. SHIMKUS. So they used the site to store and they didn't even really ask or—they didn't ask for any permission?

Mr. SCHINHOFEN. No.

Mr. SHIMKUS. There was no consent-based program for this storage?

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

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

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

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

Mr. SHIMKUS. And I thank my colleague for letting me jump in there.

The chair now recognizes the gentleman from West Virginia, Mr. McKinley, for 5 minutes. Check your mic again. I don't think it's working. So either——

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

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

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

Mr. HARDY. If I may. Thank you, Mr. Chair.

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

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

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

Mr. MCKINLEY. All right. And maybe just a follow-up question.

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

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

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

Mr. MCKINLEY. OK. The third wrap-up question that I have with Senator—excuse me, Congressman Murphy, we went over to the Hague in France to see the recycling facility about 5 years ago, I assume it was.

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

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

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

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

And so in the original enabling legislation the idea always had been as the people that use electric power are going to pay for the ultimate life cycle of it, which I also believe should be done for other things such as solar, wind, and everything else.

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

Mr. MCKINLEY. Just to illuminate a little—when people use these terms a lot of expense is this twice the cost? Three times the cost?

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

Mr. MCKINLEY. Twice the cost.

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

Mr. MCKINLEY. OK. Thank you very much. I yield back my time.

Mr. SHIMKUS. Gentleman's time has expired.

The chair now recognizes the gentleman from Mississippi, Mr. Harper, for 5 minutes.

Mr. HARPER. Thank you, Mr. Chairman, and thanks to each of you for being here. I guess most of you have been here before and we appreciate you taking the time.

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

Mr. HUMPHREY. Thank you.

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

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

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

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

Well, in 2003, I said I wanted 1.5 percent of the land. But if you look at the reality of the land in Nevada there is some land that's better than other land at putting in the hands of private property.

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

I would like land. I can do something with land. I can build things. We can have a economic opportunity in Nevada.

Mr. HARPER. Right. Thank you, Senator Hardy.

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

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

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

Mr. HARPER. Thank you both for that input.

And Senator Hardy, I'm going to talk a little bit about the authorizing legislation for the Waste Isolation Pilot Plant, WIPP.

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

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

Mr. HARDY. Thank you. Appreciate it.

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

Mr. HARPER. OK. Who would you recommend or do you have an entity——

Mr. HARDY. I don't have a list in my pocket.

Mr. HARPER. OK.

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

So if we choose it, we trust it. If you choose it, we don't trust it. And so we want control. We want to be able to say this is what we hired to have done.

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

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

Mr. HARPER. Thank you, and I yield back.

Mr. HARDY. Thank you.

Mr. SHIMKUS. Gentleman yields back his time.

The chair now recognizes the gentleman from Ohio, Mr. Johnson, for 5 minutes.

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

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

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

Senator, why don't you go first?

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

Mr. JOHNSON. Well, you have to realize, Senator, that the federal government issues—and I say the federal government at large—spends a lot of money on things that the American people don't trust. So it's not me that's asking can we trust you.

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

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

So if there is, and that's the big if and I can read tea leaves, things are happening. They're going to happen. So what is it that if something happens that you can depend on us.

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

Mr. JOHNSON. Right.

Mr. HARDY [continuing]. Where we have bombed under and over more than anywhere in the world and that is the place that is the most secure.

Mr. JOHNSON. OK. Mr. Schinhofen.

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

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

Some of this land, specifically, Amargosa Valley, was previously made available to Nye County for purchase in 2007—for purchase and then in 2007 the Nye County commissioners adopted an area plan to use a parcel of land to develop a "Yucca Mountain project gateway area."

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

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

Mr. JOHNSON. Did they give a reason for why they pulled that land back?

Mr. SCHINHOFEN. We are supposed to do a research management plan, an RMP, every 10 years. We've been in the middle of ours for 15 years now. They're afraid of what taking that land away would do to one of the wildlife sites miles away from that.

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

Mr. JOHNSON. OK. All right.

And for any one of you on the panel, just real quickly in my last 30 seconds, the construction of a repository in Nevada would be a massive multi-generational infrastructure project. What would this major investment mean for high-skilled jobs in the state? We have got about 20 seconds, so quickly.

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

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

Mr. JOHNSON. Right. OK. Thank you.

Mr. Chairman, I yield.

Mr. SHIMKUS. Gentleman yields back his time.

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

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

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

And with that, the hearing is adjourned.

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

[Material submitted for inclusion in the record follows:]

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Office of the Governor

July 7, 2016

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

Dear Chairman Shimkus and Ranking Member Tonko:

As your subcommittee meets today to discuss the future of high-level nuclear waste storage in the United States, I write to reiterate the unchanged position of the State of Nevada on the proposed Yucca Mountain Nuclear Waste Repository.

My position, and that of the State of Nevada, remains unchanged from my previous letters to this committee in May 2015, and January 2016: **the State of Nevada opposes the project based on scientific, technical and legal merits.** Furthermore, 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 committee 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 these 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 affected residents of Nevada and individuals from neighboring states who were exposed to dangerous 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.

As you meet to consider these issues, I would suggest your attention be directed to bipartisan efforts in Congress to pursuing a long-term sustainable solution for the nation's nuclear waste through a consent-based process. 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.

Sincere regards,

BRIAN SANDOVAL
Governor

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
100 North Carson Street
Carson City, Nevada 89701-4717

ADAM PAUL LAXALT
Attorney General

WESLEY K. DUNCAN
First Assistant Attorney General

NICHOLAS A. TRUTANICH
First Assistant Attorney General

July 6, 2016

The Honorable Fred Upton, Chairman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

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

Re: July 7, 2016 Hearing: "Federal, State and Local Agreements and Economic Benefits for Spent Nuclear Fuel Disposal"

Dear Chairman Upton and Chairman Shimkus:

My office received notice of your July 7, 2016 hearing before the Subcommittee on Environment and the Economy to consider federal, state and local agreements and economic benefits for spent nuclear fuel disposal. I respectfully request that you include this letter in the record of the hearing.

Since 1987, the State of Nevada has consistently opposed the proposed high-level nuclear waste repository at Yucca Mountain based on serious scientific, technical and legal grounds. The Nevada Legislature has historically supported the State's opposition to Yucca Mountain. At present, since federal oversight funding has been eliminated, the Legislature has dedicated substantial funds to continue the State's legal efforts to oppose the repository.

As you are aware, the State believes a Yucca Mountain repository poses unacceptable risks to the state and its people, and Nevada is prepared to clearly demonstrate in the Nuclear Regulatory Commission's (NRC) licensing proceeding that the site is unsafe, unworkable and cannot isolate high-level nuclear waste and spent nuclear fuel from the human and natural environment.

Since the Yucca Mountain license application was docketed by the NRC, Nevada has fully engaged in the licensing proceeding. Out of an initial 300 public health and safety contentions, Nevada currently has 218 contentions pending before the NRC. With NRC's recent issuance of the Supplement to the Yucca Mountain environmental impact statement, Nevada anticipates that it will need to file an additional 30 to 50 new contentions to adequately address issues related to likely groundwater contamination related to the proposed repository. In short, Nevada intends to aggressively pursue its case before the NRC and the courts to protect and advance its interests.

I strongly encourage you to consider having the consent of the host state and local community for the selection of any viable, potentially successful site for the development of a nuclear waste repository.

Thank you for your consideration.

Sincerely,

ADAM PAUL LAXALT
Attorney General

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City of Zion

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Zion, Illinois 60099

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"Historic Past - Dynamic Future"

Al Hill
MAYOR

Commissioners
Lloyd E. DeTienne
Mike McDowell
Billy McKinney
Richard J. Frierson

June 30, 2016

The Honorable Robert Dold
United States House of Representatives
221 Cannon House Office Building
Washington, D.C. 20515

Dear Mr. Dold,

I am the Mayor of Zion, Illinois located north of Chicago on the shores of Lake Michigan. Zion's experience as host to a nuclear power plant, the decommissioning and fuel storage process is as follows.

In 1968 nuclear power was a new technology that was to provide low cost electric power. This was good for Zion, good for Illinois and good for the entire country. The Zion Nuclear Power Plant was constructed between 1968 -1973. It was licensed by the Nuclear Regulatory Commission in 1973 and operated from 1974 – 1998. The City of Zion cooperated with Commonwealth Edison on this exciting new adventure. People of Zion understood that locating the power plant within the community, and along the shores of Lake Michigan, would entail some costs. There was an understanding that:

- The community would give up over 400 acres of lakefront property.
- There would be an eyesore on the lakefront that could never be hidden.
- Recreational access for visitors, as well as local citizens, would be severely inhibited.
- Economic development opportunities associated with the lakefront would be severely inhibited.

These are the same economic development opportunities that have been exploited by lakefront communities extending from Chicago to Milwaukee.

In exchange for the costs, there was also an understanding that:

- The Zion community would benefit from locating the power plant here.
- Zion would benefit from the jobs created by the plant.
- Each taxing body would receive significant tax dollars from the increased tax base.
- When the operating license of the plant expired, the 400 acres would be returned to the City in pristine condition for development purposes.

That was the deal. Unwritten, but that was the deal.

There was never an understanding that once the plant closed, the Zion community would play host to a radioactive dump that contains 2.2 million pounds of nuclear spent fuel rods. That was not part of the deal. I speak for all of Zion when I say that we do not want to be a storage facility for radioactive waste. So what's to be done? The fuel rods should be removed or this community needs to be compensated for acting as a de facto interim storage facility. With the 2010 scuttling of the Yucca Mountain program, we are not naïve enough to believe that the rods will be removed. We therefore believe we should be compensated. We also believe that the Federal government should be responsible for providing compensation.

The 1982 Nuclear Waste Policy Act contains a section entitled Interim Storage Fund. This section references "Impact Assistance" which says that, and I paraphrase, the Secretary shall make annual payments to a State or appropriate unit of local government, or both, in order to mitigate social or economic impacts occasioned by the establishment and subsequent operation of an interim storage capacity within the jurisdictional boundaries of such government.

Payments made available to States and units of local government pursuant to this section shall be allocated in a fair and equitable manner with a priority to these States or units of local government suffering the most severe impacts.

In our case, we're talking about Lake Michigan lakefront property that is valued at a fraction of its fair market value because of 2.2 million pounds of radioactive waste stored on the shoreline. The Zion site can, and should be, freed of spent fuel so that it can be used for productive economic and social purposes. Zion was never asked about and never contemplated or consented to converting the decommissioned site to an indefinite and long term nuclear waste storage facility.

There are twelve other communities located throughout the United States that are also experiencing a negative impact by serving as a de facto interim storage facility. The intent of the 1982 federal legislation is clear..... that communities will suffer social and economic impacts if they are designated as interim storage facilities and that they should be compensated. The definition of interim is – "in or for the intervening period, provisional or temporary". Zion is an interim storage facility.

I would like to formally request that the United States Congress pass legislation that will reimburse local communities for social and economic losses resulting from spent fuel rod storage within those communities. Your efforts in this matter will be greatly appreciated.

Thank you,

Sincerely,

Al Hill

Al Hill
Mayor
CITY OF ZION

Zion-Benton Area Representatives & Business Interests

DATE: February 29, 2016

TO: U.S. Senator Richard J. Durbin
U.S. Senator Mark Kirk
U.S. Congressman Bob Dold
Illinois Senator Melinda Bush
Illinois Representative Sheri Jesiel

CC: Mr. James Marter
U.S. Rep. Tammy Duckworth
Ms. Andrea Zopp
State Sen. Napoleon Harris
Mr. Chris Aguayo
Ms. Nancy Rotering
Mr. Brad Schneider
Mr. Michael Amrozowicz
Mr. Nick Ciko

Zion, Illinois, located on Lake Michigan, was once a thriving lakeshore community. As you are aware, however, Zion's lakefront has become an interim nuclear waste storage site for Exelon. The purpose of this letter is to seek your assistance in securing Zion's portion of existing funds intentionally collected for 32 years for the purpose of mitigating negative social and economic impacts associated with closing a nuclear power plant.

Zion has been in a downward economic spiral due to a drop in collective property values of 46% and a resultant tax rate increase of 143% since the plant closed. The escalating tax rate continues to prevent Zion from attracting new commercial interests, has contributed to many residents experiencing foreclosure or selling their homes at a loss, and led to a dramatic drop in property values. Additionally, the closed plant's deteriorating infrastructure and interim nuclear waste storage site create an inability to redevelop Zion's greatest asset, its lakefront, and prevents the mitigation of the negative effects of homeowners' increased tax burden. Zion is quickly becoming a blighted community.

The Federal Government foresaw the potential impact on local communities facing this scenario and adopted the Nuclear Waste Policy Act of 1982. The Act required customers pay a nuclear waste storage fee and established a formula for distributing these fees to those communities hosting an interim nuclear storage site. Under the 1982 formula, Zion would be entitled to impact assistance of $15 million annually. Zion has never received any of these set-aside funds to date but has clearly suffered the impact the Federal Government anticipated.

We call upon you to aggressively pursue the original intent of the Nuclear Waste Policy Act of 1982 and propose legislation that would provide a means by which Zion could access existing set-aside funds for their intended use and to address the needs of our community. Please contact Zion Mayor Al Hill at 847/746-4012 for additional information and/or to discuss the action you will take to assist your constituency. Thank you for your consideration.

continued

Representing thousands of Zion-Benton area residents and actively seeking constituent support for this request are the following:

City of Zion
Mayor Al Hill

Lake County Board
Aaron Lawlor, President

Zion Township
Cheri Neal, Supervisor

City of Waukegan
Wayne Motley, Mayor

Zion Park District
Bill Hartman, President

Village of Beach Park
John Hucker, Mayor

Zion-Benton Public Library
Matthew St. Cyr, President

Benton Township
Jan Suthard, Supervisor

Zion-Benton Twp. H.S. District 126
Loren Karner, Board President

Village of Wadsworth
Glenn Rybeck, Mayor

Zion Elementary District 6
Craig Bennett, Board President

Newport Township
Randy Whitmore, Supervisor

Zion Minority Caucus
Pamela Jeffries, Economic Dev. Chair

Lake Shore Chamber of Commerce
LeNette Van Haverbeke, President

Cancer Treatment Centers of America -
Midwestern Regional Medical Center
Scott Jones, President

Buy Local – Zion Benton
Chris Szymanski

Coalition for Healthy Communities
Joel Brumlik, President

American Assoc. of University Women
Nann Blaine Hilyard, Branch President

American Legion Post 865
Tom Ley, President

Illinois Fraternal Order of Police Labor Council
David Wickster, Executive Director

Beach Park Elementary District 3
Andy Luther, Board President

Illinois Beach Sunrise Rotary
Shantal Taylor, President

Beach Park Educators
Susan Kinsman, Co-President
Mark Kinsman, Co-President

Zion Exchange Club
Angel Jackson, President

Winthrop Harbor Elementary District 1
Rick Lambert, Board President

Zion Ministerial Association
Mike McDowell

Winthrop Harbor Council
Patricia Wallace, Co-President
Carrie Trimmer, Co-President

GFWC Zion Woman's Club
Marilyn Goodman, President

Zion Education Association
Leatrice Williams, President

Zion-Benton Kiwanis Club
David O'Rear, President

Zion-Benton Federation of Teachers
Kelly Regnier, President

Zion-Benton Moose Lodge 667
David McCleary, Administrator

Mike McGue

Lake County Federation of Teachers
Mike McGue, President

International Association of Firefighters
Rich Reich, President LOCAL 1999

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United States Senate

WASHINGTON, DC 20510

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SPECIAL COMMITTEE ON AGING

July 7, 2016

The Honorable John Shimkus
Chairman
Energy and Commerce Subcommittee
on Environment and the Economy
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Shimkus:

Today, as the House Energy and Commerce Subcommittee on Environment and the Economy holds yet another hearing focused on spent nuclear fuel disposal, I write to reiterate my opposition to the defunct Yucca Mountain Nuclear Waste Repository and urge you to work with me on viable solutions to this important problem plaguing our nation.

While I understand that you disagree with me on the issue of Yucca Mountain, we are in agreement that it is in the best interest of our nation that a program to dispose and store used nuclear fuel and high-level radioactive waste from civilian nuclear power generation, defense, national security and other activities is implemented as soon as possible. I fully appreciate the importance to Illinois, which is home to more nuclear power plants than any other state in the nation, that progress is made. With that said, that solution is not forcing that burden on Nevada, a state that has never had a nuclear power plant.

Last year, the Department of Energy (DOE) began a consent-based siting initiative to site nuclear waste storage and disposal facilities. Identifying communities willing to host a long-term repository, rather than forcing it upon states that have outright opposed such a site, is the only viable long-term solution to our nation's nuclear waste problem. It is in the best interest of our nation that your subcommittee, and the Congress as a whole, focus on that consent-based process.

Our nation cannot fully move forward with viable sustainable solutions for spent nuclear fuel and defense high-level waste until the Congress moves past Yucca Mountain. I hope you will join me in supporting DOE's consent-based approach so that we can progress towards viable long-term solutions for our nation's spent nuclear fuel.

Sincerely,

Dean Heller
United States Senator