

House panel OKs nuclear waste storage bill tied to Yucca Mountain

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A House committee voted today to approve legislation tied to a proposed nuclear waste repository at Yucca Mountain.

The House Energy and Commerce Committee, which has no members from Nevada, voted 49-4 to send the Nuclear Waste Policy Amendments Act of 2017 to a full floor vote.

The committee's environment subcommittee recently heard opposition to the Yucca Mountain project, and a section of the act usurping Nevada's water rights was removed to address some of Nevada's concerns, said Rep. John Shimkus, R-Ill., the bill's sponsor and the subcommittee's chairman.

Shimkus says he hopes Nevada will get involved in those discussions.

"It is my hope that while striking this section to acknowledge the precedent of state water permitting authority, Nevada will constructively engage with (the Department of Energy) to discuss how much water might be required to fulfill the federally mandated project," he said.

Shimkus said officials have consistently asked Nevada to provide constructive input during this process. The amendment also strikes a section on air permitting requirements and gives the Nuclear Regulatory Commission more time to make a final decision on a construction authorization for the proposed repository.

The amendment will additionally reinstate a cap on the amount of spent fuel that can be stored at the facility, while also lifting that limit from 70,000 metric tons to 110,000 metric tons, Shimkus said.

“Had the repository proceeded on time and if it were operational, the Yucca site would hold the entire amount of the country’s spent nuclear fuel generated from the first commercial reactor through 2015,” Shimkus said. “By lifting the cap to 110,000 metric tons, the bill would provide for adequate time to get the disposal program back on track and initiate a second repository program once Yucca is operational — and can’t we wait for that baby, that’ll be a great fight.”

Several lawmakers who spoke in favor of the bill were from states with nuclear plants and waste. They cited the dangers the waste poses to their communities while citing the need for a safe and permanent storage site.

The new version of the bill says the U.S. and Canadian governments should not allow permanent or long-term storage of spent nuclear fuel or any radioactive waste near the Great Lakes.

“While some are trying to spin this bill as better for Nevada, the fact remains that the legislation is an attempt to dump even more waste into our state,” Rep. Dina Titus, D-Nev., said in a statement. “They claim that the new bill addresses many of the concerns I raised during the hearing on the legislation earlier this year. In reality, it is worse than existing law. One of the ironies in the bill is a provision that prohibits nuclear waste storage in some of the committee members’ districts. If it is not safe for them, how can it be safe for Nevada?”

The federal government has the responsibility to dispose of the nation’s nuclear waste under the 35-year-old Nuclear Waste Policy Act. In the 1980s, the act was amended into what opponents have called the “Screw Nevada Bill” by designating Yucca Mountain as the sole repository.

Robert J. Halstead, executive director of the governor’s Agency for Nuclear Projects, said the bill is still “Screw Nevada 2.” He said lawyers looked at the water provisions and found that they were unlikely to hold up in court.

“The other portions of this bill are toxic,” he said. “It’s an important win on water rights.”

Ratepayers have contributed more than \$40 billion to the Nuclear Waste Fund, said Rep. Mimi Walters, R-Calif. She said 1,800 tons of spent nuclear fuel sits at a decommissioned nuclear generating station just south of her district.

“The status quo isn’t working,” she said Wednesday. “This bill recognizes that and puts forth solutions to address the need for interim and permanent storage.”

U.S. Sen. Catherine Cortez Masto, D-Nev., a member of the Senate Committee on Energy and Natural Resources, said in a statement Wednesday that local consent should be required for any nuclear repository or storage facility.

“It is unjust and unfair to force Nevadans to live next to a nuclear waste dump that could harm both their health and livelihood,” she said. “We also cannot ignore the scientific analysis that has deemed Yucca Mountain unsafe and unfit for nuclear waste storage.”

“This bill ignores the detrimental impacts to Nevada’s communities and economy if Yucca Mountain moves forward. The state of Nevada stands ready to fight any and all proposals that seek to revive Yucca Mountain, and I’m prepared to take on this fight in the Senate.”

The bill goes to a House vote next. The bill was largely approved with bipartisan support, and Rep. Jacky Rosen, D-Nev., criticized lawmakers on both sides of the aisle in a statement Wednesday.

“Today’s vote to resurrect Yucca Mountain is an insult to the state of Nevada. I am deeply disappointed by my colleagues on both sides of the aisle for supporting this horrendous legislation.”

The amendments do not alleviate any of Nevada’s concerns, she said.

“In fact, we’ve made crystal clear that Yucca Mountain is dangerous and a threat to Nevadans and the millions of visitors who come to our state each year,” she said. “I’ve said this before, and I will say it again: Nevada will not compromise on becoming a nuclear waste dumping ground, and I will fight tooth and nail to see that Yucca Mountain is dead, once and for all.”

Approval in the House would send the measure to the Senate, where Sen. Dean Heller, R-Nev., said in a statement that the bill is “dead on arrival.”

The act passed by the committee Wednesday gives communities the right to consent when storage is on an interim basis. Shimkus said gridlock on the nuclear waste program has left communities to store waste without their consent.

Heller, Cortez Masto and Nevada’s Democrats in Congress are pushing the Nuclear Waste Informed Consent Act, which says state, local and tribal governments need to consent to hosting a permanent repository.

“The only real solution to our nation’s nuclear waste problem is through consent-based siting like in my bipartisan, bicameral legislation, the Nuclear Waste Informed Consent Act,” Heller said. “We owe it to the American taxpayer to move past the failed policies of Yucca Mountain.”

Nye County Commission Chairman Dan Schinhofen said in a statement Wednesday that he was pleased with the bipartisan vote.

“While there was the adoption of an amendment for a path to interim storage, it is important to note that the committee agreed interim storage is not an alternative to the long-term solution of Yucca Mountain,” Schinhofen said. “The amendment will not take funding or resources away from the Yucca Mountain process.

Schinhofen said the Energy and Water Subcommittee of the House Appropriations Committee decided Wednesday to support President Donald Trump’s requested \$120 million to restart the Yucca Mountain project. He said this includes funding for Nye County as the host of the project.

“That funding is important for Nye County so the county can participate in the licensing process and support needed services,” Schinhofen said. “Nye County and eight other

rural counties in Nevada have long supported moving the licensing process forward so the science on Yucca Mountain can be heard.”

This version of the story is updated with comments from Robert J. Halstead and Rep. Jacky Rosen.