

**Witness Testimony of**  
**Senator Catherine Cortez Masto**  
**Before the U.S. Senate Committee on Environment and Public Works**  
**Legislative Hearing on a Discussion Draft Bill, the Nuclear Waste Policy**  
**Amendments Act of 2019**  
**May 1, 2019**

Good Morning Chairman Barrasso, Ranking Member Carper, and Members of the Committee.

I appreciate the opportunity to sit before you today, along with my Nevada colleague, Senator Jacky Rosen, to discuss the legislative draft before you and our opposition to Yucca Mountain.

I last sat at this table in October 2007, almost 12 years ago, as the Attorney General for the State of Nevada. At the time, I provided testimony before the Committee on this very topic.

For over 30 years, many in Congress have been trying to force a repository facility on Nevada, despite the fact that Nevada does not generate or consume nuclear energy, and that Yucca Mountain is a seismically and geologically unfit site to store this dangerous material.

A vast majority of Nevadans opposed Yucca Mountain when the site was selected as the nation's sole repository back in 1987, and they continue to do so today. Over the years, this committee has heard from both Republican and Democratic Governors and Members of the Nevada Congressional Delegation, as well as environmental advocates, and our state's prominent travel, tourism, and outdoor recreation industries – all of whom are united in their opposition to Yucca Mountain.

Today, I would like to dispel a few misconceptions.

Many believe Yucca Mountain is settled science. That Yucca Mountain was selected through a reasoned and thorough process. Or that Yucca Mountain is already equipped to receive nuclear waste. Well, they are wrong.

In 1982, Congress passed the Nuclear Waste Policy Act, creating a structure for a final repository siting. This structure established a schedule for selection of a first repository to be made among three candidates in a Western state, followed by the selection of a second repository from a set of five candidates in an Eastern state, along with consideration of an interim site to be located at Oak Ridge, Tennessee. It also allowed ALL states to have a voice in this process by granting them a veto.

The amount of waste to be stored at the first repository was capped at 70,000 metric tons as a compromise to ensure that not just one facility would be the recipient of the nation's waste, knowing that much more than this amount would ultimately be required for final repose in the future.

But faced with political pressures, the Reagan Administration indefinitely postponed the search for an Eastern second repository site in 1986 – unravelling a key compromise of the 1982 law.

Later, in 1987, Congress dropped the scientific-based compromise process, nullified the selection of an interim site at Oak Ridge, Tennessee, and arbitrarily designated Yucca Mountain as the sole site for a repository, despite strong opposition from the State of Nevada.

Why did Congress reconsider after having reached a historic compromise only five years earlier? Because Nevada had, two first-term senators, Chic Hecht and Harry Reid, that proponents of the “Screw Nevada” bill thought could not stop their cunning motives.

This historical context is key to understanding that political opportunism was used to scapegoat the State of Nevada. It is unconscionable. I ask you to put yourselves in the shoes of Nevadans. Imagine having nuclear waste sent to your communities without your input, without a fair process. I know you would not stand for this or any other attempt to trample over your state's right to say no. Most of you do not like when the federal government tries to interfere in local state issues, so why would you be in favor of treating Nevada any different? I cannot allow this. That is why I will continue to fight to ensure that not an ounce of nuclear waste makes it to Yucca Mountain.

Mr. Chairman, people often falsely think that Yucca Mountain is ready to receive waste. That is far from the case. The federal government has spent \$19 billion with little to show in result. There are no waste disposal tunnels. No waste

handling facilities. No monitoring infrastructure. No containment infrastructure. No railroad infrastructure needed for transporting waste into the site. All that exists at Yucca Mountain is a hole in the ground.

And in order for Yucca Mountain to be operational, it would need to use Nevada's underground water supply through a state issued permit, and we will never issue one.

Yucca Mountain is also a national security threat. The Nevada Test and Training Range, which is directly adjacent to Yucca Mountain, is home to 75 percent of Air Force live munitions testing, making it the largest air and ground military training space in the country.

According to Former Air Force Secretary Heather Wilson, if Yucca Mountain were to ever hold nuclear waste, it would directly impact the readiness of our military by harming the ability of our nation's military to train for combat.

Yucca Mountain is a scientifically unsuitable site for a nuclear repository. Yucca sits on active fault lines. In 1996, a 5.6 magnitude earthquake damaged the Yucca Mountain Project field operations center. Imagine what would happen if there is a stronger earthquake.

Numerous studies have also found that the groundwater around the repository is at risk of contamination, affecting communities across Nevada and California.

Mr. Chairman, all we are asking today is that Nevada be treated fairly, that it is treated the same as every other state. Congress should not, and cannot, shove nuclear waste down our throats.

All states must be given parity in order have a solution that works.

That is why Senator Rosen and I have introduced alternative legislation that guarantees every state has a seat at the table.

Our bill, S.649, the Nuclear Waste Informed Consent Act would require the federal government to obtain the consent of a potential host state before moving forward. We thank members of this committee – Senators Booker, Gillibrand, and Sanders, for co-sponsoring our legislation.

The current bill before this committee continues on an unworkable path that only delays the country from finding a solution to our nuclear waste dilemma.

So why waste decades and billions of taxpayer dollars when we can work together to come up with a viable solution to our nuclear storage problem?

I stand ready to working to the members of this committee and the rest of my colleagues in the Senate in finding a sustainable solution that maintains that all parties have a voice in this process.

Thank you.