Chairman Tonko, Ranking Member Shimkus, and Members of the Subcommittee, thank you for the opportunity to participate in this hearing. I am Robert J. Halstead, Executive Director of the Nevada Agency for Nuclear Projects, which is part of the Office of Governor Steve Sisolak.

Governor Sisolak makes three points in his letter to the Energy and Commerce Committee:
1. The State of Nevada opposes the Yucca Mountain project based on scientific, technical, and legal merits;
2. Under current law only the governor is empowered to consult with the federal government on matters related to the siting of a nuclear waste repository; and
3. Governor Sisolak opposes H.R. 2699 because it continues the central failing of the current federal law – the selection of Yucca Mountain based on political science rather than earth science.

Governor Sisolak’s letter is attached to my testimony. Attachment 2 explains specific concerns about H.R. 2699. The rest of my comments summarize a few key issues.
Yucca Mountain contradicts the foundational principle of geologic disposal, that the site itself – its geology and hydrology - not engineered barriers designed by humans, must prevent radioactive contamination of groundwater and the environment for tens of thousands to a million years. Without engineered barriers, Yucca Mountain would inevitably contaminate an aquifer from which water is used for a variety of purposes, including drinking water, agriculture, food processing, and Native American religious ceremonies.

After three decades of DOE failure at Yucca Mountain, H.R. 2699 bets the farm on Yucca Mountain and doubles down on DOE. Both are bad bets. Yucca Mountain would have to survive Nevada’s 218 admitted contentions and 30 new contentions if licensing restarts. It would likely be twenty years or more before any spent fuel could be received at Yucca Mountain. Walking away from Yucca Mountain and starting over with a repository in salt or shale could save tens of billions of dollars.

DOE bungled the first repository program, bungled the second repository program, and bungled the Oak Ridge Monitored Retrievable Storage project. The nuclear waste program must be taken out of DOE.

Two other measures before your committee, H.R. 2995 and H.R. 3136 would begin addressing the problem of stranded spent fuel and implementing the 2012 Recommendations of the Blue Ribbon Commission on America’s Nuclear Future, and the 2018 recommendations of the Western Interstate Energy Board, that removal of spent nuclear fuel from shutdown reactor sites be prioritized. However, the funding provisions of H.R. 3136 need more discussion.
H.R. 2699 is not a good solution, because licensing conditions would severely limit the amount of stranded spent fuel that could be accepted at the MRS. Yucca Mountain is not a good solution, because the spent fuel at shutdown reactors is being welded into storage canisters that are not compatible with DOE’s Yucca Mountain license application.

Turning to consent based siting, Nevada supports the Nuclear Waste Informed Consent Act, HR 1544, introduced by Representatives Titus, Horsford, and Lee of Nevada, and the companion bill, S. 649, to require a written consent agreement between DOE, the repository host state, affected counties, and affected Indian Tribes, prior to construction of a repository. This would extend consent to the State of Nevada for Yucca Mountain.

This approach provide a basis for amending S. 1234, The Nuclear Waste Administration Act of 2019, to extend informed consent to all U.S. nuclear waste facilities, including Yucca Mountain and the proposed storage facilities in New Mexico and Texas.

Governor Steve Sisolak concluded his letter with a pledge: “If your committee is truly interested in fixing our nation’s broken nuclear waste program, my staff and I, and Nevada’s congressional delegation, would be happy to meet with you and explore constructive alternatives.” I hope the Subcommittee and the full Committee will consider my testimony today as a first step in fulfilling Nevada’s part of the Governor’s pledge.