

Radioactive Waste

Even After Reid Retirement, Yucca to Continue to Face Resistance

Those jockeying to fill the holes on Capitol Hill created by the looming departure of Senate Minority Leader Harry Reid (D-Nev.) are espousing opposition to a permanent Yucca Mountain nuclear waste repository, raising questions about the viability of pursuing the site as an option for storage as nuclear waste continues to pile up.

The minority leader's retirement decision emboldened Yucca supporters, who argue U.S. policymakers must ultimately locate a permanent facility to house spent nuclear fuel and other high-level radioactive waste. But the leading contenders in the race to replace Reid's Senate seat are protesting the possibility of locating it in Nevada, as does the lawmaker tapped to lead the Senate Democratic conference.

A congressional about-face, both supporters and opponents say, therefore appears unlikely.

Congress in 1987 designated (Pub. L. No. 100-203) the Yucca Mountain site 90 miles northwest of Las Vegas as the location for a geologic repository for stored radioactive waste from the nation's commercial nuclear reactors, but the Nuclear Regulatory Commission has yet to complete the license application for the project, which involves extensive and long-term environmental and safety analyses.

Reid has led the effort to starve the Energy Department and commission of funds to administer the project.

Nevada Contenders Criticize Yucca. Reid will wrap up a five-term, 30-year tenure in the Senate at the conclusion of the 114th Congress, and the primaries to fill his vacancy will be held June 14.

The candidate Reid has endorsed, Catherine Cortez Masto, arguably leads the Democrat field, while Rep. Joe Heck (R-Nev.) is shaping up as the likely Republican contender.

Masto adamantly rejected the Yucca project in a statement to Bloomberg BNA.

"We must prevent any area in Nevada, especially Yucca Mountain, from being turned into a nuclear waste dump, and as a U.S. Senator I will fight against any and all efforts that threaten the health and safety of Nevada families," she told Bloomberg BNA.

Meanwhile, Heck, who has weighed in often on the project as a state representative in Washington, D.C., criticizes the debate around Yucca, but leaves the possibility of siting the waste repository in Nevada open.

"Yucca Mountain represents more than three decades of failure to find a solution to a serious problem—nuclear waste storage," Brian Baluta, Heck's communications director, told Bloomberg BNA. "Nevada deserves a seat at the table in the Yucca Mountain debate."

Heck Stance Bashed by Masto. Baluta, however, railed against Washington politicians who have "stalled the process and created greater uncertainty" at the expense of Nevadans. The Yucca evaluation processes should be allowed to continue, Baluta said.

"This continued uncertainty hurts communities in Nye County that are hoping to reap the economic benefits of a long-term use for Yucca Mountain," Baluta told Bloomberg BNA. "In the meantime, Congressman Heck thinks we should take advantage of the site and Nevada's expertise in nuclear technology to find short-term uses in the areas of scientific research and development projects."

In 2015, Heck introduced legislation, alongside Reid, to force consent from a state governor, affected units of local government and affected Indian tribes for siting a permanent repository anywhere (47 DEN A-3, 3/11/15).

Masto chided Heck's position, arguing he will not act to prevent a permanent repository.

"He has stated he is open to negotiations about bringing nuclear waste to Yucca Mountain and other areas in Nevada, using his typical Washington-speak to toe the line and avoid making a decision on an issue that will affect thousands of Nevadans," she told Bloomberg BNA.

Nevada Government Opposition. Despite Masto's criticism, Bob Halstead, executive director of the state Agency for Nuclear Projects, an office operating under the Nevada governor, told Bloomberg BNA the race is shaping up to seat a Yucca opponent.

"Whoever succeeds Reid, while they won't have his clout in the Senate, we'll have two senators who will be opposed to Yucca Mountain," Halstead told Bloomberg BNA. "Reid's departure doesn't change the fact that a strong governor and a strong attorney general that strongly oppose Yucca Mountain are still in office. Sen. Heller will also continue to oppose." Sen. Dean Heller

(R-Nev.), who has served as Nevada Senator since 2011, has been vocal in opposing the project.

Halstead said Yucca supporters underestimate the fervent nature of the opposition to a waste repository in Nevada.

Reid's Purse Control. Reid has led the charge to bar Yucca funding for five full appropriations cycles, leading to a nearly exhausted NRC purse.

This year the Senate advanced Energy and Water Development appropriations legislation with no Yucca funding, but the House's counterpart legislation would provide \$150 million to the Energy Department and \$20 million for the Nuclear Regulatory Commission to continue work on technical studies to support the licensing of a Yucca Mountain nuclear waste repository opposed by the Obama administration (76 DEN A-18, 4/20/16).

Meanwhile, the Energy Department remains opposed to the project.

"As has been consistently stated, Yucca Mountain is not a workable solution. The Department of Energy is pursuing a Consent-Based approach for the long-term disposal of spent nuclear fuel and high-level radioactive waste," Energy spokesman Bart Jackson told Bloomberg BNA. "This consent-based approach seeks to achieve a workable solution for disposition of nuclear waste based not only on sound science, but also on achieving public acceptance at the local, state and tribal levels."

Jackson told Bloomberg BNA the Energy Department is reaching out to the public across the country to gauge local consent.

Schumer to Take Baton. Reid is supporting Sen. Charles Schumer (D-N.Y.), a member of Senate Democratic leadership, to lead the conference in the next Congress when Democratic senators will put the position to a vote.

Matt House, a Schumer spokesman, indicated the next Democratic leader will follow in Reid's footsteps on Yucca.

"Sen. Schumer opposed the Yucca mountain project in the past and will continue to oppose it," House told Bloomberg BNA.

But unlike funding, Yucca isn't starved of supporters on Capitol Hill.

A spokesman for House Speaker Paul Ryan (R-Wis.) deferred comment to the House Energy and Commerce Committee, a body that has recently championed Yucca.

"The Nuclear Waste Policy Act is the law of the land and moving forward with Yucca Mountain has strong bipartisan support in the House of Representatives," said Dan Schneider, a spokesman for Energy and Commerce Chairman Fred Upton (R-Mich.). "Chairman Upton supports, and has long supported, NRC's completion of the Yucca Mountain license application."

Rep. John Shimkus (R-Ill.), a potential to successor to Upton as committee chairman in the next Congress, echoed those comments in a statement to Bloomberg BNA.

Meanwhile, a spokeswoman for Reid, Kristen Orthman, told Bloomberg BNA Reid would continue to oppose the project in retirement.

Ongoing Industry Consideration. Katrina McMurrian, executive director of the Nuclear Waste Strategy Coalition, told Bloomberg BNA Reid's departure may or may not be a game-changer in the Yucca fight.

"This has been going on for a number of years, from before Sen. Reid was majority leader, to during his time as majority leader and after, and we're still not getting things done," she told Bloomberg BNA. "Some people say its dead, but we don't think so because it's still statute. We need to find a good place to put this waste, and if it's not Yucca, then we need to move forward and find another place."

Halstead said conflict looms as the country wades into political transitions in the coming months.

"This fight is going to be a bloodbath over this over the next 12 months because no matter what happens," he told Bloomberg BNA. "You're going to have a new administration and Harry Reid will be gone."

By BRIAN DABBS

To contact the reporter on this story: Brian Dabbs in Washington at bdabbs@bna.com

To contact the editor responsible for this story: Larry Pearl at lpearl@bna.com

To request permission to reuse or share this document, please contact permissions@bna.com. In your request, be sure to include the following information: (1) your name, company, mailing address, email and telephone number; (2) name of the document and/or a link to the document PDF; (3) reason for request (what you want to do with the document); and (4) the approximate number of copies to be made or URL address (if posting to a website).

