

Longtime Yucca Mountain supporter eyes site as funding fight simmers

By [Yvonne Gonzalez](#) ([contact](#))

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Congress is set to decide whether to spend money to revive plans for a proposed nuclear waste dump in Nevada.



A group of lawmakers will reconcile Yucca Mountain money approved in the House with a lack of funding out of the Senate. The funding debate is unfolding amid a failed effort by Nevada to get a Nuclear Regulatory Commissioner to recuse himself from the process.

Longtime Yucca Mountain supporter Rep. John Shimkus, R-Ill., is planning to visit the site this month as his nuclear waste policy bill sits in the Senate Committee on Environment and Public Works. Robert J. Halstead, executive director of the Nevada governor's Agency for Nuclear Projects, said he found out in late June that a number of officials from Washington planned to visit, but that as of now, his agency won't have a representative on the tour.

Efforts to store the nation's nuclear waste at Yucca Mountain have been stalled since the Obama administration, when then-Sen. Harry Reid helped choke off money for the licensing process. The proposal returned to the forefront in D.C. with the election of President Donald Trump, who called for putting millions into getting the NRC to consider licensing the project.

Funding debate

The Senate has not allocated funding toward Yucca Mountain in a set of spending proposals, while the House has approved \$267.7 million, as well as another \$30 million for defense nuclear waste storage.

In a July 6 letter, Sen. Dean Heller, R-Nev., asked Senate Armed Services Committee Chair John McCain, R-Ariz., to fight to block Yucca funding during conference negotiations.

"Instead of relentlessly pursuing a failed project that has already cost taxpayers billions of dollars, the U.S. House of Representatives should pursue the only sustainable path forward: a consent-based siting approach," Heller said in a July 6 statement, referring to the Nuclear Waste Informed Consent Act that he wrote with former Senate Minority Leader Harry Reid. Heller is now supporting the bill alongside Sen. Catherine Cortez Masto, with a companion bill in the House.

Halstead said there is more of an appetite for Yucca Mountain in the House than in the Senate. It's unlikely that the Senate will pass Shimkus's Nuclear Waste Policy Amendments Act, which seeks to set up a framework for the Yucca project to move forward, he said.

After being held up in the House to make changes to its funding mechanism, the new version of Shimkus's bill fails to fix annual appropriations issues that allowed the project to stall under Obama. A group of Senators is working on a bill that Halstead said moves the program out of the Department of Energy and solves the long-term funding mechanism.

Motivations like offsetting the country's deficit with the tens of billions of dollars in the nation's nuclear waste disposal fund, which utilities stopped paying into following a court case over the government's inaction on the waste program, have helped prevent Yucca Mountain appropriations. Halstead said lawmakers are even less likely to want to spend the money now, at a time when the new GOP tax law is expected to drive up the deficit even more.

Heller is facing Rosen in his reelection bid, and his campaign has been criticizing Rosen for failing to prevent Yucca funding in the House. Halstead said the argument could be made that Nevada would benefit in the nuclear storage debate regardless of which party controls the Senate.

Rep. Jacky Rosen, D-Nev., said the attempt to revive Yucca Mountain under Trump has been Republican-led.

"Instead of wasting time and taxpayer dollars on a trip to Nevada to investigate a plan that's destined to fail, it's time for Republicans in Congress to work on a plan for consent-based siting and repurposing Yucca Mountain into a safe, alternative project that creates jobs and moves us forward," she said in a July 6 statement.

Refused to recuse

Nevada isn't solely relying on Congress to block the program, researching hundreds of contentions to argue before the NRC and taking steps now to prepare for lawsuits and challenges should the project move forward, said Halstead of Nevada's Agency for Nuclear Projects.

"At some point we're going to have to either win in the licensing proceeding or get enough votes to change the law to get Yucca Mountain off the table," Halstead said. "The in-between is the (consent) legislation that Heller and Cortez Masto have."

One legal challenge could target NRC Commissioner David Wright, who has declined to recuse himself from any Yucca Mountain decisions. Halstead said the state requested the recusal based on what he said were pro-Yucca statements that Wright made before he joined the commission.

"As discussed below, my limited participation was not related to the merits of the proceeding, and my public statements were intended as general support for a long-term nuclear waste storage solution," Wright said in a July 2 response. "In short, I have not prejudged the technical, legal, or policy issues in the licensing proceeding."

Halstead said Wright's decision not to step back means the state has a basis for a lawsuit if the commission agrees to license the project.

"Nevada believes that Commissioner Wright should have recused himself from participating in NRC decisions on the proposed Yucca Mountain repository," Halstead's agency said in a statement. "His participation will now violate Nevada's due process right to an unbiased decision-maker and flout established norms that have been followed by other NRC Commissioners throughout the Commission's 43-year history."

Site visit

Shimkus, chair of the House Energy and Commerce Committee's environment subcommittee, last visited Yucca Mountain in 2015. This new tour comes as Nye County Commissioner Dan Schinhofen prepares to leave office after losing his primary for reelection.

Nye County, where Yucca Mountain is located, is among a group of rural counties that have called for the licensing process to move forward so that the science behind the project could be heard.

Shimkus's spokesman has not responded to a July 5 request for comment, and a call to the representative's office was not answered. Nye County's spokesman was also unavailable to provide comment.

Experts say preparing the government to pursue licensing as well as the process itself would cost millions and take years, and that actually constructing and storing waste at Yucca Mountain is a multi-generation project.

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