

Subcommittee on Energy and Air Quality hearing on "Next Steps Toward Permanent Nuclear Waste Disposal."

Mr. Chairman, thank you for holding this hearing on the important topic of the progress toward licensing and operating a facility for disposal of high-level nuclear waste and spent nuclear fuel at Yucca Mountain, Nevada.

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July 15, 2008

Mr. Chairman, thank you for holding this hearing on the important topic of the progress toward licensing and operating a facility for disposal of high-level nuclear waste and spent nuclear fuel at Yucca Mountain, Nevada.

As one who has been involved from the beginning in the effort to dispose of such materials safely, I am pleased that we have finally reached the point that an application has been filed by the Department of Energy (DOE) for review by the Nuclear Regulatory Commission (NRC). I congratulate the Department on meeting its deadline for filing the application in the face of considerable skepticism that they would be able to do so. I hope that it will be found to be both complete and adequate during the thorough examination that the NRC will conduct through its hearings and scientific evaluations.

Spent nuclear fuel has been accumulating on the sites of America's nuclear reactors now for many years now, and for the last ten years has been accumulating at those sites in breach of the Federal Government's legal obligation to remove it and transport it to a site where it can be disposed of safely and permanently. The monetary damages for this failure amount to a considerable sum, the cost of which will ultimately be borne by taxpayers.

Meanwhile, the billions of dollars needed to pay for the prospective costs of constructing the Yucca Mountain facility have been accumulating in the Nuclear Waste Fund. These funds were contributed over a period of many years at a rate of one mill per kilowatt hour by all ratepayers of nuclear utilities. This fund now approaches \$30 billion. Yet we are told that this money has been gathered in a regular Treasury account, not in a dedicated off-budget account, and that any actual use of it is, therefore,

subject to separate appropriations that may or may not be forthcoming depending on other Government priorities. This is, in my opinion, a serious breach of faith with those ratepayers.

And, indeed, the taxpayers on the hook for damages for not taking the waste from the plant sites and the ratepayers on the hook for contributions to a nuclear waste fund that may be hijacked for other purposes are generally the same people: our constituents.

Under the best of timelines, the DOE now tells us it will be 2017 before high-level nuclear waste disposal can actually begin. I cannot emphasize enough that we must keep to that reported best of timelines if we cannot shorten it. I count on the NRC to meet its deadlines for review, and will do what I can to assure it has all necessary resources to do so. It is incumbent on the organizations represented by our panel of witnesses, and on those of us here in Congress, to assure that this project at long last is built and operated as designed, and that the public gets what it has been paying for.

Prepared by the Committee on Energy and Commerce

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