

**Opening Statement of the Honorable John Shimkus
Subcommittee on Environment and the Economy
Hearing on “Update on the Current Status of Nuclear Waste Management Policy”
May 15, 2015**

(As Prepared for Delivery)

Thank you all for coming to this morning’s hearing to receive an update on the status of, and outlook for progress on, America’s nuclear waste management policy.

Let me state at the outset that the issue of the nation’s nuclear waste management policy is not a partisan issue. The House of Representatives has repeatedly supported Yucca Mountain in an overwhelming and bipartisan manner. Last summer, efforts to abandon Yucca Mountain were defeated on the House floor with the body voting four to one in favor of Yucca Mountain. This includes nearly 2/3 of the Chamber’s Democrats.

In April, I once again led a bipartisan group of members to see the Yucca Mountain site firsthand. The site is an invaluable national asset isolated in the Nevada desert, removed from all population centers, and co-located with the Nevada National Security Site. Since my previous visit in 2011, the landscape has notably advanced to support the development of a permanent repository.

In 2013, the D.C. Court of Appeals ruled the Nuclear Regulatory Commission must continue its review of the Yucca Mountain license application. The Court issued a writ of mandamus, a very consequential legal action, and declared it was illegal for the NRC to stop consideration of the license. As a result of this decision, NRC resumed the scientific and technical evaluation of the license, known as the Safety Evaluation Report (SER).

The SER looked at a plethora of potential natural and manmade scenarios which could affect the performance of the facility. In January of this year, NRC released the fifth and final volume of the SER. The NRC Staff determined the facility could meet all safety regulations, including that it could safely serve as a repository for up to a million years.

Meanwhile, the costs of inaction and delay continue to mount. The Courts ruled the Department of Energy’s dismantlement of the Yucca Mountain Project no longer constituted a permanent disposal program. Therefore, the Federal Government could no longer collect the Nuclear Waste fee, a surcharge paid by consumers of nuclear-generated electricity. While the fee is no longer being actively collected, the Treasury Department still maintains a balance of nearly \$33 billion in ratepayer money to license, construct and operate Yucca Mountain.

But it isn’t just ratepayers who are paying for the consequences of the delay. All American taxpayers, regardless of whether they benefit from commercial nuclear power, are footing the legal bill. And the bill isn’t cheap. Last year, the Department of Justice account that pays damages on behalf of the Federal Government, known as the Judgement Fund, paid out over \$900 million in settlements as a consequence of our inability to move forward with Yucca. This accounted for nearly a third of all Federal Government legal settlements.

We in the Federal Government have an obligation to uphold the law to dispose of commercial spent nuclear fuel, as well as honor the commitment made to States who host sites to support our nuclear defense activities, including South Carolina, Idaho and Washington State. Congress needs a willing partner to host a nuclear disposal facility, as we currently have with the sites that contributed to the Manhattan Project.

I am committed to working with state and local stakeholders in Nevada who will engage in a constructive conversation to resolve the current impasse. Just saying no is not an option. As part of this process, we will look for areas of agreement, such as facilitating a benefits package for communities to provide long-

term budget stability, strengthen the State's education fund, and identify associated transportation infrastructure benefits.

As the host state of the Nevada National Security Site, however, Nevada already is a constructive partner with the Federal Government to protect our national interests. This, by the way, includes storing radioactive waste on site.

I look forward to hearing from a broad group of stakeholders today who will highlight the need to finish a repository, as the House of Representatives supports, as the Courts direct, and as the American people deserve.

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