

**Opening Statement of the Honorable Fred Upton  
Subcommittee on Environment and the Economy  
Hearing on “Implementing the Nuclear Waste Policy Act – Next Steps”  
September 10, 2013**

*(As Prepared for Delivery)*

The court recently ordered NRC to proceed with the Yucca Mountain license review. And the first task in complying with the court’s mandate, and with the Nuclear Waste Policy Act, is releasing the Safety Evaluation Report. Fortunately, you already have the resources to proceed with its release.

Congress needs the opportunity to examine the NRC’s long-overdue unredacted technical analysis, and the public who paid for it deserve to know the report’s conclusions. During the three years the administration has been suppressing this document, Congress has been denied an informed discussion about next steps.

For quite some time, members on both sides of the aisle have been saying – with our words and our votes – “Yucca Mountain is the law of the land.” A month ago, the DC Circuit court agreed and ordered that NRC must proceed with the license review. The path forward is unmistakable. Compliance with the law is not optional.

The framework of the Nuclear Waste Policy Act is simple: electricity consumers pay for the cost of used fuel disposal as part of the cost of that electricity, and taxpayers pay for the disposal costs of the high-level waste legacy of the Cold War. But the reality of our current situation is much different. With no progress on a permanent repository, both ratepayers and taxpayers continue to be charged, yet they aren’t getting what they paid for.

DOE is spending Nuclear Waste Fund money to shut down a licensing process which the court has said must proceed. NRC is spending resources to revise a waste confidence rule as a result of the repository program being shut down. And DOE is spending taxpayer money on a sidetrack effort to supplant Yucca Mountain.

Unfortunately, the disjointed policies have resulted in higher costs. Moreover, electricity consumers are investing about \$750 million per year for fuel disposal, but none of the money is currently being spent for that purpose and used fuel sits at reactor sites, piling up even more costs to consumers.

Resumption of the Yucca Mountain program remains the clearest, fastest, and most fiscally responsible way for the government to meet its obligation to provide disposal, to mitigate liability costs, and to re-establish a solid basis for the waste confidence rule. Not to mention, it is the law.

Politics needs to be removed once and for all from this process. We must remember, while administrations come and go, used fuel is here to stay, and after three decades it is time we finally achieve a permanent storage site. The NRC’s completion of the SER is the necessary and long-overdue next step.

This issue has enjoyed a long history of bipartisanship and we will work to continue that tradition until the job gets done.

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