

Statement of James M. Inhofe Hearing: Full Committee hearing entitled, "Examination of the Licensing Process for the Yucca Mountain Repository." Wednesday, October 31, 2007

Thank you, Chairman Boxer, for holding this hearing today. It's been just over a year since this Committee last held a hearing on Yucca Mountain, under my leadership, and I'm glad to once again ask tough questions about this very important project. Nuclear energy must play a growing part of our nation's energy future, both for the sake of national security and environmental progress. However, I am concerned that the resurgence of the nuclear industry may be hindered if there isn't sufficient progress toward development of a repository for spent fuel.

In 1982, Congress passed the Nuclear Waste Policy Act to provide for the development of repositories for disposing of high-level nuclear waste and commercial spent fuel. The process was designed to be a rigorous and thoughtful one whereby our government would research locations, select a site, and license a repository with each relevant Federal agency playing its respective role. The DOE is charged with development and operation of the repository. The Nuclear Regulatory Commission will assess the safety of the proposed facility and regulate its operation, if approved. The EPA is responsible for developing the radiation standard by which the repository's safety will be evaluated. I must observe that the EPA committed in a hearing in March of last year that the radiation standard would be finalized by the end of 2006. However, it is still not final and there is no clear indication when it will become final.

DOE's filing of a license application with the NRC next year will be the culmination of over 25 years of research. Ward Sproat has shown exemplary leadership in preparing the organization to take that step and working to instill the discipline that the NRC requires of its licensees.

So far, we have spent over 25 years and \$6 billion on this lengthy, thorough, bipartisan process to prepare DOE to file a license application with the Nuclear Regulatory Commission asking for authorization to build the repository. Yet there are those who would like to abandon Yucca Mountain and start over without the NRC ever even considering the project. I think that view raises some very tough questions.

My first question is: Why should DOE abandon the Yucca Mountain site before the NRC has even evaluated it? DOE has spent 25 years and \$6 billion dollars studying the site and developing the license application. The NRC has developed detailed regulations to guide the process of intensively and accurately assessing whether Yucca Mountain can be developed as a safe

repository, a process that will take at least 3 years. First, NRC technical staff and independent experts will scrutinize the application. Then, panels of judges will adjudicate contentions. Essentially, every element of the application will be put on trial twice. Then, if the repository gets built, DOE will have to go through a second process before it can begin operations and receive any nuclear waste. How would you explain to ratepayers that the Federal government threw away \$6 billion dollars without even bothering to find out if Yucca Mountain can withstand the level of scrutiny required by the NRC?

My next question is: How do you justify this to our taxpayers? Electricity ratepayers pay for the cost of the repository, but taxpayers pay the costs of DOE's delay. DOE estimates that approximately \$7 billion dollars in liability costs will be paid to the utilities if DOE begins accepting spent fuel in 2017. For each year of delay beyond 2017, it's at least another \$500 million per year, not to mention the costs to DOE of delaying clean-up of DOE sites which is about another \$500 million per year. This liability is paid by the U. S. taxpayer by way of the Federal government's judgment fund. How do you justify wasting a billion dollars a year while ignoring binding contracts signed with the utilities and refusing to proceed with the process mandated in law in the Nuclear Waste Policy Act?

To me, the toughest question is: If not Yucca Mountain, then where are we going to build a repository? Before the Congress directed the DOE to focus its efforts on the Yucca Mountain site, over 37 states had been considered as potential hosts for a repository. I have a map here that highlights all those states that have been considered to have geologic formations worth evaluating for repository development. I encourage everyone to take a good look at this map and think about what it means to abandon the Yucca Mountain site and look for a new one. THAT is a tough question.

I am not prepared to embrace any new long-term storage concept or any alternative repository sites unless and until the Yucca Mountain facility is given a fair, thorough, and transparent review by the Nuclear Regulatory Commission. I am not in favor of devoting the time and expense of the ratepayers, the government, or this body in pursuing sites in 37 states without first learning whether a safe repository can be built at Yucca Mountain. The prospect of such an effort should give every Member, especially those from these states, great pause.

It's time to proceed with the next step in the rigorous and thoughtful process provided in the Nuclear Waste Policy Act.