

**Opening Statement of the Honorable Fred Upton
Subcommittee on Environment and the Economy
Hearing on “Oversight of DOE’s Strategy for the Management and Disposal of Used
Nuclear Fuel and High-Level Radioactive Waste”
July 31, 2013**

(As Prepared for Delivery)

Thank you, Chairman Shimkus, for holding this hearing and for your leadership on this issue. Secretary Moniz, thank you for being here.

During your tenure as Secretary, you and I will work together on a wide array of issues. I also appreciate the opportunity for an ongoing dialogue on the issue of nuclear waste disposal, which is an issue of great concern to me, and one for which I do have concerns with the department’s strategy.

First, the Nuclear Waste Policy Act is the law on this subject. As Chairman Shimkus stated, that means Yucca Mountain. In shutting down the repository program, the administration did not elaborate on a technical or safety concern, merely that it was “unworkable.” This was followed by the former Nuclear Regulatory Commission chairman unilaterally ceasing the staff’s review of the license application one month – one month before a key safety evaluation report was to be publicly released with the agency’s conclusions about the safety of Yucca Mountain.

Electricity consumers pay for the disposal of civilian spent nuclear fuel and taxpayers pay for disposal of nuclear waste from the atomic energy defense program. Michigan consumers alone have paid nearly \$600 million dollars into the fund. \$15 billion was invested in the repository program and got us within one month of knowing whether we have a scientifically safe and sound location. After spending \$15 billion, the public should have a right to know what the NRC concluded. Instead, DOE’s strategy unfortunately abandons that investment, expecting consumers and taxpayers to foot the bill for another \$5.6 billion for the first ten years to start over from square one.

By the end of this fiscal year, DOE will have spent nearly \$80 million taxpayer dollars in support of the strategy. I realize this is the result of omnibus appropriations for FY 2012 and a continuing resolution for FY 2013. I strongly support the efforts of the House Appropriations Committee to correct this situation. The House Energy and Water Appropriations bill clarifies that the Nuclear Waste Fund is only to be used for its intended purpose: Yucca Mountain. The bill also eliminates the burden currently shouldered by the taxpayer for the administration’s decision to start over.

Questions also have arisen about whether the Nuclear Waste Fund would be adequate under DOE’s new approach. GAO doesn’t believe it is. Previous cost estimates indicated the fund would be adequate to finish building and operating Yucca Mountain, but GAO questions whether the fund would be adequate to cover the costs of pursuing an alternate repository, in addition to two interim storage facilities and multiple transportation campaigns..

The administration touts its strategy as saving taxpayer money by mitigating DOE liability for failure to accept and dispose of spent fuel. We’ve asked GAO to analyze this. Last August GAO said that Yucca Mountain could be completed faster than a new effort to build interim storage, thus making Yucca Mountain the best option for mitigating taxpayer liability.

I remain committed to ensuring that consumers get the repository that they have paid for and that the costs to the taxpayers are minimized. Right now, Yucca Mountain remains the clear answer to both of those problems. And it’s the law.

Mr. Secretary, I look forward to our continued dialogue in the weeks and months ahead in the effort to solve our long-term nuclear waste disposal.