

**Opening Statement of John Shimkus**  
**Subcommittee on Environment and Climate Change**  
**“Clean Up Communities:**  
**Ensuring Safe Storage and Disposal of Spent Fuel”**  
**June 13, 2019**

Thank you, Mr. Chairman –

Before I address the three bills before us today, I want to explain what these two stacks of science beside me are and why they matter in this debate. Together, these represent the federal government’s scientific and technical case for the permanent, geological repository we are required by law to build and operate.

The larger of the two is the Department of Energy’s 16 volume application, submitted to the Nuclear Regulatory Commission in 2008, to license a permanent repository for nuclear waste at Yucca Mountain.

This is the product of 20 years and more than \$10 billion of scientific research by eight of our National Labs, the National Academies of Science and Engineering, the U.S. Geological Survey, as well as DOE staff and contractors. It demonstrates that DOE can safely build and operate the repository in compliance with NRC’s regulations.

The smaller stack is the NRC’s 5 volume analysis of DOE’s application. This is the product of NRC’s technical staff and experts in geochemistry, hydrology, climatology, structural geology, volcanology, seismology and health physics, as well as chemical, civil, mechanical, nuclear, mining, materials and geological engineering. Their review of DOE’s application found that, as proposed, a repository at Yucca Mountain would safely contain spent nuclear fuel and high-level waste for 1 million years.

I trust the work done by the world-class scientists and engineers who produced these reports. I believe their work can stand up to the scrutiny of the skeptics if put to the test.

Those skeptics, some of whom we’ll hear from today, don’t believe this science. They claim Yucca Mountain is “unsuitable” based upon their own studies, yet they’re unwilling to make their contentions before an Atomic Safety and Licensing Board panel of judges who are themselves scientists and engineers.

Members have at their desk a packet with (1) an NRC backgrounder on the licensing process, (2) a state specific fact sheet, (3) a map of the 121 sites in 39 states, (4) a one pager addressing transportation concerns, (5) the Peters-Duncan letter to appropriators seeking funding for the licensing, (6) a one pager on the cost of doing nothing, and (7) a chart showing the funding (or lack thereof) appropriated since 1997.

So I would ask my colleagues to keep that in mind today as we consider the stalemate we find ourselves in. Ask yourself why those who oppose Yucca Mountain on supposedly scientific grounds would object to having their day in court.

With that said, the three bills we're here to talk about all reflect sincere efforts to address concerns that are arising out of our present impasse. And as we examine these proposals, we must remember the broader framework of our nation's nuclear waste policy.

This framework, funded almost entirely by ratepayers, is based upon on a system that ensures there will be a permanent repository. That is the focus of the fees collected in the Nuclear Waste Fund, and the focus of the contracts the utilities signed with the Department of Energy to eventually dispose of their spent fuel. It is the point of the taxpayer spending for disposing of defense waste.

You cannot take shortcuts here. Whether it's with allowing the scientific adjudication to go forward or developing a system that accelerates the transportation of stranded fuel from decommissioned sites.

Shortcuts lead to dead ends. I'm concerned that proposed measures that focus solely on interim storage without integrating it into a permanent system for disposal may sound good and expedient. But they will not work, and they may actually harm ratepayers and taxpayers in the long run.

For example, H.R. 3136, introduced by my friend Ms. Matsui, provides for interim storage, including private interim storage; it provides for consent-based siting for interim storage facilities; and it requires that waste fees on utilities do not start until there is a licensing decision on a repository.

Similar measures were part of H.R. 3053 that we moved with a strong bipartisan vote of 340-72 through the House last Congress. And they are reflected in H.R. 2699, the bill Mr. McNerney and I introduced last month that we are also considering today. But there are defects with H.R. 3136.

First, it will be very difficult to gain acceptance for interim storage if it is not directly linked to permanent disposal. And second, if interim storage is authorized to be funded out of the Nuclear Waste Fund, it could effectively force operating reactors, and ratepayers to pay more in the future. The more money diverted from that fund to interim storage, the more ratepayers – or taxpayers—will have to pay in the future for permanent disposal.

In contrast, H.R. 2699 preserves the fund for the repository system and links progress on interim to completing the adjudication of the permanent repository. Only by showing the public the full information from this process can we build the trust in the sites, the decisions we make, and the eventual success of our nuclear waste program.

Thank you Mr. Chairman, I look forward to our discussion this morning.