

ONE HUNDRED TWELFTH CONGRESS
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Opening Statement of Rep. Henry A. Waxman
Ranking Member, Committee on Energy and Commerce
“NRC Repository Safety Division - Staff Perspective on Yucca License Review”
Subcommittee on Environment and the Economy
June 24, 2011

This is the fourth hearing this Subcommittee has held on the Yucca Mountain nuclear waste repository. Today’s hearing will examine the concerns of some NRC staff about the decision to terminate the NRC’s review of Yucca Mountain.

I appreciate the witnesses being here today and sharing their concerns with the Committee. I can understand why technical staff who have worked for years on Yucca Mountain are frustrated and angry that the NRC may never approve or deny the license application. I believe they care deeply about the mission of the NRC and its role as an independent agency.

But what I have a hard time accepting is the assertion that the decision to cease review of the license application at NRC was somehow a unilateral decision by a rogue chairman.

The Secretary of Energy determined that Yucca Mountain is not a workable option. The Department of Energy, which would be responsible for actually building the repository and managing the waste, asked to withdraw its license application. In the FY2011 budget passed in April to avert a government shutdown, Congress allocated no money to DOE for Yucca Mountain and just \$10 million to NRC to close down the licensing review. For FY2012, the NRC Commissioners approved a budget requesting just \$4 million in order to terminate all Yucca Mountain program activities. And OMB allocated no money to NRC for the high level waste program for 2012.

I understand why some members believe the decision to shut down the review of Yucca Mountain was political. But from what I’ve seen, the key decision was DOE’s decision to withdraw the license application. Once DOE made this decision, the NRC’s options are limited. Continuing its review risks squandering millions of taxpayer dollars.

While I have said on several occasions that the Yucca Mountain project merits independent and objective oversight, I am also growing concerned that this Subcommittee’s myopic focus on Yucca Mountain has diverted its attention from other pressing nuclear safety issues.

This week, we learned of significant nuclear safety problems in the United States from two different sources.

First, Congressmen Ed Markey and Peter Welch released a GAO report about radioactive leaks from underground pipes at the nation's nuclear power plants. As nuclear power plants age, their underground piping tends to corrode, but the condition of many underground pipes at plants across the country is unknown. GAO noted in its report that NRC has no plans to evaluate the extent to which voluntary industry initiatives are adequate to detect leaks and corrosion in these underground pipes. As a result, GAO found that NRC has "no assurance" that these initiatives will promptly detect leaks before they pose a risk to public health and safety.

Second, an investigation by the Associated Press concluded that federal regulators at the NRC have been working closely with the nuclear power industry to keep the nation's aging reactors operating within safety standards by weakening those standards or not enforcing them. The AP investigation found what it called a recurring pattern: "reactor parts or systems fall out of compliance with the rules. Studies are conducted by the industry and government, and all agree that existing standards are 'unnecessarily conservative.' Regulations are loosened, and the reactors are back in compliance."

The GAO report and AP investigation raise serious concerns about the safety of reactors in the United States, especially as NRC continues to consider and approve additional license extensions for the aging fleet.

But we aren't talking about that today. We are again talking about Yucca Mountain, a program with no funding and no apparent future. I question whether this is the right priority for our nation.

That said, I thank the witnesses for being here today, and I look forward to their testimony.