STATEMENT OF SENATOR JOHN ENSIGN

Hearing entitled, "Examination of the Licensing Process for the Yucca Mountain Repository."
Before the Committee on Energy and Natural Resources
Wednesday, October 31, 2007
Submitted for the Record

I want to thank the Chair, the Ranking, and other members of the Committee for the opportunity to present testimony on storing nuclear waste at Yucca Mountain. I firmly believe that a storage site at Yucca Mountain should not be built and will not be built.

At the outset, I want to be clear that I am not against nuclear power. I believe that it presents this nation with a viable clean air energy alternative that can help our nation meet its growing needs and reduce our dependence on foreign oil. In fact, nuclear energy currently provides 20% of America's electricity. What I am against is building a $60 to $100 billion repository that is scientifically unsound and wastes payers rate and eventually taxpayers dollars. Nuclear power is an important investment, but one that cannot be made idly. With nuclear power generation comes waste, and this nation must be responsible and manage the waste in the safest manner possible.

The proposed Yucca Mountain nuclear waste repository is not a responsible solution. Not a shovel has turned to begin building the actual repository intended to hold tons of hazardous, highly radioactive nuclear waste. Yucca Mountain is already 20 years behind schedule, with its new opening date estimated in 2017 or beyond. It is time to face reality: the repository will never be built because of the numerous and insurmountable scientific, safety, and technical problems with the site. In addition, nearly three decades of poor management and oversight have demonstrated that the vast body of scientific and technical work done by the Department of Energy (DOE) and its contractors is still incomplete or moot, due to faulty science and constantly changing designs for the repository, none of which have been proven to meet scientific standards. In spite of all of this, aware of the flaws and failures, DOE is still pushing forward to file its license application in June of 2008.

[Yucca has experienced one set back after another. Some of these setbacks can be credited to the hard work of the Nevada delegation and others who have fought to cut the budget of Yucca Mountain. Others have been the result of sheer incompetence.

- EPA's radiation protection standards have been rejected and criticized because the standards are wholly inadequate, do not meet the law's requirements, and do not protect the public health and safety.
- The Yucca Mountain Project has suffered nearly three decades of scientific and quality assurance problems with transportation plans, corrosion of casks, the effectiveness of materials, etc., causing DOE to suspend work on the surface

facilities and the Nuclear Regulatory Commission to issue a stop work order on the containers.
- DOE revealed that documents and models about water infiltration into the ground water at Yucca Mountain had been falsified, costing the taxpayer million of dollars and jeopardizing the citizens of Nevada.
- New evidence placed the location of the Bow Ridge earthquake fault line directly beneath where DOE had designed the cooling pads for thousands of tons of highly radioactive spent fuel forcing last minute redesign.]

Given the numerous problems and failures at Yucca Mountain, both policymakers and industry are recognizing the reality—Yucca Mountain is not a safe, sound waste solution. In fact, just recently, the Heritage Foundation, an advocate for Yucca, stated that "We need to move beyond a Yucca-only approach to spent fuel." And, earlier this month Frank Bowman, the President and CEO of the Nuclear Energy Institute (NEI), the policy organization of the nuclear energy and technologies industry, made some very candid comments when asked about the Yucca Mountain project in an interview. He stated that, "…a couple of years ago, we began thinking, 'Shouldn't we take Yucca Mountain and move it off the critical path. Is there another approach that we've been missing, because we have been so Yucca-centric?' These are provocative, realistic statements coming from those who have been avidly pro-Yucca in the past.

Now we have the opportunity to face reality and move forward with sensible solutions, responsibly managing our nation's nuclear waste. It can be done. Fortunately, scientists agree. Not only do we have the technology to implement safe, on-site dry cask storage, but also the technology is there to reprocess our waste, which must be part of any long-term waste solution.

On-site dry cask storage is a viable, safe, and secure alternative that is readily available and will allow science and industry the time to catch up. Dry casks are being safely used at 34 sites throughout the country. NEI projects that 83 of the 103 active reactors will have dry storage by 2050. That is why Senator Reid and I have introduced the **Federal Accountability for Nuclear Waste Storage Act of 2007**, which would amend the Nuclear Waste Policy Act of 1982 to require commercial nuclear power plant operators to transfer spent nuclear fuel into dry casks at independent spent-fuel storage facilities located on-site with the nuclear reactors. These spent-fuel storage facilities would be licensed by the Nuclear Regulatory Commission and operated by the Department of Energy, who will also have the ownership title of the waste. DOE was scheduled to begin taking title to spent nuclear fuel in 1998, but because of the myriad of technical, scientific, legal, and political problems surrounding the proposed Yucca Mountain nuclear waste repository, this has not happened. Taking title to spent nuclear fuel fulfills the federal government's obligation and commitment to retake control over nuclear materials. This proposed on-site storage will cost only a fraction of the proposed Yucca dump, the pursuit of which has already wasted billions of taxpayers' dollars. It is a responsible solution and it is available now.

Storing the waste on-site will allow the necessary time to develop a viable reprocessing program using advanced fuel-cycle technologies. I have long believed that we need to invest and develop these technologies as they are the critical components to long-term waste management. Today's reprocessing technology makes it possible to recycle and use the byproducts, which retain enormous amounts of energy, to generate new, affordable, and clean fuel. Consensus is leaning toward using reprocessing technologies that have the potential to transform the waste, make it less hazardous over a shorter amount of time, and also reduce the volume of waste requiring disposal. In fact, France has proven itself a model of success. Using current technology, France is on target to reprocess 98 percent of its fuel, providing close to 10 percent of its power needs, and has done so without incident for years.

Many of the technologies being researched today would develop processes that do not produce pure plutonium, removing the concern of proliferation. If there is a positive side to the insurmountable problems facing Yucca Mountain it is that it has given impetus to the nuclear industry and other supporters of enhanced nuclear power opportunities to be open to other ideas for waste disposal. If we give industry the confidence and security that the market exists to reprocess and convert spent nuclear fuel, I am confident that the technology, both with respect to reactors and reprocessing, will develop to match our power and security needs.

We can meet the energy needs of this nation if we begin to develop our domestic resources. Nuclear energy is one of those resources and it can have tremendous long-term benefits to this nation. However, in order to harness its power we must manage the waste in the most safe, secure, and scientifically sound manner possible. Yucca Mountain is not that solution. It is time to move past Yucca Mountain. The project is expensive. Now is not the time to squander money, resources, and time on a project doomed to fail. Rather, now is the time to pursue real solutions. One of the solutions available immediately is to store waste safely on-site as we develop viable reprocessing technologies.