

Testimony of Congressman Jim Gibbons
Before the Subcommittee on Energy and Air Quality,
U.S. House of Representatives

April 18, 2002

Mr. Chairman, thank you for allowing me to testify at this important hearing.

The disposal of our nation's high-level nuclear waste is an important issue to many Americans. However, for the past 20 years, it has been the most important issue to the State of Nevada.

As you know, the Nuclear Waste Policy Act of 1982 was amended in 1987 – selecting Yucca Mountain, Nevada, as the sole site to be studied for construction of a nuclear repository. Under this law and its subsequent amendment, a finding that the site is “suitable” to become a high-level waste repository for the next 10,000 years would require that the site be determined “geologically” sound.

Mr. Chairman, I hold a Masters of Science Degree in Geology, and I must tell you, Yucca Mountain is not, nor will ever be, geologically sound.

Now, whether Americans support a sole, permanent repository for high-level nuclear waste or not is an issue that can be debated. But nobody in this room can predict what the next 10,000 years will bring at Yucca Mountain – no matter whether we are discussing seismic activity, volcanic activity, meteorological activity, or otherwise.

Regardless of what the DOE crystal ball may show, the future stability of Yucca Mountain is in question – even by its own scientists. Mr. Chairman, the DOE has a duty to ensure the safety and suitability of this repository and the area surrounding Yucca Mountain. The Nevadans I represent deserve promises that can be kept by the DOE – and frankly, they don't have much credibility in our State when it comes to being truthful with our citizens.

Just look at the billions of dollars that have been spent by the DOE at Yucca Mountain. They are trying to spend their way into ensuring compliance with the Nuclear Waste Policy Act. That alone begs the question – if the site is geologically sound, why so much cost on the engineering aspect of this project?

The answer is that you cannot spend enough money to make a mountain geologically sound. What the DOE realizes is that they can spend enough to make the man-made, engineering barriers sound. Problem is, that is not what the law requires.

If you look hard enough, you will see that the DOE has failed to prove Yucca Mountain's geologic suitability, and they have made promises that they cannot keep.

How do I know this – and how do the American people know this?

Because once the DOE started digging and actually studying Yucca Mountain, they realized they would have to change the rules in order to meet the suitability standards mandated by Congress.

What the DOE found out was this:

1. Rates of water infiltration into the mountain are on the order of 100 times higher than previously thought.
2. Credible studies indicate a significant presence of basaltic volcanism in and around Yucca Mountain.
3. With Nevada ranking third in the nation in seismic activity, it has been determined that there have been nearly 700 cases of seismic activity of 2.5 magnitude or more, near Yucca Mountain, since 1976.

In fact, about 10 years ago, a 5.6 level earthquake near Little Skull Mountain – less than 10 miles from Yucca Mountain – actually caused some damage to a nearby DOE facility.

So what has been the DOE response to these findings – findings that even the DOE themselves acknowledge? They retroactively change the rules for site suitability. You see, the DOE cannot prove Yucca Mountain's capability of serving as a long-term, high-level waste repository that is geologically sound.

Their response: Adopt new rules permitting the agency to rely entirely on man-made waste packages. Mr. Chairman, is this what Congress intended? I think not.

As Members of Congress, we have an oversight role in this process – and we have a responsibility to rein-in such administrative abuse.

Congress wrote the law clearly to state that the site must be ... not should be ... or ought to be ... but must be geologically suitable. As with any legislation we debate and eventually pass in Congress, we have a responsibility to ensure that all of our laws are thoroughly and responsibly carried out. Congress must not allow ourselves to be motivated by carelessness, convenience or political expediency.

Unfortunately, this is what the DOE has done.

Again, the Yucca Mountain project has become focused on nothing more than an array of engineered waste packages – that will just happen to be buried at Yucca Mountain. This policy has more to do today with the man-made capabilities in storing this waste, and far less to do with the natural geologic capabilities – as was mandated by Congress. If this was the intent of Congress some 20 years ago, why have we spent nearly \$8 billion even studying Yucca Mountain.

Mr. Chairman, we can and should be debating the future of nuclear power in this nation.

As a matter of fact, I would like to be a part of that debate because I see nuclear power as being a valuable part of our overall energy portfolio in America. We can, and should be debating a waste disposal policy in this nation ... so long as we consider today's technological advancements, and how these technologies can assist us in our disposal efforts.

Instead, we are pushing head-long towards a policy that doesn't come close to passing the "smell-test" and is severely out-dated by today's scientific standards. The DOE continues to rely on several decades-old science to push for deep, geologic burial of high-level waste. Bright, innovative minds all across this nation – and in fact the world, are proving that there are better ways, cleaner ways, a safer ways to dispose of high-level waste.

Unfortunately, the DOE offers nothing but roadblocks.

Here in America, we pride ourselves on being a beacon of technological advancements, scientific advancements, and medical advancements. Yet, we find ourselves cemented in a policy that offers us nothing but a policy of 30 years of transporting high-level nuclear waste to a hole in a desert mountain for burial – where we expect it to remain safe for the next 10,000 years.

Mr. Chairman, the State of Nevada and our Governor issued a Notice of Disapproval of the President's recommendation. Above all the rhetoric and the different reasons why many of us oppose the Yucca Mountain Project, this committee and this Congress must ask itself whether the Nuclear Waste Policy Act has been followed ... as Congress intended.

As a proponent of nuclear power and its use in this country, I would, without hesitation, take the opportunity to discuss with this committee some of the innovative, technological advancements that I have had the opportunity to study. These advancements can provide us a more reasonable, less costly, and more expedient solution to dealing with the tens of thousands of metric tons of high-level nuclear waste piling up at our nation's nuclear power plants.

Mr. Chairman, I want to be a part of the solution ... but I believe the dangerous, costly and irresponsible path to Yucca Mountain does not – and should not – represent the best that this country has to offer. My only request is that members of this committee, and of Congress as whole, take one last look at the law, and ask whether you think the DOE has met the standards mandated to them by this body.

I trust that, in your gut, you will realize that we as a nation can do much better in solving the waste-disposal problem. Thank you, Mr. Chairman.