

STATEMENT OF SENATOR HARRY REID

*Oversight Hearing on the Yucca Mountain License Application Process
Before the Committee on Environment and Public Works
Wednesday, October 31, 2007*

I want to thank the Chair, the Ranking Member and other members of the Committee and for the opportunity to present testimony on this important issue to the State of Nevada. As some of you may know, today is Nevada Day, the day on which Nevada became a state in 1864. Many of you may know that the motto on Nevada's state flag says "Battle Born," a saying that is just as appropriate now, as it was back then. And now the State of Nevada is in a battle of its own, to protect the lives of its citizens from radiation exposure, to protect their land and water from misuse and contamination, and to expose a government bureaucracy that has been rife with corruption, flawed science and quality assurance failures.

And so, Nevada continues to fight a battle that was rigged from the beginning. After passing comprehensive and thoughtful legislation in 1982 to tackle this difficult issue, Congress then changed the rules of the game and Yucca was chosen as the only site to be closely researched. This was a political decision that was counter to the spirit of the Nuclear Waste Policy Act – science, safety, and security clearly did not drive this decision. This same rigged process allowed the State of Nevada to veto the decision, but also allowed Congress to override it – essentially an empty promise.

GAO has reported exhaustively on quality assurance failures with the research done at the site - science has been manipulated, secret meetings have been held without public oversight or participation, and the timeline and designs are ever-changing without any repercussions for the Department of Energy. And don't forget that EPA has no plans to release its radiation standard before the Department of Energy files its

license application, an environmental standard upon which the success of the entire license application rests.

Now that the license application process is upon us and we ready for what many believe will be the final battle against this dump, Nevadans are again left shaking their heads in dismay as they see that the decks are again stacked against them. The timeline to review the application has been unrealistically compressed to 3 years, even though the NRC took 8 years to license the proposed interim storage facility in Utah. The License Support Network that the Department of Energy has recently certified is filled with thousands – maybe millions – of superfluous documents to make searching for the relevant information like finding a needle in a haystack. The Department of Energy's Performance Assessment computer model, which is the basis for the license application and purportedly will prove that the Department can meet all the environmental standards required by law, can't be reviewed by any other entity except itself.

Think about that. Essentially, this computer model *is* the license application. But DOE will not let anybody access it - not the State of Nevada, and not even the NRC.

I'd like someone here to explain to me how the Department of Energy can write a computer modeling program that can prove it can meet an EPA radiation standard that doesn't exist. I don't care how many servers or processors that the Department of Energy uses in its complicated computer assessment of the Yucca Mountain site, you can't prove that you can meet a standard that has yet to be written – unless of course, the Department of Energy has told EPA how to write it. Interesting assumption, isn't it? A little backward is how I would describe it. We are talking about the most dangerous substance known on the face of the earth. And instead of seriously studying whether or not the proposed site at Yucca Mountain is safe to store this waste, the Department of Energy and the Environmental Protection Agency are

cooking up their own set of books to write a radiation standard that can be met at Yucca Mountain.

As many of my colleagues will remember, EPA already published an earlier version of the radiation standard in 2001. And in that standard, EPA went too far to accommodate the Department of Energy's desire to build a waste dump at Yucca Mountain and deliberately violated Congressional instructions in the 1992 Energy Policy Act. Thankfully this rule was thrown out by the courts.

The EPA wrote a newly proposed draft in 2005 – two years ago - which has yet to be finalized. Where is it? It is obvious to me that the EPA is having trouble writing a final radiation standard that can meet current law without disqualifying Yucca Mountain as a suitable site to dump nuclear waste. And EPA knows if they fudge the exposure numbers they will end up back in court.

Instead of sticking to the commitment that Yucca Mountain would proceed only if it would actually protect public health, EPA has cast sound science aside in favor of politics in the myopic pursuit of Yucca Mountain. And now they are delaying publishing a final radiation standard because they know the Department of Energy cannot meet the requirements required by law. And they also know that if they delay long enough that the State of Nevada will run out of time to take this issue back into the courts. Again, this is a rigged process.

How are we to secure the waste in the interim? We leave it on-site in dry cask storage, where it is already safely and securely stored at most nuclear plant sites and where the experts and the nuclear industry have demonstrated that it will continue to be safely stored for decades.

Senators Ensign and Bennett joined me in introducing the Federal Accountability for Nuclear Waste Storage Act earlier this year. This bill is a road map and a timeline for safely securing our spent nuclear fuel for one to two hundred years, giving us time to find a safe, scientific

long-term solution to this national security issue.

Thank you again Chairman Boxer for holding this important hearing. The people of Nevada, as well as the rest of the United States, deserve answers to their many questions about the safety of a proposed nuclear waste dump at Yucca Mountain. We are only 8 months away from the Department of Energy's deadline to submit the license application for review by the NRC. I am anxious for this final battle to be over so that we can move on to resolving the underlying problem of what to do with our country's nuclear waste.