

## Nuclear Waste Administration Act of 2013

### *Witnesses:*

#### PANEL I

Ernest Moniz

Secretary, U.S. Department of Energy

#### PANEL II

Sally Young Jameson

Maryland Delegate, National Conference of State Legislatures

Joe Garcia

Vice President, Southwest Area, National Congress of American Indians

David C. Boyd

Chairman, Committee on Electricity, National Association of Regulatory Utility Commissioners

Chuck Smith

Vice Chair, Energy Communities Alliance

Marvin S. Fertel

President and Chief Executive Officer, Nuclear Energy Institute

Geoffrey H. Fettus

Senior Attorney, Natural Resources Defense Council

Mr. David Lochbaum

Director, Nuclear Safety Project, Union of Concerned Scientists

### *Committee Members Present (with links to opening statements):*

Ron Wyden (D-OR), Chair

Lisa Murkowski (R-AK), Ranking Member

Martin Heinrich (D-NM)

Lamar Alexander (R-TN)

Al Franken (D-MN)

Jim Risch (R-ID)

John Barrasso (R-WY)

Dean Heller (R-NV)

Tim Scott (R-SC)

Maria Cantwell (R-WA)

On July 30, 2013, the Senate Committee on Energy and Natural Resources held a hearing to consider the Nuclear Waste Administration Act of 2013 (S. 1240). The hearing focused on the bill's impact on the proposed Yucca Mountain repository, the likelihood that storage facilities would be successfully sited under the bill, and other details of nuclear waste storage and transport. The bipartisan Nuclear Waste Administration Act of 2013, introduced by Sen. Wyden (D-OR) and cosponsored by Senators Alexander (R-TN), Feinstein (D-CA), and Murkowski (R-AK), is designed to implement the recommendations of the President's Blue Ribbon Commission on America's Nuclear Future, which were released in January 2012. The bill would transfer nuclear waste management responsibilities from the Department of Energy (DOE) to a new agency, the Nuclear Waste Administration, which would be headed by an administrator serving a 6-year term. The bill would also establish a new siting process for nuclear waste storage and disposal that would be based on sound science; require the consent of state, local, and tribal governments; and link interim waste storage to progress on a final waste repository.

In their opening statements, Senators Ron Wyden and Lisa Murkowski emphasized the need for new legislation on nuclear waste disposal. They highlighted the government's contractual obligation to dispose of spent fuel, and Murkowski cautioned that the government's breach of this contract has cost taxpayers nearly \$3 billion. "Simply continuing to pass the burden of safely disposing of nuclear waste to future generations is not an option," Wyden added.

On the hearing's first panel, DOE Secretary Ernest Moniz underlined the importance of public acceptance and sound science in choosing a disposal site for nuclear waste, and said he viewed the bill as "a promising framework for addressing key issues." Senators Jim Risch (R-ID), John Barrasso (R-WY), and Tim Scott (R-SC) expressed concern that the legislation signals a shift away from using Yucca Mountain as a waste repository. Yucca Mountain was designated as the nation's nuclear waste repository

by a 1987 amendment to the Nuclear Waste Policy Act, and Scott expressed frustration with the Administration's withdrawal of support from the Yucca Mountain repository license application filed by DOE in 2008. In contrast, Dean Heller (R-NV) expressed concern that S.1240 does not prohibit the use of Yucca Mountain as a repository.

Lamar Alexander (R-TN) responded that there is a legislative cap of 70,000 metric tons on the amount of waste that can be stored in Yucca Mountain. Since the amount of spent fuel accumulated in the U.S. has nearly reached that capacity, he urged support for S. 1240, which enables the siting of additional repositories. Moniz affirmed that the bill does not directly address Yucca Mountain, but that its framework for nuclear waste management would be useful with or without the Yucca Mountain repository. Many senators worried that communities would not volunteer to be storage sites or long-term repositories for nuclear waste under the bill's consent-based process. Al Franken (D-MN) also asked about the number of sites in the U.S. with suitable geological conditions to be waste repositories. Moniz explained that several interested communities have been identified in media reports. He added that a range of geological settings were considered in the 1957 National Academy of Sciences study on radioactive waste disposal and have been used for repositories in Europe.

Questions also focused on the bill's timeline for interim storage and final disposal of nuclear waste. Martin Heinrich (D-NM) worried that communities might volunteer to become interim storage sites, only to become de facto permanent storage sites if a permanent repository is not constructed. Moniz replied that the bill's linkage of storage and disposal is essential, as is adequate funding for both. Alexander added that states where interim storage occurs could negotiate their own, stronger language linking storage and disposal.

Other questions for Moniz centered on the bill's creation of a new agency to manage nuclear waste, the movement of spent fuel, and the commingling of military and civilian waste. Barrasso worried that the creation of a new Nuclear Waste Administration would diminish Presidential and Congressional oversight, but Moniz responded that oversight would not be diminished and added that the Blue Ribbon Commission clearly recommended the establishment of a new organization dedicated solely to managing nuclear waste.

Franken asked about waste transportation, and Moniz explained that a 2006 National Academy of Sciences study recommended rail as the principal mode of transport, but acknowledged that other modes such as trucks and barges would likely be needed. He added that large volumes of nuclear waste have been transported in Europe without incident.

Members of the hearing's second panel suggested modifications to the bill, including consulting state legislatures in the siting process, amending the definition of affected Indian tribes, requiring the government to move forward with the Yucca Mountain repository, and strengthening the linkage between interim and permanent storage.

Opening statements and witness testimony, as well as a video archive of the entire hearing, are available from the committee web site.

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