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DOE's Strategy for the Management and Disposal of Used Nuclear Fuel and High-Level Radioactive Waste

Witnesses:

PANEL I

Ernest Moniz

Secretary, U.S. Department of Energy

Committee Members Present:

John Shimkus (R-IL), Subcommittee Chair

Paul Tonko (D-NY), Subcommittee Ranking Member

Fred Upton (R-MI), Full Committee Chair

Henry Waxman (D-CA), Full Committee Ranking Member

Joe Barton (R-TX)

John Dingell (D-MI)

Ralph Hall (R-TX)

Gene Green (D-TX)

Gregg Harper (R-MS)

Lois Capps (D-CA)

Bill Johnson (R-OH)

Jerry McNerney (D-CA)

Bob Latta (R-OH)

John Barrow (D-GA)

Tim Murphy (R-PA)

Doris Matsui (D-CA)

David McKinley (R-WV)

Edward Whitfield (R-KY)

On July 31, 2013, the House Committee on Energy and Commerce Subcommittee on Environment and the Economy held an oversight hearing on Department of Energy's (DOE) strategy for the management and disposal of used nuclear fuel and high-level radioactive waste. The hearing focused on the recommendations of the President's Blue Ribbon Commission on America's Nuclear Future and the DOE's January 2013 strategy document on the disposal of nuclear waste.

In their opening statements, John Shimkus (R-IL) and Fred Upton (R-MI) expressed frustration with the Administration's withdrawal of support from the DOE's 2008 license application for the Yucca Mountain repository. Yucca Mountain was designated as the nation's nuclear waste repository by a 1987 amendment to the Nuclear Waste Policy Act, but the repository has faced state and local resistance. Upton explained that an August 2012 GAO report indicated that the Yucca Mountain repository could be completed more quickly than interim storage, and suggested that Yucca Mountain is the least expensive option for nuclear waste disposal. In contrast, Paul Tonko (D-NY) and Henry Waxman (D-CA) were skeptical that the Yucca Mountain facility could be developed in a timely manner. Waxman instead highlighted the Nuclear Waste Administration Act of 2013 (S. 1240), a bipartisan bill introduced in the Senate that would establish a new siting process for nuclear waste storage and disposal. "The bill may not have the final answer to every question, but it represents a genuine effort to get past ideology and begin grappling with these tough issues," Waxman stated.

In his opening statement, DOE Secretary Ernest Moniz underlined the importance of public acceptance and sound science in choosing a disposal site and asked the committee to consider legislation to enable DOE to implement its new strategy for nuclear waste disposal.

Representatives from both parties worried that DOE would abandon plans to develop a nuclear waste repository at Yucca Mountain and emphasized the amount of money that the federal government has already invested in the project. Moniz responded that the repository lacks the public support needed to move forward, but added that modeling techniques and methodology from the Yucca Mountain studies would be useful in evaluating other waste disposal sites. Joe Barton (R-TX) and Gene Green (D-TX) pointed out that new legislation could enable DOE to site additional repositories without preventing the Yucca Mountain repository from being

constructed.

Bill Johnson (R-OH), Bob Latta (R-OH), and Shimkus criticized the DOE for studying nuclear waste transport and storage possibilities outside the context of the Yucca Mountain repository, stating that such actions violate the Nuclear Waste Policy Act. However, Moniz responded that the studies were broadly applicable to storage at any site, including Yucca Mountain, and therefore were not in violation of the law.

Representatives from both parties questioned whether the DOE's proposed consent-based siting process would be effective. Gregg Harper (R-MS) reminded the committee that the Low-Level Radioactive Waste Policy Act instituted a consent-based process that resulted in lengthy delays, and warned that the DOE strategy could lead to similar problems. Shimkus and Tim Murphy (R-PA) asked Moniz whether any communities had expressed interest in hosting interim storage or a repository. Moniz responded that there have been media reports about interested communities, including a Texas county that passed a resolution on the matter. Moniz also highlighted an example of successful cooperation between community, state, and federal governments on transuranic waste disposal at the DOE Waste Isolation Pilot Plant in New Mexico.

Some members questioned the DOE's proposal to create interim storage sites, fearing that such sites could become de facto long-term storage locations due to the lack of development of a final repository. However, Upton and Doris Matsui (D-CA) voiced their support for interim storage, asserting that moving spent fuel from decommissioned reactors is a top priority. In response, Moniz emphasized the importance of legally linking the development of interim storage with the development of repositories.

Ralph Hall (R-TX), Lois Capps (D-CA), and Matsui asked about the safety and logistical challenges of transporting spent fuel to these storage sites. Moniz alerted the committee to a 2006 National Academy of Sciences study that recommended moving nuclear waste by train and added that large volumes of nuclear waste have been successfully moved in Europe.

Jerry McNerney (D-CA) asked Moniz about the commingling of military and civilian waste, and about whether nuclear waste would be retrievable from a repository. Moniz responded that the Nuclear Waste Policy Act had required commingling, but that the DOE was now reassessing the utility of that mandate. He explained that spent fuel – but not high-level defense waste – could be reprocessed and used for further power production. Because of the potential for reprocessing, and for reasons of public acceptance, he suggested that spent fuel and other waste would likely be retrievable from a repository for a period of time after it is placed there.

Opening statements and witness testimony, as well as a video archive of the entire hearing, are available from the House Committee on Energy and Commerce website.

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