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ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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September 11, 2026

MEMORANDUM

To: Subcommittee on Energy Members and Staff
From: Committee Majority Staff
Re: Subcommittee on Energy Hearing on September 15, 2026

I. INTRODUCTION

The Subcommittee on Energy will hold a hearing on Tuesday, September 15, 2026, at 10:00 a.m. (ET) in 2123 Rayburn House Office Building. The hearing is entitled, “Nuclear Spent Fuel Policy: Examining Nuclear Lifecycle Innovation Campuses.” The hearing will examine the potential role of the Department of Energy’s proposed Nuclear Lifecycle Innovations Campuses in carrying out the nation’s nuclear waste policy.

II. WITNESSES

Panel 1

- **The Honorable Theodore J. Garrish**, Assistant Secretary for Nuclear Energy, U.S. Department of Energy

Panel 2

- **Maria Korsnick**, President and CEO, Nuclear Energy Institute;
- **Stacey Paradis**, Commissioner, Illinois Commerce Commission, on behalf of the National Association of Regulatory Utility Commissioners;
- **Greg R. White**, Legacy Officer, Nuclear Waste Strategy Coalition; and
- **Jared des Rosiers**, Vice President for Public, Government and Regulatory Affairs and Deputy General Counsel, Decommissioning Plants Coalition.

III. BACKGROUND

Nuclear Waste Policy

Since the Manhattan Project ushered in the nuclear age, the United States has accumulated high-level radioactive waste that requires permanent disposal. Use of nuclear reactors to power U.S. Navy ships and activities to maintain a nuclear deterrent have resulted in about 14,000 tons of defense waste, which is currently located primarily in Washington State, South Carolina, and Idaho. For the purposes of this hearing, civilian commercial use of nuclear power to produce electricity has produced over 99,000 tons¹ of spent nuclear fuel (SNF), currently stored safely at seventy-five sites in thirty-three states, accumulating at a rate of approximately 2,000 tons annually.² About a quarter of the sites no longer have operating reactors.

Congress formally established the nation's nuclear waste policy with the enactment of the Nuclear Waste Policy Act of 1982 (NWPA). The NWPA created the federal government obligation to dispose of all high-level radioactive waste. The law established the Department of Energy (DOE) program and the objective, scientifically based process to select two sites for permanent geologic disposal. The law established a process to consult with and provide benefits to states, tribes, and local hosts of a site and obligated DOE to take title of commercial SNF and remove and transport it for disposal beginning no later than January 31, 1998.³

The law established that nuclear utility ratepayers would pay fees—one tenth of a cent per kilowatt-hour of electricity generated by commercial nuclear plants—into the Nuclear Waste Fund to cover the disposal costs of SNF, under the principle that those who benefit from nuclear-generated electricity should cover the disposal costs.

Yucca Mountain Licensing

In 1987, after DOE conducted studies of nine potential repository sites located throughout the United States, Congress amended the NWPA and selected the Yucca Mountain site in Nye County, Nevada, as the only site for further study for the first national repository for SNF and high-level radioactive waste. Accounting for both pre-closure and post-closure concerns, DOE evaluations found Yucca Mountain consistently ranked at or near the top of the sites evaluated.⁴

¹ U.S. Dept. of Energy, *Resource Portal for DOE's Nuclear Waste Management Information*, <https://curie.pnnl.gov/map> (last visited Sept. 10, 2026).

² Government Accountability Office (GAO), *Commercial Spent Nuclear Fuel: Congressional Action Needed to Break Impasse and Develop a Permanent Disposal Solution*, GAO-21-603 (Sept. 2021), <https://www.gao.gov/assets/720/716710.pdf>. In addition, there are research reactors at other DOE sites (such as the National Labs) or non-DOE sites (such as universities) that also produce spent nuclear fuel. In all, DOE reports that there are 121 sites in thirty-nine States that have SNF. See also Government Accountability Office (GAO), *Commercial Nuclear Waste: Effects of a Termination of the Yucca Mountain Repository Program and Lessons Learned*, GAO-11-229 at 7 (Apr. 2011), <https://www.gao.gov/assets/gao-11-229.pdf>; see also U.S. Nuclear Regulatory Commission, *Storage of Spent Nuclear Fuel*, U.S. NRC (Aug. 31, 2026), <https://www.nrc.gov/waste/spent-fuel-storage>.

³ Pub. L. 97-425.

⁴ U.S. Dept. of Energy, *Recommendation by the Secretary of Energy of Candidate Sites for the Site Characterization for the First Radioactive-Waste Repository*, U.S. DOE (May 1986), <https://cybercemetery.unt.edu>.

In 2002, following extensive scientific and technical analysis by DOE and its national laboratories, the Secretary of Energy determined Yucca Mountain was suitable as a repository,⁵ and Congress enacted a resolution formally designating the site for a repository. DOE subsequently prepared and submitted a license application to the Nuclear Regulatory Commission (NRC) for the Yucca Mountain facility in 2008.

In 2010, the Obama administration announced its intention, for policy not technical reasons,⁶ to abandon the Yucca Mountain project and made a motion to withdraw the Yucca Mountain license application from the NRC with prejudice. The administration dismantled the DOE office responsible for implementing the NWPA, terminated all activities to support the repository program, and established the Blue Ribbon Commission on America's Nuclear Future (BRC) to conduct a review of policies for managing the back end of the nuclear fuel cycle, including alternatives for storage, processing, and disposal of civilian and defense SNF and high-level waste.⁷

In January 2013, DOE released a document titled *Strategy for the Management and Disposal of Used Nuclear Fuel and High-Level Radioactive Waste*, which included a response to the BRC's recommendations and a framework for meeting the government's obligation to dispose of nuclear waste.⁸ DOE agreed with the BRC that a consent-based siting process would be critical to the successful implementation of the agency's waste management strategy. On January 12, 2017, DOE released a document outlining a draft consent-based siting process for disposal and storage of nuclear waste.⁹

Licensing Litigation, Nuclear Waste Fee, and Liabilities

In the meantime, following the administration's attempt to withdraw the license application, the states of Washington and South Carolina, in addition to private parties, sued the federal government to resume NRC's review of the license. On August 13, 2013, the D.C.

edu/brc/20120621073746/http://brc.gov/sites/default/files/documents/doe_three_site_recommendation_document_s.pdf.

⁵ U.S. Dept. of Energy, *Recommendation by the Secretary of Energy Regarding the Suitability of the Yucca Mountain Site for a Repository Under the Nuclear Waste Policy Act of 1982*, U.S. DOE (Feb. 2002), https://yuccamountain.org/pdf/secretary_eis_recommendation.pdf.

⁶ U.S. Government Accountability, *Commercial Nuclear Waste: Effects of a Termination of the Yucca Mountain Repository Program and Lessons Learned*, U.S. GAO (Apr. 8, 2011), <https://www.gao.gov/products/gao-11-229>; see *The Department of Energy's Role in Managing Radioactive Waste: Hearing Before the Subcomm. on Environment and Economy of the H. Comm. on Energy and Commerce*, 112th Cong. (Jun. 1, 2011).

⁷ Blue Ribbon Commission on America's Nuclear Future, *Report to the Secretary of Energy* (Jan. 2012), [https://www.energy.gov/ne/articles/blue-ribbon-commission-americas-nuclear-future-report-secretary-energy#:~:text=the%20Blue%20Ribbon%20Commission%20on,Hamilton%20and%20Gen;see%20also%20Recommendations%20of%20the%20Blue%20Ribbon%20Commission%20on%20America%27s%20Nuclear%20Future%2C%20Hearing%20Before%20the%20Subcomm.%20on%20Environment%20and%20Economy%20of%20the%20H.%20Comm.%20on%20Energy%20and%20Commerce%2C%20112th%20Cong.%20\(Feb.%201%2C%202012\).](https://www.energy.gov/ne/articles/blue-ribbon-commission-americas-nuclear-future-report-secretary-energy#:~:text=the%20Blue%20Ribbon%20Commission%20on,Hamilton%20and%20Gen;see%20also%20Recommendations%20of%20the%20Blue%20Ribbon%20Commission%20on%20America%27s%20Nuclear%20Future%2C%20Hearing%20Before%20the%20Subcomm.%20on%20Environment%20and%20Economy%20of%20the%20H.%20Comm.%20on%20Energy%20and%20Commerce%2C%20112th%20Cong.%20(Feb.%201%2C%202012).)

⁸ U.S. Dept. of Energy, *Strategy for the Management and Disposal of Used Nuclear Fuel and High-Level Radioactive Waste*, U.S. DOE (Jan. 2013), <https://www.energy.gov/sites/prod/files/Strategy%20for%20the%20Management%20and%20Disposal%20of%20Used%20Nuclear%20Fuel%20and%20High%20Level%20Radioactive%20Waste.pdf>.

⁹ U.S. Dept. of Energy, *Draft Consent-Based Siting Process for Consolidated Storage and Disposal Facilities for Spent Nuclear Fuel and High-Level Radioactive Waste*, U.S. DOE (Jan. 12, 2017), <https://www.energy.gov/ne/articles/draft-consent-based-siting-process-2017>.

Circuit Court of Appeals ruled in favor of the petitioners and issued a *writ of mandamus* forcing NRC to continue the licensing process for Yucca Mountain.¹⁰ As a result, the NRC resumed consideration of the scientific and technical review of the DOE's license application and in 2015, found that DOE's license application met applicable regulatory requirements, including post-closure requirements that the repository could be reasonably expected to safely protect public health for one million years.¹¹ Prior to the Commission making a final decision on the Yucca Mountain license application, DOE and NRC would have to resolve approximately 300 contentions filed by affected parties associated with the project. DOE has taken no action to resume the licensing process, and Congress has not supplied the funding to do so.

In November 2013, the D.C. Court of Appeals also ruled in favor of state utility regulators and held that the Nuclear Waste Fund fee may not be collected from electricity ratepayers due to the federal government's lack of a nuclear waste management plan due to DOE's closure of the Yucca Mountain Project.¹² The approximately \$750 million annual collection was suspended by DOE in May 2014. As of September 30, 2025, the NWF maintained a balance of \$51 billion.¹³

Given DOE's failure to fulfill its contractual obligations to begin disposing of SNF in 1998, nuclear utilities began filing lawsuits to recover additional storage costs they would not have incurred had DOE begun accepting waste as scheduled. Court decisions have held that compensation would come from the U.S. Treasury's Judgment Fund, a permanent account that is used to cover damage claims against the government with taxpayer funds that do not require congressional appropriations.¹⁴ In FY 2024 and FY 2025, the Judgement Fund paid \$500 million and \$1.1 billion, respectively, to settle claims. With \$12.2 billion already paid out, DOE estimates its potential future liabilities for delays in taking SNF could total as much \$44 billion in additional expenditures.¹⁵

Committee Activity

Against this backdrop, the Committee on Energy and Commerce conducted extensive oversight and convened a series of hearings¹⁶ to examine issues to support the development of

¹⁰ *In re: Aiken Cnty.*, 725 F.3d 255 (D.C. Cir. 2013).

¹¹ U.S. Nuclear Regulatory Commission, *Key Documents, NRC Staff's Safety Evaluation Report*, U.S. NRC (Sept. 8, 2026), <https://www.nrc.gov/waste/hlw-disposal/key-documents#sers>. The NRC staff withheld the recommendation to issue the construction authorization license due to issues relating to the ownership and control of the land and water access where the repository would be located.

¹² *Nat'l Ass'n of Regulatory Util. Comm'rs v. United States Dep't of Energy*, 736 F.3d 517 (D.C. Cir. 2013).

¹³ U.S. Dept. of Energy, *FY 2023: NWF Annual Financial Report Summary*, U.S. DOE (Dec. 14, 2023), <https://www.energy.gov/gc/articles/fy-2023-nwf-annual-financial-report-summary>.

¹⁴ Mark Holt, Cong. Rsch. Serv. (CRS), RL33461, *Civilian Nuclear Waste Disposal* (Sept. 17, 2021), <https://www.crs.gov/Reports/RL33461?source=search>.

¹⁵ U.S. Dept. of Energy, *U.S. Department of Energy Agency Financial Report Fiscal Year 2023*, U.S. DOE, https://www.energy.gov/sites/default/files/2023-11/fy-2023-doe-agency-financial-report_0.pdf (last visited Aug. 9, 2026).

¹⁶ *See Update on the Current State of Nuclear Waste Management Policy*: Hearing before the Subcomm. on Environment and the Economy of the H. Comm. on Energy and Commerce, 114th Cong. (May 15, 2015); *Oversight of the Nuclear Regulatory Commission*: Hearing before the Subcomm. on Energy and Power and the Subcomm. on Environment and the Economy of the H. Comm. on Energy and Commerce, 114th Cong. (Sept. 9, 2015); *Transporting Nuclear Materials: Design, Logistics, and Shipment*: Hearing before the Subcomm. on Environment

comprehensive NWPA reforms. These reforms sought to address issues such as long-term project funding, DOE program management, licensing, site preparation, stakeholder engagement, and other matters necessary to ensure the program to manage SNF and high level waste would operate effectively in meeting statutory requirements going forward.¹⁷ The work culminated in the strong, bipartisan House passage of the Nuclear Waste Policy Amendments Act of 2018 (H.R. 3053)¹⁸ in May 2018 by a vote of 340-72 but did not advance in the Senate.¹⁹ Related measures in the 116th Congress also failed to reach the President's desk. The Subcommittee on Energy, Climate, and Grid Security held a hearing on April 10, 2024, to examine federal responsibility for permanent disposal of SNF, including opportunities to reduce disposal volumes through reprocessing.²⁰

Proposal for Nuclear Lifecycle Innovation Campuses

On May 23, 2025, the Trump Administration issued Executive Order (EO) 14302, titled "Reinvigorating the Nuclear Industrial Base."²¹ The EO included a directive for the Secretary of Energy to recommend a national policy to support the management of SNF and high-level waste and to strengthen the domestic nuclear fuel cycle. In January of 2026, the DOE issued a Request for Information (RFI) inviting states to express interest in hosting Innovation Campuses.²² The proposed Innovation Campuses would host activities across the nuclear fuel cycle, including fabrication, enrichment, reprocessing SNF, and disposition of waste.²³

The proposed goals of the Innovation Campus RFI to co-locate functions across the nuclear fuel cycle leading to final disposition of waste resulted in several states expressing interest in hosting a site. In July 2026, DOE signed memoranda of understanding with Utah, Tennessee, Oklahoma, Louisiana, and Idaho, and, in September, with West Virginia, expressing the shared intention of continuing to explore the opportunity to become a host state for an

and the Economy of the H. Comm. on Energy and Commerce, 114th Cong. (Oct. 1, 2015); *Update on Low-Level Radioactive Waste Disposal Issues*: Hearing before the Subcomm. on Environment and the Economy of the H. Comm. on Energy and Commerce, 114th Cong. (Oct. 28, 2015); *The Nuclear Waste Fund: Budgetary, Funding, and Scoring Issues*: Hearing before the Subcomm. on Environment and the Economy of the H. Comm. on Energy and Commerce, 114th Cong. (Dec. 3, 2015); *Fiscal Year 2017 Nuclear Regulatory Commission Budget*: Hearing before the Subcomm. on Energy and Power and the Subcomm. on Environment and the Economy of the H. Comm. on Energy and Commerce, 114th Cong. (Apr. 20, 2016); *Federal, State, and Local Agreements and Associated Benefits for Spent Nuclear Fuel Disposal*: Hearing before the Subcomm. on Environment and the Economy of the H. Comm. on Energy and Commerce, 114th Cong. (Jul. 7, 2016).

¹⁷ See generally, U.S. House Committee on Energy and Commerce, *Yucca Mountain* (last updated Sept. 22, 2022), <https://energycommerce.house.gov/yucca-mountain>, for additional background information on Yucca Mountain.

¹⁸ Nuclear Waste Policy Amendments Act of 2018, H.R. 3053, 115th Cong. (2017).

¹⁹ Press Release, U.S. House Committee on Energy and Commerce, Walden, Shimkus on House Passage of Historic Nuclear Waste Legislation, (May 10, 2018), <https://energycommerce.house.gov/po-sts/walden-shimkus-on-house-passage-of-historic-nuclear-waste-storage-legislation>.

²⁰ See *American Nuclear Energy Expansion: Spent Fuel Policy and Innovation: Hearing Before the Subcomm. on Energy, Climate and Grid Security of the H. Comm. on Energy and Commerce*, 118th Cong. (Apr. 8, 2024).

²¹ Exec. Order No. 14302, 90 Fed. Reg. 22595 (May 29, 2025).

²² Press Release, *Department of Energy Seeks Hosts for Nuclear Lifecycle Innovation Campuses*, U.S. DOE (Jan. 28, 2026), <https://www.energy.gov/articles/department-energy-seeks-hosts-nuclear-lifecycle-innovation-campuses>.

²³ *Id.*

Innovation Campus.²⁴ DOE plans to continue negotiating with the 6 states to try to reach hosting agreements for the Innovation Campuses.

The Trump Administration's intention is for the successful development of Nuclear Lifecycle Innovation Campuses to serve as the foundation for addressing the nation's obligations for ultimate disposal of nuclear waste.²⁵ Development of additional sites to dispose of nuclear waste and related activities will require amendments to the NWP. This hearing provides an opportunity for Members to examine the prospects for Nuclear Lifecycle Innovation Campuses, the potential for these Campuses to advance nuclear economic potential while addressing necessary disposal obligations, and other policies Members may consider with respect to updating nuclear waste policy.

IV. KEY ISSUES AND QUESTIONS

- What is the intended scope, timing, and prospects for Nuclear Lifecycle Innovation Campuses?
- What is necessary to ensure a durable program to address disposition of SNF?
- What is necessary to protect the interests of ratepayers and the purpose of the NWP?
- What are the primary issues to consider with respect to reprocessing as part of nuclear waste policy?

V. STAFF CONTACTS

For any questions regarding this hearing, please contact Mary Martin, Peter Spencer, or Calvin Huggins of the Committee Staff at (202) 225-3641.

²⁴ U.S. Dept. of Energy, *Nuclear Lifecycle Innovation Campuses*, U.S. DOE, <https://www.energy.gov/ne/nuclear-lifecycle-innovation-campuses> (last visited Sept. 4, 2026).

²⁵ See Exec. Order No. 14302, 90 Fed. Reg. 22595 (May 29, 2025).