

**Opening Statement of the Honorable John Shimkus
Subcommittee on Environment and the Economy
“Update on Low-Level Radioactive Waste Disposal Issues”
October 28, 2015**

(As Prepared for Delivery)

Today’s hearing on the disposal of low-level radioactive waste continues our detailed examination of what it takes to manage, store, and dispose of nuclear material.

Nuclear science and technologies take advantage of radiation and nuclear properties of the atom to perform many useful activities, such as improving food safety, protecting our homeland, and providing for precise industrial production. However, these invaluable technologies generate low-level radioactive waste, which must be carefully managed and transported for disposal, even though it has a lower level of radioactivity and shorter decay time than spent fuel from a nuclear power plant.

Additionally, as our fleet of nuclear power plants ages, more reactors must go through the decommissioning process. For example, the decommissioning plan for the Vermont Yankee plant will outlast the license for the West Texas facility where the low-level waste is currently planned to be sent.

Over 35 years ago, Congress passed the Low-Level Radioactive Waste Policy Act of 1980 to establish a system by which States would form regional compacts to have a consent-based siting process for low-level waste disposal facilities. In 1985, after limited success in implementing the Act, Congress had to amend the law to provide greater authority to host States.

Ten compacts are in place today, six of which do not have an active disposal site, including the Central Midwest Compact which is comprised of Illinois and Kentucky. Eight States and the District of Columbia are not affiliated with a compact.

Prior to 2008, the six compacts without a disposal site and the unaffiliated States had access to the Barnwell, South Carolina facility for Class B and C waste. However, starting in 2008, the South Carolina Legislature made a political decision and opted to allow access only to members of the Atlantic Compact. As we will hear today, that left a significant portion of the country without a disposal pathway for Class B and C waste until 2012, when the Texas Compact opened for business, the only facility to open as a result of the Low-Level Waste Policy Act.

While Texas is currently filling a national need, political considerations could once again shift, and force States to store material onsite until a new facility is located, licensed, and accepting waste. It is important for Congress to provide oversight of low-level waste policy to make sure States have uninterrupted access to a disposal site.

While compacts must address commercially generated low-level waste, the Department of Energy must manage the low-level waste generated by its research activities and the nuclear enterprise. DOE works with the communities around the nation to assure safe management and permanent disposal. Today we will hear how DOE can improve its engagement to assure those communities are heard and a part of the process.

Additionally, the Federal government is responsible to for disposing of “Greater Than Class C” waste, or GTCC, which is more hazardous than other classes of low-level waste. The Nuclear Regulatory Commission requires that GTCC waste be disposed of in a geologic repository.

In 2005, Congress directed DOE to examine disposal options for GTCC waste and make recommendations to Congress. Congress has not yet received any GTCC recommendation. However, DOE walked away from the most practical disposal pathway for GTCC waste when President Obama quit work on the Yucca Mountain project.

The longer DOE puts off its recommendation, the longer this material must remain onsite in temporary storage, instead of in permanent disposal.

The sole geologic repository that has been in operation for the Federal government to dispose of radioactive waste is the Waste Isolation Pilot Project or WIPP. In 2014, WIPP experienced an incident that closed the facility. I am interested in hearing from DOE how this incident has had repercussions in the Federal government's waste management strategy.

Today's hearing will inform this Committee's efforts to advance a comprehensive policy to manage spent nuclear fuel and high-level waste. Let's look closely at the experience of siting low-level waste repositories and how the Federal government engages State and local communities in the decision making process.

The Department of Energy carefully and constructively engaged with the State of Nevada to provide for a mixed low-level waste disposal site at the Nevada National Security Site, adjacent to Yucca Mountain. We should consider how these conversations between the Federal government and Nevada can continue to advance the development of a deep, geologic repository for used fuel.

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