

Opening Statement of the Honorable John Shimkus
Subcommittee on Environment
Hearing on “H.R.____, the Nuclear Waste Policy Amendments Act of
2017”
April 26, 2017

Good morning and welcome to our hearing to receive testimony on the discussion draft titled, “The Nuclear Waste Policy Amendments Act of 2017.”

For over fifty years, the Federal government has funded activities to fulfill its obligations for permanent disposal of nuclear waste. In 2008, after decades of scientific research, engineering, design, and technical review of the Yucca Mountain site, the Department of Energy achieved a major milestone when it submitted the Yucca Mountain repository License Application to the Nuclear Regulatory Commission for review.

Another milestone was achieved in 2014, when the NRC’s independent scientific review of the license application found that the site is expected to meet all regulatory requirements up to a million years. This meant that NRC’s technical staff found that the system DOE and its national laboratories designed could protect the public by preventing radiation at the site from surpassing natural background levels for 10,000 years—and from surpassing EPA’s standards for a million years. The NRC analysis determined the expected annual release is about equal to a cross country airplane flight and less radiation than we all receive from working here in the Capitol.

Despite the positive safety assessments, the process toward the next legal milestone—adjudication and final NRC license decisions—had already stopped, because the previous Administration terminated DOE’s Yucca Mountain Program.

In response to this situation, this Committee heard from scores of expert witnesses over the past six years about challenges and opportunities to advance our nation’s nuclear waste management policy. This discussion draft reflects what we learned through those hearings, oversight activities and related work. However, it is just that: a discussion draft. And today we start of process of taking input from all stakeholders on this draft.

The discussion draft amends certain provisions of the Nuclear Waste Policy Act to provide for a favorable path forward to dispose of spent nuclear fuel and our legacy defense material. Key provisions in the draft will:

1. Address issues identified by the NRC to successfully adjudicate the pending license application for the Yucca Mountain Project and permit certain supporting infrastructure support activities to move forward;
2. Remove the existing requirement that Nevada waive its right to disapprove of the process in order to enter into an agreement with the Department of Energy to mitigate potential impacts associated with the repository;
3. Provide the Department of Energy authority to move forward with a temporary fuel storage facility, including the ability to enter into a contract with a private entity for that purpose, while assuring that these interim efforts do not compete with resources to complete the permanent repository licensing;
4. Strengthen leadership within Department of Energy to manage a multi-generational infrastructure project and clarify that the Office of Civilian Radioactive Waste Management is the sole statutorily designated office to manage activities under the law;
5. Reform a broken financing system to protect ratepayers and assure that previous investments for nuclear waste disposal activities will be available when needed; and,
6. Protect our nation's priority national security programs by assuring previous appropriations to dispose of defense nuclear waste are taken into account.

A brief note on Nevada's concerns. On Friday, Governor Sandoval reasserted the State of Nevada's long established opposition to Yucca in a letter to the Committee. I recognize the State has filed over 200 contentions on the Yucca Mountain license application objecting to certain provisions of DOE's proposal. I believe it is important and right that Nevada make its case in public, before the appropriate body, and have its legal and technical challenges adjudicated impartially.

To do this, the discussion draft would enable the resumption of the licensing process and provide the opportunity for the State's technical objections to be adjudicated in the NRC process. This would benefit all parties involved and could in fact strengthen the ultimate license for a repository.

Also, in keeping with our practice of listening to Nevada stakeholders, today on a Members panel we welcome the testimony of two new Nevada Representatives, Mr. Kihuen and Ms. Rosen. The Committee also welcomes back Representative Titus, who we heard from last July on this important issue, and looks forward to hearing from my former colleague in the House, Dean Heller, who is now the State's senior Senator. We will also hear from Congressman Wilson of South Carolina, who will speak to a discussion draft provision that reflects language from his bill H.R. 433, the Sensible Nuclear Waste Disposition Act.

Let me also welcome all the witnesses on the second panel, in particular Ward Sproat, who will outline critical steps for the program. Mr. Sproat served as the Director of the Office of Civilian Radioactive Waste Management during a critical time and successfully led the Department's efforts to complete and submit the repository license application.

Maryland Public Service Commissioner Tony O'Donnell is here on behalf of the National Association of Regulatory Utility Commissioners to represent the American ratepayers.

As we will hear, ratepayers have given DOE over \$40 billion to pay for this multi-generational capital infrastructure project and yet the federal government has not fulfilled its legal obligations. Until Congress addresses perpetual problems with the Nuclear Waste Fund, project management challenges will remain.

Our goal here is to identify the right reforms to ensure we can fulfill the government's obligation to dispose of our nation's nuclear material. We have the perspectives today to help us do just that.