

**April 26, 2017 Hearing on “H.R.\_\_\_\_, the Nuclear Waste Policy  
Amendments Act of 2017”**

**Additional Questions for the Record from**

**The Honorable John Shimkus**

**Responses of Edward F. Sproat III**

- 1. Your testimony noted that legislation should clarify the Department’s authority under the Atomic Energy Act to use federal preemption if local authorities attempt to block a shipment.
  - a. Would this preemption policy reduce or alter the safety requirements for nuclear fuel waste shipments?****

**Answer:**

**No. The department would still need to meet all regulatory requirements established by the Department of Transportation and the Nuclear Regulatory Commission for all shipments. It is anticipated that local and state governments will be under political pressure to block shipments through their territories. The Department must have clear legal authority to transport the waste shipments on the chosen routes as long as these shipments are in compliance with the applicable federal regulations.**

**2. Section 602 of the Discussion Draft provides for a fixed-term appointment for the Director of DOE's Office of Civilian Radioactive Waste Management. How would this provision affect DOE's program management? Do you think five years is an appropriate length of time to provide continuity of leadership?**

**Answer:**

**Because the duration of the Repository Project will extend over several decades, continuity of leadership of the Program through the multiple changes in Administrations that will occur is vital to Program success. The proposed provision would allow the Director position to provide the needed continuity of leadership and avoid the prolonged vacancies in leadership that plagued the Program over many years. The proposed fixed term of five years is appropriate as it will provide qualified candidates with some certainty of longevity in the position. It has been extremely difficult to attract qualified individuals to take a position of uncertain duration. This provision will help address this concern.**