



COMMITTEE ON
ENERGY & COMMERCE
DEMOCRATS
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FOR IMMEDIATE RELEASE
April 26, 2017

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Pallone on the Future of Nuclear Waste Storage

“I remain committed to working with my colleagues and stakeholders to develop a workable solution for our country’s nuclear waste program”

Washington, D.C. – *Energy and Commerce Ranking Member Frank Pallone, Jr. (D-NJ) offered the following remarks at an Environment Subcommittee hearing on consideration of draft legislation titled, The Nuclear Waste Policy Amendments Act of 2017:*

Mr. Chairman, thank you for holding today’s hearing on draft legislation to amend the Nuclear Waste Policy Act (NWPA).

Unfortunately, we are having yet another legislative hearing without any Executive Branch witnesses – appointee or career — to provide perspective on how this legislation would be implemented. This is now the sixth legislative hearing this year in our Committee, and not one has had agency witnesses to discuss the legislation under consideration. The glacial pace at which President Trump is nominating individuals for agency positions is historically slow and it’s impeding our ability to get the detailed perspective we need from the agencies that implement the legislation in our jurisdiction.

It has been 30 years since Congress significantly revised the NWPA. Unfortunately, during that period little has been accomplished to address the disposition of the spent nuclear fuel that is a byproduct of electricity generation at nuclear power plants. At the same time, ratepayers have seen their contributions to the nuclear waste fund used more for debt reduction than storage or disposal, while taxpayers have had to foot the bill for damages stemming from the Department of Energy’s (DOE) failure to take title to waste.

I believe we must find a long-term solution to the issue of nuclear waste. With more and more nuclear power reactors scheduled to shut down in the coming years, surrounding communities are realizing that the nuclear waste currently sitting in dry casks and spent fuel pools at these sites will be stored there indefinitely when the plant closes, absent a workable national solution.

In New Jersey, the Oyster Creek Nuclear Generating Station is scheduled to shut down in 2019. It will soon stop providing power, but will continue to provide a home to spent nuclear fuel long into the future unless we come together to fix this program. I know that many of my colleagues here today face similar circumstances in their communities.

Without a functioning federal nuclear waste program, we are failing both the ratepayers who have paid into the waste fund over several decades, and the taxpayers who are paying damages through the Judgment Fund administered by the Justice Department.

These factors, coupled with the increase in plant retirements, underscore the need for interim storage solutions to bridge the gap until a permanent repository is licensed and constructed, wherever that may be. I commend Chairman Shimkus for producing the draft before us yet I worry that it does little to move interim storage forward. By explicitly stating that interim storage cannot be approved until the Nuclear Regulatory Commission makes a final decision on a permanent repository, I fear that we are not providing certainty for interim storage or permanent disposal. In fact, under the bill as currently drafted, it is difficult for me to see how any private entity could obtain financing to construct interim storage.

I also have a specific concern with section 202 of the discussion draft, which undercuts the basis used by the State of Nevada to deny DOE's water rights application for the Yucca Mountain site. For many years, the Federal government has given deference to State water rights laws, but this provision seems to strong-arm Nevada by deeming the water use at the site to be beneficial and in the public interest. I don't see any need for Congress to insert itself at this time into what is surely a legal matter.

My concerns aside, I do appreciate having a proposal from the Chairman. Most of us here today can agree that we need a solution to address the storage and disposal of our nation's spent nuclear fuel. I remain committed to working with my colleagues and stakeholders to develop a workable solution for our country's nuclear waste program and look forward to hearing from our witnesses, particularly my colleagues.

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