

Opening Statement of Jeff Duncan
Subcommittee on Environment and Climate Change
“Clean Up Communities:
Ensuring Safe Storage and Disposal of Spent Fuel”
June 13, 2019

As prepared for delivery

The Energy and Commerce Committee has an enduring and strong bipartisan record supporting nuclear energy. Nuclear is a critical component of our nation’s energy system. It also has been vital to our national security, powering the nuclear navy and providing for our common defense. And there is great potential--if we get the policies right--to benefit from nuclear energy far into the future.

Over the past few years we’ve promoted new nuclear technologies that will provide reliable, emissions free power for our homes and factories, our industrial processes, that will help address climate risks. We’ve moved legislation to streamline regulations to lay the groundwork for advanced nuclear and to ensure more efficient regulation of the existing reactor fleet

We’ve explored policies that will ensure a nuclear infrastructure for tomorrow—ranging from advanced small modular reactors like those under development by Oregon-based NuScale, currently in NRC licensing, to advanced fuel systems for the next generation of reactors.

Yet as we look forward we have responsibility to ensure we implement the existing policies to address the back end of the nuclear fuel cycle, and the defense legacy waste that the federal government has a responsibility for cleaning up.

Here too, Mr. Chairman, I think the Energy and Commerce Committee should continue its leadership to identify what is necessary for the Congress to ensure the Federal government meets its moral and fiduciary responsibility to clean up its defense waste and ensure the permanent, safe disposal of spent nuclear fuel.

We made important strides in the last Congress to reform the fundamental statute to help to accelerate this complicated process. That fell short in the Senate, but I remain hopeful that the record of work by this Committee will continue to inform policy efforts.

This is no small matter. 35 years ago, Congress enacted the Nuclear Waste Policy Act into law. This law was the culmination of decades of experience by the federal government to develop a policy to dispose of high-level radioactive waste and commercial spent nuclear fuel permanently.

Some of the material was created during the Manhattan Project and through the Cold War at the Hanford site, a vital national security facility located on the Columbia River about 40 miles north of my district. Today, this nuclear material sits on a vibrant waterway waiting to be processed and transported to the Yucca Mountain repository in the Nevada desert.

The Nuclear Waste Policy Act also established a fee tied to the generation of nuclear energy to finance the costs of a multi-generational disposal program. Along with 33 other states, Oregon ratepayers fulfilled their financial obligations under the law and paid the Department of Energy over [\\$160 million](#) to dispose of commercial spent nuclear fuel.

I've noted in the past how the Trojan nuclear power plant, located in northwest Oregon, stopped producing electricity in 1993, with the expectation that DOE would begin to remove the spent fuel in 1998, as was required by law. That never happened, as we know, and since the plant's decommissioning activities were completed in 2007, only spent nuclear fuel remains stranded at the site, hampering any redevelopment efforts surrounding the site.

This example is repeated across the nation, with states and communities waiting for DOE to fulfill its obligations and dispose of the spent fuel.

As we all know, the Federal government has been unable to complete the licensing process for a permanent repository. The costs to the American taxpayer to pay for the federal government's delay in opening the Yucca Mountain repository have more than doubled to \$35 billion since 2009 and that figure continues to escalate rapidly as time goes on.

Against this backdrop, Mr. Chairman, I appreciate your moving forward on examining legislative reforms that can help to restart this process. We know from the last Congress, and from the strong bi-partisan support both on this Committee and in the House, how a thoughtful and deliberate legislative process produces good legislation.

I'm pleased to see this past work has informed the current work, particularly in HR 2699, led by Mr. McNerney, which follows closely the H.R. 3053 from the last Congress.

This bill provides for accelerating interim storage of waste without undermining the important system for permanent disposal established in the underlying law. This represents the best path forward for getting the nation to a licensing decision, which is necessary for public confidence in our nuclear waste program, no matter the outcome of that decision.

Thank you, Mr. Chairman for taking the lead on this important issue.

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