

Opening Statement
Chairman Ron Wyden
Hearing on S. 1240, the Nuclear Waste Administration Act of 2013
July 30, 2013

Today, the Committee is holding a legislative hearing on S. 1240, “The Nuclear Waste Administration Act of 2013.” I want to begin by expressing my appreciation to the bipartisan co-sponsors of the legislation – Sen. Murkowski, Sen. Alexander and Sen. Feinstein – for their exceptionally hard work and cooperation in bringing this bill forward for consideration. I also want to thank the members of the Blue Ribbon Commission, including Secretary Moniz. He consulted with us, and helped all of us chart a path forward for national nuclear waste policy.

Senator Feinstein has been a stalwart member of our team and provided invaluable input on the bill. She has submitted a statement for the hearing and, without objection, her statement will be entered into the hearing record in its entirety.

Before we hear from Secretary Moniz and our other witnesses, I am going to make just a few points. First, it’s my strong belief that the country needs a way to permanently dispose of nuclear waste from commercial nuclear power plants and from defense programs. Simply continuing to pass the burden of safely disposing of nuclear waste to future generations is not an option, and that’s true whether the waste is at shuttered nuclear power plants or if it’s in tanks alongside the Columbia River in the Pacific Northwest. The Federal Government is contractually obligated to take spent fuel for disposal, and this liability, already in the billions of dollars, continues to grow with each passing day. And, the Federal Government is morally obligated to make sure that wastes from the Nation’s nuclear weapons programs are safely disposed of in a permanent repository.

Second, whether you happen to be for or against opening Yucca Mountain, Yucca Mountain was not designed to be big enough to handle all of the spent fuel and nuclear waste that will need disposal. Today, there are roughly 70,000 metric tons of spent fuel already sitting at nuclear power plants around our country. The Government Accountability Office estimates that amount will double just from the current generation of nuclear power plants to over 140,000 metric tons. 70,000 metric tons is the statutory capacity limit for Yucca Mountain, until there's a second repository. That leaves no room for the commercial spent fuel that will be generated this year, or next year, or the year after that. It also leaves no room for the spent fuel from the Navy or for the tens of thousands of canisters of high-level waste expected from Hanford and the other Department of Energy nuclear weapons sites.

Third, continuing to keep spent fuel and high-level wastes where they are today – in reactor pools that were not originally designed to store large quantities of spent fuel for long periods of time, at DOE nuclear sites, and at decommissioned nuclear power plants – is an exercise in institutional inertia. I was reminded of a harsh truth when I visited Fukushima: Accidents don't always follow the safety predictions. If plant safety can be improved by reducing the amount of spent fuel stored in existing pools, then that's an option that ought to be on the table. It also is time to come to terms with the fact that having permanent disposal capacity, for all of the waste that the country is going to have, is not going to be up and running any time soon.

Fourth, no one who has commented on the subject believes that the U.S. Department of Energy should continue to be in charge of this program. S. 1240 would create a new agency with a five-member independent oversight board to site and manage

the Government's nuclear waste storage and disposal facilities. There is also a general consensus that the Federal Government needs to work with State and Tribal Governments in siting these facilities, not in conflict with them. Finally, the bill would also authorize the Secretary of Energy to revisit the decision made after the 1982 Act was passed to commingle commercial spent fuel and high-level waste in the same disposal system.

S. 1240 would require the new agency to begin right away to site new facilities for storage of priority waste. Priority waste includes spent fuel at decommissioned nuclear plants and emergency shipments of spent fuel that present a hazard where they're stored. However, storage is not permanent. It's temporary. The new agency is required to also site a permanent repository. A financial commitment to move ahead with the repository and selection of potential sites for that repository are prerequisites for any additional spent fuel storage facilities to come on line.

It's now been three decades since Congress passed the Nuclear Waste Policy Act of 1982 and in many ways the country is no closer to having a permanent solution to these problems than it was then. If anything, there is even less confidence in the Government's ability to solve these problems and meet its commitments to utilities and their ratepayers. Our goal with this legislation is to get the permanent repository program back on track and to make sure spent fuel and nuclear waste are handled safely until it is.

I now want to recognize Sen. Murkowski.