

Statement of Senator Jeff Bingaman  
on the  
Nuclear Waste Administration Act

Wednesday, August 1, 2012

Mr. President, I am today introducing a bill to implement the recommendations of the Blue Ribbon Commission on America's Nuclear Future.

The Blue Ribbon Commission was appointed by Secretary of Energy Steven Chu, at the request of President Obama, in March 2010. The purpose of the Commission was to examine the nation's nuclear waste management policy, consider alternatives, and recommend a new approach. The Commission was made up of 15 distinguished members, and co-chaired by Representative Lee Hamilton and General Brent Scowcroft. Two of our former colleagues, Senator Domenici and Senator Hagel, were also members.

The Commission did an outstanding job. It met more than two dozen times over two years, conducted five public hearings across the country, heard testimony from countless experts and stakeholders, visited nuclear waste management facilities both here and abroad, and assembled a very thorough, thoughtful, and authoritative report.

The Commission made eight clear, concise, and eminently sensible recommendations. Principally, it recommended that we adopt a new, consent-based approach to siting nuclear waste management facilities, and that we establish a new organization to manage the nuclear waste management program. It affirmed the need to build one or more geologic repositories in which nuclear waste can be permanently buried, and it endorsed the need to build one or more temporary storage facilities in which nuclear waste can be stored until it can be permanently disposed of in a repository. It emphasized the importance of giving the new organization access to the funds needed to implement the program. It also made useful recommendations on transportation, and on the importance of continued support for nuclear research and development and international nuclear non-proliferation programs.

The Commission published its report at the end of January, and the two co-chairs, Representative Hamilton and General Scowcroft, testified to the Committee on Energy and Natural Resources on it in early February.

Since then, I have been working with the Ranking Republican on the Committee on Energy and Natural Resources, Senator Murkowski, and the Chairman and Ranking Republican on the Energy and Water Development Subcommittee of the Appropriations Committee, Senator Feinstein and Senator Alexander, to try to put the Commission's recommendations into legislative language.

Much of our time and effort centered on the Commission's recommendation for "a new organization dedicated solely to implementing the waste management program." The Commission recommended that Congress establish a new "single purpose organization," outside of the Department of Energy, but still within the Federal Government to manage the nation's nuclear wastes in place of the Department of Energy. More specifically, it proposed formation of a government corporation, and suggested that the Tennessee Valley Authority might provide a useful model.

Our initial efforts focused on the government corporation approach, but we ultimately agreed to set that model aside in favor of a structure that we believe may be both more effective and more accountable. We chose to focus full responsibility and authority for the program in a single administrator, and to establish a separate board made up of senior federal officials to oversee the administrator.

Most of the rest of our discussions focused on the siting process for temporary storage facilities and permanent geologic repositories. We agreed with the Commission's recommendation that the new organization employ a consent-based approach to siting nuclear waste facilities and with the need for to establish interim storage facilities pending completion of a repository. But we were unable to agree on the "linkage" between storage facilities and the repository.

Under current law, the Department of Energy cannot begin constructing a storage facility until the Nuclear Regulatory Commission issues a license to construct the repository. The Commission found that this tight linkage has prevented a storage facility from being built and recommended that it be eliminated. But the Commission also recognized the need for what it called "positive linkages" between storage and disposal to ensure that progress continues on both fronts and interim storage does not end up become permanent.

Meanwhile, while our discussions were underway, the Energy and Water Development Appropriations Subcommittee reported legislation that authorizes the Secretary of Energy to begin storing nuclear waste at interim storage sites. My proposal for "positive linkages" was to allow the new agency to store up to 10,000 metric tons of spent nuclear fuel at a storage facility built under the authority in the appropriations bill, even if no agreement has been reached on a repository, but to require there to be an agreement for a repository before allowing the new agency to store nuclear waste at other storage facilities.

Regrettably, we were not able to reach an agreement on this issue or on whether the siting process for storage facilities should be identical to the siting process for repositories wherever possible.

Nonetheless, we agreed that I should introduce the bill with the linkages that I have proposed and that the Committee on Energy and Natural Resources should hold a hearing on it in September. I recognize, of course, that the bill will not become law this year. But my hope is to obtain testimony on it and to build a legislative record that might serve as the foundation for

further consideration and ultimate enactment in the next Congress.

Mr. President, the Blue Ribbon Commission found that “it is long past time for the government to make good on its commitments to the American people to provide for the safe disposal of nuclear waste.”

“Put simply,” the Commission said, “this nation’s failure to come to grips with the nuclear waste issue has already proved damaging and costly. It will be even more damaging and more costly the longer it continues....”

The Commission has performed a very valuable service to the nation in showing us a way forward. Its recommendations merit our careful consideration and deserve our approval. I have attempted to put them into legislative form so that they can be enacted and implemented.

I recognize that will not happen this year. It will take a great deal more time and work. But it must begin and I hope it will continue in the next Congress.

Mr. President, I ask for unanimous consent that the bill be printed in the Record.