

Senator Dianne Feinstein
Written testimony on the *Nuclear Waste Administration Act*
July 30, 2013

Chairman Wyden, Ranking Member Murkowski, and members of the Energy and Natural Resources Committee: thank you for providing me, a former member of this esteemed committee, with the opportunity to testify on this extremely important piece of legislation.

The byproducts of nuclear energy represent some of the nation's most hazardous materials, but for decades we have failed to find a solution for their safe storage and permanent disposal.

Most experts agree that this failure is not a scientific problem or an engineering impossibility; it is a failure of government.

The Nuclear Waste Administration Act would finally establish a comprehensive nuclear waste policy, addressing the ever-growing amounts of highly radioactive waste that are being stored in communities across the country, costing taxpayers billions of dollars.

This issue is too important for politics as usual, which is why I'm proud to join Senators Wyden, Alexander and Murkowski in introducing the Nuclear Waste Administration Act.

This bipartisan legislation will establish a workable, long term nuclear waste policy for the United States—something our nation lacks today—by implementing the unanimous recommendations of the Blue Ribbon Commission on America's Nuclear Future.

First, the bill would create an independent entity—the Nuclear Waste Administration—with the sole purpose of managing nuclear waste.

Second, the bill would authorize the siting and construction of three types of waste facilities: (1) a "pilot" waste storage facility for waste from shut down reactors, (2) additional storage facilities for waste from other facilities, and (3) permanent repositories to dispose of nuclear waste.

Third, the bill creates a consent-based siting process for both storage facilities and repositories, based on the successful efforts to build waste facilities in other countries.

Fourth, the bill would direct the fees currently collected from nuclear power ratepayers to fund nuclear waste management.

Finally, the legislation ensures that the new Nuclear Waste Administration will be held accountable for meeting Federal responsibilities and stewarding Federal dollars.

The United States has 104 operating commercial nuclear power reactors that supply one-fifth of our electricity and nearly 75 percent of our emissions-free power.

However, production of this nuclear power has a significant downside: it produces nuclear waste that will take hundreds of thousands of years to decay. And unlike most nuclear nations, the United States has no program to consolidate waste in centralized facilities.

Instead, we leave the waste next to operating and shut down reactors sitting in pools of water or in cement and steel dry casks. Today, approximately 70,000 metric tons of nuclear waste is stored at commercial reactor sites. This total grows by 2,000 metric tons each year.

In addition to commercial nuclear waste, we must also address waste generated from creating our nuclear weapons stockpile and powering our Navy.

Although the Federal government signed contracts committing to pick up commercial waste beginning in 1998, the Federal government's waste program has failed to take possession of a single fuel assembly.

Our government has not honored its contractual obligations. We have been sued, and we have lost. So today, the Federal taxpayer is paying power plant owners to store the waste at reactor sites all over the nation. The cost of this liability is forecast to reach \$20 billion by 2020.

As we try to manage our growing national debt, we simply cannot tolerate continued inaction.

In January 2012, the Blue Ribbon Commission on America's Nuclear Future completed a two-year comprehensive study and published unanimous recommendations for fixing our nation's broken nuclear waste management program.

The Commission found that the only long-term, technically feasible solution for this waste is to dispose of it in a permanent underground repository. Until such a facility is opened—which will take many decades—spent nuclear fuel will continue to be an expensive, dangerous burden.

That is why the Commission also recommended that we establish an interim storage facility program to begin consolidating this dangerous waste, in addition to working on a permanent repository.

Finally, after studying the experience of all nuclear nations, the Commission found that siting these facilities is most likely to succeed if the host states and communities are welcome and willing partners, not adversaries. The Commission recommended that we adopt a consent based nuclear facility siting process.

The Nuclear Waste Administration Act would implement those recommendations, putting us on a dual track toward interim and permanent storage facilities. The bill also reflects much work by former Senator Bingaman, who put forward a similar proposal as one of the last bills he wrote.

In my view, one of the most important provisions in this legislation is the pilot program to begin consolidating nuclear waste at safer, more cost-efficient centralized facilities on an interim basis. The legislation will facilitate interim storage of nuclear waste in above-ground canisters called

dry casks. These facilities would be located in willing communities, away from population centers, and on thoroughly assessed sites.

Some members of Congress argue that we should ignore the need to interim storage sites and instead push forward with a plan to open Yucca Mountain as a permanent storage site. Others argue that we should push forward only with repository plans in new locations.

But the debate over Yucca Mountain—a controversial waste repository proposed in the Nevada desert, which lacks state approval—is unlikely to be settled any time soon.

I believe the debate over a permanent repository does not need to be settled in order to recognize the need for interim storage. Even if Congress and a future president reverse course and move forward with Yucca Mountain, interim storage facilities would still be an essential component of a badly needed national nuclear waste strategy.

By creating interim storage sites—a top recommendation of the Blue Ribbon Commission—we would begin reducing federal liability while our nation sites and builds a permanent repository.

Interim storage facilities could also provide alternative storage locations in emergency situations requiring spent nuclear fuel to be moved quickly from a reactor site.

Both short- and long-term storage programs are vital.

Permanently disposing of our current inventory of nuclear waste will take several decades.

Because of that long timeline, interim storage facilities allow us to achieve significant cost savings for taxpayers and utility ratepayers by shuttering a number of nuclear plants.

One thing is certain: inaction is the most costly and least safe option.

Our longstanding stalemate is costly to taxpayers, utility ratepayers and communities that are involuntarily saddled with waste after local nuclear power plants have shut down.

And it leaves nuclear waste all over the country, stored in all different ways.

It's long overdue for the government to honor its obligation to safely dispose of the nation's nuclear waste.

This will be a long journey, but we must take the first step.

Thank you, Chairman Wyden and the Committee.