

**Committee on Energy and Commerce**  
**Opening Statement as Prepared for Delivery**  
**of**  
**Subcommittee on Energy, Climate, and Grid Security**  
**Ranking Member Diana DeGette**

***Hearing on “American Nuclear Energy Expansion: Spent Fuel Policy and Innovation”***

**April 10, 2024**

Thank you, Mr. Chairman. Witnesses, thank you for being here to testify today and for your expertise within the nuclear energy field. As nuclear energy continues to provide us with a carbon-free source of energy, we need to find a storage solution for nuclear waste that does not abandon the communities that host nuclear reactors. Nuclear fuel that has already been used in a reactor is typically stored on-site where it was once used to generate power, even if that reactor has been decommissioned and is no longer operating.

Spent fuel is stored at 75 different sites in 33 different states across the country, including 23 sites that are no longer operating. The Biden Administration has focused instead on pursuing a consent-based siting program, under existing authorities. This will allow for the siting of spent nuclear fuel under consent-based siting consortia, which engages the States earlier in the process.

Nuclear spent fuel policy in the United States is governed by the Nuclear Waste Policy Act (NWPA), which called for a permanent waste repository to be set up by 1998. The process is obviously not easy, or it would have already been solved as we saw with the State of Nevada, and the siting program that did not work there. This is why it is a smart decision by the Biden Administration to seek a consent-based siting program.

The price tag for storing spent fuel has been increasing for the Department of Energy (DOE), and the Government Accountability Office (GAO) estimates the DOE may have up to \$60 billion in liabilities for storing spent fuel by 2030. And as these costly liabilities increase, court decisions have prohibited DOE from collecting a fee of \$0.001 per kilowatt-hour of electricity generated from nuclear power. This is equal to roughly \$750 million annually, which was previously used to fill the Nuclear Waste Fund, which was designed to pay for the expenses of storing spent fuel.

Other nations including France and India reprocess their spent fuel, a process by which 96 percent of the spent fuel can be recycled to make fresh fuel for nuclear reactors, severely lowering the amount of spent fuel that must be stored in a repository. It is expensive to reprocess spent fuel, but the cost of doing nothing is also high as we leave spent fuel stored on-site, even if that reactor has been decommissioned and is no longer operating.

In 2020, President Trump withdrew his support from the Yucca Mountain repository and did not request funding for the repository in his Fiscal Year 2021 budget. Ten years earlier, in 2010, President Obama established the “Blue Ribbon Commission on America’s Nuclear Future” to examine alternatives to the Yucca Mountain repository. The Blue-Ribbon Commission’s report recommended that the federal government create a new, consent-based siting process for future interim and permanent storage

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repositories. In April 2023, the Biden Administration moved forward with this approach and issued final guidelines on a consent-based siting process. The government spending bill Congress passed just last month included \$55 million to fund DOE's consent-based siting activities.

Congress must continue to support DOE in its work to implement this consent-based approach to managing spent nuclear fuel, which will help meet the needs of communities currently housing spent fuel.

With that, I would like to recognize Congressman Peters, who knows about community engagement regarding reactors operating and decommissioned, to introduce a witness from his home State of California involved in these issues.