

**Statement of Dr. Peter Lyons, Assistant Secretary for Nuclear Energy**  
**U.S. Department of Energy**  
**Before the**  
**Subcommittee on Environment and the Economy**  
**Energy and Commerce Committee**  
**U.S. House of Representatives**  
**September 10, 2013**

Chairman Shimkus, Ranking Member Tonko, and members of the Subcommittee, thank you for your invitation to testify at the Subcommittee's hearing today. The Administration takes seriously its obligations to manage and dispose of used nuclear fuel and high-level radioactive waste, as emphasized in the testimony of Secretary Moniz to this Subcommittee a few weeks ago.

President Obama has made climate change mitigation a priority and set a goal of reducing emissions in the range of 17 percent below 2005 levels by 2020. He has emphasized the important role of nuclear power in his "all-of-the-above" clean energy strategy. Nuclear power remains the United States' single largest contributor (more than 60 percent) of non-greenhouse-gas-emitting electric power generation while it has reliably and economically contributed almost 20 percent of electrical generation in the U.S. over the past two decades. We believe that nuclear energy will continue to be an important part of the nation's low carbon future. Finding a solution to managing and disposing of the nation's high-level radioactive waste and used nuclear fuel is a long-standing challenge. Such a solution, however, is necessary to assure the future viability of this important carbon-free energy supply and further strengthen America's standing as a global leader on issues of nuclear safety and nonproliferation.

The Administration's *Strategy for the Management and Disposal of Used Nuclear Fuel and High-Level Radioactive Waste* provides a framework for the Administration and Congress to continue to develop the path forward for disposal of nuclear waste and provides near-term actions to be implemented by the Department of Energy pending enactment of new legislation. We are facing a unique opportunity to address the needs of the back-end of the nuclear fuel cycle by setting it on a sustainable path and providing the flexibility needed to engage potential host communities and anticipate advancements in technology development. The Administration is ready and willing to engage with both chambers of Congress to move forward.

**Recent Events**

Since Secretary Moniz testified before this Subcommittee, the U.S. Court of Appeals for the D.C. Circuit has issued a writ of mandamus ordering the Nuclear Regulatory Commission to

resume its review of the Yucca Mountain license application. On August 30, the NRC issued an order inviting all participants in the licensing proceeding to provide, by September 30<sup>th</sup>, their views as to how the agency should proceed. The Department is carefully considering how to respond to this order. As we have long made clear, however, the Department will comply with NRC or judicial orders that are directed to DOE, subject, of course, to the availability of appropriated funds.

As recently reported to the Subcommittee, the Department currently has approximately \$16 million in unobligated funds originally appropriated for Yucca Mountain licensing activities. In addition, the Department has approximately \$30 million in obligated uncosted balances, already committed on existing contracts.

### **Strategy for the Management and Disposal of Used Nuclear Fuel and High-Level Radioactive Waste**

As we have said consistently, any workable solution for the final disposition of used fuel and nuclear waste must be based not only on sound science but also on achieving public acceptance at the local, state and tribal levels. When this Administration took office, the timeline for opening Yucca Mountain had already been pushed back by two decades with no end in sight. It was clear that stalemate could continue indefinitely. Rather than continuing to spend billions of dollars more on a project that faces such strong opposition, the Administration believes a pathway similar to that the Blue Ribbon Commission laid out — a consent-based solution — is one that meets the country's national and energy security needs and has the potential to gain the necessary public acceptance.

To that end, the Administration continues to support the development of a pilot interim storage facility with an initial focus on accepting used nuclear fuel from shut-down reactor sites. Acceptance of used nuclear fuel from shut-down reactors provides a unique opportunity to build and demonstrate the capability to safely transport and store used nuclear fuel, and therefore to make progress on demonstrating the federal commitment to addressing the used nuclear fuel issue. Beyond a pilot-scale facility, the Administration supports the development of a larger consolidated interim storage facility with greater capacity and capabilities that will provide flexibility in operation of the transportation system and disposal facilities. The Administration is committed to advancing development of both interim storage and geologic disposal facility options in parallel, even though they may become operational at different times. The development of geologic disposal capacity is currently the most cost-effective way of permanently disposing of used nuclear fuel and high-level radioactive waste while minimizing the burden on future generations.

The Administration looks forward to working with this Committee and other Members of Congress on crafting a path forward for used nuclear fuel and high-level waste management and disposal. This progress is critical to assure that the benefits of nuclear power are available to current and future generations. I would now be pleased to answer any questions you may have.