

Below is the opening statement of Chairman Shelley Moore Capito (R-W.Va.) as delivered.

"This morning we will discuss the status of, and the need to update, our nation's nuclear waste management policy.

"Nuclear energy is a foundational part of America's energy system that provides reliable, clean power to our electric grid. This Committee has done quite a bit in this area in terms of nuclear. However, nuclear power generation produces spent nuclear fuel as a byproduct, which then must be safely managed and disposed of.

"Who manages and disposes of this material, and how and where they do it, has been the subject of national policy discussions for 60 years. More than four decades ago, Congress passed the Nuclear Waste Policy Act, formalizing a national framework to address the challenging issue.

"While much progress was made over multiple administrations of both political parties, the Obama Administration illegally halted the program in 2010. Since then, the Obama, Trump and Biden Administrations have all considered different formulations and structures to a nuclear waste program.

"To work with states on nuclear waste disposal, the current administration proposes to create Nuclear Lifecycle Innovation Campuses, or NLICs. This concept would co-locate nuclear facilities that play a role in the entire nuclear supply chain, as well as potentially other industrial facilities in interested states.

"In return for the economic benefits associated with these facilities, the host state would agree to be the permanent disposal site for a portion of our nation's nuclear waste inventory. To date, the Department of Energy has signed Memorandums of Understanding, or MOUs, with six states, including West Virginia, to further talks on the NLIC initiative.

"This initial step is a good conversation starter, and I appreciate the leadership of the Department of Energy's Office of Nuclear Energy for this effort.

"Importantly, any new approach, including the NLIC initiative, requires Congress to update the law. Today, we will explore what key principles must be considered in future legislation.

"First and foremost, history has shown that nuclear waste management is a multi-generational infrastructure project. A successful policy must be built for the long term and durable, with strong bipartisan buy-in from Congress.

"Should West Virginia, or any other state, proceed forward and sign an NLIC agreement, the full terms of the deal must be clearly understood and legally enforceable.

"My constituents need to know the answers to such questions such as:

- *What is the federal government's long-term commitment to the state?*
- *What is the state's long-term commitment to the federal government?*
- *What mechanisms are available to all parties to enforce an agreement?*
- *What are the forms and characteristics of the nuclear waste that will be disposed [of] in the state?*
- *What storage and disposal facilities will be developed and how will those facilities be safely regulated?*
- *And lastly, how will the different provisions of an agreement be funded?*

"Second, it is imperative that each potential host state has confidence that nuclear waste will be safely managed—managed alongside the numerous nuclear facilities that could compose their innovation campus. For example, in moving away from a single national nuclear waste repository, it must be clear what disposal options are available for the many forms of radioactive material.

"New disposal technologies will also require clear regulatory standards that can be relied upon to protect health and safety for generations to come. The Nuclear Regulatory Commission will be integral to this conversation. For private entities that sign up to join an innovation campus, the NRC will be responsible for licensing and regulating those facilities and must continue to prioritize nuclear safety.

"Finally, for potential host states, the private sector and the federal government, we must address the challenge of properly funding a nuclear waste disposal program. Ratepayers have paid the federal government to dispose of the spent nuclear fuel generated at nuclear power plants. That fee was collected and is accounted for, over $50 billion to date.

"However, Congress did not appropriate sufficient funding and the licensing, regulatory and program costs were never fully covered. Ultimately, this lack of appropriated funding was the reason that the Nuclear Waste Policy Act failed to achieve its goals and why we are here today.

"We must ensure that there is a funding structure that gives a new policy the best chance for success. I look forward to exploring these issues today so I can better understand how to deliver an effective, durable update to our nuclear waste policy."

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