

ECA Update: October 28, 2015



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ECA Chair Testifies on Waste Disposal *ECA Staff*

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ECA Chair Chuck Smith provided testimony during today's House Energy and Commerce Subcommittee on Environment and the Economy hearing, titled "Update on Low-Level Radioactive Waste Disposal Issues."

Smith articulated ECA's recommendations to the members of the committee, including changing waste classification to define waste based on composition rather than origin. During his testimony, Smith asked members of the committee to consider and support communities and States interested in providing alternative storage as part of a consent-based process, while also allowing the public to comment on alternative storage options in pursuit of a "consent-based process."

Smith highlighted to Chairman John Shimkus (R-IL) and Ranking Member Paul Tonko (D-NY) the need for Congress to assist local communities by changing the statute in legislation and provided sample legislative language to committee staffers (as outlined in DOE's Fact Sheet on Waste Classification). Smith emphasized that such a change could provide additional disposition paths for waste and have an immediate impact for local communities looking to waste to move off their sites to acceptable disposal facilities.

Please find Chairman Smith's testimony below along with a link to video coverage of today's hearing, here:
<https://www.youtube.com/watch?v=pJzwiHqqKzk>.

Chairman Smith appears on the second panel, beginning at the 27:22 min mark.

For more information regarding today's subcommittee hearing, please visit the House Energy and Commerce committee website:
<http://energycommerce.house.gov/hearing/update-low-level->

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Calendar

[radioactive-waste-disposal-issues](#)

Oral Testimony

Chairman Shimkus, Ranking Member Tonko, and Members of the subcommittee, I thank you for inviting me to testify today.

I am Chuck Smith, Council Member of Aiken County, South Carolina, board member of the Savannah River Site Community Reuse Organization, and Chairman of the Energy Communities Alliance, the association of local communities that are adjacent to, impacted by, or supporting DOE activities. Our communities have long played a key role supporting the country's national security efforts, hosting these facilities with the understanding that the waste would ultimately be disposed of in a safe and timely manner.

ECA understands that nuclear waste disposition presents many challenges – **often more political than technical**. As you are well aware, the development of a geologic repository has not proceeded as planned and WIPP is currently not receiving waste. Therefore, there are waste streams in our communities that still have no clear disposal path and we remain *de facto* nuclear waste storage sites.

Today, I'd like to make three key recommendations:

1. **ECA urges Congress to consider feasible alternatives to move waste out of our communities safely, beginning with classifying waste based on its composition, not just by where it originated. This will allow the country to move forward, properly, safely, and scientifically, to dispose of radioactive waste and save taxpayers millions of dollars. It just makes sense.**

ECA believes that changing the way the United States classifies waste can provide additional, safe, publicly acceptable disposal alternatives leading to lower federal and taxpayer costs for storage and less risk to human health and the environment.

Our radioactive waste classification system currently relies primarily on “point of origin” rather than “composition” – the specific hazards posed by its disposal. This approach has many deficiencies.

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It can be misleading: some wastes classified as low-level waste can be more long-lived and pose a higher risk than others labeled high-level or transuranic.

It can be inconsistent: low-level waste is defined by exclusion whereas high-level waste is defined by its source.

It also can be vague, as is the case with the existing definition for HLW: which states that waste must “contain fission products in sufficient concentrations.” That does not adequately address the current state of defense-HLW, some of which could technically qualify as transuranic waste if based only on its radioactive material content.

Only the U.S. classifies nuclear waste this way.

ECA recommends that NRC and DOE work together to consider this option. Many stakeholders feel that NRC and DOE already have the existing authority to make this change. ECA looks to Congress to implement a change immediately through legislation. ECA’s multi-community task force has drafted proposed language for Congressional consideration and we have shared this with your staff.

For Greater-Than-Class C waste, disposal in a geologic repository is the only method currently approved by the NRC. In its absence, Greater Than Class C and Greater Than Class C-like waste – which includes waste from DOE’s cleanup program – has no disposal path. As the Savannah River Site Community Reuse Organization specifically noted in a 2011 letter to DOE, this waste is considered “orphaned” and they do not support Savannah River Site as a potential candidate for its disposal. As a Board Member of the SRSCRO, we follow the communities’ guiding principle: no waste or excess materials shall be brought into South Carolina unless an approved and funded pathway exists for processing and shipment to either a “customer” or out of state waste disposal facility. Clarifying waste definitions would help identify disposal paths.

- 2. ECA recommends that full consideration and support be given to communities and States interested in providing alternative storage and disposal options as part of a consent-based process.**

Greater Than Class C and Greater Than Class C-like waste is essentially the same as Remote-Handled Transuranic waste from the defense sector, which is already being disposed of at WIPP near Carlsbad, New Mexico. The local communities there are knowledgeable on these issues and supportive of cleanup efforts.

If DOE and NRC determine this alternative is safe, secure and reliable; if legislation is passed to allow WIPP to accept the commercial waste as well as the defense waste it already takes; if the necessary regulatory changes are made and resources are provided for outreach and education to ensure the impacted communities and the State understand the potential risks and benefits and approve, WIPP could take appropriately classified transuranic waste as well as the small amount of commercial Greater-Than-Class C waste. This could result in more room for high-level waste and spent nuclear fuel in Yucca Mountain or any other geologic repository. As you all are well aware, Yucca Mountain is considered “full” before it even opens.

I should also mention efforts by the State of Texas to license a disposal cell for Greater Than Class C and Greater Than Class C-like, or transuranic waste. Waste Control Specialists has a proven track-record for safe disposal of low-level waste in Texas, they work closely with the surrounding communities, and they, too, are interested in taking the waste.

Nye County also supports the inclusion of Yucca Mountain as an alternative for disposal of Greater-Than-Class-C waste. However, DOE took it off the table in its draft EIS prior to resolution of the regulatory and legal issues. This was due in large part to the administration’s determination that Yucca Mountain is “not a workable option” and suspension of its licensing activities with the NRC.

- 3. The public must have the opportunity to formally comment on any preferred alternative in pursuit of a “consent-based process.”**

ECA looks forward to reviewing DOE’s “Final” Greater Than Class C EIS when it is released. However, as impacted communities, we stress that **the public must have an opportunity to formally comment on DOE’s preferred alternative, especially as we move towards implementing a “consent-based**

process.” This needs to happen even if this means DOE will have to delay its recommendation to Congress and any Record of Decision while they take public input into account.

In closing, there *are* options and the Federal government needs to give serious consideration to all safe alternatives. Doing so may allow us to overcome stalemates, build momentum, and implement a comprehensive strategy that will get waste moving out of our communities as safely and expeditiously as possible.

Thank you again for the opportunity to present this testimony to you today.

