

House Energy & Commerce Subcommittee on Environment and Economy  
Recommendations of the Blue Ribbon Commission on America's Nuclear Future  
February 1, 2012  
Lake H. Barrett Testimony Summary

The Blue Ribbon Commission (BRC) produced a thoughtful report with excellent recommendations even though the BRC was created partially as a cover for the Administration's termination of the Nuclear Waste Policy Act specified Yucca Mountain licensing process. The BRC recommendations are applicable regardless of the future of Yucca Mountain.

I strongly urge the Administration and Congress to act promptly to incorporate the BRC recommendations into the existing NWPAs national program to get our nation's high level nuclear waste program moving forward again.

I completely agree with the BRC's findings that a solution to the nation's spent fuel management needs is urgent; a geologic repository is essential; there is no technological "silver bullet" that can eliminate the need for a geologic repository, such as Yucca Mountain; and that a volunteer integrated interim storage facility is urgently needed to start removing spent nuclear fuel from isolated shutdown reactors.

The nearly completed Yucca Mountain licensing should be completed in an open and transparent manner and once safety is evident to all Nevadans, negotiations should begin with Nevada to provide needed changes, assurances, and the very substantial benefits that Nevada deserves from the federal government for acting in the national interest.

The BRC recommended partnership consensus approach for the NWPAs mandated second repository should be started immediately, independent of whatever happens with Yucca Mountain.

The DOE should immediately start the process to utilize its existing commercial contractors to explore developing state and local consensus partnership agreements for an integrated phased used nuclear fuel management R&D center which would initially serve as a consolidated interim storage facility for shutdown spent fuels and eventually other DOE Nuclear Energy, Environmental Management, NNSA and Science missions as negotiated by all parties.

The BRC recommendations are a very good start, but much difficult policy work lies ahead to create a revised sustainable policy infrastructure which will realistically resolve long standing issues of organizational independence, authorities, financing, contract obligations, and isolation from future federal or state political interference. I believe political policy solutions can be created, but beware of over simplification and wishful thinking solutions.

Our nation now stands at a critical ethical crossroad on nuclear waste management. It is irresponsible to just continue kicking the problem down the road to the next generation whenever there is political pressure from a few during a primary campaign. We must reestablish the will to act in the national interest. The BRC, despite its politically imposed restrictions, has given the federal government useful actionable recommendations to greatly enhance and revise what has already been achieved. We cannot afford to waste this opportunity.

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Testimony of  
Lake H. Barrett

Thank you, Chairman Shimkus and Ranking Member Green, for the opportunity to provide my personal views on the Blue Ribbon Commission (BRC) Report on America's Nuclear Future recommendations. I have spent several decades of my professional life working to implement the Nuclear Waste Policy Act that established, by law; a scientific, regulatory, and administrative process to safely dispose of our Nation's spent nuclear fuel and high level radioactive wastes in an environmentally protective manner. Unfortunately this Administration has succumbed to politics and has reversed much of the progress that has been made over the past 25 years. Although, this Commission was created partially as a cover for the Administration's actions, it has produced a very thoughtful report with excellent useful recommendations that should be incorporated into our statutes and programs.

It is not the fault of the BRC that it was not allowed to examine the obvious and lawful Yucca Mountain high level radioactive waste deep geologic repository disposal solution concluded under the Nuclear Waste Policy Act process. Despite such a politically imposed shortcoming, this highly qualified and dedicated group produced a thoughtful and well-reasoned report with excellent recommendations. I strongly urge the Administration and Congress to act promptly to incorporate the BRC recommendations into our remaining national program to get our nation's high level nuclear waste program moving forward again.

I strongly agree with the BRC's finding that a solution to the nation's spent fuel management needs is urgently needed and that the cost of inaction is many billions of dollars and mounting every day. The BRC corroborates what every objective study has found since the National Academies of Sciences looked at spent fuel management in 1957 – namely, that a national geologic repository is the foundation of any national spent fuel management program. Under existing U.S. law, a repository site complying with regulatory standards could be available immediately for construction of a disposal facility at Yucca Mountain - if the political opposition from Nevada's elected officials were overcome.

The BRC report also basically affirms the key components of the Nuclear Waste Policy Act. It confirms that there is no technological "silver bullet" that can replace the need for a geologic repository, such as Yucca Mountain.

However, there is a timing issue in the BRC report that I would like to point out. The BRC report properly explains the urgency of developing a repository; however, the only repository development process they recommend will take well over 20 years to achieve. As you may know, the NWPA statute contemplates two geologic repositories, thus this issue could be addressed by utilizing a fresh start BRC consensus process for the NWPA second repository and modifying the existing Yucca Mountain program based on many of the BRC recommendations. The BRC partnership consensus approach for the second repository should be started immediately, independent of whatever happens with Yucca Mountain.

Although they did not address Yucca Mountain, I believe most of their recommendations are applicable to Yucca Mountain as well. Clearly everyone wishes that a consensus agreement could have been established between the DOE and State of Nevada along the lines of the BRC report consensus recommendation and as somewhat originally contemplated in the NWPA Section 117, "Consultation and Cooperation". Clearly that was my personal goal when I was in the Program. Unfortunately, the political situation, in those times, prevented any meaningful negotiations to find a common ground that could resolve Nevada's issues. One major step in the right direction now would be to complete the Yucca Mountain licensing process in an open and transparent manner to independently resolve all of the Nevada safety and environmental concerns.

After spending well over 8 billion dollars on scientific study and engineering evaluations, I am personally very confident that the scientific evidence supports the conclusion that the site will be safe and protective of the environment indefinitely. However, that is not the message that one hears in the Nevada public media. Completing the nearly finished NRC licensing process would hopefully make safety evident to all Nevadans, such that politically driven fear mongering sound bites would be seen for what they are and meaningful negotiations begin so that the Nevada fairness, equity, and benefits concerns can be equitably addressed by the federal government. Such a negotiation could lead to the changes, assurances and the substantial benefits that Nevada deserves from the federal government for acting in the national interest. Such a binding agreement would be of great value and be of mutual benefit to all Nevadans and the rest of the nation.

As the BRC correctly points out, the Carlsbad community and State of New Mexico have made cooperation in the national, state and local interest work well together for the WIPP facility. Nye County, Nevada also has been an effective model with its strong science program and focus on citizen protection as well as understanding benefits.

The BRC report properly highlights the need for federal action to remove the spent nuclear fuel stranded at isolated shutdown reactors. This action would eliminate all nuclear risks at those sites, reduce costs of all (including the federal taxpayers), keep promises, and the sites could be returned to useful societal purposes. To achieve this important goal in a timely, effective manner the BRC correctly recommends a partnership; consensus based consolidated interim storage facility. In my view, this process should begin immediately. This is not a technical problem: it is a problem of our collective failure to act in our mutual national interest with respect to the host state.

DOE has the authority under existing law and the capability with its commercial contractors to act now on many of the BRC recommendations, such as working to develop consensus hosting partnerships. Indeed, the recently passed FY 2012 budget provides \$3M for “development of models for potential partnerships.” It is also a fact that the DOE’s commercial contractors made significant progress in developing over 10 state and local hosting expressions of interest for the past Global Nuclear Energy Partnership (GNEP) facilities. Although the GNEP program no longer exists, the volunteer hosting partnership concept used in that program should be employed to put into practice the BRC recommendation and FY 2012 budget guidance. Hopefully the DOE will integrate these into a prompt effective voluntary host exploration program. The DOE should finance their commercial nuclear contractor support teams, which are already in place under existing support contracts, to engage interested communities and states. They can start this process now to explore potential willing state and local community hosting partnership arrangements.

This simple first step would begin the process of developing what I envision as an integrated phased used nuclear fuel management R&D center(s). Such a facility would initially serve as a consolidated interim storage facility and could eventually expand into other high technology missions if the host community and host state so desire. There are multiple other synergistic Nuclear Energy, Environmental Management, NNSA and Science missions that could complement used nuclear fuel management. These could be negotiated as a package voluntary agreement that could be beneficial to all local, state, federal, and commercial interests. The exact nature of such missions would of course depend upon the actual site and host community and state interests, but there are many opportunities for mutually supportive creative planning to meet everyone’s needs. It is possible that such a negotiation could even result in a volunteer host for a second geologic repository.

Working in the DOE Office of Civilian Radioactive Waste Management for over a decade, I would like to take this opportunity to commend the thousands of scientists, engineers, and trades people that completed the most complex scientific study of an underground complex that has ever been accomplished. This achievement was very difficult as the program was politically attacked and interfered with constantly. All of

the people who worked on this project tried to fulfill their duties to implement the Nuclear Waste Policy Act law within the constraints externally imposed by the political structure. Very regrettably this political interference has now led to its current unlawful termination and has severely impacted the lives of many dedicated people.

The report is also crystal clear that the DOE statutory and contractual commitments to utility and electricity consumer stakeholders have not been met, that spent fuel policy should be augmented by a new organization dedicated solely to carry-out implementation, and that funds collected for waste management should be made available for their intended purpose by taking the nuclear waste fund off-budget. Hopefully progress can be made on all of these superb recommendations.

I would like to point out that many of the complex policy challenges, such as state veto authority, organizational independence, financing, and contract obligations were studied and debated extensively during the past decades. As the complex NWPA was implemented over these decades, there were many more lessons learned about Yucca and the former second repository program than were included in the BRC report.

The BRC recommendations are an excellent start, but they are only a beginning. Please beware of over simplification, wishful thinking, and be prepared for hard work ahead to create a new durable sustainable policy infrastructure. A realistic and objective evaluation of the factors that worked and did not work with the NWPA must be compared with a realistic evaluation of alternative paths forward. Improvements and enhancements can and should be made. Many are exactly what the BRC recommends, but there are also many old devils hiding within the details of the BRC recommendations that will have to be practically resolved.

Our nation now stands at a critical ethical crossroad on nuclear waste management. We owe our children and grandchildren a protective disposal solution for used nuclear fuel and high level radioactive waste that our generation has made. It is irresponsible to just continue kicking the problem down the road to the next generation whenever there is political pressure from a few during a primary campaign. We must reestablish a will to act in the national interest. The issue has been exploited long enough for the local political gains for a few at great cost to many. Solutions are at hand, and the Blue Ribbon Commission, despite its politically imposed restrictions, has given the federal government useful actionable recommendations to greatly enhance what has already been achieved. Let us not waste this opportunity. Thank you.