

OPENING STATEMENT

The Honorable Paul Broun (R-MD), Chairman

Subcommittee on Investigations & Oversight

Joint Hearing with

Subcommittee on Energy & Environment

Review of the Blue Ribbon Commission on America's Nuclear Future Draft Recommendations

October 27, 2011

On January 29, 2010, The President directed the Secretary of Energy to establish a Blue Ribbon Commission to “conduct a comprehensive review of policies for managing the back of the nuclear fuel cycle, including all alternatives for the storage, processing, and disposal of civilian and defense use nuclear fuel and nuclear waste.”

Over the last year and a half, the Commission held numerous meetings and site visits around the country in a transparent and open manner, to hear a wide array of stakeholder input. I was pleased that the Commission recognized the importance of this issue in my community and came down to Georgia and South Carolina last winter and listened to the concerns held by a variety of organizations. On July 29th, the Commission released its draft recommendations, announced it will seek comments on that draft until October 31, and indicated that it will meet its deadline to deliver a final report by January 29, 2012. This hearing allows the Committee to hear expert opinions on the Commission's Draft Report and weigh in accordingly.

At the same time the Administration formed the BRC, the Department of Energy announced that its intention to withdraw the Yucca Mountain license application before the Nuclear Regulatory Commission. Shortly thereafter, Secretary Chu promised that the BRC would have the authority to explore a “full range of scientific and technical options.” Unfortunately it appears that promise was broken. Co-Chair Lee Hamilton said Secretary Chu made it “quite clear that nuclear waste storage at Yucca Mountain is not an option, and that the Blue Ribbon Commission will be looking at better alternatives.” While the BRC charter does not expressly prohibited the consideration of Yucca Mountain, it is not surprising that the BRC draft recommendations ignore the 900 pound gorilla in the room. That 900 pound gorilla, or more appropriately the \$15 billion gorilla, was actually recommended by Secretary Chu months before he joined the Administration. Given the long-standing acknowledgement of the need for a permanent deep geological repository, it should come as no surprise that the BRC still called for a geological repository to be expeditiously developed.

Many of the Commission's other recommendations, such as the development of a quasi-governmental organization and the manner in which the Nuclear Waste Fund, which finances activities to store spent nuclear fuel, is administered are very interesting. I look forward to working with the Commission and the Administration on these recommendations, particularly the Research, Development, and Demonstration provisions that fall within this Committee's jurisdiction. Ensuring a sustained, viable, and safe nuclear sector is an important part of a balanced energy portfolio, and that is enabled by responsible public and private investments in research and development. In Georgia alone, almost a quarter (24.7%) of its electricity

generation comes from nuclear energy. Two power stations – Hatch and Vogtle – have the capacity to generate over 4000 megawatts of emission-free energy.

That nuclear power production also produces spent fuel. There is already a significant amount (2,410 metric tons) of commercial spent fuel currently stored in Georgia awaiting disposition – fuel that the people of Georgia have already paid over \$700 million to dispose of. On top of the fees paid by ratepayers, the American taxpayers are on the hook for \$12 billion in liabilities, due to the Federal Government’s inability to meet their legal obligation to accept spent nuclear fuel. This liability is likely to skyrocket in future years in the absence of Federal action.

In addition to the fuel stored at Georgia’s nuclear reactors, the Savannah River Site also houses a great deal of radioactive material as a result of its contributions to our Nation’s nuclear weapons program. I am concerned that the BRC interim storage recommendations will be used to make the Savannah River Site a *de facto* repository without any of the scientific study that Yucca Mountain has undergone. This concern has long been recognized and was the reason why in 1987 Congress prohibited the construction of such a facility prior to a license being issued for a permanent geological repository.

This distrust brings me to another point. This Administration has long claimed that it makes its decisions based on science. In 2008, the President stated that he would “restore the basic principle that government decisions should be based on the best-available, scientifically valid evidence and not on the ideological predispositions of agency officials or political appointees.” Also, just last year, the President’s Press Secretary stated, “I think what has taken Yucca Mountain off the table in terms of a long-term solution for a repository for our nuclear waste is the science. The science ought to make these decisions.” After reviewing the NRC’s evaluation of whether Yucca Mountain meets regulatory standards, I have trouble reconciling those two statements. At this point I would like to enter into the record a majority staff report titled *Yucca Mountain: The Administration’s Impact on U.S. Nuclear Waste Management Policy*. The report pointedly highlights the NRC’s independent evaluation of Yucca Mountain determined the proposed repository meets all applicable safety requirements, including those related to human health and groundwater protection, and the specific performance goals set forth by the regulatory agencies.

While I believe the Commission’s draft recommendations offer an opportunity to explore innovative policy options, the fact that the Commission was precluded from addressing Yucca Mountain limits the usefulness of the report. Any serious review of spent fuel management has to recognize the decades of research and billions of dollars in investment to ready Yucca Mountain to accept spent nuclear fuel. Let’s also not forget that Yucca Mountain is designated by law as the Nation’s spent fuel repository.

I hope that the Commission Members take this into consideration as they prepare their final report.

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