

7/8/09 EXCERPTS, HOUSE  
APPROPRIATIONS COMMITTEE REPORT  
FY2010 ENERGY/WATER DEVELOPMENT

develop a green-job economy as we recover from the deep economic downturn currently affecting our nation.

The Committee continues to invest in the effort to grow the economy by creating green jobs in a range of areas including renewable energy production from wind, solar, and biomass sources; weatherization and both new building construction standards and older building efficiency and conservation retrofits; a massive commitment to public transportation, mass transit, and high speed rail; accelerating the shift to more energy efficient vehicles; and constructing a "smart" electrical grid transmission system.

Substantial job impact and economic studies have been conducted to provide analysis of the economic impact of public clean energy investments. Studies that analyze the employment and macroeconomic effects of the Department's clean energy policies, and that assess the optimum policy design for the Department's incentive programs for the transition to a clean energy economy, will ensure the effectiveness and success of such public funding. The Committee believes the Department should continue this effort through ongoing arrangements with outside experts. The Department should also work with the Department of Labor to leverage its job market and economic expertise in the Department of Energy's ongoing economic analyses of existing and potential public investments.

#### MANAGEMENT OF NUCLEAR SPENT FUEL AND RADIOACTIVE WASTE

In recent years, the Department has lacked an integrated strategy to address existing and projected quantities of spent fuel and high-level waste over the next several decades. The Yucca Mountain geological repository was the centerpiece of the Department's approach. The decision to terminate the Yucca Mountain geological repository has created even greater uncertainty. The Committee urges the Department to move forward as quickly as practicable in forming the proposed Blue Ribbon Commission to review alternative options for nuclear waste disposal. In the meantime, the Committee supports the Administration's position that the Yucca Mountain application review should continue in order to answer all relevant technical questions.

The Committee strongly believes that the review of alternatives should be based on scientific information and scientific merit. The "President's Memo on Scientific Integrity" (74 Fed. Reg. 18596), dated March 9, 2009, asserted that, "The public must be able to trust the science and scientific process informing public policy decisions." The Committee accepts the Administration's review of alternatives but it is difficult to understand why, if scientific integrity is a priority, Yucca Mountain would not be considered with the other alternatives. The Yucca Mountain site is, arguably, the most studied geology on the planet. Almost ten billion taxpayer dollars have been spent on Yucca Mountain and 1.5 million documents have supported the Nuclear Regulatory Commission's licensing of the site. It might well be the case that an alternative to Yucca Mountain better meets the requirements of the future strategy, but the review does not have scientific integrity without considering Yucca Mountain. Therefore, the Committee makes the \$5,000,000 for the Blue Ribbon Commission available provided that Yucca Mountain is considered in the review.

More generally, and beyond Yucca, the Committee understands the challenges facing the Department in developing an integrated approach to manage spent nuclear fuel and high-level radioactive waste. Responsibilities for spent fuel and radioactive waste are divided among multiple program offices, primarily the Office of Civilian Radioactive Waste Management (for the Yucca Mountain repository), the Office of Environmental Management (for site cleanup and stewardship of the Department's spent fuel and high-level waste), the Office of Naval Reactors (for Navy spent fuel), and the Office of Nuclear Energy (for researching options to recycle spent fuel). Each of those program offices is making varying degrees of progress on its respective spent fuel and high-level waste responsibilities. It is important going forward that these offices work closely together to develop a comprehensive strategy.

#### NUCLEAR WASTE DISPOSAL

Appropriation, 2009	\$145,330,000
Budget estimate, 2010	\$8,400,000
Recommended, 2010	\$8,400,000
Comparison:	
Appropriation, 2009	-46,890,000
Budget estimate, 2010	

The Department of Energy requested a total of \$98,400,000 for Nuclear Waste Disposal. The requested funds terminate the Yucca Mountain nuclear waste repository. The Administration requested funds to continue to work supporting the Nuclear Regulatory Commission's licensing of the site with the purpose of informing the licensing process for the Yucca successor. A Blue Ribbon Commission will be named to evaluate repository alternatives.

For Nuclear Waste Disposal in fiscal year 2010, the Committee recommends \$98,400,000, the same as the budget request. Of this amount, \$5,000,000 is made available to support the Blue Ribbon Commission as requested by the Administration. The Committee supports this effort and provides full funding based on information received from the Department. However, the elimination of particular alternatives currently being proposed by the Administration does raise concerns. Since the Department's overall strategy for the disposition and long-term storage of nuclear material hinges upon the conclusions of this Commission, the analysis must be done on scientific merit using well-established scientific processes. There may be disagreement on whether Yucca Mountain is a suitable alternative, but the public investment made to date and the integrity of the scientific process warrant considering all alternatives. Therefore, the Committee makes the \$5,000,000 available for the Blue Ribbon Commission only for an analysis of alternatives that includes all options for nuclear waste disposal based on scientific merit, as previously discussed in the Management of Nuclear Spent Fuel and Radioactive Waste section of this report. Additionally, the Committee directs that the proposed Blue Ribbon Commission shall include an appropriate level of representation of decommissioned reactor sites to ensure their interests are considered in the formulation of a national nuclear waste policy.

The Committee also fully funds the request of \$98,400,000 for Defense Nuclear Waste Disposal for a total of \$191,800,000 to support the licensing activities on the Yucca Mountain nuclear waste repository at the Nuclear Regulatory Commission in fiscal year 2010 excluding the amount provided for the Blue Ribbon Commission. Not less than \$70,000,000 of these funds shall be for the management contractor to retain the sufficient legal, scientific and technical expertise necessary to maintain and update the Yucca Mountain license application and its supporting documentation as may be required by the Nuclear Regulatory Commission. Further, the Committee recommends the statutory language that funds local units of government at levels proportional to the total funding provided at the fiscal year 2009 enacted level.