



Sustainable Fuel Cycle

TASK FORCE

www.sustainablefuelcycle.com

Sustainable Fuel Cycle Task Force Science Panel

June 29, 2011

The Honorable Lee H. Hamilton
Co-Chairman
Blue Ribbon Commission on America's Nuclear Future
U.S. Department of Energy
C/O Mr. Timothy A. Frazier
1000 Independence Ave., SW
Washington, DC 20585-1290

The Honorable Brent Scowcroft
Co-Chairman
Blue Ribbon Commission on America's Nuclear Future
U.S. Department of Energy
C/O Mr. Timothy A. Frazier
1000 Independence Ave., SW
Washington, DC 20585-1290

Dear Co-Chairman Hamilton and Co-Chairman Scowcroft:

The recently released majority staff report of the House Science, Space, and Technology Committee titled *Yucca Mountain: The Administration's Impact on U.S. Nuclear Waste Management Policy* finds unequivocally that the NRC's technical review has substantiated, what we as scientists have held all along, that Yucca Mountain is technically suitable as the nation's repository. Furthermore, recent testimony before the House Energy and Environment Subcommittee clearly shows that there continues to be strong local support from the community for Yucca Mountain.

Now that the Yucca Mountain has been found to be technically suitable and locally acceptable, it causes us to ask, once again, as did the House Science Committee, why has this administration shut down the Yucca Mountain Project? It also causes us to ask whether the assigned role of the President's Blue Ribbon Commission on America's Nuclear Future was truly based on a legitimate need to this country's nuclear energy policies, or whether it was to provide cover for a political decision orchestrated by Senator Harry Reid and the current administration. In light of the incontrovertible facts that have now come to light, the Blue Ribbon Commission's continued silence on Yucca Mountain calls into question its own scientific integrity.

Initial statements by the Energy Secretary suggested that the decision to terminate the Yucca Mountain Project was driven by flawed science. Although Secretary Chu has never directly stated any scientific flaw with the Yucca Mountain site, he has implied such on many occasions. For example, on March 4, 2011, at a Senate Appropriations Committee hearing, Secretary Chu cited future climate change and saturated rock fissures issues as potential flaws. When challenged by Congress to provide evidence to support such allegations, the Secretary quickly backed down and stated that the Yucca Mountain project was "unworkable" and that better alternatives were available.



Sustainable Fuel Cycle

TASK FORCE

www.sustainablefuelcycle.com

The Honorable Lee H. Hamilton
Co-Chairman
&
The Honorable Brent Scowcroft
Co-Chairman
Blue Ribbon Commission on America's Nuclear Future
U.S. Department of Energy
June 29, 2011
Page Two

Yucca Mountain: The Administration's Impact on U.S. Nuclear Waste Management Policy describes the Majority Staff's review of Volume III of the Nuclear Regulatory Commission's Safety Evaluation Report, which is the Nuclear Regulatory Commission staff's comprehensive technical evaluation of site safety, critical to advancing licensing and construction of the Yucca Mountain facility. The Safety Evaluation Report was obtained by the House Science Committee only after repeated demands and over the objections of Nuclear Regulatory Commission Chairman Gregory Jaczko.

The Majority Staff found that Volume III of the Nuclear Regulatory Commission's Safety Evaluation Report demonstrates in excruciating detail the level of technical support in favor of the site's advancement among technical experts of the Nuclear Regulatory Commission and Department of Energy. In fact the House Science Committee report states that the Nuclear Regulatory Commission staff agreed with over 98.5 percent of the Department of Energy's findings regarding the site's suitability and ability to meet regulatory requirements. The Majority Staff found that the remaining few percent did not impact the Nuclear Regulatory Commission staff's overall conclusions, which were that the Department of Energy's Yucca Mountain License Application complies with applicable Nuclear Regulatory Commission safety requirements, including those related to human health and groundwater protection, and the specific performance objectives called for in regulations for disposal of high-level radioactive wastes at Yucca Mountain found at 10 CFR 63.113-115. We, the Science Panel of the Sustainable Fuel Cycle Task Force are unable to verify these figures due to the unavailability of the document; however, we see little reason to doubt them given the efforts of Chairman Jaczko to prevent independent scientists from seeing NRC staff's evaluations.

Yucca Mountain: The Administration's Impact on U.S. Nuclear Waste Management Policy asks, as do we, the following questions: "Why, then, has the President shut down the Yucca Mountain Project?" and "Why does Nuclear Regulatory Commission Chairman Jaczko refuse to permit NRC safety review of the site to continue, and refuse to allow his fellow Commissioners to formally vote on DOE's Motion to Withdraw the Yucca Mountain License Application?" The answer to these questions, now that the conclusions of Volume III of the Nuclear Regulatory Commission's Safety Evaluation Report have finally seen the light of day and have been made available, are clearly not explained by, or based on any scientific or technical evaluation.

On June 1, 2011, Assistant Secretary for Nuclear Energy, Peter Lyons, testified before the House Energy and Commerce Subcommittee on Environment and the Economy that "public acceptance" was the criterion the Secretary used to determine that Yucca Mountain was not a workable site. Yucca Mountain is located in Nye County Nevada. At that same hearing, Nye County Board of County Commissioners Chairman Charles Hollis testified that there is local support and acceptance of the Yucca Mountain project and submitted for the record, resolutions from six local counties attesting to that support.



Sustainable Fuel Cycle

TASK FORCE

www.sustainablefuelcycle.com

The Honorable Lee H. Hamilton
Co-Chairman
&
The Honorable Brent Scowcroft
Co-Chairman
Blue Ribbon Commission on America's Nuclear Future
U.S. Department of Energy
June 29, 2011
Page Three

A comprehensive review of policies for managing the back end of the nuclear fuel cycle cannot ignore these two important facts that bear so heavily on the very reason for which the Blue Ribbon Commission was created. Whether the commission exists because the science of Yucca Mountain was flawed, which is now known to be false, or because of lack of local support, which was never a credible issue, it is unconscionable to continue the commission's mission without acknowledging that a repository at Yucca Mountain is technically suitable and locally acceptable. A responsible outcome of the deliberations of the President's Blue Ribbon Commission on America's Nuclear Future should clearly state these facts.

We strongly believe that the Blue Ribbon Commission, following the basic principles of truth and integrity, should at the very least call for the NRC staff technical review to be completed and to publicly release their report including the regulatory findings. With regard to the completion of the licensing process of Yucca Mountain, we note that in August of 2008 Secretary Chu, along with the Directors of all the other national laboratories, signed a nuclear policy statement that called for "licensing of the Yucca Mountain Repository as a long-term resource..."

(http://www.ne.doe.gov/pdfFiles/rpt_SustainableEnergyFuture_Aug2008.pdf)

Openness and transparency, as so aptly stated in President Obama's March 9, 2009, directive on Scientific Integrity, demands no less than that this important licensing process be completed. In addition if the Yucca Mountain site meets the NRC regulatory requirements, the Blue Ribbon Commission should recommend that it be included as an alternative to serve the Nation as a solution for addressing the end of the nuclear fuel cycle.

Sincerely,
Science Panel

Charles Fairhurst, Ph.D.

D. Warner North Ph.D.

Ruth Weiner, Ph.D.

Isaac Winograd, Ph.D.

Wendell Weart, Ph.D.

Eugene H. Roseboom Jr., Ph.D.