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## To receive testimony on the final report of the Blue Ribbon Commission on America's Nuclear Future

### *Witnesses:*

**Lee Hamilton**

Co-Chair, Blue Ribbon Commission on America's Nuclear Future

**Brent Scowcroft**

Co-Chair, Blue Ribbon Commission on America's Nuclear Future

**Pete Domenici**

Former Senator New Mexico

### *Members Present:*

Jeff Bingaman (D-NM), Chairman

Lisa Murkowski (R-AK), Ranking Member

Ron Wyden (D-OR)

Jeanne Shaheen (D-NH)

Jim Risch (R-ID)

Mark Udall (D-CO)

Maria Cantwell (D-WA)

Dean Heller (R-NV)

On February 2, 2012, the Senate Committee on Energy and Natural Resources held a hearing to receive testimony on the final report of the Blue Ribbon Commission on America's Nuclear Future. The Blue Ribbon Commission was formed in 2010 as directed by the President's Memorandum for the Secretary of Energy. The goal of the Blue Ribbon Commission is "to conduct a comprehensive review of policies for managing the back end of the nuclear fuel cycle and recommend a new plan." The U.S. has been in a stand still for many decades over the handling of the disposal of nuclear waste. In 1982, Congress passed the Nuclear Waste Policy Act (NWPA, 42 U.S.C. 10101), which set in motion a plan for nuclear waste disposal including identifying potential centralized waste sites. In 1987, the NWPA was amended to declare Yucca Mountain, located in southern Nevada adjacent to the Nevada Test Site, the only site to be considered for further study and to begin storing waste there in 1997. Ever since then Yucca Mountain has been surrounded by controversy and while still the repository by law, funding for completing the site has been terminated. Currently, nuclear waste is accumulating in the U.S. at active nuclear reactors, extinct nuclear reactors, and at Department of Defense sites.

In his opening statement Chairman Jeff Bingaman (D-NM) praised the work done by the Blue Ribbon Commission by saying, "They did their job openly and thoroughly, they stayed focused on the tasks that were assigned to them, and they produced a solid and eminently sensible report." Bingaman said that Congress must focus on the challenge of translating the Commission's findings into legislation.

In her opening statement Ranking Member Lisa Murkowski (R-AK) stated that this nuclear waste issue has been frustrating Congress and the public far too long. The issue of nuclear waste disposal has cost tax payers \$2 billion yet no clear legislative solution has been agreed to. She said if a solution is not found this project will cost U.S. taxpayers \$13 billion by 2021. Senator Murkowski told the committee that she believes the formation of the Blue Ribbon Commission put a hold on the passing of legislation to solve our nuclear waste disposal issues. Looking forward, she said we must begin investigating additional disposal sites without forgetting the Yucca Mountain project.

Lee Hamilton, Co-Chair of the Blue Ribbon Commission began his testimony by addressing the ineffectiveness of the NWPA. He said public confidence in the federal government is deteriorating because of the inability of the government to fix the issue at hand. The stagnancy of the project hurts the development of new technologies as well as our global image. There is currently 65,000

metric tons of nuclear waste spread across the country and an additional 2,000 tons added annually. The report recommends an adaptive consent based approach. The communities near the proposed sites will have to allow consent for the building of the repository for the site to be considered. This approach is designed to prevent another scenario like Yucca Mountain where community was not given an opportunity to comment. Hamilton's opinion is that the current system of taxing nuclear plants is a good approach, but it needs to be amended so the taxed money is set aside exclusively for developing a national repository.

In his testimony, Brent Scowcroft, Co-Chair of the Blue Ribbon Commission expressed the need for the identification of more geological repositories. He believes recycling of waste is a secondary issue that should be pursued after a proposal on nuclear waste disposal is ratified. Regardless of whether the Yucca Mountain project is reactivated or not, Scowcroft reminded the committee its capacity is still only 70,000 metric tons. Thus, he said, another site will have to be developed. The Blue Ribbon Commission evaluated transportation of nuclear waste to central repositories. The Blue Ribbon Commission Report deems the current laws and regulations on nuclear waste transportation sufficient. The current track record of transporting nuclear waste is excellent, but the idea of it scares the public. Scowcroft recommended programs to educate the public and train emergency responders to deal with potential accidents.

Former New Mexico Senator Pete Domenici said there is already a law in place that requires utility companies to pay for the disposal of nuclear waste which adds up to a total of \$750 million a year. The issue is this money goes into the general treasury. This money needs to be sequestered so that it goes exclusively to nuclear waste disposal development. The funding for the development of nuclear waste repositories is sufficient, Domenici said, the process just needs to be amended.

Chairman Bingaman opened the question and answer period by inquiring about the best way to ensure repository suitability while maintaining an adaptive consent based approach. Hamilton responded that there is no "magic bullet." There will have to be cooperation and compromise between the public and the government. The government may need to offer incentives for communities willing to take on a repository, Hamilton advised. Scowcroft assured that there must be protocol in place developed by the Environmental Protection Agency (EPA) to standardize the evaluation of potential repository sites. Bingaman inquired about the feasibility of temporary regional sites while national repository sites are established. Hamilton and Scowcroft believe it is feasible but there will have to be significant communication between the two. The transport of nuclear waste to the proposed site is expected to be a large point of contention among the public.

Ranking Member Murkowski asked how the development of new recycling techniques would affect the planning of repositories. Hamilton responded that the Blue Ribbon Commission was not designed to look into this, but he believes there would not be an issue. He reiterated that recycling is not a final solution because there is still waste associated with it. Murkowski asked for suggestions on how to convince both parties to aide in the passing of legislation for a solution to this national problem. Domenici recommended that individuals involved with the legislation are trustworthy, transparent, and bipartisan. Scowcroft said the reason the Blue Ribbon Commission advised a government agency and not a private industry to tackle this issue is they felt government would be less likely to allow the project to "run amuck."

Senator Ron Wyden (D-OR) asked how we get communities to volunteer and still get acceptable repository sites chosen by "good science." Hamilton emphasized that good science is a priority and the EPA will have to develop a sound evaluation process. Wyden inquired about how many sites will be needed. Scowcroft said at least two because if Yucca Mountain were put into action right now it would already be near capacity. Domenici chimed in that defense waste is ready to be moved now because it is has already been vitrified. Vitrification is the transforming of the waste into glass form where it will neither react nor decompose for an extended period of time.

Senator Jim Risch (R-ID) stated his disappointment in the Blue Ribbon Commission Report. He was hoping they would choose or at least evaluate sites. He is frustrated with the lack of progress and asked "Where are we going here, where can we put it?" Scowcroft responded that the U.S. is going in the right direction and the best bet is looking to international models. Countries like Sweden, Spain, and Canada have used a consent based approach and have solved their nuclear waste issues. Hamilton predicted the U.S. is still decades away from solving the problem with 15 to 20 years dedicated to choosing a proper site and five years dedicated to building the site. Domenici told Risch that legislation needs to be passed and recommended Risch visit the Waste Isolation Pilot Plant in Carlsbad, New Mexico, because it is a perfect example of how a site should be run.

Senator Dean Heller (R-NV) repeated Government Accountability Office's (GAO) findings that the Yucca Mountain repository displays faulty management, facilities, and science. He voiced Nevada's concern over why they must be shouldered with the load of nuclear waste even though they do not have nuclear reactors. He supports the idea of a centralized repository but does not believe Yucca Mountain is structurally suitable. Heller said he believes scientists should be making this decision not politicians in Washington. He inquired if the Blue Ribbon Commission researched alternatives such as fission versus burying waste in the ground. Scowcroft said it was not the Blue Ribbon Commissions job to investigate this but they do support research and development of nuclear technologies.

A web cast of the hearing can be found on the Committee on Energy and Natural Resources website.

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