

BLUE RIBBON COMMISSION ON AMERICA'S  
NUCLEAR FUTURE

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PUBLIC MEETING TO SOLICIT FEEDBACK  
ON THE DRAFT COMMISSION REPORT

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FRIDAY,  
OCTOBER 28, 2011

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The Commission convened at 8:30  
a.m. in the Scandinavian Ballroom of the  
Radisson Plaza Hotel at 35 South Seventh  
Street, Minneapolis, Minnesota, Connie Lewis  
and Kevin Bryan, Moderators, presiding.

COMMISSION MEMBERS PRESENT:

VICKY BAILEY  
PER PETERSON

ALSO PRESENT:

TIM FRAZIER, Designated Federal Official  
DAVID BOYD, Minnesota Public Utilities  
Commission and NARUC  
KEVIN BRYAN, Meridian Institute,  
Moderator  
DENNIS EGAN, City of Red Wing, Minnesota

BEVERLY GARD, Indiana Senator  
JOHN HOWE, Minnesota Senator  
AMY KOCH, Minnesota Senator  
JOHN KOTEK, BRC Staff Director  
CONNIE LEWIS, Meridian Institute,  
Moderator  
GARY McCANDLESS, Illinois Emergency

Management Agency

ALSO PRESENT:

LAURA McCARTEN, Xcel Energy  
CHRISTINA MILLS, Institute for Energy  
and Environmental Research  
BRIAN RUDE, Dairyland Power Cooperative  
PAUL SCHMIDT, Midwestern Radioactive  
Materials Transportation Committee  
CHUCK SODERBERG, Iowa Representative

PUBLIC COMMENTERS:

LORI BEAR  
PAT BRADY  
GEORGE CROCKER  
CHARLOTTE EASTIN  
KRISTEN EIDE-TOLLEFSON  
LEE ENGELBRECHT  
REPRESENTATIVE ANDREW FALK  
LEA FOUSHEE  
DAVID C. HACKERT  
DAVE HARDTKE  
DONNA HOLLAND  
LISA JANAIRO  
SUSU JEFFREY (read by Lynn Levine)  
RONALD JOHNSON  
DAVID LARTONOIX  
  
LINDA LEWISON  
PAULA MACCABEE  
JOHN PARKYN  
JUDY TREICHEL

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1 P-R-O-C-E-E-D-I-N-G-S

2 8:32 a.m.

3 MODERATOR LEWIS: Welcome,  
4 everybody. For our introductory remarks we're  
5 going to turn to Senator Amy Koch.

6 SENATOR KOCH: Good morning, good  
7 morning. I am Senator Amy Koch. I am state  
8 senator from District 19 here in Minnesota and  
9 it has also been my pleasure to serve for the  
10 last year as Senate Majority Leader. And it's  
11 an honor to welcome you to Minnesota for those  
12 that are traveling and I think this is such a  
13 big and important topic. I wish I could stay  
14 with you for the rest of the day.

15 Unfortunately I have some other meetings  
16 planned but it's a pleasure to be here to  
17 welcome you this morning.

18 Let me comment on the first  
19 important statement of the draft report by  
20 wholeheartedly agreeing with the premise that  
21 America's nuclear waste management program is  
22 at an impasse. We must make a decision as a

1 country on how we will address management of  
2 waste that we have already stockpiled before  
3 we can be serious about discussing the future  
4 of an industry that I believe is critical to  
5 our lasting energy security. If we cannot set  
6 a workable national policy direction on the  
7 management of used fuel we risk crippling an  
8 important source of energy and that has the  
9 potential to be economically catastrophic for  
10 our country, not to mention the security risks  
11 that we invite by ignoring the challenge.

12 Generally, I think your work has  
13 been thoughtful if the science does surpass  
14 me. Specifically, I agree with your  
15 suggestion of an independent authority to  
16 manage the used fuel as well as a more  
17 reliable access to the revenue stream put in  
18 place to cover costs. We have all seen, and  
19 I can testify that my state has been guilty as  
20 any, how the political process can inject  
21 uncertainty into what must be a very stable  
22 and predictable industry. But by insulating

1 some aspects of nuclear power generation from  
2 the fickle winds of Washington -- and St. Paul  
3 for that matter -- I do expect that we can  
4 establish a more reliable waste management  
5 regime for an industry that measures time in  
6 decades and centuries instead of election  
7 cycles.

8 As a senator in a state and in my  
9 district, I serve Monticello, where we store  
10 dry casks onsite I clearly approve of both  
11 your suggestions to establish temporary  
12 storage and permanent disposal facilities.  
13 While we all know that while R&D and  
14 proliferation concerns are important elements  
15 of the future of nuclear power, the key to  
16 deployment of future technologies depends on  
17 safe and secure management of used fuel in  
18 locations established by design and  
19 collaboration, rather than last resort and  
20 mandate.

21 So once again I hope that you have  
22 a very productive day. Thank you for being

1 here and thank you for your time.

2 (Applause)

3 MEMBER BAILEY: Thank you. Good  
4 morning and I thank all of you for coming. My  
5 name is Vicky Bailey. I'm a former assistant  
6 secretary of energy at Department of Energy  
7 for domestic and international policy and I am  
8 a member of the Blue Ribbon Commission. And  
9 as you know the commission, which is why  
10 you're here, has issued its draft report,  
11 issued it in July of this year. And the co-  
12 chairmen and the commissioners have directed  
13 the staff to work with the regional state  
14 government groups to organize public meetings  
15 like this to hear comments on the draft  
16 report. And our first meeting was held last  
17 month, well this month I think, or last month.  
18 I forget what month I'm in, it's either  
19 October or November, one of them.

20 (Laughter)

21 MEMBER BAILEY: And sometimes I  
22 forget where I'm at, so anyway. So let's hope

1 I don't do that. But our first meeting was  
2 held last month in Denver in cooperation with  
3 the Western Governors Association, the second  
4 in Boston with the Council of State  
5 Governments, the Eastern Regional Conference,  
6 and the third meeting in cooperation with the  
7 Southern States Energy Board in Atlanta. So  
8 we also held a public meeting last week in  
9 Washington, D.C. and today we are pleased to  
10 be here in Minneapolis. And we want to thank  
11 the Council of State Governments Midwestern  
12 Office for all that they have done to help us  
13 organize this last regional meeting.

14 I am here today along with  
15 commissioner Dr. Per Peterson who is chair of  
16 the Department of Nuclear Engineering at the  
17 University of California - Berkeley. We are  
18 primarily here to listen. My fellow  
19 commissioners and I want to hear your reaction  
20 to the draft report and a little birdie tells  
21 me that we might have a few questions for you.  
22 I don't know why I say that but we probably



1 will. But we want to have the interaction and  
2 we want to engage you as well. We will share  
3 obviously the perspectives that we gain today  
4 with the other commissioners and we will  
5 factor these perspectives into our work in  
6 finalizing the subcommittee reports and the  
7 commission report to the Secretary of Energy.

8 So let me close by once again  
9 thanking all of those who came here today to  
10 offer their perspectives. My fellow  
11 commissioner Dr. Peterson and I will  
12 hopefully, and I know we have learned a great  
13 deal by listening to the input we have  
14 received thus far so we look forward to  
15 hearing your thoughts on the commission's work  
16 today. Thank you.

17 (Applause)

18 MODERATOR LEWIS: Thank you,  
19 Vicky. And my name is Connie Lewis. I'm with  
20 the Meridian Institute. Meridian is a non-  
21 profit organization that designs, facilitates,  
22 documents public processes including meetings

1       like this. We work on a number of critical  
2       issues around the country and around the world  
3       and many of those involve stakeholders being  
4       asked to contribute to the development of  
5       policy. And I want to emphasize that we're a  
6       non-partisan group. We are here as  
7       facilitators, not to weigh in on any part of  
8       the discussion. I have three of my colleagues  
9       with me who are going to be helping with  
10      breakout groups this afternoon. Justin  
11      Henceroth who's back here, Kevin Bryan is over  
12      at the table here and Mallorie Bruns may be  
13      out at the registration table, but you'll be  
14      seeing us through the day.

15                   And our job at this particular  
16      meeting is sort of like herding cats although  
17      I've now heard a much better analogy which is  
18      keeping frogs in a wheelbarrow. Somebody  
19      suggested that as an image to help manage  
20      discussions with people who have a lot to say.  
21      And we're trying to get through an aggressive  
22      agenda and keep the wheelbarrow pointed in a

1 constructive direction with everybody onboard.

2 I would like to quickly walk  
3 through the agenda. I hope you all picked up  
4 a copy as you came in. We're going to start  
5 this morning with an overview of the report  
6 from John Kotek and then that will be followed  
7 by three panels that will be presenting their  
8 views on the recommendations in the report.  
9 You'll hear first from some folks from the  
10 Council of State Governments Midwestern Office  
11 followed by Prairie Island Nuclear Plant and  
12 its neighbors, panelists who are providing a  
13 perspective from up close, and then the last  
14 panel is perspectives from around the region.  
15 Those will involve presentations of about  
16 maximum 10 minutes apiece from each of the  
17 presenters. We're trying to reserve at least  
18 a little bit of time for some Q&A. And we'll  
19 be working hard to help the presenters stay on  
20 track so that we do have that time.

21 Before we break for lunch we'll  
22 give everybody some instructions for the

1 breakout discussion sessions that will take  
2 place in the afternoon. So we'll talk more  
3 about those right before we break for lunch,  
4 have an hour lunch break, and then we'll come  
5 back for those breakouts. Following the  
6 breakouts which will go from 1:00 till 3:00  
7 we'll take a short break and then we will have  
8 public comment. And we want to emphasize that  
9 if you would like to participate in that  
10 public comment period, deliver comments, you  
11 need to sign up at the registration desk by  
12 1:00. So please don't miss that deadline if  
13 you would like to participate in that. Have  
14 a brief closing at the end of the meeting with  
15 next steps and wrap-up and then have you out  
16 of here by about 4:30. So that is our agenda  
17 for the day and with that I'd like to turn it  
18 over to John Kotek.

19 MR. KOTEK: Thanks and good  
20 morning, everyone. I'm John Kotek, the staff  
21 director for the Blue Ribbon Commission on  
22 America's Nuclear Future. My role here this

1 morning is to give you an overview of the  
2 commission, the work it's done to date, the  
3 recommendations in the draft report and a  
4 little bit about the process going forward so  
5 you get some context for the comments that  
6 we're going to hear from invited speakers and  
7 from the public a little bit later and to help  
8 inform the discussions in the breakout  
9 sessions.

10           So let me just jump right in with  
11 a little bit on the origins of the commission.  
12 Of course the commission was formed by the  
13 Secretary of Energy at the direction of the  
14 President in January of last year. The  
15 purpose of the commission is to take a fresh  
16 look at what we call the back end of the  
17 nuclear fuel cycle and recommend a new  
18 strategy for use in the United States. And  
19 the commission charter calls for a final set  
20 of recommendations to be delivered to the  
21 Secretary of Energy by the end of January of  
22 next year. One aspect of the charter, one

1 requirement of the charter was that the  
2 commission produce a draft report for public  
3 comment by the end of July of 2011 which of  
4 course has been done and what brings us here  
5 today.

6 I won't go through all the members  
7 of the commission. It's a 15-person volunteer  
8 commission that's co-chaired by former  
9 Congressman Lee Hamilton who many of you may  
10 remember as vice chairman from the 9/11  
11 Commission and then General Brent Scowcroft  
12 who was National Security Advisor to  
13 Presidents Ford and Bush senior. And as you  
14 already heard we're happy to have Commissioner  
15 Bailey and Commissioner Peterson with us here  
16 today. This rounds out the group.

17 For those of you who may be new to  
18 the issue, when we talk about the back end of  
19 the fuel cycle there's some specific steps  
20 that that involves that I want to make sure  
21 everybody's clear on. Nuclear engineers talk  
22 about the nuclear fuel cycle and we talk about

1 front end/back end. Front end is really those  
2 steps involved in getting uranium out of the  
3 ground and into a fuel form to go into a  
4 nuclear reactor. After the fuel comes out of  
5 the reactor, that's the back end. That's what  
6 the commission is talking about.

7           And the steps involved include  
8 interim storage which is required in any case  
9 after fuel comes out of a reactor and I'll  
10 talk a little bit more about that in a second.  
11 Spent fuel reprocessing is practiced in some  
12 countries for recovery of elements like  
13 plutonium and uranium that are still useful  
14 and can be used to make new fuel. But in any  
15 event, final disposition is required for those  
16 waste streams that can't be or aren't being  
17 reused.

18           Again, for those who may not be  
19 familiar with the issue, after fuel comes out  
20 of a reactor it's very thermally hot. So  
21 while the fuel assemblies you see here on the  
22 left, and this is what a typical fuel assembly

1 looks like, maybe 12-14 feet long, 8 to 12  
2 inches on its side. Before it goes into the  
3 reactor it's mildly radioactive but you can  
4 still handle it without significant personnel  
5 protection equipment. But after it comes out  
6 of a reactor uranium in that, in the fuel has  
7 undergone what's called the fission process.  
8 So a lot of the uranium atoms in that fuel  
9 have broken up to release energy which is  
10 where we get nuclear power from but in the  
11 process create smaller elements that in many  
12 cases are highly radioactive. And so the fuel  
13 needs to be cooled and you need to provide  
14 protection from radiation for people in the  
15 environment.

16 So in the near term after fuel  
17 comes out of a reactor you put it in a pool,  
18 like the one here on the top right. And that  
19 happens in any case. A lot of the fuel in the  
20 pools at reactors in the United States has  
21 been there for some decades and those fuel  
22 pools in a lot of reactors have started to



1 fill up. And I know that's the case with the  
2 reactors here in Minnesota and a lot of places  
3 around the country.

4 As fuel pools fill up companies  
5 have started moving fuel into dry cask storage  
6 like this picture down here in the lower  
7 right. They don't all look this. In fact, I  
8 think up in Monticello you've got horizontally  
9 oriented storage instead of vertical, but this  
10 gives you a general idea. It's a cask in  
11 which the fuel can remain safe and be  
12 passively cooled while it awaits, you know,  
13 shipment off the site.

14 In the U.S. you've got about  
15 65,000 metric tons of spent fuel, spent  
16 reactor fuel that's built up over the 40, 50  
17 years that we've been using commercial nuclear  
18 power in this country. People ask what that  
19 means from a -- just to give you a volume  
20 perspective you'll hear folks say that's like  
21 a football field stacked 20 feet high, okay?  
22 So that's the volume of material you're

1 talking about. Of course you'd never store it  
2 that way, but it gives you a mental image.  
3 About three quarters of that fuel right now is  
4 stored in pools, about a quarter is stored in  
5 dry casks. Again, roughly speaking. So  
6 that's the commercial fuel. But of course the  
7 issue isn't just about commercial fuel and  
8 we'll talk about that here in a minute.

9 But first, where is the fuel?

10 Well, most of it is at these 104 operating  
11 commercial nuclear power plants in the United  
12 States. So you can see, most of them are  
13 concentrated in the eastern part of the  
14 country. There are also, I think it's 10  
15 commercial reactors at nine sites around the  
16 country that have been shut down where the  
17 reactor is either in the process of being or  
18 has been decommissioned and the primary  
19 purpose of the site now is just spent fuel  
20 storage. Those aren't shown on this map but  
21 I'll talk about that a little more in a  
22 minute.

1           I mentioned that commercial fuel  
2           isn't the entire problem that the commission  
3           is wrestling with. There's also spent fuel  
4           and other high-level wastes that the  
5           Department of Energy and federal government  
6           are responsible for managing. As you'll see  
7           here, it falls in a couple of categories.  
8           This is spent nuclear fuel that Department of  
9           Energy is responsible for. Most of it is  
10          located at four sites, the Hanford site in  
11          Washington State, the Idaho site which is,  
12          actually I'm from -- now live in Boise, Idaho  
13          and used to work at this Idaho facility, the  
14          Idaho National Laboratory where a lot of spent  
15          fuel is stored. The Savannah River site down  
16          in South Carolina and then the Fort St. Vrain  
17          reactor site in Colorado. Most of this fuel  
18          is associated with defense activities. For  
19          example, a lot of the fuel up at Hanford and  
20          down at Savannah River is left over from  
21          production of plutonium for the nuclear  
22          weapons program. In Idaho there was fuel --

1 a lot of different types of fuel brought  
2 there, one of which is the fuel from the  
3 Nuclear Navy. So when nuclear naval ships  
4 have to be refueled or decommissioned the fuel  
5 is taken off the ships and shipped by rail out  
6 to Idaho.

7 We've also got something called  
8 high-level waste in the Department of Energy  
9 system. I mentioned plutonium production just  
10 a minute ago. Plutonium production results in  
11 the creation of something called high-level  
12 waste which is the liquid that's left over  
13 after you've extracted the plutonium and the  
14 uranium that you're trying to recover. What's  
15 being done with that material again in most  
16 cases is it's being vitrified. What that  
17 means is to be put into a glass matrix and  
18 solidified for long-term storage and disposal.  
19 It looks something like this, this picture  
20 here on the left. These are actually pictures  
21 from facilities in the UK but it's -- if you  
22 went down to Savannah River for example you'd

1 see something very much like this. The glass  
2 logs like the one you see here on the left are  
3 put into containers and then stored in a  
4 facility like the one you see here on the  
5 right awaiting, again, long-term disposal.

6 Where's the high-level waste?

7 Again, at the facilities that the Department  
8 of Energy was using to support the weapons  
9 program primarily, the Hanford site up in  
10 Washington, Savannah River, Idaho. You've  
11 also got some high-level waste up at the West  
12 Valley site in New York State. And I don't  
13 know how many of you are familiar with West  
14 Valley but that was a facility that was  
15 constructed in the '60s, operated from the  
16 mid-'60s into the early '70s for reprocessing  
17 commercial fuel. Now, not everything that  
18 went through West Valley was commercial fuel.  
19 In fact, a lot of the fuel that went through  
20 that facility came out of the Hanford site and  
21 the N reactor which was a defense facility.  
22 So you've got a combination of waste left over

1 from commercial reactor fuel and Department of  
2 Energy reactor fuel up there at West Valley.  
3 All that material has been vitrified and is  
4 sitting in storage awaiting a disposal  
5 facility. So that gives you a sense of the  
6 scope of the challenge that the commission has  
7 been asked to look at.

8 In conducting its work the  
9 commission has held a series of meetings  
10 between the full commission and the three  
11 subcommittees that the commission formed.  
12 There have been about two dozen public  
13 hearings to take testimony and learn more  
14 about the issues. The commissioners have also  
15 paid visits to a lot of different communities  
16 because I know they really felt it was  
17 important, you know, you've got to get outside  
18 Washington and actually hear from the folks  
19 who are confronting these challenges each day  
20 and living with the waste. So the  
21 commissioners have been to the Hanford site,  
22 Idaho, Savannah River site, down to something

1 called the Waste Isolation Pilot Plant in New  
2 Mexico, and have also, handfuls of  
3 commissioners have also paid visits to people  
4 and facilities in other countries like Sweden,  
5 Finland, Japan, France, to learn more about  
6 how they're confronting the same sets of  
7 challenges that we have here in the U.S. on  
8 nuclear waste. And I know they've learned a  
9 lot from that. And it all culminated again in  
10 the preparation of a set of draft  
11 recommendations and release of a draft report  
12 to the Secretary in July, about three months  
13 ago, which brings us here today.

14           So what does that draft report  
15 say? Well, there's seven key recommendations  
16 in the draft report. The first one is that  
17 the United States needs a new approach to  
18 siting and development of new nuclear waste  
19 management facilities in the United States.  
20 So going forward what the commissioners feel  
21 is that the type of top-down approach that has  
22 been employed in the past where the federal

1 government tries to tell a state where  
2 facilities can be located hasn't proven to be  
3 effective. And in fact if you look at  
4 experiences in the U.S. and abroad the types  
5 of successful nuclear waste facility siting  
6 processes that you find are based on a few  
7 factors, they're adaptive in the face of  
8 changing circumstances, they're staged, they  
9 go a step at a time, they're consent-based,  
10 importantly, all right? You've got a local  
11 government, in the United States case a state  
12 government that is either supportive of or at  
13 least is willing to accept the facility. The  
14 programs have been transparent and then based  
15 on strong standards and scientific knowledge.

16 Now, I mentioned the commissioners  
17 have come to this conclusion based on looking  
18 at facility development both in the U.S. and  
19 abroad, not just on nuclear but on some other  
20 controversial facilities as well.

21 One example and I like to use this  
22 picture here of the result of a consent-based



1 process. These gentlemen are from Sweden and  
2 they're actually standing in front of the ship  
3 that the Swedes use to transport their spent  
4 nuclear fuel around the coast to a storage  
5 facility that they've established. The  
6 gentleman on the right is the head of the  
7 Swedish nuclear waste management organization  
8 called SKB. The other two gentlemen, we  
9 consider them mayors. They're heads of  
10 municipalities. As you may know, in Sweden  
11 they don't have states like we do. You've got  
12 these municipalities and then the federal  
13 government.

14 And these two mayors actually  
15 through a bunch of effort between themselves  
16 and the nuclear waste management organization  
17 actually got involved in what turned out to be  
18 a competition to host Sweden's nuclear waste  
19 disposal facility for spent nuclear fuel. And  
20 this picture was taken right after the  
21 announcement was made about the site  
22 selection. And the gentleman on the left who

1 looks really unhappy just found out he's not  
2 getting the nuclear waste, okay?

3 (Laughter)

4 MR. KOTEK: And he's walking away  
5 with the bigger check. They made a deal there  
6 as part of this competition that the community  
7 that did not get the repository would actually  
8 get three-quarters of the cash benefit that  
9 had been set aside to incentivize competition  
10 in this program because the winner was going  
11 to get, you know, the other benefits that came  
12 from repository development. So the big, tall  
13 smiling guy there just found out he's getting  
14 nuclear waste in his municipality.

15 And again, it was a result of a  
16 consent-based process where the community was  
17 what the commission called a willing and  
18 informed host. They knew what they were  
19 getting into and they were willing to be part  
20 of that discussion. A few things about that.  
21 When the commissioners went and paid a visit  
22 to both these municipalities and ones in

1 Finland they heard the same message from the  
2 elected officials which was, I'm paraphrasing,  
3 but we helped create this problem because each  
4 of these municipalities already have nuclear  
5 power plants in their area. So we helped  
6 create the problem, we benefitted from the  
7 creation of the nuclear waste and we have an  
8 obligation to help be part of the solution.  
9 All right, that was their attitude towards it  
10 and that's part of what led them to be willing  
11 to be part of this competition. So Sweden is  
12 now, they've filed an application with their  
13 nuclear regulator to actually go off and build  
14 a repository at the chosen site.

15 Second key element of the  
16 commission recommendation is that a new  
17 single-purpose organization focused on nuclear  
18 waste management should be established. As  
19 you know, right now the nuclear waste  
20 management program is housed in the Department  
21 of Energy. And while the Department of Energy  
22 has achieved a lot of meaningful progress over

1 the years on nuclear waste management and on  
2 other issues the commission felt that having  
3 the program within DOE was not the best recipe  
4 for success. If you look at the history the  
5 nuclear waste management program was something  
6 like a \$250 million to \$500 million dollar a  
7 year program when it was running strong inside  
8 a Department of Energy that's a \$25 billion a  
9 year organization. So it was like 1 to 2  
10 percent of the total organization budget.  
11 There's just a lot of other distractions in  
12 the Energy Department and a lot of other  
13 important things that they need to do. The  
14 commissioners felt like taking it out and  
15 putting, establishing a government-chartered  
16 independent corporation would be the best way  
17 to go. People ask what that means. I mean,  
18 one organizational example is the Tennessee  
19 Valley Authority of the type of structure that  
20 the commissioners are talking about. The  
21 scope of the organization would be  
22 transportation, storage and disposal of spent

1 fuel. Some folks have asked about whether  
2 reprocessing, potential reprocessing of fuel  
3 would be part of the mission and the  
4 commissioners felt it was best that that not  
5 be part of the scope of the new organization.

6 Of course, if you establish this  
7 independent government-chartered corporation  
8 you still need some congressional oversight to  
9 ensure, help the Congress feel satisfied that  
10 the organization is making progress toward  
11 solving the problem. So the commissioners  
12 have recommended several mechanisms for  
13 congressional oversight, including a  
14 presidentially-appointed, Senate-confirmed  
15 board of directors for the new organization.  
16 The board would then pick the CEO for the  
17 corporation. A regularly submitted mission  
18 plan from the organization that would be  
19 submitted for congressional review. And then  
20 of course you've got the issue of paying for  
21 the defense waste. You'll remember I talked  
22 earlier about you've got the commercial waste

1 and you've got the government-owned waste.  
2 The commercial waste is being paid for --  
3 commercial waste disposal is being paid for by  
4 the rate-payers as we'll talk about in a  
5 minute. For the disposal of defense waste,  
6 that money has always come from the taxpayer.  
7 And the latest program estimate for Yucca  
8 Mountain, about 80 percent of the total cost  
9 was assigned to commercial fuel, about 20  
10 percent to the government-owned waste, just to  
11 give you a sense. So there's still a  
12 significant share of funding that would have  
13 to be provided by Congress for the defense  
14 waste and other government-owned waste.

15 The third key recommendation of  
16 the commission gets more into this question of  
17 funding. And the commission really emphasizes  
18 in its draft report the importance of giving  
19 the nuclear waste program access to the  
20 funding that many of you as ratepayers have  
21 contributed to fix this problem. And for  
22 those of you who don't know, the way that

1 commercial nuclear waste management is  
2 supposed to be paid for for spent fuel is  
3 through a mechanism called the Nuclear Waste  
4 Fee which is a one-tenth of a cent per  
5 kilowatt hour fee assessed on all nuclear-  
6 generated electricity in the United States.  
7 That fee results in the collection of about  
8 three-quarters of a billion dollars a year,  
9 right? That goes into the Treasury. About  
10 \$750 million a year.

11           The money that's not used for the  
12 nuclear waste program goes into something  
13 called the Nuclear Waste Fund which over the  
14 years has collected of course excess funds  
15 that weren't used and interest that's assigned  
16 to that account. And all told you've got  
17 about \$26 billion sitting in the Nuclear Waste  
18 Fund that the program right now can't get  
19 assured access to. The way -- I won't go into  
20 all the details and it gets into some arcane  
21 federal budgeting information, but the way the  
22 fee is set up right now is it's on what they

1 call the mandatory side of the budget. So  
2 it's a mandatory collection, the government  
3 has to bring it in. The funding that's spent  
4 on the program is on the discretionary side of  
5 the budget which means it's competing with  
6 every other program in the Department of  
7 Energy and really every other program in the  
8 government for funding. And so despite the  
9 fact that Congress set up this nuclear waste  
10 fee and fund with the express purpose of  
11 providing an assured source of funding to fix  
12 the problem and run this program it hasn't  
13 worked out that way. So the commission has  
14 made some recommendations in the short term to  
15 provide access to the nuclear waste fee  
16 payments. Those, the fee payments that aren't  
17 used each year the commission is recommending  
18 be held by the utilities in third party  
19 accounts until the money is needed so that the  
20 money doesn't just keep disappearing into the  
21 Treasury which is what's happening now. And  
22 which the commission hopes will make it a



1 little bit easier over the long term for the  
2 Congress to provide access to the Nuclear  
3 Waste Fund.

4 Fourth key recommendation has to  
5 do with developing permanent geologic disposal  
6 sites. Early on in the work of the commission  
7 the commissioners were asked, well, are there  
8 -- over the last 25-30 years have we seen  
9 technological developments take place that  
10 maybe eliminate the need for long-term nuclear  
11 waste disposal. Maybe you can find a way to  
12 take these very long-lived radioactive  
13 elements, break them up into smaller, shorter-  
14 lived elements and turn this into a several  
15 hundred year problem, not a several hundred  
16 thousand year problem. The commissioners  
17 looked at that and said no, there's no  
18 technological silver bullet out there that's  
19 going to make this problem go away.  
20 Regardless of what technology we use we're  
21 going to need a long-term disposal capability  
22 to keep this material isolated from people and

1 the environment. So the commissioners  
2 recommended that the U.S. get started  
3 expeditiously on resuming a program to develop  
4 a nuclear waste repository, of course doing  
5 this with safety as their highest priority.

6 Coincident with that, while you're  
7 getting a repository program started again,  
8 the commissioners also saw value in  
9 establishing what they've called consolidated  
10 interim storage facilities, one or more of  
11 these around the country as a way to provide  
12 some options, some greater flexibility at the  
13 back end of the fuel cycle. The commissioners  
14 looked at the issue of fuel at both operating  
15 plants and shutdown plants and felt that the  
16 argument for moving, for actually moving fuel  
17 into a consolidated interim storage facility,  
18 the arguments were strongest for the shutdown  
19 plants. Now, as I mentioned earlier you've  
20 got nine sites, ten reactors. In most cases  
21 the reactor's been shut down, decommissioned.  
22 There are a few out there that it's not

1 completely done yet. But at those sites and  
2 the commissioners have visited one of them up  
3 in Maine, you've got a concrete pad with  
4 storage casks on it and guns, guards and  
5 gates. I mean, and that's all that's there  
6 right now. And those, the land there could be  
7 freed up for beneficial reuse, higher purposes  
8 if you get that fuel moved out of there. And  
9 the presence of that fuel at these shutdown  
10 plant sites poses a burden on the communities  
11 that host those facilities as well because you  
12 still have to maintain of course the security  
13 and emergency response capability associated  
14 with having that material in the area. So, a  
15 lot of reasons to start with moving the  
16 stranded fuel. The commissioners felt like  
17 that should be first in line. Beyond that,  
18 you know, having this capability gives you the  
19 flexibility to move fuel off of an operating  
20 reactor site if, you know, a need arose.  
21 Right now if you had to move fuel off of a  
22 reactor site in the short term there's really

1 nothing, no process or no location right now  
2 available and no system that's ready to  
3 actually do that on short order. So the  
4 commissioners felt like that would be a useful  
5 thing to build into the system.

6 Sixth recommendation has to do  
7 with R&D, research and development  
8 demonstration. While the commissioners didn't  
9 see a silver bullet out there that's going to  
10 make this problem go away. They did see that  
11 there's benefit in continuing research,  
12 especially in areas of advanced reactor and  
13 fuel cycle technologies and the associated  
14 workforce needs and skills development that's  
15 going to be associated with managing the  
16 nuclear enterprise in the United States going  
17 forward.

18 The seventh recommendation has to  
19 do with international issues. And of course  
20 the U.S. has always been a leader among  
21 nations concerned about the possibility of  
22 nuclear weapons proliferation, and those

1       considerations will just be increasingly  
2       important going forward.  And then of course  
3       the accident at Fukushima in Japan just  
4       highlighted the importance of strong  
5       international safety standards and of  
6       international safety cooperation.  The U.S.  
7       really needs to remain a strong player in  
8       those fields.  So that was the seventh key  
9       recommendation of the commission report.

10               There are a few other kind of  
11       lower-level recommendations in the report as  
12       well that are worth talking through now.  I  
13       won't spend as much time on them.  One, the  
14       commissioners looked at the current division  
15       of responsibilities between the EPA and the  
16       NRC with respect to repository safety  
17       standards and felt like the current division  
18       of responsibility is appropriate and should be  
19       retained.  Some witnesses came before the  
20       commission and argued that the whole job  
21       should be given to the NRC.  Others argued  
22       that the whole job should be given to the EPA.

1 But the commissioners felt like this strikes  
2 the right balance and that they need to work  
3 cooperatively together in developing new site-  
4 independent safety standards and really place  
5 an emphasis on hearing from all relevant  
6 constituencies as they go ahead and do that  
7 standards development.

8 A couple of comments on the roles  
9 of state, tribal and local governments in  
10 waste facility developing siting. The  
11 commissioners felt that at a minimum all  
12 affected governments need to have a means of  
13 meaningful participation in the development  
14 and selection of potential nuclear waste  
15 management facility sites whether they be for  
16 storage or disposal. The commission felt like  
17 it was important learning from some  
18 experiences for example with the Waste  
19 Isolation Pilot Plant in New Mexico that  
20 states and tribes need to have authority over  
21 aspects of regulation.

22 I'll tell you just a little story

1 associated with that. Just show of hands, how  
2 many of you are familiar with the Waste  
3 Isolation Pilot Plant in southeastern New  
4 Mexico? You guys are good. I saw about half  
5 the hands go up at least. The Waste Isolation  
6 Pilot Plant is a facility that right now,  
7 opened in 1999 and through today has been  
8 receiving what they call transuranic waste  
9 from the defense program. So this is a lower  
10 level of contamination, contamination -- with  
11 contamination materials and equipment with  
12 isotopes or elements that are heavier than  
13 uranium on the periodic table. So things left  
14 over from weapons production. You know, not  
15 as screaming hot radioactive as spent fuel,  
16 but still a health hazard, needs to be  
17 isolated from people and the environment over  
18 the long term. That's a facility that's dug  
19 I think 2,100 feet down into a salt bed in  
20 southeastern New Mexico. They've received, I  
21 think they received this year their ten-  
22 thousandth shipment. A lot of it's come from

1 Idaho where I live and from other sites around  
2 the country, principally those that were  
3 involved in the defense, in the weapons  
4 program.

5 In the case of the Waste Isolation  
6 Pilot Plant one of the key provisions that  
7 ultimately I think played a meaningful role in  
8 the state's acceptance of that program was the  
9 state had authority to regulate the facility  
10 under RCRA, the Resource Conservation Recovery  
11 Act. And so now it wasn't just a federal  
12 entity coming in and telling the people of New  
13 Mexico that, hey, this facility is safe, you  
14 actually had the state government with a  
15 regulatory role and a requirement to re-  
16 certify the safety of the facility every five  
17 years. So every five years the state goes  
18 through this process of in effect telling the  
19 people of the state of New Mexico we're  
20 confident this can be done safely. And the  
21 idea of getting a government that's closer to  
22 the people than, you know, the government in



1 Washington into that sort of a regulatory role  
2 was something the commissioners thought was  
3 really important.

4 Finally, the commissioners really  
5 did want to emphasize that it's important both  
6 for the federal government and for local,  
7 tribal and state governments to work  
8 cooperatively on trying to solve this problem.  
9 Because when you get right down to it at least  
10 one and probably several states are going to  
11 have to step up and say we're willing to be  
12 part of the solution to this problem. And  
13 it's, we're not there yet but the commission  
14 believes that by adopting the recommendations  
15 that they've established or set forth here  
16 that it's possible to get there, to actually  
17 develop a willing and informed host community  
18 or communities who are willing to be part of  
19 a solution to the problem.

20 A couple of other points on the  
21 state role. The commission felt like the  
22 principles that are used for siting new

1 nuclear waste management facilities, be they  
2 storage facilities or disposal facilities,  
3 should be consistent. And that the siting  
4 process for future waste management facilities  
5 should include a flexible and substantial  
6 incentive program. States and tribes and  
7 communities that are willing to be, again,  
8 willing to help solve this national problem  
9 ought to be compensated for that. And there  
10 are mechanisms in the existing Nuclear Waste  
11 Policy Act to do that. The commission didn't  
12 feel that those were really sufficient, that  
13 those need to be strengthened and expanded.

14 On the question of interim  
15 storage. Even if you had a repository open  
16 tomorrow shipping fuel, I think the Department  
17 of Energy and the Yucca Mountain program had  
18 a shipping schedule of 3,000 tons of fuel per  
19 year give or take, maximum. With over 60,000  
20 tons of spent fuel out there now and growing  
21 you can tell it would take a long time to move  
22 fuel off of sites even if you had a site to

1 send it to today. So, interim storage of  
2 spent fuel at the sites of its generation is  
3 going to continue for decades. And the  
4 commission looked at the existing both wet and  
5 dry storage practices and felt like there  
6 weren't any unmanageable safety or security  
7 risks there. They need to be managed but  
8 they're not unmanageable, but that active  
9 research is really needed to ensure the safety  
10 and security of this material over the long  
11 term. Because the fact is that it's staying  
12 at the sites of generation longer than was  
13 originally anticipated so you need to stay  
14 ahead of any sort of safety issues that may be  
15 arising with the fuel integrity or the storage  
16 casks or what have you. So the commission is  
17 recommending that you need a strong research  
18 program on that.

19 On this question of Fukushima and  
20 the safety of storage, one of the things that  
21 the commission has recommended is that the  
22 National Academy of Sciences be charged with

1 going off and looking at what's happened in  
2 Japan. And of course what -- I know what  
3 we're hearing about what actually transpired  
4 there in some cases is meaningfully different  
5 than what folks thought immediately after the  
6 accident. So new information is still coming  
7 to light. We need to take a hard look at this  
8 based on the facts of the situation on the  
9 ground over there and that the Academy should  
10 go back and look at recommendations it's made  
11 in the past. For example, they put out a  
12 study in 2006 that looked at the safety of  
13 spent fuel storage at reactor sites. They  
14 should go back and look at that again and  
15 decide in light of what happened in Japan is  
16 there anything that they would recommend,  
17 would they change any of their  
18 recommendations, would they add new ones, what  
19 have you.

20 On transportation, the commission  
21 looked at this issue. And this is an area,  
22 frankly, as we've gone out and solicited

1 feedback on the draft report we've heard a lot  
2 from folks who have said hey, some more  
3 guidance in the transportation area would be  
4 useful to have in the final report. So, if  
5 there are those of you out there who have  
6 comments on the transportation piece that  
7 would be very useful. The commission did look  
8 at the existing system of standards and  
9 regulations that governs transport and thinks  
10 that, you know, thus far they've proven pretty  
11 effective. There are some changes that need  
12 to be made going forward. There is an  
13 excellent safety record associated with the  
14 shipment of spent fuel in the United States.  
15 We haven't shipped nearly the quantities that  
16 would be required once we get a repository up  
17 and running, but there have been meaningful  
18 quantities of fuel shipped around the United  
19 States and the safety record's quite good.  
20 But planning for and executing a shipping  
21 campaign takes a lot of time.

22 There's a lot of coordination

1 involved. If we're going to start moving a  
2 lot of fuel by rail or road there are shipping  
3 casks that need to be developed and procured  
4 and a lot of other steps that need to be taken  
5 to allow a large-scale shipping campaign to  
6 happen. So the commission is recommending  
7 that planning for executing such a campaign  
8 start very early in the process.

9 On the R&D piece that I mentioned  
10 earlier, just a couple of highlights there.  
11 The commissioners felt that the safety and  
12 performance of existing light water reactor  
13 technology is an area that's ripe for more  
14 investigation, storage and disposal of spent  
15 fuel and high-level waste of course and very  
16 consistent with the mission of the commission,  
17 and then what the commissioners have called  
18 game-changing nuclear technologies and  
19 systems, things that could really take a large  
20 step beyond what we have now in terms of  
21 efficiency, safety, performance, you name it.

22 As the U.S. considers what its R&D

1 agenda should look like going forward the  
2 commission felt like a fair amount of resource  
3 needs to be provided to the Nuclear Regulatory  
4 Commission so that they, while people are out  
5 there developing systems that may be used in  
6 the future that the NRC has a regulatory  
7 framework in place to deal with that so that  
8 you can increase confidence in new systems for  
9 commercial investment if folks decide to do  
10 that. What the commission is getting at here  
11 is this is about developing options for the  
12 future. Like building interim storage into  
13 the system provides you more options, the  
14 commissioners, if you read the report you'll  
15 see they're really emphasizing R&D not as --  
16 because they were saying we need to go build  
17 a lot of new nuclear plants in the U.S. but as  
18 an option for -- so that our nation has a  
19 broad range of energy choices going forward.

20 So that's an overview of the draft  
21 report. What happens next? Of course, we're  
22 in the process right now of soliciting

1 feedback on the draft and have had several  
2 meetings to do so as you heard earlier. We're  
3 also getting out and giving a lot of invited  
4 talks to folks who are interested in hearing  
5 what the commission had to say in its draft.  
6 Comments, we asked for comments to be in by  
7 next Monday. I understand some of you may,  
8 you know, pick up some information at this  
9 meeting that you want to build into your  
10 comments. If you could just try and get them  
11 to us next week that would be excellent so the  
12 commissioners have enough time to consider  
13 them as they do their work on their final  
14 report.

15 The commission will hold other  
16 visits and meetings as necessary. In fact, I  
17 think we just posted an announcement that  
18 they're going to meet on December 2nd in  
19 Washington, D.C. And all of this of course  
20 leading up to the release of a final set of  
21 recommendations to the Secretary of Energy by  
22 the end of next January.



1           If you've got comments please do  
2           send them in. The best way to get them to us  
3           is [brc@nuclear.energy.gov](mailto:brc@nuclear.energy.gov). That way we can  
4           get them in electronic form. We can get them  
5           posted up on the commission website. It's  
6           easier for us to get them around to the  
7           commissioners that way. If you're interested  
8           in knowing what the commission has heard thus  
9           far and learned through its investigations you  
10          can get all of the information you want at  
11          [www.brc.gov](http://www.brc.gov). We've got video archive of all  
12          the presentation sessions at the commission  
13          hearings and subcommittee meetings. All the  
14          presentations that have been made are there,  
15          papers that the commission commissioned to go  
16          look into details of certain aspects of the  
17          problem. All that stuff's there so I  
18          encourage you to check it out. So that's what  
19          I had wanted to share with you all this  
20          morning, give you a little context for the  
21          discussions today, and thanks for your time.

22                           (Applause)

1                   MODERATOR LEWIS:   And John and  
2                   other BRC staff will be around through the day  
3                   participating in the breakouts.   So if you  
4                   have questions I encourage you to grab him  
5                   during a break or talk to him during the  
6                   breakout.   We are going to move forward with  
7                   the agenda and would like to invite Chuck  
8                   Soderberg and Paul Schmidt to come forward.  
9                   Why don't you grab a seat up here please?

10                   And while they're coming to the  
11                   front of the room let me introduce these two  
12                   speakers.   Chuck Soderberg is co-chair of the  
13                   Midwestern Legislative Conference Energy  
14                   Committee and vice president of planning for  
15                   the Northwest Iowa Power Cooperative.   And  
16                   Paul Schmidt is co-chair of the Council of  
17                   State Governments Midwestern Radioactive  
18                   Materials Transportation Committee and chief  
19                   of the radiation protection section of the  
20                   Wisconsin Department of Health Services.

21                   And they and our other speakers  
22                   today are each going to be, they've been

1 allotted 10 minutes for their presentation.  
2 And to help folks stay on track we'll alert  
3 them and everybody in the room that we have a  
4 system to alert them to what the time  
5 allocation looks like. There's a little box  
6 over on our side table here and Kevin, my  
7 colleague, will start the timer that will have  
8 a green light on it for the first eight  
9 minutes that you have for your time. With two  
10 minutes remaining it will start blinking.  
11 With one minute remaining it'll turn yellow  
12 and when your time is up it turns red and  
13 makes a really awful noise. So when you see  
14 it turn yellow you probably want to wrap up  
15 your comments. And if Kevin stands up and  
16 starts approaching you that really means that  
17 your time is up. So let me turn it over  
18 please to Chuck Soderberg. Thank you.

19 REPRESENTATIVE SODERBERG: Good  
20 morning, everyone. Thank you for the  
21 opportunity to present just a few comments  
22 here pertaining to the Blue Ribbon Commission

1 and their efforts. I applaud you and I thank  
2 you for the efforts to address this issue.

3 As you heard, I'm in my seventh  
4 year in the Iowa legislature. I serve as the  
5 Commerce Committee chair in the House. And I  
6 kiddingly say we address issues like  
7 utilities, insurance, business services,  
8 licensing and the other thing is all else is  
9 assigned. I think everybody has that in their  
10 job description. I also serve as the co-chair  
11 of the Energy Committee for the Midwest  
12 Legislative Conference of the Council of State  
13 Governments which is, there's 11 states and  
14 four Canadian provinces that are associated  
15 with that group.

16 Last July, this last July we did  
17 have an Energy Committee in Indianapolis and  
18 we talked about a broad variety of topics, but  
19 one of them was addressing the nuclear energy  
20 issue and how important that was. And I know  
21 the Blue Ribbon Commission at that time  
22 presented some information in some of their

1 preliminary findings, and that was before the  
2 preliminary report was complete. We addressed  
3 the nuclear energy, the state of the art  
4 technology that's advancing as well as  
5 management of the disposal, transportation and  
6 storage of the spent nuclear fuel.

7 I'm very pleased to see a number  
8 of people from the committee but also the Blue  
9 Ribbon Commission. I thank everybody for  
10 taking the day to attend here. This is a  
11 critically important issue.

12 Looking back with the cancellation  
13 of Yucca Mountain we do have a very limited  
14 and a very small option to address the spent  
15 nuclear fuel from a long-term situation. The  
16 Nuclear Waste Fund was talked about briefly  
17 and I know in Iowa for example the ratepayers,  
18 only about 8 percent of the Iowa electricity  
19 comes from nuclear power. The fund, the Iowa  
20 ratepayers have paid into to the tune of about  
21 \$450 million. I know Illinois's ratepayers  
22 have paid over \$3 billion into that fund. As

1 you heard, there's approximately \$26 billion  
2 in that fund to address the situation. So  
3 with the Blue Ribbon Commission's  
4 recommendations hopefully they can find a fix  
5 to the problem. This is a critically  
6 important issue now but as I think you'll see  
7 this will continue to be of utmost importance  
8 as the baseload generation situation changes  
9 in this country.

10 In Iowa we did have a bill that we  
11 did move forward to address baseload  
12 generation nuclear energy in the state of  
13 Iowa. We did pass it in the House and we're  
14 hoping to get that passed in the Senate this  
15 next year. You may ask why nuclear energy and  
16 I'm just going to go through just a couple  
17 quick pieces. This is just a quick draft and  
18 I'm going to go through these very quickly,  
19 but this is a correlation between the changes  
20 in the baseload generation industry of this  
21 country. We've seen well over a hundred  
22 baseload coal-fired facilities canceled in

1 this country because of environmental  
2 constraints and regulatory constraints. So as  
3 you see as the percentage of coal goes down  
4 the electricity rates go up. This is looking  
5 at all the future regulations that the utility  
6 industry is faced with. And in Iowa for  
7 example if baseload generation is needed coal  
8 is not necessarily an option right now. From  
9 a natural gas standpoint there's very limited  
10 capacity on the existing pipeline. So really  
11 that only leaves one option, viable option  
12 really in the state of Iowa and that is  
13 nuclear energy. As you can see some people  
14 call this the environmental train wreck  
15 because there's so many new regulations that  
16 are being proposed by the EPA.

17 This is just a quick overview of  
18 the United States and the impact some of these  
19 regulations will have. As you can see, the  
20 Upper Midwest impact is the most severe. And  
21 so as we address this issue this is so  
22 critical for the economy of this country but

1 also economic growth in the Midwest. We need  
2 competitive rates to compete for new business.

3 So as we're looking and making  
4 decisions I'm just asking that we address the  
5 spent nuclear fuel issue. We address also the  
6 options that are available as far as the new  
7 nuclear energy technology. The small modular  
8 nuclear facilities are fascinating and very  
9 exciting because I think that gives utilities  
10 a real option to build as they need it and not  
11 have over-capacity and that's one of the  
12 problems utilities go through.

13 More importantly, we need an  
14 energy policy in this country. It's been  
15 years and years since we've seen a  
16 standardized U.S. energy policy and as you can  
17 see with all the changes going on that is  
18 critically important for us now but also years  
19 to come. Thank you.

20 MR. SCHMIDT: Good morning. As  
21 was mentioned I'm Paul Schmidt. I'm senior  
22 co-chair of the Council of State Governments



1       Midwestern Radioactive Materials

2       Transportation Committee. While most of my  
3       comments are going to focus on the report  
4       itself, provide that Midwestern perspective,  
5       I do need to mention a little bit about the  
6       committee because I suspect there are a number  
7       of people here that are not familiar with what  
8       this committee does.

9                 Now, the committee has been around  
10       since 1990, held its first meeting then, with  
11       support from a cooperative agreement from the  
12       CSG Midwest and the U.S. Department of  
13       Energy's Office of Civilian Radioactive Waste  
14       Management, or OCRWM as it was called. The  
15       governors and the legislatures in the Midwest  
16       have tapped the members of this committee to  
17       be the voices of the region in an ongoing  
18       dialogue and partnership with the federal  
19       government to plan and prepare for the safe  
20       and uneventful transport of spent fuel and  
21       high-level radioactive waste through the  
22       Midwest.

1                   We have gubernatorial and state  
2 legislative appointees from the 12 Midwestern  
3 states including Wisconsin and for 20 years we  
4 worked with OCRWM in the development of the  
5 transportation program for planned shipments  
6 to interim storage and ultimately a  
7 repository. Since 1997 we've worked with  
8 DOE's Office of Environmental Management on  
9 shipments stemming from defense site cleanup  
10 and also shipments of foreign and domestic  
11 research reactor spent fuel. Several of our  
12 states have also worked with DOE's Carlsbad  
13 Field Office specifically on shipments of  
14 transuranic waste.

15                   Now, while working with OCRWM the  
16 Midwest was heavily involved in a number of  
17 projects. I'm just going to mention a few, and  
18 they included crafting the policy and  
19 procedures for implementing Section 180(c) of  
20 the Nuclear Waste Policy Act which requires  
21 the Secretary of Energy to provide funding and  
22 technical assistance to states and tribes

1 affected by shipments, identifying a set of  
2 rail and highway routes through the Midwest as  
3 a starting point for discussions at the  
4 national level and working with DOE and states  
5 in other regions to develop a prototype for a  
6 reciprocal inspection program for rail  
7 shipments of spent fuel. Now we've previously  
8 provided testimony and written comments to the  
9 commission and we'll be submitting comments on  
10 the draft report in the near future.

11 Now I'd like to turn my attention  
12 to the draft report. Overall the report does  
13 a good job of addressing the Midwest views on  
14 transportation. We do have some specific  
15 comments though and I'm going to group those  
16 into what we like, what we think could use a  
17 little bit of work and then one omission that  
18 we specifically want to call attention to.

19 Now, from the standpoint of what  
20 we like about the report we strongly endorse  
21 the BRC's recommendation that planning and  
22 coordination for the transport of spent fuel

1 and high-level waste should commence at the  
2 very start of a project to develop  
3 consolidated storage capacity. And we made  
4 this specific point in some earlier testimony.  
5 We also like the idea of a new program  
6 building on proven approaches for  
7 transportation planning, particularly the  
8 regional groups. And just using ours as an  
9 example of one of those regional groups.  
10 We're established, we have the history, we  
11 have the right people involved, we have the  
12 institutional knowledge so we don't really see  
13 a need to reinvent the wheel here.

14 We also believe there is merit to  
15 the idea of establishing a new organization to  
16 lead the waste management program. It's  
17 important that the new organization have the  
18 same level of accountability as OCRWM had and  
19 also a new independent organization must  
20 recognize longstanding relationships between  
21 states and DOE as well as state regulatory  
22 responsibilities. Our own Midwestern

1 experience suggests that neither  
2 transportation nor storage can be regulated  
3 solely from Washington, D.C. It needs to  
4 involve the states.

5 We also like the idea of the new  
6 organization having responsibility for  
7 transporting commercial spent fuel once it has  
8 been accepted from utilities because this  
9 arrangement will make it possible for states  
10 to work cooperatively with a single shipper  
11 instead of multiple ones and that will reduce  
12 the burden on us at the state level.

13 We also think it's a good idea to  
14 require the new organization to be an NRC  
15 licensee. If that will not be the case it  
16 would be advisable to expand the NRC's role in  
17 the Nuclear Waste Policy Act so that shipments  
18 of spent fuel must follow the same  
19 requirements as shipments conducted by NRC  
20 licensees.

21 Now, what needs a little bit of  
22 work. The BRC's draft report acknowledges a

1 role for states in transportation but doesn't  
2 adequately capture the full extent of that  
3 role. We like the language in the  
4 Transportation and Storage Subcommittee draft  
5 report that stated that state, tribe and local  
6 officials need to be extensively involved in  
7 transportation planning and be provided the  
8 resources necessary to conduct their vital  
9 functions in this arena. Now as co-regulators  
10 of transportation states need to be  
11 extensively involved and that goes far beyond  
12 the statement in the executive summary of the  
13 draft full report that mentions that states  
14 must be extensively in efforts to communicate  
15 with the public and address public concerns  
16 about transporting nuclear waste. We would  
17 like to see the final recommendation adopt the  
18 language in the Transportation and Storage  
19 Subcommittee draft report. We would also like  
20 to see the final report incorporate similarly  
21 strong language from the earlier report that  
22 state and other government officials should be

1 fully involved in the development of storage  
2 and transportation solutions, and should be a  
3 primary interface with their communities.

4 We also believe there may be some  
5 benefit to finalizing the Section 180(c)  
6 policy and procedures, including conducting a  
7 pilot of the program with shutdown reactors as  
8 the points of origin. In addition to testing  
9 things like the application procedures and  
10 reporting requirements, a pilot program could  
11 have the added benefit of enhancing emergency  
12 preparedness along transportation routes  
13 currently being used for shipments of  
14 radioactive waste.

15 Now, although we appreciate the  
16 attention paid to Section 180(c), the draft  
17 report did not incorporate two significant  
18 concerns that we called to the Commission's  
19 attention in our previous testimony and  
20 comment letter. First, DOE interpreted the  
21 statute as allowing funding and technical  
22 assistance to be provided only for training.

1 Now, the draft report appears to accept DOE's  
2 position with the recommendation on  
3 implementing 180(c) specifically referring to  
4 training local and tribal officials in areas  
5 traversed by spent fuel shipments. Now, we  
6 feel strongly that if Section 180(c) is  
7 implemented according to this narrow  
8 interpretation states will bear the burden of  
9 paying for essential activities like  
10 inspections and escorts and other activities  
11 related to the transportation planning.

12 We think the goal should be to  
13 model the transportation program for spent  
14 fuel and high-level waste on the successful  
15 program for shipping transuranic waste to the  
16 Waste Isolation Pilot Plant or WIPP. To make  
17 this happen the BRC should consider  
18 recommending that Section 180(c) be revised to  
19 make the wording similar to Section 16(d) of  
20 the WIPP Land Withdrawal Act which refers  
21 specifically to DOE providing assistance for  
22 the purpose of transportation safety programs



1 which can include training but also other  
2 things as well.

3 And then secondly, Section 180(c)  
4 applies only to shipments to and from Nuclear  
5 Waste Policy Act authorized facilities. The  
6 states feel strongly that Section 180(c)  
7 assistance or a similar funding mechanism  
8 should be available to help states prepare for  
9 any large-scale movements of spent fuel. And  
10 we would like to see the BRC address this  
11 matter in the final report.

12 Now, from the standpoint of the  
13 omission that I mentioned earlier. It's an  
14 important point I think to mention and  
15 emphasize that there is no reciprocal rail  
16 inspection program analogous to the highly  
17 successful Commercial Vehicle Safety Alliance  
18 or CVSA Level 6 inspection program for  
19 shipments by truck. This is a significant  
20 concern because most of the spent fuel as we  
21 understand will ultimately travel by rail  
22 including spent fuel stored at shutdown plants

1 which would be first in line for transfer to  
2 consolidated storage. It is somewhat  
3 misleading to tout the great success of truck  
4 shipments which are all subject to CVSA Level  
5 6 inspections without at least acknowledging  
6 that a similarly stringent reciprocal  
7 inspection program is lacking for rail  
8 shipments. And we would like to see the  
9 commission address this situation in the final  
10 report specifically by recommending that the  
11 U.S. Department of Transportation partner with  
12 the Nuclear Regulatory Commission to establish  
13 an inspection program that enhances shipment  
14 safety and promotes information-sharing among  
15 states and federal agencies without  
16 compromising security. Now, under the old  
17 OCRWM program the states and DOE were well on  
18 their way to developing procedures for a  
19 reciprocal rail inspection program when the  
20 Yucca Mountain program was canceled. And DOE  
21 and NRC are the appropriate organizations to  
22 build on the early work that was done and

1 establish a program and regulation.

2           Now, there's a couple of  
3 recommendations that go a bit beyond  
4 transportation that I also want to mention as  
5 well. A successful new program must recognize  
6 the interdependence of the transportation,  
7 storage and disposal functions and allocate  
8 attention and resources accordingly. Under  
9 the former OCRWM management often cut  
10 transportation funding first in order to  
11 devote more resources to disposal over  
12 storage, and this cycle of repeatedly starting  
13 and then stopping was very detrimental to the  
14 transportation program.

15           We think it's a good move for the  
16 commission to acknowledge in the draft report  
17 the interdependence of all program components  
18 by calling for a new integrated strategy for  
19 managing the back end of the nuclear fuel  
20 cycle. And the report should also make it  
21 clear what sort of time frames people are  
22 looking at for onsite storage now that Yucca

1 Mountain appears to be off the table. This  
2 was alluded to earlier. The Nuclear  
3 Regulatory Commission and the nuclear industry  
4 are contemplating storage at reactor sites  
5 lasting not just for a few decades but  
6 possibly 120 years, 300 years, kind of an  
7 indefinite time frame there. And leaving  
8 spent fuel in storage for up to centuries is  
9 a significant issue for all states that have  
10 nuclear power plants, especially those with  
11 shutdown reactors like Michigan, Wisconsin and  
12 soon Illinois.

13 Now, in closing I will return to  
14 transportation which has been the committee's  
15 traditional focus. We were a little surprised  
16 to see such a small amount of space devoted to  
17 transportation because our committee has  
18 direct experience with all the complexities of  
19 planning and executing a successful shipping  
20 campaign. We would like to see the commission  
21 in the final report explicitly acknowledge  
22 that the success of recent high-visibility

1 shipping campaigns is directly attributable to  
2 state governments being engaged in the process  
3 of planning and overseeing shipments and for  
4 a new programs to succeed this engagement  
5 needs to continue, potentially even expand.

6 Now, a point that I want to end  
7 with is that transportation is what links all  
8 other program activities. As a result, a  
9 single accident involving a shipment could  
10 have significant repercussions for the whole  
11 program. The commission should emphasize the  
12 need to place a high priority on  
13 transportation planning and coordination in  
14 any new waste management program that results  
15 from its recommendations. And that concludes  
16 my comments. I appreciate the chance to be  
17 here today and share our views on this subject  
18 as well as your kind attention. Thank you.

19 (Applause)

20 MODERATOR LEWIS: Thanks. We're  
21 almost on track here. I'm just going to see  
22 if there's a couple of questions and then

1 we're going to move on. So Perry and we're  
2 going to ask Justin or Mallorie with  
3 microphones. We have a question up here with  
4 Commissioner -- we start right here with Per.  
5 And please, feel free to direct your questions  
6 to one or both of the panelists.

7 MEMBER PETERSON: This is a  
8 question for Paul Schmidt. The first thing is  
9 just to thank you for raising this set of  
10 points. They make an enormous amount of  
11 sense. And you've noted that there's been  
12 some problems with the continuity because the  
13 Office of Civilian Radioactive Waste  
14 Management was closed. I'd just like to first  
15 of all just insert as a note that the  
16 commission has not taken any position related  
17 to whether or not Yucca Mountain should be  
18 continued. And in fact what we think is most  
19 important is to make the other set of changes  
20 regardless of what happens with Yucca  
21 Mountain, including the new entity, and  
22 charging it with responsibilities that include

1 transportation.

2           What I'd like to know is, and  
3 we've been critical of some of the things that  
4 the administration has done because of the  
5 impact such as lack of continuity on the  
6 transportation area. Could you mention more  
7 specifically what might -- what needs to be  
8 done to rebuild things given that, with Office  
9 of Civilian Radioactive Waste Management being  
10 disbanded there has been a gap?

11           And then also the other element  
12 was that you noted that the shipping of  
13 relatively modest amounts of spent fuel from  
14 the shutdown reactor sites could provide  
15 useful experience. Could you comment on the  
16 potential benefits for overall safety?  
17 Because there have been some recommendations  
18 to just minimize shipping completely to the  
19 lowest possible amount and to delay any  
20 shipping until much further in the future. So  
21 it would be useful to know more about how some  
22 early shipping experience might actually

1 improve safety.

2 MR. SCHMIDT: Since you had a two-  
3 part question I'm going to ask one of the CSG  
4 staff, Lisa Janairo, who has a little more  
5 background, a little more history here with  
6 this to address the first part of the  
7 question. But I can definitely address the  
8 second part of the question. Lisa, would you  
9 be willing? Okay, I'll take the second one  
10 first then.

11 Okay, from the standpoint of the  
12 benefits of going through this I'm going to  
13 use our state as an example. We're not a  
14 corridor state so we have very limited  
15 experience with shipping. We've found  
16 ourselves having to develop a shipping  
17 campaign from scratch in the 2008-2010 time  
18 frame for specific shipments, some research  
19 reactor spent fuel. Since -- the last time we  
20 had done this was 1986 so there as nobody left  
21 that had any experience with any aspects of  
22 shipping whatsoever, developing a



1 transportation plan. And so the specific  
2 benefits that you're talking about is, as I  
3 mentioned in my comments, the money is  
4 available, therefore training. That's only  
5 one small aspect of developing a  
6 transportation plan as we found out firsthand.  
7 Yes, training is part of it, absolutely, but  
8 there's all of the -- getting all the various  
9 agencies involved. There's the emergency  
10 response aspect, there's the inspection  
11 aspect, there's the escort aspect, all of  
12 which we did. The security aspect. Sharing  
13 sensitive information, all this type of thing.  
14 So providing that opportunity by using those  
15 shutdown plants, yes, we see radioactive waste  
16 shipments periodically as do many other states  
17 but that doesn't provide us really any  
18 experience in developing any type of  
19 infrastructure for any type of campaign. So  
20 anything that can develop that infrastructure  
21 in a state and maintain it over time which is  
22 another problem that we've got till we've

1 developed it and now it's just going to kind  
2 of languish and go away. So anything that can  
3 help develop that infrastructure and maintain  
4 it over a time period I think is a good thing  
5 to provide if possible. I hope that answers  
6 that question. Lisa, can you address the  
7 second, please?

8 MODERATOR LEWIS: Thank you.

9 MS. JANAIRO: Well, as Paul just  
10 mentioned a list of activities that --

11 MODERATOR LEWIS: I'm going to ask  
12 people when they speak to introduce  
13 yourselves, please.

14 MS. JANAIRO: Okay. I'm Lisa  
15 Janairo. I'm with the Council of State  
16 Governments Midwestern Office and I staff the  
17 committee that Paul co-chairs. He mentioned  
18 a number of activities that Wisconsin had to  
19 undertake to get ready for a shipping campaign  
20 and that's going to have to take place  
21 nationally in all states that will be affected  
22 by shipments. And then there are some

1 national activities such as the 180(c)  
2 implementation that will have to take place  
3 and just getting back to the point of  
4 gathering the individuals around the table to  
5 make sure that the draft policy and  
6 procedures, you know, do these still meet with  
7 satisfaction for most of the people, pilot-  
8 testing them. To pilot-test you have to have  
9 the route selected and that, I estimated that  
10 could take three to four years depending on  
11 the size of the campaign. And certainly  
12 Section 180(c) envisioned states knowing  
13 before they apply for the grants what routes  
14 are going to be used so they'll know where  
15 they have to do the training. So those are  
16 just two significant but only two of maybe  
17 about eight or nine activities that will have  
18 to take place in order to get the  
19 transportation system up and running.

20 MODERATOR LEWIS: Okay, thanks

21 Lisa. You know what -- oh Commissioner, did  
22 you have a? Well, we're going to -- I'm

1 anxious to move on to the next panelists so  
2 that we don't find ourselves with no lunch.  
3 Why don't you go ahead if you have a question.  
4 And again, we'll ask everybody to introduce  
5 themselves of the transcript.

6 MEMBER BAILEY: I'm Vicky Bailey,  
7 member of the Blue Ribbon Commission and my  
8 question goes to Representative Soderberg.  
9 Your slides were interesting that you used and  
10 I think it goes to the umbrella area. You  
11 know, this commission is called the Blue  
12 Ribbon Commission on America's Nuclear Future  
13 and I guess the reason why from the standpoint  
14 of my participation, I see this inextricably  
15 linked to America's energy future. And I  
16 think you brought that out in your slides.  
17 But from the state perspective is kind of  
18 where I want you to maybe respond to my  
19 question because you know, as we go forward,  
20 you know, I saw the slides where you talked  
21 about the impact of EPA rules and regs and all  
22 of that. Somewhat I guess slanted to the side

1 that maybe they would not be helpful from the  
2 standpoint of where the country wants to go.  
3 But obviously I think there are going to be  
4 decisions that are going to be made possibly  
5 contrary to your view. And what your slides  
6 showed I thought was the regional differences  
7 and the regional difficulties of trying to  
8 come up with a comprehensive energy policy.

9 I'll go out on a limb and say it's  
10 going to be very difficult for this country to  
11 come together on a comprehensive energy  
12 policy. That's an aspirational goal. But  
13 realistically, you know, from the standpoint  
14 of states and your perspective I think, you  
15 know, we can't keep using the political  
16 process to keep spinning our wheels. And I  
17 think that's what happens lots of times. You  
18 know, regions get their heels dug in and  
19 they're not going to move off of a position,  
20 but in my mind that's not a recipe for, you  
21 know, instilling trust and confidence. This  
22 is a national problem as John Kotek mentioned

1 in his remarks. And to the extent that we're  
2 collecting these funds and we want to let the  
3 citizens know these funds are going to be used  
4 for the purposes in which they were collected  
5 I guess my thought is how do we get -- how do  
6 we get states involved to the extent that we  
7 come together and are able to make some  
8 decisions here that will possibly be contrary  
9 to the different regions. But are we doing a  
10 good job with that process? We've talked  
11 about a new program, we've talked about a new  
12 organization. How will that help move forward  
13 as it relates to states, tribal communities  
14 and others who need to be very much involved  
15 in this process?

16 REPRESENTATIVE SODERBERG: Well,  
17 that's a pretty big question. I'm not sure  
18 exactly how to address this but I think if you  
19 look at from an overall energy policy  
20 standpoint all states need to be involved in  
21 that. As you could see in the map states are  
22 impacted differently depending on what kind of

1 fuel is being used, what kind of proposals are  
2 being used from the energy supply side or  
3 demand supply side. Interestingly enough when  
4 the Iowa House ran the energy bill, the  
5 nuclear energy bill this year, we did it not  
6 by design but on the anniversary of Chernobyl.  
7 And some people questioned our sanity for  
8 doing that but as the floor manager of the  
9 bill it gave me an opportunity to talk about  
10 the differences of that technology versus the  
11 new technology. And so I would just, you  
12 know, just kind of comment to say that all  
13 energy supplies are different in every state.  
14 Although there's some generation that comes  
15 from outside of Iowa that is transported into  
16 Iowa we need a consolidated effort and that's  
17 I guess where I'm excited about CSG being  
18 involved because it's state leaders to address  
19 energy issues and we can make recommendations  
20 to whether it's a federal government or to you  
21 as a Blue Ribbon Commission. This is  
22 critically important as you look at future

1 energy supply. From the EPA standpoint some  
2 of those regulations may not occur but  
3 basically states and utilities are trying to  
4 deal with the cards that they're dealt with  
5 and right now those are the cards that are  
6 being dealt with.

7 If you look at the planning  
8 standpoint, a nuclear energy facility, it's  
9 going to take 10 years from if the decision is  
10 made today to build a new facility it's going  
11 to take 10 years. That's a long time to plan  
12 the future energy needs of this country.

13 Truly we are in an economic downturn and if we  
14 see we're all hoping will occur, an uptick in  
15 the economy that's going to -- we need new  
16 energy supply to provide new businesses and  
17 new opportunities in manufacturing. And so  
18 from a planning standpoint we need some  
19 stability and that's why I think it's very  
20 important that we have a U.S. energy policy.  
21 We've done that, I think a pretty decent job  
22 from a state perspective but even if we can do



1 it from a regionalized standpoint I think it  
2 may help give direction on a U.S. energy  
3 supply as well.

4 MODERATOR LEWIS: Okay, thank you.  
5 And to have any hope of staying on our agenda  
6 we're going to need to move on. So understand  
7 that our panelists will be around through the  
8 day and, you know, please take informal time  
9 to follow up with them if you still have  
10 questions.

11 I'd like to ask our next panelists  
12 to come forward, please. And while they're  
13 taking their seats let me quickly run through  
14 some introductions. We have Laura McCarten  
15 who's the regional vice president of Xcel  
16 Energy. We have Ron Johnson who's a tribal  
17 council member with the Prairie Island Indian  
18 Community. Mayor Dennis Egan from the city of  
19 Red Wing and Senator John Howe, state senator  
20 from Minnesota who's also the former mayor of  
21 Red Wing, Minnesota, which is the community  
22 that's home to the Prairie Island Nuclear

1 Power Plant.

2 And panelists, I'll suggest that  
3 if you'd like to speak just from the table  
4 that would be fine. If you'd like to come  
5 forward to the podium that would also be fine.  
6 And why don't we just take you in the order  
7 that you appear on the agenda. And for the  
8 audience we're going to hold questions. We're  
9 going to let each of the panelists do their  
10 presentations and then we'll open it up to  
11 questions when they're all finished. So,  
12 Laura. And if you need assistance with  
13 PowerPoint I think the -- you can just advance  
14 the slide and we'll get the clicker over to  
15 you.

16 MS. MCCARTEN: Thank you very  
17 much. On behalf of Xcel Energy I'd like to  
18 welcome the members of the Blue Ribbon  
19 Commission on America's Nuclear Future to  
20 Minnesota and to let you know that we truly  
21 appreciate the efforts that you're making to  
22 find an urgently needed solution to the

1 nation's used fuel and nuclear waste storage  
2 problem. We believe it is imperative that our  
3 customers continue to have access to cost-  
4 efficient energy resources like nuclear energy  
5 that don't emit greenhouse gases.

6 For over 35 years nuclear power  
7 has provided roughly 30 percent of the energy  
8 used by Xcel Energy's 1.6 million customers  
9 here in the Upper Midwest, and that includes  
10 customers in Minnesota, Wisconsin, North  
11 Dakota, South Dakota, and Michigan. In 2010  
12 alone the operation of Monticello and Prairie  
13 Island, our two nuclear power plants, avoided  
14 the emission of over 13 million tons of carbon  
15 dioxide, over 37,000 tons of sulfur dioxide  
16 and over 17,000 tons of nitrogen oxide to the  
17 environment.

18 We also believe the United States  
19 must effectively, efficiently and safely  
20 manage the byproducts associated with the use  
21 of nuclear energy, and federal action is long  
22 overdue. The federal government is required

1 by contract and law to remove used fuel from  
2 our plant sites in Minnesota and we're  
3 committed to working with the Prairie Island  
4 Indian Community, the citizens of Red Wing and  
5 Monticello, the counties of Goodhue, Sherburne  
6 and Wright -- these are where these nuclear  
7 power plants are located -- and with our state  
8 and federal legislators and regulators to see  
9 that this is accomplished.

10           Since 1994 we've been an industry  
11 leader in seeking to compel the federal  
12 government through legal action to find a  
13 long-term solution for used fuel and nuclear  
14 waste disposal as required by the Nuclear  
15 Waste Policy Act of 1982. We recently reached  
16 a settlement with the federal government  
17 regarding the DOE's failure to begin removal  
18 of used nuclear fuel from our power plants by  
19 the 1998 deadline. And we are returning the  
20 proceeds of that settlement to our customers  
21 starting this year and continuing forward.  
22 That's about \$100 million currently and then

1 there's another amount that will come next  
2 year.

3 The settlement, however, does not  
4 alter our resolve to compel the federal  
5 government to fill its responsibility and to  
6 find a long-term solution for waste disposal  
7 outside of Minnesota. A long-term solution is  
8 long overdue. Xcel Energy customers in the  
9 Upper Midwest pay approximately \$13 million  
10 each year into the Nuclear Waste Fund and this  
11 is to provide -- to help develop the national  
12 waste solution. All told, from 1983 through  
13 2010 our customers have paid a total of \$406  
14 million into the Nuclear Waste Fund and this  
15 amount has accrued an additional \$328 million.  
16 Our customers have been paying into the  
17 Nuclear Waste Fund for nearly three decades  
18 but we're no closer to a solution today than  
19 we were 30 years ago. We respectfully believe  
20 that this result is not because a solution  
21 isn't technically feasible but due to a lack  
22 of consensus and political will.

1                   Today, your recommendation for a  
2 permanent underground repository for  
3 commercial used nuclear fuel and high-level  
4 radioactive waste from U.S. defense programs  
5 is strikingly familiar to where we have been.  
6 We wholeheartedly support that recommendation  
7 on behalf of our customers and we urge the  
8 commission, Congress and the President to move  
9 with all possible haste to achieve that goal  
10 at last. We also agree with the commission's  
11 recommendations for creation of a new  
12 management organization that will assume the  
13 U.S. Department of Energy's role in managing  
14 this material and for legislation providing  
15 the new management organization access to the  
16 Nuclear Waste Fund independent of Congress's  
17 annual appropriations process.

18                   Additionally, we agree with your  
19 call for establishment for one or more  
20 consolidated interim spent fuel storage  
21 facilities for used nuclear fuel and we concur  
22 with your assertion that the availability of

1 consolidated interim storage will provide  
2 valuable flexibility in the national nuclear  
3 waste program. Another recommendation we  
4 believe has merit is your suggestion that the  
5 administration should change the way in which  
6 the nuclear waste fee is collected so that  
7 only an amount equal to the actual  
8 appropriations from the fund is collected each  
9 year. The remainder would be retained by the  
10 utilities who have collected it from their  
11 customers in approved trust funds to be  
12 available when needed for future use. We do  
13 believe that idea merits consideration.

14 We stand ready to work with our  
15 local and state stakeholders, the nation's  
16 nuclear industry, the administration and  
17 Congress in shaping policies that will help  
18 implement these recommendations as quickly as  
19 possible. And until the federal government  
20 fulfills its obligation to remove the used  
21 fuel from our plant sites we're committed to  
22 operating our used fuel storage facilities

1 safely and responsibly and to ensuring that we  
2 have adequate funds to both decommission our  
3 plants and to safely maintain our storage  
4 facilities for as long as used fuel remains at  
5 our sites. In conclusion I want to thank you  
6 again for coming today and for the opportunity  
7 to speak to you.

8 MR. JOHNSON: Commissioner Bailey,  
9 Commissioner Peterson, good morning. My  
10 name's Ronald Johnson. I am the assistant  
11 secretary treasurer for the Prairie Island  
12 Indian Community Tribal Council. I want to  
13 thank you for the opportunity this morning to  
14 speak with the Blue Ribbon Commission on  
15 America's Nuclear Future.

16 I don't pretend to know what  
17 America's nuclear future is but I fear that my  
18 tribe's nuclear future is thousands of tons of  
19 spent nuclear fuel abandoned on our ancestral  
20 homeland for countless generations. Xcel  
21 Energy's customers will receive the benefit of  
22 so-called cost-efficient electricity from the



1 Prairie Island Nuclear Generating Plant for  
2 another 20 years but those 20 years are just  
3 the blink of an eye compared to thousands of  
4 years that the waste will remain hazardous  
5 long after the plant is decommissioned in  
6 2034.

7 Our tribe is among the closest  
8 communities in the nation to a nuclear power  
9 plant and its onsite above-ground spent fuel  
10 storage installation. Twenty-nine casks of  
11 spent fuel currently sit roughly 600 yards  
12 from our nearest residents, our lower island  
13 residents area and our church and our  
14 community center. And other community  
15 facilities are also located within one mile of  
16 the plant's dry cask facility.

17 The operations of the plant and  
18 its storage facilities have immediate direct  
19 impact on our tribe and our homeland. When  
20 the dry cask storage facility at Prairie  
21 Island was proposed in the early 1990s we were  
22 told that it was a temporary measure to keep

1 the plant running and the plant personnel  
2 working until Yucca Mountain was open. Two  
3 decades later and 29 years after Congress  
4 passed the Nuclear Waste Policy Act mandated  
5 a national repository. The future of the  
6 nation's nuclear waste disposal program  
7 remains very much in doubt. The contract  
8 signed with the utilities pursuant to the act  
9 established a deadline for the Department of  
10 Energy to start moving waste by 1998. United  
11 States missed this deadline and remains in  
12 breach of contract for 13 years and counting  
13 today. The national repository was scheduled  
14 to begin accepting nuclear waste by 2010 and  
15 then 2025 and now it's unclear if the  
16 repository will ever be opened. We are tired  
17 of hearing more promises that will just be  
18 broken.

19 Last December the Nuclear  
20 Regulatory Commission updated its Waste  
21 Confidence in temporary storage rules to make  
22 a generic finding that onsite storage of spent

1 nuclear fuel for 60 years after expiration of  
2 the reactor's license will not have any  
3 significant environmental impacts. This  
4 generic finding applies to all onsite  
5 facilities so that as far as regulation is  
6 concerned a storage facility one-half mile  
7 from an Indian reservation along the  
8 Mississippi River is the same as a storage  
9 facility isolated in the middle of the Nevada  
10 desert. In the case of the Prairie Island  
11 plant, the non-site specific regulation  
12 effectively limits any environmental impact  
13 challenges to the storage of 98 casks until at  
14 least 2094, 60 years after the plant's  
15 operating license expires in 2034. And  
16 because of further uncertainty regarding the  
17 development of a national repository the NRC  
18 is now planning for extending onsite storage  
19 for periods of up to 200 years or until 2234  
20 in the case of the Prairie Island storage  
21 facility.

22 That's -- what was promised to be

1 a short-term interim storage may now become an  
2 extended storage for 200 years or more is  
3 completely absurd. Our community shouldn't be  
4 forced to bear the burden of our nation's  
5 failed nuclear waste policy. Our tribe has  
6 consistently expressed concerns about our  
7 safety of long-term storage in the dry casks  
8 that were designed for a minimum of 25 years  
9 with a life expectancy of 40 years. Unlike  
10 Yucca Mountain which was specifically designed  
11 and analyzed to safely store spent fuel for  
12 thousands of years, existing so-called interim  
13 facilities are reviewed for safety and  
14 analyzed for potential adverse health and  
15 environmental impacts for the term of the  
16 facility's license. In the case of the  
17 storage facility on Prairie Island it was  
18 scoped for its initial 20-year license and now  
19 that Xcel has filed the application to renew  
20 the license it will now only be reviewed for  
21 a 40-year renewal period rather than the 200  
22 years or more being considered by the NRC.

1 The fiction that the national repository will  
2 someday be available allows utilities and  
3 regulators to simply kick the can down the  
4 road in the next 20- to 40-year increments  
5 rather than analyze the sites for what they  
6 are, a de facto long-term repositories of our  
7 nation's nuclear waste in the next several  
8 centuries.

9 Here in Minnesota the law requires  
10 the Public Utilities Commission and the state  
11 legislators approve onsite dry cask storage.  
12 When the Prairie Island dry cask storage  
13 facility was proposed and considered in the  
14 early 1900s the legislative hearings were  
15 highly contentious. We believe that if  
16 Minnesota legislators, the UC commissioners  
17 and the public had been told that 98 casks,  
18 more than 2,400 tons of spent fuel would be  
19 abandoned on the Prairie Island for two  
20 centuries or more the facility would have  
21 never been approved in the first place.

22 Prairie Island is our only

1 homeland. The land was promised to us and  
2 held in trust for our tribe and has benefitted  
3 the United States government. An accident at  
4 the plant or at the dry cask storage facility  
5 could destroy our homeland, but we cannot  
6 simply move our tribe away from a nuclear  
7 waste dump unless the United States agreed to  
8 place our land into trust elsewhere and to  
9 benefit our relocation of our reservation. A  
10 long, complicated and very expensive process  
11 would ensue.

12 We support the commission's  
13 recommendation that a permanent, deep  
14 geological disposal facility is needed. We  
15 thought we already had one in place at Yucca  
16 Mountain. The nation's ratepayers paid \$15  
17 billion studying and developing the site.  
18 Unfortunately, for unknown reasons Yucca  
19 Mountain was abandoned and not even being  
20 considered for the permanent repository by  
21 this commission. Assuming that the Nuclear  
22 Waste Policy Act is amended to implement the

1 Blue Ribbon Commission's recommendations what  
2 assurance can the commission give us that the  
3 plan won't be scrapped in another 30 years or  
4 another Blue Ribbon Commission is established  
5 to start from scratch on a long-term interim  
6 storage solution?

7 We hope that the federal  
8 government will finally fulfill its fiduciary  
9 obligation to our tribe and keep its promise,  
10 its legal obligation to remove the spent fuel  
11 from our homeland as soon as possible. We  
12 hope that the efforts of the Blue Ribbon  
13 Commission will help make that happen. Thank  
14 you.

15 MAYOR EGAN: Good morning. My  
16 name is Dennis Egan and I am the mayor of the  
17 city of Red Wing. I want to just give you a  
18 little background but I also just want to  
19 thank the Blue Ribbon Commission for allowing  
20 the opportunity for a host community to be  
21 engaged and have our voice heard. The remarks  
22 that I'm going to give today on the oral side

1 are just a snippet of the things and the  
2 written documentation that we'll provide you  
3 today.

4 Red Wing is a rural destination  
5 with a strong tradition of agricultural  
6 production and manufacturing. We are a  
7 community with a population of nearly 17,000  
8 located on the scenic bluffs of the  
9 Mississippi River and at the headwaters of  
10 Lake Pepin. Red Wing is the host to the twin-  
11 reactor Prairie Island Nuclear Generating  
12 Facility. We want to make clear that we  
13 appreciate the positive working relationship  
14 that we've had with the corporate  
15 representatives, the facility management team  
16 and the numerous economic and auxiliary  
17 benefits that the facility provides our  
18 community, the surrounding area, the state and  
19 the Upper Midwest. Nuclear power will  
20 continue to be part of our baseload power  
21 supply but it is time to move our storage  
22 issue out of the political to the practical.



1 Red Wing as well as our neighbors  
2 the Prairie Island community are directly  
3 impacted by this fuel. It is the fuel pool  
4 and the independent spent fuel supply storage  
5 and installations. Red Wing and the Prairie  
6 Island Indian Community are now viewed by some  
7 as a de facto temporary permanent spent  
8 nuclear fuel repository. This is not our  
9 reality nor should it be the reality of  
10 anybody in Washington, D.C.

11 When thinking about the intent of  
12 this meeting and the role that I was asked to  
13 play I think it's imperative to reiterate a  
14 few key points about the role of the  
15 commission as I see it. First, it's my  
16 understanding and hope that through this  
17 process once and for all we will have the  
18 courage to articulate and implement a process  
19 to get us to the end game of finding a  
20 permanent site to the storage of our country's  
21 spent nuclear fuel, that we will create a  
22 department that we can take the political

1 influence out of the process.

2 I believe the reason we are still  
3 talking about this problem is that the  
4 politics has gotten in the way of doing what's  
5 right. The American public and the host  
6 communities are frustrated with the lack of  
7 meaningful progress. We cannot allow this to  
8 continue. We have to move the process forward  
9 and Red Wing wants to be a part of the  
10 solution. We will continue to advocate for  
11 doing what is right.

12 A couple of key points that I'd  
13 like to articulate. We are deeply concerned  
14 that the NRC is studying onsite storage for up  
15 to 300 years. We are extremely wary of the  
16 NRC's efforts currently being extended and  
17 examined to investigate the extension of  
18 storage of spent nuclear fuel onsite for a  
19 period of time measured not in years but in  
20 centuries. The consequences of such would be  
21 costly, potentially dangerous and subject our  
22 communities to an unacceptable level of risk.

1 We believe that consideration or movement  
2 towards such would add billions of dollars and  
3 delay to substantially meaningful -- to fix  
4 the back end of our nuclear fuel cycle.

5 We are very concerned about  
6 leaving the legacy to future citizens of Red  
7 Wing and to the Prairie Island Indian  
8 Community. As a continuity, the BRC needs to  
9 recommend that the establishment of host  
10 community funding sources should the waste  
11 stay indefinitely. We think that there's real  
12 reason to have communities engaged in the  
13 process but with that said we also want to be  
14 clear that we're not letting anybody off the  
15 hook of saying that this should be a long-term  
16 process. But we do need to make sure that  
17 these funds would go towards maintaining  
18 police, fire, EMS to ensure that an effective  
19 response capability is in place.

20 Local governments have a  
21 responsibility to ensure that the unique  
22 health and safety, security, socioeconomic

1 concerns of hosting nuclear facilities and  
2 onsite storage are addressed meaningfully in  
3 the policy and decision-making process.

4 Without the ability to ensure a local  
5 community's meaningful participation in the  
6 process the policy, the decision-making  
7 process and the recommendations will not be  
8 understood and therefore are less likely to  
9 succeed.

10 Also, a third point. Yucca  
11 Mountain should not be off the table. We are  
12 deeply troubled by the current and stark  
13 reality that no civilian nuclear waste has yet  
14 been disposed of and that there is still no  
15 identifiable plan for its final disposition.  
16 We are further troubled by the lack of  
17 identifiable plan for handling civilian and  
18 government-owned fuel. We believe we have  
19 moved backwards by 40 years or more as a  
20 result of the recent actions of the federal  
21 administration to withdraw the DOE license for  
22 and de-fund Yucca Mountain. Our trust and

1 confidence in the federal government's  
2 commitment and competence to deliver on its  
3 obligations have eroded significantly.

4           Again, I want to thank you for  
5 allowing the host community to participate in  
6 this important process. As an elected  
7 official it is our responsibility to ensure  
8 that everything is being done to protect the  
9 citizens. And as a neighbor and partner with  
10 the Prairie Island Indian Community it is our  
11 honor to walk with them in an effort to hold  
12 the U.S. government to their commitment to  
13 deal with the issue in a meaningful manner.  
14 Some 15 years ago I traveled to Washington,  
15 D.C. representing the Red Wing business  
16 community and we met with the late Senator  
17 Paul Wellstone and talked about Yucca  
18 Mountain. We cannot afford to be talking  
19 about a solution 15 years from now. Thank you  
20 again.

21           SENATOR HOWE: Good morning. My  
22 name is John Howe. I'm the state senator that

1 represents Senate District 28. I used to be  
2 the former mayor of Red Wing. And I'll start  
3 off with thanking the Blue Ribbon Commission  
4 for coming here and giving us an opportunity.  
5 And I think the accident that happened over in  
6 Fukushima, you know, the state of Minnesota  
7 was preparing, we had Senate File 4 which was  
8 going to lift the nuclear moratorium ban. And  
9 I had an important amendment that I'll talk  
10 about in a little bit about attaching an  
11 amendment to that bill that would have shined  
12 a little light on our nuclear storage issues.  
13 But then we had the accident over in Fukushima  
14 and the nuclear moratorium, the lifting of  
15 that ban, was shelved. But I was successful  
16 in getting the amendment that I wanted  
17 attached and was successful -- attached to  
18 that amendment attached to the omnibus energy  
19 bill that we passed and was signed by the  
20 governor. And I also serve on the energy and  
21 telecommunications and utility committee for  
22 the state Senate.

1 I think, you know, we've seen  
2 where our local plant here, Prairie Island  
3 Nuclear Generating Plant has asked for re-  
4 licensing and also additional dry cask  
5 storage. I think one of the things I hope we  
6 learn from Fukushima is we have a concern also  
7 with the nuclear storage that is stored in the  
8 storage pools, not just on what's stored in  
9 the dry casks. And I think if anything's  
10 learned from there hopefully we'll have more  
11 dry cask storage. We're still going to have  
12 to decide where we're going to put the dry  
13 cask storage but I think the current plant  
14 asked for during the PUC process an additional  
15 34 dry casks to be stored at the ISFSI in  
16 Prairie Island.

17 Unfortunately there's more nuclear  
18 waste in the storage pool than that currently.  
19 So I think if we're going to be up-front and  
20 honest with the public and with the host  
21 communities we at least need to be asking for  
22 enough dry cask storage to take care of not

1       only what's in the storage pools and hopefully  
2       we can take the storage pools back to a  
3       minimum configuration, but also have enough  
4       storage to at least approve to take care of  
5       future needs.

6                   And I think, you know, talking  
7       about what the Blue Ribbon panel's commission  
8       report, I would hope that you would take a  
9       favorable stance on Yucca Mountain. Not to  
10      take any stance I don't think is good and to  
11      see that the current administration has asked  
12      for the license to be withdrawn with  
13      prejudice, I'm not sure if everybody  
14      understands what that means. But if it's  
15      withdrawn with prejudice that means that even  
16      if there's a different administration or a  
17      different direction you can't come back and  
18      ask for it to be re-licensed. It's done, it's  
19      over with. And so it's one thing to ask for  
20      the license to be withdrawn which I don't  
21      think should happen, but it's another thing to  
22      ask for it to be withdrawn with prejudice.



1 Which means it's clearly a political decision,  
2 it's not a scientific decision and I think  
3 that's unfortunate. And I think the Blue  
4 Ribbon Commission should take a stance on  
5 that.

6 And I think the other thing is the  
7 nuclear industry and utility companies are  
8 very, very powerful. They're very powerful in  
9 the state and I think the Blue Ribbon  
10 Commission should also recognize that host  
11 communities and I would say even the states  
12 are not on a level playing field. I mean, as  
13 I said earlier I was the mayor of Red Wing for  
14 two years and I was basically demonized for  
15 asking questions about nuclear storage. And  
16 I'm proud to say that these communities are  
17 here talking but I'm not so sure the city of  
18 Red Wing would have been here five years ago  
19 or ten years ago. And so we do need to ask  
20 questions about it.

21 The other concern we have is on  
22 the decommissioning process, the revenues that

1 are available to host communities. And  
2 certainly if now we're talking about onsite  
3 storage for anywhere from 100 to 300 years the  
4 revenues are going to be gone by the time, you  
5 know, when we really get down to having this  
6 past a hundred years. The nuclear power plant  
7 probably won't be viable there. Whether it'll  
8 be replaced or whether it'll change in some  
9 form. But the revenues, I think the -- we  
10 need to look at the decommissioning process.

11 And with that I'll just briefly  
12 highlight what -- the amendment we passed in  
13 the state of Minnesota. And I think, you  
14 know, the states need to work together. There  
15 hasn't been that, that synergy between the  
16 different states that have the nuclear waste.  
17 I think the utility companies have done a  
18 great job of getting together and talking with  
19 the Department of Energy and forming an  
20 alliance to try and force the federal  
21 government to take responsibility. But I  
22 don't think the states have done a very good

1 job on that.

2           The legislation we put forth, you  
3 know, it built off the preexisting  
4 decommissioning process that we have in our  
5 state and it requires Xcel Energy in the next  
6 upcoming decommissioning to take an analysis  
7 of what it's going to cost to have storage up  
8 to 200 years at different intervals, 60 years,  
9 100 years and 200 years. It requires after  
10 each decommissioning review that the Minnesota  
11 Public Utilities Commission report back to the  
12 legislature on the progress of the federal  
13 government in removing waste and the impact to  
14 ratepayers, host communities and other  
15 impacted groups from the continued delay. And  
16 a key component of the report is to actually  
17 pin down the actual cost to ratepayers and  
18 host communities with the delay of the federal  
19 government. And you see, it's a little bit of  
20 out of sight, out of mind. I mean, most  
21 people don't want to address the issue, we  
22 just want to shift it and say it's a federal

1 issue, and this shines a little light on that.  
2 It also requires the Minnesota Public  
3 Utilities Commission to make any suggestions  
4 for legislative action that may arise from the  
5 delay. Another key aspect of the legislation  
6 which is quite important is that it'll put not  
7 only the sunlight on the funding but every  
8 three years the legislators will get an update  
9 and we'll have a better understanding of what  
10 the future costs are with nuclear waste  
11 storage in our state. Additionally, the  
12 legislation creates a formal process to ensure  
13 that storage costs are being planned for and  
14 accounted for, and that any significant  
15 changes in circumstances are being dealt with  
16 by the Minnesota Public Utilities Commission  
17 and other, Xcel and other concerned  
18 stakeholders. This provision could  
19 significantly help the dialogue between host  
20 communities, impacted residents and the owners  
21 and operators of the nuclear facilities.

22 And I just, you know, how many in

1 here have heard about the nuclear waste rule?  
2 Raise your hand. You're a pretty informative  
3 group, aren't you? The nuclear waste rule,  
4 are you familiar with that? That's where the  
5 federal government says they'll accept the  
6 responsibility for nuclear waste from domestic  
7 generating facilities. At some point you have  
8 to question that. We're a decade past when  
9 the nuclear waste should have been removed or  
10 starting to be removed from these domestic  
11 sites. And just to say that we have this  
12 nuclear waste rule or to put it in print  
13 doesn't make it so. And in fact I would  
14 suggest to you that having that rule in place  
15 has caused a big delay and a big -- has caused  
16 it to become a political football where we  
17 just say well, it's somebody else's  
18 responsibility, it's not our responsibility,  
19 the federal government's going to take care of  
20 it.

21 And I think that the lights, the  
22 energy that's generating these lights in here

1 is coming from nuclear energy and nuclear  
2 energy is an important part of our energy  
3 future for not only our state but for our  
4 United States, but we have to accept  
5 responsibility. Whether it's the host  
6 community that's going to accept  
7 responsibility, the state that's going to  
8 accept responsibility or the federal  
9 government we all have to work together and we  
10 need to take this out of the political arena,  
11 make it scientific. We have to move forward.  
12 And I guess I just want to thank again, having  
13 the opportunity to speak here and I'm proud  
14 that the host communities have come, I'm proud  
15 that the utility company is here and look  
16 forward to working with you in the future.  
17 Thank you.

18 MODERATOR LEWIS: Thank you, all  
19 of the panelists. That was a fabulous set of  
20 presentations.

21 (Applause)

22 MODERATOR LEWIS: Okay, we'd like

1 to open it up for questions. And please,  
2 before you ask your question make sure you  
3 have a microphone. And all of this, by the  
4 way, is being transcribed.

5 MS. MACCABEE: Thank you. My name  
6 is Paula Maccabee and I'm a lawyer and I've  
7 represented a number of individuals and  
8 communities affected by nuclear power plants  
9 and other energy facilities. And I wanted to  
10 highlight a couple of points in the report  
11 that maybe the BRC would like to respond to,  
12 and then I had a question for the panel. The  
13 report talks about consent and it talks about  
14 public participation and it talks about  
15 transparency. I think those are very  
16 important. As a comment I would suggest that  
17 the word "consent" is not the same as  
18 consultation. I think wherever the report  
19 refers to consultation that should be  
20 eliminated and I think going back to the  
21 comments of this panel, we need to recognize  
22 in the report that the current facilities for

1 spent fuel storage, both the pools and the  
2 ISFSIs do not necessarily reflect the consent  
3 of the communities, whether they are the local  
4 cities or the tribes, and so that should be  
5 reflected in the report.

6 Second, in terms of public  
7 participation I think there needs to be more  
8 of an effort to include members of the public.  
9 There are only a few of us here. Some of us  
10 can't stay to the end of the afternoon on  
11 Friday evenings. It's my Sabbath so I have to  
12 get home and cook dinner. So I think we need  
13 to have a more aggressive attempt to actually  
14 include members of the regular public earlier  
15 in the agenda.

16 And third, I think transparency is  
17 hugely important. I think several of the  
18 representatives of the host community were  
19 talking about transparency issues. Critical  
20 is what is the impact on the health and the  
21 life of the people who live there, of the  
22 spent fuel storage systems, both monitoring



1 the radiation, monitoring the tritium. If we  
2 don't have transparency of what are the risks  
3 we don't have transparency, and I think that's  
4 a piece that's missing from this report is an  
5 assessment of the risks and the methods of  
6 finding out what are the impacts.

7 And then the final question for  
8 the panel, I think the last speaker brought up  
9 the nuclear waste rule. And I think a  
10 question that I have is in the rest of the  
11 energy world, and coal plants was up on the  
12 slide, the federal government has worked to  
13 internalize the externalities of coal plants.  
14 They've studied what happens to the emissions  
15 from coal plants and they've used regulations  
16 to make the profit-making enterprises that  
17 build coal plants responsible for them. And  
18 I'm wondering why that is not considered part  
19 of our nuclear future, namely determining by  
20 monitoring what are the extent of the  
21 externalities and making the entities that use  
22 the energy which is our ratepayers and that

1 profit from them which is industry  
2 shareholders more rather than less responsible  
3 for the outcomes. Thank you.

4 MODERATOR LEWIS: Any panelists  
5 like to respond?

6 MS. MCCARTEN: This is Laura  
7 McCarten. I would like to address just a  
8 couple of the points. One thing I would note  
9 is that nuclear power plants and nuclear  
10 storage facilities are extensively monitored,  
11 they always have been. The data from that  
12 monitoring is publicly available. So that, I  
13 agree with you that is a necessary thing and  
14 in fact it is being done and it needs to  
15 continue.

16 With respect to internalizing the  
17 cost and making sure that the cost of the  
18 energy reflects the cost of the power I would  
19 note that the cost of the energy today  
20 includes what we're collecting for the  
21 permanent storage, so the amount that's paid  
22 into the Nuclear Waste Fund. The cost of

1 nuclear energy today also includes collection  
2 for long-term decommissioning. So the money  
3 that we're collecting today that we will have  
4 on hand to pay for decommissioning the power  
5 plant, to pay for long-term storage and  
6 decommissioning storage facilities as well.

7 MODERATOR LEWIS: Thanks, Laura.  
8 Any other panelists?

9 MR. JOHNSON: Yes, Ron Johnson.  
10 To address the issue of host city and  
11 currently Prairie Island is not a host city  
12 and the legislation or the introduction by  
13 Senator Howe there has language for Prairie  
14 Island to be a host city. I feel this way as  
15 far as an elected tribal official there's that  
16 government to government, you know. Whether  
17 host city is attached to that or not we have  
18 a government to government relationship not  
19 only with the local governments, state  
20 governments but also the federal governments.  
21 And that to me is our ticket to have  
22 consultation. That consultation should be

1 always honored and obligated. And as I  
2 addressed yesterday I think the federal  
3 government needs to step up and observe that  
4 obligation not only to tribes but to all  
5 states and local city municipals to build that  
6 relationship back so we won't be addressing or  
7 having these committees or hearings like this.  
8 I think we can go in a great direction if we  
9 can incorporate all knowledge at what we're  
10 addressing, whether it be nuclear, solar or  
11 whatever that may be. So thank you.

12 SENATOR HOWE: John Howe, state  
13 senator. On the issue of externalities and  
14 the actual cost of nuclear energy. I hope  
15 with this next decommissioning process when we  
16 get a report back we'll start to take in some  
17 of the costs of the long-term storage and what  
18 that's going to mean. And how do we -- where  
19 do we decide that the revenues stop coming  
20 from the generating facility and how do we  
21 account for that. If they have a 20-year  
22 license and nuclear storage is going to be

1 here for 200 years what do we have to charge  
2 today to account for that storage out? And so  
3 I think those are some of the things that  
4 hopefully this language will address. It'll  
5 be interesting, this will be our first time  
6 going through it so we'll see what that comes.  
7 But I do think that we're always concerned  
8 about energy costs because obviously the lower  
9 we can keep our energy the better it is for  
10 the economy and the economics of it but  
11 somehow we need to actually have the true cost  
12 of what it's going to be. Because if we're  
13 under-charging today for what we're going to  
14 have to pay for tomorrow that's not a good  
15 plan.

16 MODERATOR LEWIS: Other questions?

17 Anybody? Per?

18 MEMBER PETERSON: We had the  
19 opportunity yesterday to visit both to the  
20 plant site as well as to visit with actually  
21 Dennis and Ronald and I appreciate that very  
22 much. I also was quite impressed by the

1 processes here that had been put in place to  
2 determine what these long-term costs are that  
3 could come if we don't grapple with these  
4 problems and get spent fuel moved away from  
5 plant sites like we should. One element is  
6 that under the contracts that DOE has with the  
7 industry that ultimately are -- will control  
8 the obligations liability federal government  
9 has a pretty unambiguous obligation to pay for  
10 storage as long as it remains in default of  
11 the -- with the contracts, and as long as it  
12 does not physically remove the spent fuel.  
13 So, one of the things that's confusing for me  
14 is, or actually I find puzzling is there's a  
15 lot of ambiguity in then longer term will  
16 federal government pay for these costs as it  
17 should under the contracts and therefore that  
18 could be an element of the planning process.  
19 Is there a productive relationship between the  
20 federal government and state governments and  
21 trying to figure this question out and  
22 utilities?

1                   SENATOR HOWE: I would say that  
2                   that's something we're working on. I know  
3                   we've talked with the Secretary of State.  
4                   Hopefully we can develop a dialogue, a much  
5                   better dialogue than we have in the past. And  
6                   you know, I'm not -- probably somebody from  
7                   the Department of Energy can address how many  
8                   current lawsuits they're facing from breach of  
9                   contract but it's significant. I think when  
10                  I was out with the Nuclear Storage Coalition  
11                  to Washington about a couple of years ago I  
12                  think they projected their cost for the  
13                  failure of opening up Yucca Mountain to be  
14                  somewhere between a half a billion and a  
15                  billion dollars a year, you know, in liability  
16                  cost. So there again, that goes back to the  
17                  cost of nuclear energy.

18                  And just like if Xcel was  
19                  successful in negotiating a settlement with  
20                  the Department of Energy that's just not free  
21                  money. That federal money is our money.  
22                  That's money we've paid in. So now you've got

1 the ratepayers paying in, you've got the  
2 ratepayers paying for Department of Energy  
3 lawyers and now you've got taxpayers paying  
4 the money back. And we've got a \$10 billion  
5 hole in the ground that no one, you know, now  
6 we're going to walk away from. And so really  
7 ratepayers have not been dealt fairly with,  
8 taxpayers have not been dealt fairly with and  
9 so I think we do need better synergy. But  
10 unfortunately I think it might go in the other  
11 direction where before we get any action the  
12 states might have to actually file a lawsuit  
13 for breach of contract against the Department  
14 of Energy. Hopefully we don't have to go down  
15 that road but I think that's more the  
16 direction it's been heading than the other.

17 MODERATOR LEWIS: Okay, thank you.

18 We have one more back here.

19 MR. BRADY: Thank you. I'm Pat  
20 Brady. I'm with BNSF Railroad but it's not a  
21 transportation-related question. Senator  
22 Howe, I think being a former mayor of Red Wing



1 and a current state senator I think you're  
2 uniquely qualified to answer this question.  
3 What do you think the probability is of  
4 finding a location in the United States that  
5 is welcomed for permanent storage both by the  
6 local community, the state and tribal  
7 governments, and also being scientifically  
8 viable? What do you think the probability is?

9 SENATOR HOWE: Well, just on the  
10 face value I'd say it's not likely but I don't  
11 have the scientific data to back that up. But  
12 I would say that that's -- we're letting, you  
13 know, we're letting politics dictate what  
14 we're doing in Yucca Mountain right now and  
15 that's, you know, I hope that doesn't come  
16 across as partisan. But you know, my point  
17 being on the withdrawing of the license, you  
18 know, I think there's a way we can shelve it  
19 and look at it and study it but to withdraw it  
20 with prejudice, that is purely a political  
21 decision. But I don't think there's going to  
22 be anywhere that's going to be welcoming it.

1 You just bring up interim storage at the  
2 ISFSIs and that's a hot button. No one wants  
3 nuclear waste.

4 Now, you know, sometime in the  
5 future will it be worth something or what will  
6 happen? You know, I know that I think in  
7 Canada they're working on some process to try  
8 and denigrate it, to try and lower its life,  
9 its half-life, but I think that's a great  
10 point. No one's going to be welcoming of it  
11 but maybe in today's economic time if the  
12 finances are right we'll see.

13 MAYOR EGAN: Dennis Egan. Just  
14 last night when we were meeting with the Blue  
15 Ribbon Commission we did hear that there is a  
16 community and a state that has come to the  
17 commission to say we will welcome this with  
18 open arms. And so I think, I believe, I can  
19 be corrected, but it's New Mexico. I don't  
20 know the scientific side of that in the sand  
21 that they're talking about but at least there  
22 is dialogue and discussion outside of some

1 host communities to say how do we get it here  
2 and that we will take it. So I think we need  
3 to continue to explore.

4 But again, as I said earlier, we  
5 cannot give up on Yucca Mountain and we would  
6 continue to encourage the commission to come  
7 out in a forceful manner to say dollars have  
8 been spent, research has been done and if  
9 there is a viable way of moving part of the  
10 waste to Yucca Mountain I think we need to  
11 continue to go down that path. If there is  
12 other communities such as in New Mexico or  
13 others that are willing to take part of it as  
14 an interim or as a supplemental site I think  
15 we need to continue to go down that road.

16 MODERATOR LEWIS: Vicky?

17 MR. HACKERT: Laura, I'd like to  
18 address this to you. My name is David C.  
19 Hackert, Project SI. And in your territory,  
20 Laura, I'm quite sure you're familiar with  
21 Fifield, Wisconsin, Price County.

22 MS. MCCARTEN: I'm sorry, with

1 what?

2 MR. HACKERT: Are you familiar  
3 with Price County, Fifield, Wisconsin, the  
4 Phillips area? Within your territory. Or how  
5 long have you been with Xcel?

6 MS. MCCARTEN: I'm not completely  
7 familiar with the area you're speaking of.

8 MR. HACKERT: Okay, in Fifield,  
9 Wisconsin we have the granite underneath us.  
10 And since 1989 I've been trying to work with  
11 your company, the old NSP and Xcel Energy not  
12 to mention Dairyland Power also in developing  
13 the Fifield site for the storage of high-level  
14 spent nuclear fuel with our governors, with  
15 our communities, with our elected officials  
16 and on and on. You mentioned that you have a  
17 problem but when it comes time for you and I  
18 to try to work together, and I still, you  
19 know, reaching out to you folks. I still want  
20 to work with you guys to being one of the  
21 first electrical power companies to develop  
22 safe storage and transportation as an example

1 for the rest of the 103 and other nuclear  
2 power companies in America along with  
3 Dairyland.

4 So, when you talk, Laura, and you  
5 go representing your company and for your  
6 community there is a viable site. And we do  
7 know each other. I'm sure we do. Maybe you  
8 haven't been with the company but we have a  
9 chance of working with you. And you know, I  
10 guess you could say why haven't you done  
11 something with the Fifield site to help  
12 develop us and work with our state? And you  
13 know, in the future I want to work with you  
14 guys, and in the future in this new draft and  
15 how things are formulated we will be working  
16 and hopefully we can show the rest of the  
17 power companies how we can do it the right  
18 way, again with appropriate funding we can do  
19 what's necessary. And that's where I'm coming  
20 from, Laura.

21 MS. MCCARTEN: Okay, well I  
22 certainly appreciate your interest in finding

1 a solution. I would say that as one of  
2 multiple nuclear utilities in the country we  
3 have through the Waste Fund looked to the  
4 federal government who has all the resources  
5 and the statutory authority to actually  
6 fulfill a program and look for a good site,  
7 good solutions, whether it's a repository or  
8 interim storage. If there is interest in that  
9 area I think that that needs to be brought  
10 forward to the Blue Ribbon Commission perhaps  
11 via your elected officials or your state  
12 representatives.

13 MODERATOR LEWIS: Okay, thank you.

14 And I just want to note we are a little bit  
15 past our time but we think we can pick up a  
16 few minutes when we get to the portion right  
17 before lunch when we explain the breakout  
18 groups. So I'm going to take another couple  
19 of questions if we have any. And it looks  
20 like here in the back. And again, please  
21 introduce yourself.

22 MS. EIDE-TOLLEFSON: Okay. I'm

1 Kristen Eide-Tollefson. I live south of the  
2 Prairie Island plant and I've been involved in  
3 regulatory -- as a citizen in the regulatory  
4 proceedings and legislative proceedings.

5 As the Blue Ribbon panel considers  
6 the future of America's nuclear fleet I  
7 continue to be concerned that the way in which  
8 we shelter the industry and the utilities from  
9 the costs and consequences of the nuclear  
10 waste will continue to undermine our ability  
11 to have a solution to the waste problem. The  
12 Nuclear Waste Policy Act charges the utilities  
13 with the safe storage of the waste until the  
14 federal government takes it and also with the  
15 accrual of funds for the Nuclear Waste Fund.  
16 Both of these responsibilities are not well  
17 integrated into the actions that we take at  
18 the state level and we're often at odds around  
19 whose responsibility this is and who should  
20 bear these costs. I would hope that the  
21 federal government could create some kind of  
22 mechanism that would make a clearer path for

1       how the utilities are to deal with this waste  
2       and how the communities can be supported in  
3       the responsibilities that they ultimately have  
4       for the safety of their communities and the  
5       resources upon which they sit.

6               I have one more comment and that  
7       just has to do with the evaluation of the  
8       costs, the potential costs, future costs of  
9       using hotter fuel, the technical difficulties,  
10       or the technical impacts on dry cask storage  
11       and pool storage and what those costs might  
12       bring further down. I haven't seen very much  
13       that has been written effectively on that. So  
14       thank you.

15               MODERATOR LEWIS: Thank you. Any  
16       responses? It was more of a comment than a  
17       question but any of our panelists have  
18       anything?

19               MAYOR EGAN: Dennis Egan, mayor of  
20       Red Wing. I think in one of the first bullet  
21       points today I wanted to acknowledge the fact  
22       that Xcel Energy has been a good partner and



1 has worked with the community over the years  
2 and there is a benefit. I also think that as  
3 much as they're an entity in producing the  
4 power we've asked them to produce nuclear  
5 power. I mean, it is a low-cost, it's a  
6 baseload energy. So I don't know that we want  
7 to vilify or penalize that entity. We want to  
8 make sure that the federal government lives up  
9 to its obligation to move the spent and the  
10 waste product. So from a community standpoint  
11 that has a partnership with a power company  
12 and the benefits that we realize because of  
13 that, you know, I don't want there to be a  
14 perception that they need to be vilified. But  
15 again, the problem goes back to the lack and  
16 the contractual agreement that has been broken  
17 by the U.S. government. So.

18 MODERATOR LEWIS: Thank you. Did  
19 you want to?

20 MEMBER BAILEY: Vicky Bailey,  
21 member of the commission. My question goes to  
22 the issue of economic development and having

1 a present mayor and past mayor and the others  
2 of you in the area as it relates to bringing  
3 in other developments from the standpoint of  
4 residential developments and business  
5 developments, and also from the issue of jobs.  
6 Now, you may have mentioned that but it may  
7 have gotten lost in some of the prepared  
8 statements. But I'll address this to the  
9 current mayor, Mayor Egan.

10 MAYOR EGAN: Kind of twofold. One  
11 is the economic development by having an  
12 entity like an Xcel Energy and the jobs that  
13 they bring to the community. So well-paying,  
14 well-educated, looking for housing stock that  
15 is above average. So from that perspective we  
16 have had a benefit. And because of some of  
17 the state policies there is dollars that have  
18 come to the community, to host communities.  
19 But we get those because we agreed years ago  
20 to be a host community. On the flip side if  
21 we work with our port authority and we talk to  
22 them about looking for new businesses coming

1 to the community in some industries there is  
2 a drawback or a pause from individuals or  
3 entities saying how close are you to a nuclear  
4 storage facility, how close are you to, you  
5 know, the entity in and of itself.

6 So I think there is a correlation.  
7 I can't give you a quantitative analysis today  
8 to say X number of opportunities were lost  
9 because of that. But you know from an entity  
10 standpoint they've been a good partner in  
11 trying to help us move the community forward.

12 SENATOR HOWE: I'd like to respond  
13 to that too. John Howe. You know, it's a  
14 little bit of a double-edged sword because in  
15 one instance you know we have low-cost energy  
16 which is always important. And initially the  
17 plant paid considerable property tax and  
18 considerable revenue. You know, at one point  
19 they paid 70 percent of all the city of Red  
20 Wing's property tax. Now, they're still a  
21 major contributor of the tax base here, they  
22 pay about 34 percent to date, but there's been

1 a huge shift. And you know, back I think in  
2 1994 they paid a little over \$24 million in  
3 property taxes in all their various. And now  
4 currently they pay about \$10 million. So  
5 there's been about a 60 percent reduction in  
6 taxes. And at the same time I don't think our  
7 electric costs went down. But because of, you  
8 know, the powerful nature of the industry  
9 they've gotten some very favorable tax  
10 adjustments. And I think -- so it is a  
11 double-edged sword.

12 Now you've got a city who's built  
13 up quite a, you know, paid fire department,  
14 quite a police force and city infrastructure  
15 and so it has really helped develop the city  
16 as far as the infrastructure and everything  
17 else. Now with the erosion of that revenue  
18 stream it's very hard. And then when you come  
19 and now our per capita spending in the city is  
20 out of line with other cities. So now you're  
21 in a case where, you know, you're not  
22 competing at the same level as another city

1 because your property taxes are higher.  
2 There's been this huge shift onto other  
3 commercial businesses and significant shift to  
4 residential. That has nothing to do with the  
5 nuclear storage issue but so it is a double-  
6 edged sword.

7 The plant certainly is a good  
8 corporate partner. It's in their best  
9 interests to try and seek whatever tax  
10 advantages they can. But it highlights the  
11 industry when it comes to a lot of issues  
12 that, you know. I would hope that the Blue  
13 Ribbon Commission would take that away, that  
14 that's where you're kind of hamstrung a little  
15 bit in asking or requesting things be  
16 addressed because certainly I don't think that  
17 the nuclear power company can move anywhere so  
18 it's not like a business that can pick up and  
19 say gee, I'm going to get favorable tax status  
20 in Texas so I'm going to move down there. But  
21 those are issues we need to look at. The  
22 valuation of the plant, we had a change in how

1 the plant's valued and we had a change in the  
2 rate classification. So, those are specific  
3 just to this entity and to our community.

4 But on the other side it provides  
5 a lot of great jobs, a lot of great paying  
6 jobs. I think there's over 600 well-paying  
7 jobs at the power plant. So you know, you  
8 have to weigh both sides of it. And certainly  
9 I think, you know, we see the economic value  
10 in having the plant there and we want to  
11 continue the relationship not only at the  
12 local level but also at the state level.

13 MODERATOR LEWIS: Thank you.  
14 Given where we are in the agenda -- thank you.

15 MR. JOHNSON: Ron Johnson from  
16 tribal council. Along with Xcel Energy and  
17 the Prairie Island Indian Community we have  
18 1,600 employees along with the 700-plus  
19 employees at the power plant. We're one of  
20 the largest employers in the county and along  
21 close to the city limits of Red Wing here.  
22 You know, we talk about all this. The nuclear

1 power plant is there. I think Prairie  
2 Island's position, it's there, it's going to  
3 be there until the site comes under  
4 decommissioning. I think the main goal and  
5 the reason for this day to day is there's  
6 waste sitting aboveground and I think it's  
7 time for that waste to go. And once that  
8 waste goes economically -- and we're crying  
9 now we're in an economic crunch. Look at the  
10 jobs you would create by moving this waste, or  
11 creating or looking for it. If you have to do  
12 regional repositories, understandable, we know  
13 that. But I mean, the jobs, it's about the  
14 jobs. It's about this economy.

15 And you know, I think looking on  
16 the brighter side I think there's an economic  
17 benefit from what we're looking into the  
18 future here and that's the commission. I  
19 applaud them and hopefully they can find  
20 something and remove this waste. Whether it  
21 helps the economy, whether it helps jobs or  
22 whatever the case may be it's going to have a

1 domino effect for this commission once they  
2 make their recommendations is that it's going  
3 to have a lot of attachments to that  
4 recommendation. So I look at that forward and  
5 wait for that day to come. Thank you.

6 MODERATOR LEWIS: Thank you.  
7 Anybody else? Okay.

8 SENATOR HOWE: There was a  
9 question in the back of the room there.

10 MODERATOR LEWIS: I'll take one  
11 more question and bear with me. We'd like to  
12 try to get to our break here quickly.

13 MS. EASTIN: My name is Charlotte  
14 Eastin. I live in Lake City, Minnesota. I'm  
15 a regular citizen. I'm a ratepayer and a  
16 taxpayer. I pay local, state and federal  
17 taxes. I'd like to follow up on what Paula  
18 Maccabee said about consent of the public. I  
19 represent the public here and I don't really  
20 hear you guys talking about what the public  
21 wants. And I believe that if the public  
22 understood the astronomical cost and the



1       tremendous health risks that we wouldn't be  
2       talking about nuclear future, we would be  
3       talking about how to get ourselves off of  
4       nuclear. Thank you.

5                   MODERATOR LEWIS: Thank you.  
6       Given where we are in the agenda let's go  
7       ahead and take a break. And if we take a 15-  
8       minute break now we'll come back at the top of  
9       the hour. And I'd like to ask the panelists  
10      who are up next to be here in time to start on  
11      time. Thank you.

12                   (Whereupon, the foregoing matter  
13      went off the record at 11:44 a.m. and resumed  
14      at 12:00 p.m.)

15                   MODERATOR LEWIS: Okay. Well, we  
16      have a great panel coming up. This is  
17      perspectives from around the region. David  
18      Boyd who is a commissioner with the Minnesota  
19      Public Utilities Commission. We have Gary  
20      McCandless who is with the Illinois Emergency  
21      Management Agency, worked with the agency's  
22      Division of Nuclear Safety for over 16 years.

1 We have Christina Mills who's a staff  
2 scientist and policy analyst with the  
3 Institute for Energy and Environmental  
4 Research. Senator Beverly Gard from Indiana  
5 and Brian Rude who's vice president of  
6 external and member relations with the  
7 Dairyland Power Cooperative.

8 So again we're going to let the  
9 panelists choose whether or not they speak  
10 from the table or they want to come up to the  
11 podium. And I believe we've got a couple of  
12 PowerPoints. But why don't we get started  
13 please with David Boyd. And again, please be  
14 cognizant of time and we'd like to reserve a  
15 few minutes at the end for Q&A. Thanks.

16 MR. BOYD: Thank you very much.  
17 And to the commissioners of the BRC I can't  
18 emphasize how much we appreciate you being  
19 here and joining us for a discussion of  
20 obviously a very significant topic to the  
21 residents, the ratepayers, the taxpayers of  
22 Minnesota as well as the entire country. My

1 name is David Boyd and I'm here on behalf of  
2 the Minnesota Public Utilities Commission  
3 where I serve as a commissioner. I would note  
4 that three of my colleagues are also in the  
5 room. Four of the five state commissioners  
6 are here and I think if nothing else that  
7 shows, is a measure of the significance of the  
8 topic to our state commission.

9 Minnesota Public Utilities

10 Commission regulates public utilities and  
11 other entities and public services according  
12 to state laws and regulations. I might also  
13 note, for those of you who are not regular  
14 commission watchers we do have some open  
15 dockets that relate to this topic broadly and  
16 if perchance a question comes up I may have to  
17 artfully dodge a question due to ex parte  
18 considerations. I hope you'll understand.  
19 And that may also play into the breakout  
20 sessions later in the day. So take no offense  
21 if that should happen.

22 Minnesota has a diverse

1 electricity generation portfolio that includes  
2 about 25 percent nuclear and I would note  
3 we're about 12 percent in renewables as well,  
4 partly due to my new colleague Chair  
5 Anderson's participation in both the 1994  
6 proceedings and the 2007 Next Generation  
7 Energy Act. As you've already heard we have  
8 three reactors located on two plant sites in  
9 the state.

10 And as an economic regulator of  
11 nuclear generating utilities my colleagues and  
12 I have an obligation to see that the  
13 ratepayers' mandated payments for spent fuel  
14 disposition are used properly. We regret the  
15 fact that the ratepayers have been required to  
16 pay several times for this service and have  
17 nothing to show for their investment to date.  
18 We also regret the fact that the federal  
19 government has yet to honor their obligation  
20 in statute and contract to remove spent fuel  
21 from sites around the country. As you heard  
22 earlier host communities appreciate the

1 economic opportunities that come with plants  
2 of this sort, but have concerns driven largely  
3 by the ongoing presence of spent fuel that was  
4 meant to be removed as per the Nuclear Waste  
5 Policy Act.

6 I'm also here representing the  
7 National Association of Regulatory Utility  
8 Commissioners, or NARUC, an organization of  
9 which all public utility regulators are  
10 members. Among other activities I currently  
11 serve as a member of NARUC's electricity  
12 committee and as chair of NARUC's committee on  
13 nuclear issues and waste disposal. I thank  
14 the commission for its service in evaluating  
15 ways to get the nuclear waste program back on  
16 track and for holding these meetings to elicit  
17 reactions to your draft report. NARUC  
18 provided comments to the subcommittee reports  
19 in June and either has delivered or will very  
20 shortly deliver comments on the draft  
21 commission report. I'll summarize our  
22 reactions and then focus my remarks on a

1 specific area of concern.

2           While we at NARUC understand the  
3 commission's adherence to the guidance given  
4 you by the Secretary and the statement in the  
5 report that all of your recommendations can  
6 and should be implemented regardless of what  
7 happens with Yucca Mountain we believe the  
8 commission should have recommended that the  
9 NRC be required to fulfill its obligation to  
10 complete the Yucca Mountain license review in  
11 the interest of science and to inform  
12 policymakers if nothing else.

13           We agree with the report's finding  
14 that the nuclear waste program is at an  
15 impasse and I won't attempt to address the  
16 history of how that came to be but it looks as  
17 though a heavy-handed policy decision in 1987  
18 imposed on Nevada, however supported on  
19 technical merit, was undone when Nevada's  
20 political influence was on the ascent in 2009.  
21 During the intervening years upwards of \$7  
22 billion collected from reactor owners and

1 their customers was spent along with \$4-plus  
2 billion from the defense budget and all we  
3 have to show for that investment is an 8,000-  
4 page license application that the NRC won't  
5 review and a tunnel into the site approved by  
6 Congress in 2002 that's now padlocked.

7 In terms of the topic of  
8 consolidated storage NARUC has urged away from  
9 reactor interim storage since 1994. It's  
10 unclear what quantity of material or other  
11 criteria are being considered for sites that  
12 might be chosen for consolidated storage at  
13 this point in the reporting process. We  
14 understand and support the need to relocate  
15 the stranded spent fuel from the nine  
16 decommissioned sites and other decommissioning  
17 sites in the coming years but are skeptical of  
18 the claim on page 41 of the draft report that  
19 the savings achieved at centralized  
20 consolidated facilities would be enough to pay  
21 for the facility. We certainly envision  
22 economies of scale benefits and security

1 enhancement but we see a distinction between  
2 spending monies collected for disposal from  
3 ratepayers to achieve savings in damage  
4 payments avoided from the taxpayer-funded  
5 judgment fund. We don't know the magnitudes  
6 involved nor the potential need for a fee  
7 increase that in our view was avoidable had  
8 DOE taken more interest in centralized interim  
9 storage 20 years ago. The net effect of the  
10 presumed use of the Nuclear Waste Fund to pay  
11 for used fuel consolidated storage going  
12 forward is to require ratepayers to pay for  
13 avoidable costs stemming from the DOE's  
14 failure to meet the 1998 waste acceptance  
15 schedules.

16 The draft report refers to  
17 consolidated central storage having the  
18 benefit of preserving options to allow  
19 advanced in technology or other factors to  
20 improve the economies of reprocessing yet  
21 elsewhere there are statements which suggest  
22 the purpose of consolidation is to begin to



1       reduce the government liabilities for its  
2       partial breach of contracts with the utilities  
3       and it would seem that tension ought to be  
4       clarified. And again, we agree with the  
5       notion of working with utilities to give  
6       first-in-line priority to the used fuel stored  
7       at decommissioned sites.

8               On the issue of permanent disposal  
9       the draft report says that a deep geologic  
10       repository is needed for nuclear materials  
11       with a low probability of reuse and takes the  
12       position that regardless of what happens with  
13       Yucca Mountain a second repository site is  
14       needed. We agree with the worthy attributes  
15       of the proposed consent-based approach to  
16       siting. Respect for potential host  
17       communities must be a cornerstone of an open  
18       process. Lessons from the successes in  
19       Finland, Sweden and particularly with WIPP  
20       here in the United States should be applied as  
21       well as the negative experiences of Yucca  
22       Mountain.

1 NARUC represents a state-based  
2 membership and is very respectful of states'  
3 rights issues. When asked how we feel about  
4 the role of states in Section 6.6 emphasizing  
5 consultation and cooperation in the new  
6 approach that the commission believes would  
7 obviate the need for a state-level veto we  
8 agree that the optimistic proposal and process  
9 presented would have broken down to such an  
10 extent that it should not have come to such a  
11 legal action. That is, if the process of  
12 negotiation were to reach an impasse in the  
13 model proposed by the BRC the parties would  
14 just walk away rather than pursuing legal  
15 litigation. And that opt-out provision seems  
16 to have worked in the Scandinavian countries.

17 As provided in the Nuclear Waste  
18 Policy Act there should be financial and other  
19 benefits that can make siting disposal  
20 facilities attractive. We consider it  
21 appropriate for the Nuclear Waste Fund to be  
22 used to provide financial benefits as an

1 incentive to siting. It must be recognized,  
2 and this is perhaps an understatement, that  
3 developing and applying the consent-based  
4 approach to siting disposal facilities will  
5 take time and patience.

6 In terms of the new organization  
7 proposed while not all the difficulties  
8 encountered at Yucca Mountain were due to poor  
9 management by the repository program  
10 management team assembled and led by DOE we  
11 agree that a new implementing organization is  
12 needed, perhaps if for no other reason than  
13 OCRWM has been disbanded, along the lines of  
14 the proposal in Section 7 of the draft report.  
15 We look forward to working with a transition  
16 organization to developing enabling  
17 legislation.

18 NARUC would like to review  
19 whatever fee-setting apparatus that the new  
20 waste management organization would have such  
21 as a waste fund oversight commission discussed  
22 in Section 7.4.5. The draft report says the

1 FERC should have such a role based on the  
2 DOE's 2001 Alternative Means of Financing and  
3 Managing Report. NARUC as you may remember  
4 has maintained a vigilant interest in the fee  
5 adequacy assessments conducted by DOE and  
6 would like to continue to have a voice in fee-  
7 setting on behalf of the ratepayers who bear  
8 the ultimate burden of the fees that are paid.  
9 Likewise, NARUC supports the establishment of  
10 a stakeholder advisory committee and should be  
11 invited to have representation on such a body.

12 The draft report recognizes in  
13 Section 8 that the success of a revitalized  
14 waste management program depends on a  
15 functioning full cost recovery user fee like  
16 the Nuclear Waste Fund was designed to be but  
17 provides access to fees collected as well as  
18 the supposed corpus of the prior year's  
19 accumulated surplus and interest that was  
20 credited to the fund. We are skeptical of the  
21 commission's statement that "Overall we are  
22 confident that our recommendations can be

1 implemented using revenue streams already  
2 dedicated for this purpose," that is, the  
3 Nuclear Waste Fund and fee. First, there's no  
4 cost estimate for a revitalized disposal  
5 program that we are aware of. Second, on a  
6 tenuous interpretation that the new  
7 consolidated storage program, also of  
8 indeterminate scope and cost. The draft  
9 report apparently assumes such storage can be  
10 financed from the Nuclear Waste Fund because  
11 it is incidental to disposal. Finally, the  
12 commission's confidence presumably includes  
13 the assumption that the \$25 billion plus or  
14 minus that's no longer regularly reported upon  
15 by DOE as the balance in the Nuclear Waste  
16 Fund is going to be fully transferred at some  
17 future time to the new waste management  
18 organization.

19 We fully agree with the proposed  
20 near-term non-legislative action to reclassify  
21 and change the timing of the Nuclear Waste  
22 Fund fee collections as outlined in Section

1 8.3.1. NARUC sent a letter to the Secretary  
2 of Energy last week endorsing action on this  
3 proposal. State utility commissions already  
4 familiar with decommissioning trust funds can  
5 work with the utilities and DOE or a successor  
6 waste management organization to set up the  
7 irrevocable trust accounts at approved third  
8 party financial institutions in their states.  
9 We also feel that if there is to be a major  
10 new initiative to build consolidated central  
11 storage for up to a hundred years and the  
12 desire to use the Nuclear Waste Fund for it  
13 that it warrants amending the Nuclear Waste  
14 Policy Act, something that's contemplated by  
15 the draft report.

16 In terms of the transition, it's  
17 not clear how the transition is envisioned.  
18 It's possible that the Department of Energy is  
19 working on a transition proposal now. If so,  
20 they're doing it rather quietly. But since  
21 the basic change would remove most  
22 responsibilities from DOE perhaps a task force

1 approach should be considered. We're not  
2 privy to how the administration anticipates  
3 taking responsibility for gathering  
4 stakeholder and public support and eventual  
5 cooperation with Congress but perhaps the  
6 commission suggests an implementation strategy  
7 and timeline when the final report is  
8 submitted. I'm sorry for going over, I thank  
9 you for the opportunity to express my thoughts  
10 and look forward to the ongoing dialogue and  
11 affirmative action. Thank you.

12 MR. MCCANDLESS: Hello. My name's  
13 Gary McCandless. I'm the chief of the Bureau  
14 of Environmental Safety for the Illinois  
15 Emergency Management Agency where we focus on  
16 nuclear safety and emergency preparedness as  
17 it relates to the nuclear power plants as well  
18 as all the other emergency management areas in  
19 the state.

20 I appreciate the opportunity to  
21 present the Illinois perspective on the  
22 nuclear waste program and I thank the

1 commission and the CSG for hosting this  
2 meeting. And I also encourage and enjoy  
3 seeing so many people here, particularly the  
4 public because public participation at least  
5 in Illinois was a key to what we're doing. We  
6 have the most power plants in the nation and  
7 I'll get into a little scenario here in a  
8 second to show you what the lack of public  
9 participation did for Illinois. With that the  
10 Illinois perspective is consistent with most  
11 other state regulators focused on nuclear  
12 safety. And I'll go through a couple of  
13 slides here. Hopefully I'll make up some time  
14 for everybody.

15 Illinois generally supports the  
16 seven key elements of the new nuclear fuel  
17 management strategy. We have a few  
18 suggestions of course: develop an attainable  
19 set of criteria and look for a volunteer with  
20 a geologically suitable site that can meet  
21 that criteria with local acceptance, and  
22 establish a new organization with new staff.



1 If this new organization just rolls in the old  
2 staff that's been doing things for decades we  
3 don't think that's a positive approach. And  
4 give focus to the funding with a high degree  
5 of accountability. And the new organization  
6 should be licensed by the NRC, no self-  
7 regulation, no exemption. And to start the  
8 process with the development of regional  
9 storage facilities to maintain transparency  
10 throughout. And to consider one that's  
11 already licensed. And don't reinvent the  
12 wheel. As I say, a lot of these are similar  
13 to what you've heard. But don't reinvent the  
14 wheel on abandoning the lessons learned from  
15 decades.

16 Recognize states as co-regulators  
17 and engage early in the siting and licensing  
18 process with consolidated facilities. Do not  
19 underestimate the impacts of the  
20 transportation programs. You heard a little  
21 bit of that today but as Illinois has a  
22 transfer mode we have 80 to 100 shipments

1 coming through our state and it's a key role  
2 in putting transportation up front. Because  
3 as somebody had mentioned here earlier one  
4 transportation mistake can kill a program.

5 Some concerns about Illinois and  
6 onsite storage. Illinois has six active  
7 nuclear plants, 11 reactors with which five  
8 currently have onsite storage and I believe  
9 the other one is developing it in Clinton. We  
10 have a long-term private fuel storage facility  
11 near Morris which has been holding 3,700  
12 assemblies for decades from other states. We  
13 have one inactive nuclear power plant in Zion  
14 which we're starting decommissioning right  
15 now. It sits a hundred yards off of Lake  
16 Michigan. And ultimately there's going to be  
17 61 dry storage casks within a football field  
18 of Lake Michigan. Lake Michigan is one of the  
19 largest public water supplies. The bordering  
20 states, what is it, there are six or eight  
21 nuclear power plants sitting around Lake  
22 Michigan. Enough said on that. And the need

1 for consolidated spent fuel storage is  
2 paramount to the management of public health  
3 and safety and emergency preparedness and  
4 efficiency in long-term monitoring.

5 Talking about 100 to 300 years  
6 worth of interim storage before some  
7 geological storage. I don't see that that  
8 serves a very useful purpose for America's  
9 nuclear future. Consolidating spent fuel in  
10 the interim, particularly in the Midwest from  
11 Lake Michigan and others seems to make logical  
12 sense in the interim. So I would hope that  
13 the commission would give a lot of  
14 consideration to that point in the near term.

15 Now, a little short story about  
16 the siting of a low-level waste facility in  
17 Illinois. And it's a short story but you  
18 know, see if this is a kind of familiar  
19 scenario to what you're seeing at the federal  
20 level. The agency hires a site selection  
21 contractor. The agency solicits interest from  
22 parties for siting consideration. Forty-two

1 different individuals thought it was important  
2 in the beginning. The agency hires a  
3 development contractor. The scientific  
4 surveys voiced objections to the draft  
5 recommendations that occurred from these  
6 contractors that the agency had hired. It  
7 results in a legislative subcommittee that  
8 investigates the technical disputes between  
9 the scientific surveys in Illinois and the  
10 agency. The legislature establishes a special  
11 siting commission, public hearings are held  
12 and the finding was it didn't meet the  
13 regulatory requirements to perform some  
14 objectives of the Low-Level Waste Act in  
15 Illinois. One hundred and ten million dollars  
16 have been spent on rejecting the siting  
17 process. The General Assembly radically  
18 amends the siting process and the act.  
19 Starting to sound familiar? Seems like it,  
20 doesn't it?

21 The task group commission was  
22 established to develop site criteria. Over 40

1 public meetings and workshops for the criteria  
2 was adopted. The scientific surveys are now  
3 up front being charged with screening the  
4 state and issuing a map of potential suitable  
5 sites. The Low-Level Waste Act directs the  
6 agency to complete a report on those impacts  
7 moving forward. It's a scary scenario, isn't  
8 it?

9           So the new process. Agency is  
10 directed to draw up rules for the siting  
11 process which includes comprehensive and open  
12 process, lands jointly volunteered by  
13 landowner and local government jurisdiction.  
14 I think this is a key at the federal level as  
15 well. If you, you know, we believe that a  
16 volunteered site with endorsement by the  
17 government jurisdiction is the only way that  
18 in Illinois there would be any potential to  
19 ever site a low-level waste site there. It  
20 requires the contractor to propose one site  
21 and it goes back to the task group, and upon  
22 task group approval we proceed with the

1       licensing and development process. That's  
2       just a couple. You know, we had, the task  
3       group has its criteria, the state's screening  
4       was done by the scientific surveys. The  
5       Department of Nuclear Safety at the time, now  
6       IEMA did a report on the impacts and  
7       ramifications of it. The bottom line was  
8       because of all the volume reduction it's on  
9       hold until the decommissioning of all the  
10      power plants until there's actually an  
11      economic viability to proceed with siting.  
12      And we do still do have a B and C option as I  
13      think a lot of states do as far as looking at  
14      interim storage.

15                    So the lessons learned.

16      Transparency is necessary from the beginning  
17      of course. And we believe that identifying a  
18      volunteer site and local endorsement.  
19      Providing grants to local to conduct  
20      independent reviews, but defining appropriate  
21      uses and require the return of the unused  
22      portion. That was one of the positive things

1 that came out of our rejected site process.  
2 We did provide local grants to the locals.  
3 They could independently bring in their  
4 specialist to test what the state was doing.  
5 The only thing that we did wrong was we didn't  
6 put any limits on the funding and we didn't  
7 tell them if they didn't use it they had to  
8 give it back to us. So it was used in a lot  
9 of ways that, I won't say they were  
10 inappropriate but they were focused in a  
11 different direction than they needed to be.  
12 And then when they had money left and we said  
13 well, you'll give it back to us they said well  
14 you didn't tell us we had to so we spent it.  
15 And maintain the separate and independent  
16 authority between developer and regulator.  
17 And integrate of course the recognized  
18 scientific services in the process.

19 That's our perspective from  
20 Illinois. It may have been interesting.  
21 There's a lot of similar things to it. I know  
22 that the commission has a tough task but I

1 would suggest that you aggressively establish  
2 a consolidated facility because that's got to  
3 be a first step in public safety. And given  
4 efficiencies and monitoring, why we're looking  
5 for a long-term geological disposal. Thank  
6 you.

7 (Applause)

8 MS. MILLS: I don't have a  
9 PowerPoint but I thought everyone could at  
10 least see me this way if I came over here. So  
11 thank you to the BRC and Commissioners  
12 Peterson and Bailey and the Council of State  
13 Governments for holding this meeting and also  
14 for the opportunity to speak here today. My  
15 name's Christina Mills and I work with the  
16 Institute for Energy and Environmental  
17 Research. It's a non-profit organization  
18 based just outside of D.C. in Takoma Park,  
19 Maryland. I actually work here in  
20 Minneapolis. We've had an office here since  
21 2000 and we work on state and regional issues  
22 here as well as issues across the country.



1 IER provides technical and scientific  
2 information to the public on energy and  
3 environmental issues.

4 IER has already prepared extensive  
5 comments and made many recommendations to the  
6 BRC in a report prepared for the Yakama Nation  
7 which was submitted to the BRC and is already  
8 on the website. We trust that the commission  
9 will explicitly address these comments and  
10 inform us how you have taken them into account  
11 in your final report. The comments I am  
12 making today are in addition to these. They  
13 are on behalf of IER alone though there is  
14 some overlap on some of the points I am making  
15 today and those in the comments that IER  
16 prepared for the Yakama Nation.

17 On the issue of reprocessing we  
18 agree in part with one of the draft report  
19 statements on reprocessing. Specifically, we  
20 agree that, quote, "No currently available or  
21 reasonably foreseeable reactor and fuel cycle  
22 technology developments including advances in

1 reprocessing and recycle technologies have the  
2 potential to fundamentally alter the waste  
3 management challenge this nation confronts  
4 over at least the next several decades, if not  
5 longer," end quote. However, this statement  
6 falls far short of the technical reality that  
7 applies to spent fuel from light water  
8 reactors. IER president Dr. Arjun Makhijani  
9 made a presentation to the commission in May  
10 of 2010 at your invitation in which he  
11 explicitly demonstrated that reprocessing  
12 spent fuel from light water reactors makes no  
13 technical, resource or economic sense,  
14 whatever path may be chosen for the future of  
15 nuclear power. In addition, it will create  
16 security problems since the plutonium in the  
17 spent fuel is far less risky where it is now  
18 than if it were separated from the fission  
19 products in the spent fuel. We were dismayed  
20 to note that this presentation was entirely  
21 ignored in the draft report. In brief, the  
22 central issue is this: only a tiny portion of

1 the uranium in the spent fuel can be used in  
2 light water reactors. For breeder reactors  
3 the vast stock of depleted uranium is a far  
4 better, cheaper and far larger uranium  
5 resource should such reactors be developed.

6 The BRC should recommend direct  
7 disposal of spent fuel from light water  
8 reactors without reprocessing, independent of  
9 any other recommendation in the report. If  
10 the BRC rejects this analysis we would at  
11 least like to see the reasoning. I will be  
12 submitting Dr. Makhijani's report on  
13 reprocessing for the record along with my  
14 statement and it will supplement the slides  
15 that he presented to you.

16 That said, we do appreciate very  
17 much that the draft report excluded  
18 reprocessing in the mandate of the new federal  
19 institution that would be part in charge of  
20 transporting, storing and disposing of high-  
21 level waste and spent fuel. We agree that the  
22 Nuclear Waste Fund money should not be used

1 for reprocessing and that reprocessing should  
2 be completely outside the mandate of the new  
3 institution.

4 On the issue of new reactor  
5 technologies, the BRC has endorsed the DOE  
6 nuclear energy roadmap that includes a variety  
7 of reactor and reprocessing technologies.  
8 There is some discussion of these in the draft  
9 report, notably of fast neutron breeder  
10 reactors and high-temperature reactors. We  
11 appreciate that the commission included a  
12 table with the status of various reactor  
13 technologies but we believe that the  
14 endorsement of a research development and  
15 demonstration program that will last decades  
16 and that will likely cost tens of billions of  
17 dollars is premature at best. For instance,  
18 the BRC has been presented with ample evidence  
19 of the uneven performance of sodium-cooled  
20 fast neutron reactors in the past. About 1  
21 billion with a B has been spent worldwide and  
22 yet the technology is not commercial. How

1 much more should be spent? As the draft  
2 report acknowledges, the country is confronted  
3 with serious budgetary constraints.

4           The R&D path in the DOE roadmap is  
5 in our view unaffordable. Even without  
6 expensive demonstration reactors the DOE's  
7 nuclear energy R&D budget is about \$500  
8 million per year. As point of reference, the  
9 budget of the National Renewable Energy  
10 Laboratory is in the vicinity of \$300 million  
11 per year. We recognize that the BRC is not an  
12 energy policy commission and is focused on  
13 nuclear spent fuel and high-level waste, and  
14 that it is reviewing nuclear reactors and fuel  
15 cycle technologies in that context. But we  
16 believe that rather than endorsing the DOE  
17 nuclear energy roadmap the BRC should go into  
18 more detail on the potential cost of nuclear  
19 reactor and fuel cycle R&D and recommend that  
20 a National Academies panel provide the country  
21 with a more balanced view of how U.S. energy  
22 problems might be addressed given the

1 financial and time requirements for various  
2 technologies to contribute to solutions.

3 On the issue of hardened onsite  
4 storage of spent fuel, the safety benefits of  
5 hardened onsite storage have already been  
6 examined and found to surpass storage of spent  
7 fuel in pools by the National Academies. We  
8 endorse the BRC's recommendation for a follow-  
9 up to this study since a post-Fukushima  
10 accident study is needed. However, there's no  
11 prospect that the 2004 conclusion reached by  
12 the National Academies in which they found  
13 that dry storage is inherently safer than  
14 storage in reactor pools will be reversed in  
15 light of any findings in Fukushima. On the  
16 contrary, Fukushima has made the dangers of  
17 at-reactor spent fuel storage much more clear.  
18 There is no need to wait or defer for another  
19 study before recommending that all spent fuel  
20 aged more than five years should be moved to  
21 hardened dry storage and the remaining spent  
22 fuel should be kept in low-density storage in

1 reactor pools.

2 In our July 1st, 2011 comments on  
3 the Transportation and Storage Draft  
4 Subcommittee Report IER noted that a  
5 consolidated storage site would take a long  
6 time to develop. In the meantime reactor  
7 communities will be faced with the risk of  
8 dense fuel pool storage. The only way in  
9 which consolidated storage could be developed  
10 quickly would be to do it by fiat at a DOE  
11 nuclear weapons site. This would be most  
12 inadvisable. We believe that the commission's  
13 final report should, one, explicitly rule out  
14 DOE sites as potential locations of a  
15 consolidated storage site, two, explicitly  
16 rule out any DOE role in the consolidated  
17 storage process, and three, recommend hardened  
18 onsite storage of spent fuel in dry casks.

19 An obvious solution is to use the  
20 Nuclear Waste Fund monies for hardened onsite  
21 storage instead of for consolidated storage  
22 with transfer of title to the DOE which -- who

1 would contract with the utilities to store the  
2 waste. We understand that utilities are  
3 opposed to this and that taxpayers are on the  
4 hook for fines because of DOE's defaulting on  
5 nuclear waste contracts with nuclear  
6 utilities. However, these same utilities are  
7 beneficiaries of a huge government subsidy in  
8 the form of the Price Anderson Act whose  
9 potential magnitude has been thrown into  
10 relief by the enormous and varied types of  
11 damage and harm done by the Fukushima  
12 accident. This should provide enough leverage  
13 to the federal government to negotiate a  
14 sensible solution to the problem of storage  
15 costs with the utilities without resort to  
16 taxpayer dollars.

17 On the issue of research and  
18 siting, while we do agree with the commission  
19 that it is necessary to develop deep geologic  
20 disposal we take issue with the statement that  
21 such a siting effort should be initiated  
22 expeditiously. Plato reportedly noted that



1 who hastens too much at the beginning comes to  
2 the end too late. Haste has been a central  
3 problem with the U.S. repository program and  
4 partly as a result the program is further  
5 behind than ever. IER has repeatedly  
6 recommended 10 years of research on various  
7 combinations of geologic settings, engineered  
8 barriers and repository sealing approaches  
9 before site selection begins. We again  
10 recommend that at least a decade of science-  
11 based research is completed before any  
12 consent-based process begins. We urge the BRC  
13 to eliminate the term "expeditiously" from its  
14 lexicon when it comes to repository  
15 development and quote Plato instead of  
16 advocating fast development. In our view a  
17 decade of careful research and public outreach  
18 about the research will provide a sound basis  
19 for siting as well as an appropriate starting  
20 point for seeking the consent of communities  
21 where the geology promises to combine with  
22 other elements to produce the most secure and

1 least damaging disposal. Thank you.

2 (Applause)

3 SENATOR GARD: My name is Beverly  
4 Gard. I've been a member of the Indiana State  
5 Senate for the past 23 years and chair the  
6 Indiana Senate Committee on Energy and  
7 Environmental Affairs. Over those years I've  
8 served on a variety of committees and  
9 commissions both for Council of State  
10 Governments and NCSL dealing with energy and  
11 environmental policy.

12 Commissioner Bailey and  
13 Commissioner Peterson, thank you for giving me  
14 the opportunity to testify today on behalf of  
15 Midwestern state legislators on this very  
16 critical issue. We truly appreciate your  
17 engaging the Council of State Governments in  
18 your discussions. First, I want to comment  
19 directly on several points made by the  
20 commission in its draft report. Secondly, I  
21 will talk about issues that will directly  
22 affect my state of Indiana. These issues will

1 likely be issues of concern to other  
2 Midwestern states as well.

3           The draft report clearly points  
4 out that the 1987 amendments to the Nuclear  
5 Waste Policy Act have not produced a timely or  
6 workable solution for dealing with our  
7 country's most hazardous radioactive  
8 materials. Indiana officials as well as  
9 officials of other states have a shared sense  
10 of urgency for finding ways to address the  
11 issues surrounding the spent fuel from our  
12 nuclear plants. The commission's  
13 recommendations for a new consent-based  
14 approach to the siting of future nuclear waste  
15 management facilities both for storage and  
16 final disposal is on target. It is  
17 imperative, however, that the states be active  
18 partners in this process, both planning and  
19 implementation, from the very beginning of  
20 discussions.

21           Again, any new organization formed  
22 solely to implement the spent fuel management

1 program must have active state participation  
2 from the inception. Funding must be provided  
3 to the states from either federal funds or the  
4 Nuclear Waste Fund being collected from the  
5 ratepayers to assist with their full  
6 participation in a waste management program.  
7 Financial resources must be made available to  
8 the states from the Nuclear Waste Fund or  
9 other federal funds for both their planning  
10 activities and implementation. The many  
11 states in fiscal crises cannot absorb these  
12 costs within their own budgets.

13           It is clear that there will be a  
14 need for multiple interim storage sites and  
15 for multiple final repositories. These should  
16 be located in a manner which minimizes  
17 transportation issues for the states and make  
18 these sites as accessible as possible to  
19 facilities that generate high-level nuclear  
20 waste.

21           I would also encourage the federal  
22 government to make a determination on Yucca

1 Mountain as a permanent repository based on  
2 the scientific facts, not on political  
3 considerations. The United States government  
4 should actively support innovation and  
5 research in new nuclear technology. Recycling  
6 high-level radioactive waste should be a  
7 radioactive waste management priority.

8           Again, I want to emphasize the  
9 states should be included as active partners  
10 in the planning and implementation of  
11 management and disposal policies for nuclear  
12 waste. This emphasis should be reflected in  
13 the commission's final recommendations. The  
14 commission's draft recommendations are  
15 thoughtful and when finally adopted they  
16 should be implemented both deliberatively and  
17 with a sense of urgency. The role of the  
18 states must be clearly defined with the states  
19 having a seat at the table as those state  
20 responsibilities are defined.

21           The failures of the United States  
22 nuclear waste program bring uncertainties to

1 states like mine. Indiana is known as the  
2 Crossroads of America. We have more  
3 interstate highways passing through our  
4 borders than any other state. Indiana has  
5 more than 11,000 miles of highway and 4,000  
6 miles of active rail tracks. It is likely  
7 that wherever spent fuel interim or final  
8 storage site or sites are designated at least  
9 some of that material will be traveling to  
10 those locations will pass through Indiana.  
11 Indiana is not home to a nuclear plant but it  
12 is nonetheless wrapped up in the fate of the  
13 U.S. nuclear waste program. We will likely be  
14 a major transportation corridor for high-level  
15 nuclear waste. Other Midwestern states will  
16 find themselves in a similar situation.

17           Additionally, the Cook Nuclear  
18 Generating Facility in southern Michigan is  
19 within five miles of our border with Michigan.  
20 Approximately 80 percent of the power  
21 generated at this facility is sold either  
22 wholesale or retail to Indiana customers.

1 Those Hoosier customers served by the Cook  
2 station have paid for nuclear disposal for  
3 many years and have nothing to show for it.  
4 Cook is currently building dry cask storage  
5 facilities to house the waste on a temporary  
6 basis at the facility.

7 Indiana officials have put the  
8 framework in place to prepare for our state's  
9 eventual role in high-level nuclear waste  
10 transportation by establishing both regulatory  
11 and enforcement structures to ensure that  
12 these materials will be properly accounted for  
13 and handled safely as they travel through our  
14 site. In anticipation of the federal  
15 government accepting ownership of the high-  
16 level radioactive nuclear waste the Indiana  
17 General Assembly adopted legislation aimed at  
18 defining the state's role in the designation  
19 of transportation routes and giving the state  
20 authority to assess fees on shippers to help  
21 defray Indiana's cost. Recent legislation  
22 broadened the authority of the state

1 Department of Homeland Security to collect  
2 information about nuclear waste shipments  
3 before authorizing them to travel through  
4 Indiana. The statute also gives the Indiana  
5 state police the authority to inspect vehicles  
6 for compliance with nuclear waste  
7 transportation regulations and to detain those  
8 shippers that carry spent fuel without proper  
9 permits. These statutes were passed fully  
10 realizing the uncertainty of federal  
11 regulations.

12 Indiana officials encourage and  
13 request that the federal government provide  
14 the funding that will be necessary to train  
15 inspectors and first responders.  
16 Additionally, there will be additional  
17 security considerations if a shipment stops  
18 within Indiana borders. Training and  
19 coordination with shippers, state and local  
20 governments, first responders and the federal  
21 government will require funding. This funding  
22 should be provided to the states by the



1 federal government.

2 A major concern to Indiana and  
3 other Midwestern states is the issue of route  
4 selection. The states must have final  
5 approval of routes selected. Route selection  
6 must give the state ample lead time to deal  
7 with highway or rail construction and  
8 maintenance projects, and to assess the  
9 suitability of infrastructure along the route.  
10 States must be able to stop a shipment under  
11 certain circumstances.

12 However, we in Indiana will not  
13 know how big of an issue the transportation of  
14 spent fuel will be for our state until the  
15 location of disposal sites are finalized. We  
16 cannot truly be prepared for these shipments  
17 from the standpoint of safety and public  
18 education until the disposal site is settled  
19 at the federal level. Some of the questions  
20 that we have include how will the necessary  
21 oversight of waste transportation be funded?  
22 Will Indiana have to devise a revenue stream

1 to fund the state's activities associated with  
2 the shipments? What steps will state and  
3 local officials need to take to ensure the  
4 security of our natural assets and population  
5 centers as shipments travel through the state?  
6 Will we need to make safety upgrades or other  
7 changes to our infrastructure to deal with  
8 high-level nuclear waste? Who will provide  
9 for security and escorts for shipments? How  
10 will safety be ensured when shipments have to  
11 make stops en route? What will be the role of  
12 local officials in planning and monitoring  
13 shipments? What will be the notification and  
14 chain of authority in planning and  
15 implementing shipments?

16 Indiana is currently dealing with  
17 the emergency closure of a major bridge over  
18 the Ohio River connecting Louisville, Kentucky  
19 to southern Indiana. This bridge was closed  
20 without warning when routine maintenance  
21 revealed significant structural issues. The  
22 bridge will be closed for a minimum of eight

1 months. Situations like this become even more  
2 complex in the event that it disrupts a  
3 nuclear waste shipment route. Bridge  
4 infrastructure concerns have become more  
5 prevalent across the country in recent years.  
6 The bridge collapse here in Minneapolis a few  
7 years ago is a tragic example.

8 In Indiana we are projected to  
9 need 30 percent more electrical generation by  
10 the year 2025. About 95 percent of the power  
11 generated in Indiana is from coal-fired  
12 plants. With the attack on coal-fired  
13 generation coming from federal regulators  
14 Indiana is going to be challenged to meet our  
15 power needs with affordable and reliable  
16 generation. Many of us believe despite the  
17 tragic events in Japan that there will  
18 eventually be a nuclear future for Indiana.

19 With this in mind we in Indiana  
20 feel the federal government must act to  
21 fulfill their commitment of many years ago and  
22 work with the states to address the critical

1 issues we are discussing today. In closing,  
2 I want to thank you for the work you are doing  
3 and for giving those of us responsible for  
4 making policy in our states the opportunity to  
5 discuss these important issues with you.

6 Thank you.

7 (Applause)

8 MR. RUDE: Good morning. It's a  
9 pleasure for me to be here today and share a  
10 perspective from Dairyland Power Cooperative  
11 on the issues we face. And we really are  
12 grateful that you have these public hearings  
13 around the country so we can all participate.

14 Dairyland Power Cooperative is a  
15 generation and transmission cooperative which  
16 is located in La Crosse, Wisconsin, about 150  
17 miles south of where we're sitting. We're  
18 owned and governed by our members and our  
19 members are actually 25 distribution co-ops in  
20 four states, Wisconsin, Minnesota, Iowa and  
21 Illinois, serving some 600,000 end use  
22 customers. Our service territory is not all

1 of that blue area because we're heavily  
2 integrated with Xcel Energy and Alliant in the  
3 service area where we serve.

4 Just size and scope of Dairyland  
5 Power. Our annual revenue is \$415 million.  
6 We have 611 employees. And as is true with  
7 the entire cooperative model we're owned and  
8 governed by a board elected by our members.  
9 One of the messages I think of our being here  
10 today is this is not only an issue for large  
11 investor-owned utilities. In fact,  
12 cooperatives and municipals have been involved  
13 in the nuclear power industry as well.

14 Our particular story is called the  
15 La Cross Boiling Water Reactor, or LACBWR. It  
16 was a 50-megawatt reactor built by the federal  
17 government starting around 1960 as a phase II  
18 demonstration project, one of President  
19 Eisenhower's dreams of the peaceful use of  
20 nuclear power. The balance of the plant at  
21 that time was built by Dairyland. The plant  
22 went critical in 1967 and in full commercial

1 operation in 1969. In 1973 Dairyland Power  
2 purchased the plant steam generator and spent  
3 fuel. At that time the spent fuel had value.  
4 What we're dealing with today is an entirely  
5 different picture.

6 After successful operation and I  
7 want to stress that it was a successfully  
8 operated plant, safely operated, but we closed  
9 the plant in 1987 for economic reasons. And  
10 those economic reasons were mainly due to the  
11 increased security and safety responsibilities  
12 that came about after Three Mile Island.  
13 Prior to that the plant had been economically  
14 profitable.

15 Since 1987 we have safely  
16 maintained 333 spent fuel assemblies in wet  
17 pool storage representing 38 tons of fuel. We  
18 are currently having 25 employees at this  
19 plant which is the minimum required by the NRC  
20 and babysitting this plant costs our  
21 ratepayers \$6 million a year. As a  
22 cooperative, 100 percent of these costs are

1 passed on to our members. When people say we  
2 need to make utilities pay more, the utilities  
3 in our case that pay more are the ratepayers  
4 and only the ratepayers. And it is a cost  
5 that simply we cannot lower because of the  
6 various NRC regulations.

7 Since 1987 we have done some  
8 limited dismantling of the facility resulting  
9 in removal of about 2 million pounds of  
10 material including the reactor pressure  
11 vessel. We have taken out and decommissioned  
12 what we could with our staff but we are at a  
13 point now where we can't go much further. So  
14 we have approved construction of an ISFSI  
15 onsite. The fuel will be moved there in the  
16 first quarter of 2012. And the slide on the  
17 right, on your right is where our ISFSI is  
18 located. It's adjacent to an operating coal  
19 plant. We're located right on the Mississippi  
20 River. The bluff's on one side, the river on  
21 the other, the Burlington Northern track and  
22 a highway running near our ISFSI. It's not an

1 ideal place for long-term storage of spent  
2 fuel but it is what we can do under the  
3 current situation. And certainly by moving to  
4 an ISFSI we'll reduce our costs while still  
5 maintaining a safe and secure position.

6 From the start our policy goal and  
7 our desire at Dairyland has been the removal  
8 of our spent fuel from our Genoa location.  
9 The founders of Dairyland Power and I wasn't  
10 around at the time the decision was made in  
11 1987 to shut down the plant, but they were  
12 somewhat naive. They believed that the  
13 Nuclear Waste Policy Act had established the  
14 fact that fuel would be removed starting in  
15 1998. They actually thought that was the law  
16 and as a result didn't move to an ISFSI or  
17 other process more quickly.

18 When it became clear that that  
19 wasn't working Dairyland was one of the  
20 companies that helped form the Private Fuel  
21 Storage Project to develop a centralized  
22 interim storage plan. And I'll talk a little



1 bit more about that. Again, I think that our  
2 officers and our board and our members felt  
3 that if we could proceed through that NRC  
4 process for interim storage we would have an  
5 opportunity to move our fuel. We worked  
6 politically to support Yucca Mountain  
7 legislation and plans for it. One important  
8 point is that like other reactor sites nobody  
9 in Genoa approved long-term storage of spent  
10 fuel at this location. And I think as we talk  
11 about involving communities in that decision  
12 and perhaps giving vetoes and those sorts of  
13 things, we have to remember that all of the  
14 current locations of spent fuel are locations  
15 where there was not that kind of debate and  
16 discussion about long-term storage of spent  
17 fuel.

18 As it relates to the Blue Ribbon  
19 Commission and we followed the commission and  
20 worked with the Decommissioning Plant  
21 Coalition and others to provide testimony we  
22 strongly support two of the key

1 recommendations of the report. Certainly we  
2 support the development of one or more  
3 consolidated interim storage facilities. We  
4 think that that is where this country needs to  
5 go and we need to go there quickly. And  
6 secondly, that spent fuel currently being  
7 stored at the shutdown reactor sites should be  
8 first in line for transfer to consolidated  
9 interim storage. I think you've just seen why  
10 from our perspective. The fact that we are  
11 not operating and yet are left with this  
12 issue.

13 I think these points probably go  
14 without saying but I'll go through them  
15 quickly, why consolidated storage and why  
16 should shutdowns go first. Well, certainly  
17 consolidation would streamline and simplify  
18 security and safety. The fact that we have so  
19 many sites located across the country, it's  
20 very difficult for NRC to develop the security  
21 and safety measures that fit all of the  
22 different geological and geographical

1 settings. You saw ours. Ours is a  
2 challenging site. We are very much between  
3 the river and the bluffs. We don't have a lot  
4 of room to work with. Consolidation would  
5 make so much more sense in dealing with those  
6 safety and security regulations. Every owner  
7 of a spent fuel plant makes every effort to be  
8 as safe and secure as possible, so it's not a  
9 matter of not having a safe situation but we  
10 can be so much more effective in streamlining  
11 and much more cost-effective in consolidation.

12 Removal of the fuel would allow  
13 license termination, decommissioning and  
14 return of the site for useful purposes.  
15 That's our goal. We don't want in our case to  
16 be in the nuclear business. We want to have  
17 the opportunity to revitalize that site and  
18 use it for other purposes. Obviously we want  
19 to reduce costs to our members. The \$6  
20 million a year cost burden is a large one. By  
21 moving to an ISFSI we will cut that almost in  
22 half. But the federal government has the

1 obligation to take the fuel. We want to  
2 reduce the cost long-term to zero.

3           Specific to shutdown reactors I  
4 think it's important to point out that there's  
5 no incoming revenue to fund increased costs.  
6 Anything in our case directly impacts our  
7 member owners and their rates and this is one  
8 of the struggles that we have particularly  
9 when new ideas are talked about of safety and  
10 security. In reaction to Japan, for example,  
11 there's all kinds of proposals being discussed  
12 for changes in operation. We don't have a way  
13 to fund those changes. They just get passed  
14 on to our members as a direct impact. We  
15 don't make money at our power plant as the  
16 operating power plants do so it's a difficult  
17 problem for the shutdown reactors in  
18 particular.

19           We are most interested in giving  
20 the federal government a way to keep the legal  
21 commitment to accept fuel and reduce  
22 taxpayers' exposure to future lawsuits. For

1       \$100 or \$200 million we can develop a  
2       centralized interim storage facility which  
3       will avoid the federal government spending  
4       billions in dealing with the lawsuits that  
5       virtually every utility has had a fiduciary  
6       obligation to file. And that is not a small  
7       thing in our budget environment that we're  
8       dealing with.

9               Some quick thoughts on private  
10       fuel storage. Private fuel storage, we  
11       obtained a license for that project after a  
12       nine-year effort, developed it with a  
13       favorable host community with the Goshute  
14       Nation. That site could be operational  
15       because it is licensed by the NRC within 30 to  
16       36 months. And again, it has that potential  
17       of saving the taxpayers a great deal of money.  
18       I think one of our lessons from private fuel  
19       storage is that any site contributing to  
20       resolution of our used fuel issue will face  
21       political challenges and that's exactly what  
22       we experienced in the Utah situation.

1                   Finally, thank you to the Blue  
2 Ribbon Commission for their work and their  
3 recommendations. I think the message today  
4 that we're hearing from everybody is we need  
5 to work together to build and safely move fuel  
6 from the shutdown reactor locations and  
7 operating locations as soon as possible. I  
8 would say that in the near term we should  
9 encourage DOE to work with their existing  
10 funding. It's a tough funding environment to  
11 develop a site or sites in potential host  
12 communities as quickly as we can. Thanks  
13 again for the opportunity to share our  
14 thoughts today.

15                   (Applause)

16                   MODERATOR LEWIS: Thank you.  
17 Let's open it up to questions. Commissioner?  
18 We have a question up here.

19                   MEMBER PETERSON: Actually, I'd  
20 just like to make a couple of quick comments  
21 in the form of thanks. The first is to  
22 Senator Gard, and that is that I came into

1 this commission with technical expertise and  
2 during the course of the last year and a half  
3 I've learned an enormous amount about all of  
4 the other dimensions of the problems and the  
5 reasons why we have those problems that we're  
6 trying to fix through the recommendations of  
7 this commission. And the person who I've  
8 learned the most from in being able to work  
9 with is Representative Lee Hamilton who for  
10 many years represented the state of Indiana  
11 and as John Kotek mentioned, co-chaired the  
12 9/11 Commission and is now the co-chair of our  
13 commission. And I just want to thank you for  
14 Lee Hamilton.

15 (Laughter)

16 MEMBER PETERSON: And it's a  
17 testimony to the state of Indiana that it  
18 produces people who have such enormous skill  
19 and integrity. So this is a thank you.

20 The other thank you actually is to  
21 Commissioner Boyd. We've identified a number  
22 of areas where there's a lot of consensus

1 about things that need to be fixed. Clearly  
2 other areas where there's significant  
3 disagreement among different stakeholders.  
4 But the question of the fees is clearly one of  
5 the things. We know that we need to stop  
6 this, essentially what's the theft of this  
7 money. And it's important to note that this  
8 will be really difficult to do particularly in  
9 the budget climate that we have currently  
10 because those monies are being used to score  
11 and offset deficit spending and it will make  
12 the problem just that much harder to no longer  
13 have them available. And for that reason I'd  
14 like to thank NARUC for its letter to  
15 Secretary Chu strongly endorsing that the  
16 administration move forward with this effort  
17 as difficult as it will be to get the fee  
18 problem corrected. And it's that sort of  
19 support and attention that really is going to  
20 be vital to get these changes made based on  
21 the recommendations that the commission has.  
22 And so I'd like to thank you also very much



1 for that letter. It's very helpful.

2 MODERATOR LEWIS: Thank you.

3 Other questions?

4 MR. HARDTKE: I'm Dave Hardtke.

5 I'm a chairman from the town of Carlton in

6 Kewaunee County. We're host to a nuclear

7 plant. And my question is for Gary. Our

8 plant went with dry cask storage about three

9 or four years ago and they told us at the time

10 it was illegal for them to bring in rods from

11 other plants to store onsite at their site.

12 And you made a comment that in Illinois you

13 have one long-term storage site with I believe

14 3,700. I'm not sure if that was rod

15 assemblies or whatever, but is that a state by

16 state issue or is that an NRC requirement? I

17 mean, how did your long-term storage come

18 about? That's what I was wondering.

19 MR. MCCANDLESS: Our long-term

20 storage initiative was from GE Morris, a

21 private company, back in the '80s. And they

22 took spent fuel from I think Nebraska and

1 Minnesota at one time many, many years ago.  
2 It's been there for a lot of years. It's not  
3 very hot anymore. I'm not sure, you know,  
4 back then I don't think there was any, you  
5 know, the feds having exclusive jurisdiction  
6 into those areas. And I don't know back in  
7 the '80s how it was promoted or how it was  
8 allowed in Illinois. Certainly today in  
9 Illinois we've got enough problems in plants  
10 of our own. We certainly wouldn't support any  
11 other out-of-state plants coming and storing  
12 in Illinois. But that being said, you know,  
13 we have a large quantity of that and within  
14 Illinois itself. Like I said, you know, we  
15 would like to have some consolidation in  
16 Illinois personally if we can't move it  
17 somewhere else just to get it off the lakes  
18 and out of the ways of the rivers. But that  
19 was a legacy site. It doesn't take anymore  
20 and I'm sure that the state of Illinois  
21 wouldn't support something like that today.

22 MODERATOR LEWIS: Thank you. Any

1 other questions?

2 MEMBER BAILEY: Thank you. Vicky  
3 Bailey, member of the commission. I first  
4 wanted to start with Commissioner Boyd, and  
5 thank you as well for your comments. And you  
6 come from a perspective that's critical to our  
7 understanding on this commission. And you, I  
8 think in your comments mentioned something  
9 about you were skeptical about the savings  
10 that were mentioned. That was one area that  
11 I might want to hear a little bit more about.  
12 And also about the consent-based that it might  
13 take, you kind of said well, that's going to  
14 take time. Now, Christina probably would like  
15 the fact that it's going to take time because,  
16 you know. But I kind of got the impression  
17 from you that you might see some flaws in  
18 that.

19 MR. BOYD: I'm not sure I'd say  
20 that I see flaws but I think the experiences  
21 of various entities have shown us that it will  
22 take time to build trust and to build the

1 sense of community that will allow  
2 partnerships to happen.

3 And the question that was asked  
4 earlier about moving forward. I think we have  
5 conversations that go on among legislators at  
6 NCSL and CSG, and we have conversations that  
7 go on among regulators, and we have various  
8 other interested stakeholders having  
9 conversations. We seldom have the  
10 conversations across lines. And actually one  
11 of the valuable aspects of a meeting like this  
12 is to let different groups come together and  
13 start to have that dialogue. I think that  
14 will take some time to build a sense of  
15 collegiality if you will. I think in other  
16 areas in the energy sector where regulators  
17 are starting to become more active they're  
18 finding that they can build relationships.  
19 I'm thinking of transmission where the DOE's  
20 got some interconnect-wide planning going on.  
21 It takes awhile for folks to come to an  
22 agreement that there is value and they're not

1 always looking over their shoulder to see what  
2 the other state's trying to do to them instead  
3 of to do with them.

4 The issue of skepticism, I think  
5 we're just not sure that we see the numbers  
6 coming together, that these efficiencies that  
7 are envisioned, that were described on their  
8 own merit will actually pay for the facility.  
9 And it may not be that that was the intent of  
10 the section, to imply that simple changes in  
11 efficiency and security costs and whatnot will  
12 lead to a situation where it's a cost-neutral  
13 type of arrangement. So it may be my  
14 misunderstanding or misreading as well. So  
15 I'd be happy, you know, to go back.

16 MEMBER BAILEY: We can talk  
17 offline about that.

18 MR. BOYD: Yes, you bet.

19 MEMBER BAILEY: And Senator Gard,  
20 thank you for your outstanding thesis on the  
21 transportation issue as it relates to state  
22 perspective. I appreciate that very much.

1 And in full disclosure, Senator Gard was there  
2 when I was a commissioner at the Indiana  
3 Utility Regulatory Commission so I'm very  
4 familiar with her work and she is an  
5 outstanding legislator.

6 My question to you, you mentioned  
7 in your comments the security issue. And that  
8 is something we've had panels on as well to  
9 present to this commission. So I wanted to,  
10 I think you said something, depending on the  
11 route that it takes some of the security  
12 issues that might present itself. So maybe  
13 you could expand on that a little bit.

14 SENATOR GARD: Certainly  
15 population centers are a consideration when  
16 you consider the security of a shipment going  
17 through the state. Our state may be unique  
18 among states right now because of a mechanism  
19 to fund major transportation infrastructure  
20 upgrades. You can't travel across Indiana  
21 right now either on an interstate or a state  
22 highway without a major construction project.

1 Those are critical when we are looking at a  
2 transportation shipment. Over the years we  
3 have a lot of radioactive waste traveling  
4 through Indiana right now very safely with no  
5 fanfare at all. But it's done with a great  
6 deal of security that the public never sees.  
7 And the public probably never knows that  
8 they're passing a shipment on the highway but  
9 it's being done very, very safely and  
10 securely. I think the model that Indiana  
11 Department of Homeland Security has used to do  
12 what we've done so far could be done on a much  
13 more detailed scale with spent fuel as well.

14 MEMBER BAILEY: Thank you.

15 MEMBER PETERSON: I have a  
16 question for Christina Mills. And the first  
17 thing I'd like to do is to thank you and Arjun  
18 Makhijani. The report, I had the opportunity  
19 to read the report that you wrote for Yakama  
20 Nation and it was very helpful. I actually  
21 called and discussed it with Dr. Makhijani  
22 also.

1                   With respect to the recommendation  
2                   about a decade of research, this is one of the  
3                   areas where if we look at all of the  
4                   recommendations from different stakeholders  
5                   there's clearly a wide spectrum of opinion.  
6                   There's quite a few stakeholders who think  
7                   there's no delay at all needed because the  
8                   answer is just to restart the Yucca Mountain  
9                   project. Others like yourself want a longer  
10                  term. In the end the commission has pointed  
11                  to the need for credibility, that the future  
12                  facility development must have a safety  
13                  standard in place before you start the siting  
14                  process. And so that means that the timeline  
15                  that one might be looking at is the amount of  
16                  time needed to develop the safety standard.  
17                  In the end, given that this is an area where  
18                  compromise has to be reached it's, you know,  
19                  if you think about the spectrum of what people  
20                  think is the right amount of time we --  
21                  somewhere in between is the likely answer. In  
22                  the end would it make sense if at least



1 sufficient time is provided so that the safety  
2 standard can be developed prior to initiating  
3 a siting process?

4 MS. MILLS: Yes. I think the  
5 comments that we've heard here today and  
6 comments that I'm sure you've received and are  
7 available on your site do have a wide range in  
8 opinion on how much time needs to be done.  
9 You know, it seems host communities are, you  
10 know, a little more biting at the bullet to  
11 have an answer. We, because of our work not  
12 just in energy but also sort of on the health  
13 and environmental impacts from radiation and  
14 nuclear power and nuclear weapons activities,  
15 the safety and security of a geologic disposal  
16 site should be the most significant  
17 consideration because it is designed to be  
18 permanent and it's going to be there. So the  
19 science needs to be sound. A decade is a good  
20 number to go with. Perhaps it won't take so  
21 long to have a scientific community that will  
22 back a proposal.

1                   MODERATOR LEWIS: Thank you.

2                   We're going to move to lunch given where we

3                   are with time. I don't want to be the one to

4                   stand between you and lunch for very long but

5                   I want to take just a couple of minutes to get

6                   you ready for the breakout groups that are

7                   going to take place this afternoon. And the

8                   purpose of those groups is to give you a

9                   chance to reflect on what you've heard, what

10                  you've seen in the draft report, hear what

11                  others in your group think. The groups are

12                  intentionally diverse so you'll be able to

13                  explore with one another what your interests

14                  are, what your concerns are, what your

15                  differing ideas are about the recommendations,

16                  you know, and hopefully to deepen and refine

17                  your understanding. There is explicitly not

18                  any expectation that we're seeking agreement

19                  or consensus. This is a time for mutual

20                  exploration and education.

21                                The agenda points you see in front

22                                of you on your agendas for the breakouts cover

1 three different aspects of this issue. The  
2 consent-based process in that bullet number  
3 one, transportation, bullet number two, and  
4 then impacts to communities and how you  
5 mitigate those in bullet number three. We'll  
6 try in each of the breakouts to touch on those  
7 points. We'll also leave some time for other  
8 areas that you would like to talk about.

9           And then each of the groups are  
10 going to reserve about 10 minutes at the end  
11 minimum to make sure that they understand what  
12 you all think are the key points that are  
13 addressed in your groups. And that's for the  
14 purposes of a summary that we'll be preparing.  
15 Meridian Institute prepares a high-level  
16 summary, cuts across all the groups, non-  
17 attributed that will try to pick up on those  
18 key ideas that you all want to see reflected  
19 in the summary. Those summaries will be  
20 posted to the website and sent out to all of  
21 you.

22           The mechanics of how these groups

1 are going to work. If you all refer to your  
2 name tags there should be a dot, a colored dot  
3 on your name tag, and that corresponds with  
4 the group you've been assigned to. We'd ask  
5 you to stick with that group. We worked real  
6 hard to make sure that they were diverse. So  
7 go to the group that has the name tag color  
8 associated with it. People with blue will be  
9 going to Norway 2, with green will be going to  
10 the Minnesota room, with red to the Norway 3  
11 room and yellow to Norway 1 room. I know  
12 you're not going to remember that probably.  
13 That will all be posted by the reception desk  
14 when you come back. So refer to the reception  
15 area note to be reminded of which group you go  
16 to. We'll start promptly at 1:00 so please  
17 make your lunch as quick as possible.

18 And I also want to remind folks if  
19 you're interested in delivering comments  
20 during the public comment period that will  
21 follow the breakouts you need to sign up at  
22 the registration desk by 1:00. So enjoy your

1 lunches. We'll see you back in the breakouts.  
2 Go directly to the breakouts after lunch.

3 (Whereupon, the foregoing matter  
4 went off the record at 12:09 p.m. and resumed  
5 at 3:18 p.m.)

6 MODERATOR BRYAN: The first person  
7 that will be speaking this afternoon is  
8 Wallace Taylor to be followed by John Parkyn.  
9 So if we could get Wallace Taylor to come  
10 forward? And just a quick reminder, we're  
11 going to give everyone three minutes. The  
12 light box is over there. You'll see a green  
13 light, then at two minutes it will go to a  
14 blinking green, then at one minute it will go  
15 to a yellow and when time is up it'll go red  
16 and you'll get the buzzer. Okay? So, we'll  
17 start off with Wallace and then we'll move to  
18 John Parkyn.

19 MR. TAYLOR: Hi, I'm Wally Taylor.  
20 I'm an attorney from Cedar Rapids, Iowa, and  
21 I'm here on behalf of the Iowa chapter of the  
22 Sierra Club. The quickest and easiest first

1 step in controlling nuclear waste is to stop  
2 making more. A version of the Hippocratic  
3 oath should apply, first do no harm. And to  
4 use another medical analogy, stop the  
5 bleeding. This commission should recommend  
6 that no nuclear plants be built and that all  
7 existing plants be shut down and  
8 decommissioned as soon as possible. It is  
9 clear from the fact that this commission has  
10 been formed that nuclear waste is dangerous  
11 and poses many severe problems that are  
12 difficult and perhaps impossible to solve. It  
13 makes no sense to compound those problems into  
14 the future by producing more waste.

15 My suggestion is not contrary to  
16 or beyond the mission and scope of this  
17 commission. Your mission is to recommend  
18 policies that address the problem of nuclear  
19 waste. The first and most important policy  
20 should be to make sure we do not add to the  
21 problem. This is entirely consistent with  
22 your mission. And although your report at one

1 point says that your mission is not to make  
2 recommendations about the appropriate role of  
3 nuclear power in the future one of your  
4 recommendations in the report is support for  
5 continued U.S. innovation in nuclear  
6 technology. It seems to me this is  
7 contradictory. Nor is my suggestion  
8 unrealistic.

9 A twenty-first century energy  
10 policy must be defined by clean and renewable  
11 energy. Nuclear energy is not clean and it's  
12 not renewable. If it were clean this  
13 commission would never have been formed to  
14 deal with the problem of nuclear waste.  
15 Numerous studies have shown that we can  
16 generate all the energy we need from renewable  
17 sources with a comprehensive transmission and  
18 distribution grid if we will adopt policies  
19 supporting that vision. It was mentioned to  
20 me earlier today that, well, it's going to  
21 take awhile to get that grid up and going.  
22 Well, it takes at least 10 years to get a new

1 nuclear plant up and going. There's already  
2 efforts around the country to upgrade the  
3 transmission system. Companies are chomping  
4 at the bit to build new transmission so I  
5 don't think that's a problem.

6 We heard this morning the  
7 statement or argument that we need baseload  
8 and the only alternative to the transition  
9 from coal is nuclear. Well, first of all,  
10 baseload is an antiquated concept. We're  
11 talking about energy and capacity and we can  
12 get there with clean renewable energy. So,  
13 this commission can perform a tremendous  
14 service to the policymakers and the American  
15 people and help lead us to a sustainable  
16 twenty-first century energy future by  
17 recommending such policies. Thank you.

18 MODERATOR BRYAN: Next up, John  
19 Parkyn, to be followed by Lori Bear.

20 MR. PARKYN: I'm John Parkyn.  
21 I'll be fast. I'm a CEO of Private Fuel  
22 Storage which is a licensed interim facility



1 by the Nuclear Regulatory Commission. I have  
2 a background, I've run three of Wisconsin's  
3 four nuclear plants. I've shipped fuel. I'm  
4 always happy to answer any questions on that.

5 I've got a handout I'll leave with  
6 those who want it. PFS is ready to go except  
7 for its site lease. Site lease has been held  
8 up by politics. We'd like to see it released.  
9 We don't really need to expend a lot of  
10 additional time or money developing something  
11 in parallel or putting it off. Twenty-two  
12 years on the county board is equivalent of a  
13 county commissioner. I can tell you there are  
14 a lot of counties who are ready to see  
15 something done now. They don't want another  
16 study and they don't want it left where it is.  
17 It was not taxpayer-funded facility. It's  
18 licensed and everything has been paid for by  
19 utilities not out of tax money. It's  
20 available for all American commercial spent  
21 nuclear fuel and the Department of Energy has  
22 been informed on the public record of that

1 availability. So we're ready to get going.

2 A transportation process has been  
3 planned and we've certainly worked with the  
4 four groups of state government over the years  
5 and would adopt their recommendations. First  
6 rail car is fabricated. I just happen to have  
7 a picture of that, plus the site with its  
8 approved environmental impact statement and  
9 its final safety evaluation report from the  
10 NRC.

11 Frankly, among the public serious  
12 concerns exist about onsite extended storage  
13 with our own rivers and waterways. Recent  
14 events in Japan and Virginia I think highlight  
15 the desirability of central storage soon.  
16 Public surveys indicate a desire to act on  
17 this now. You need to really look at those  
18 closely. PFS's remote site is both safer and  
19 more secure than we can possibly make plant  
20 sites that are close to populated areas. And  
21 a reminder, the existing 72 power plant sites  
22 have not been allowed to volunteer for long-

1 term storage. So if you talk about consensus  
2 going forward remember it hasn't been there up  
3 to this point.

4 MODERATOR BRYAN: Okay, Lori Bear,  
5 to be followed by David Lartonoix.

6 MS. BEAR: Good afternoon, I'm  
7 Lori Bear, chairwoman of the Skull Valley Band  
8 of Goshute Indians located in the West Desert  
9 of Utah. I appreciate the opportunity to  
10 comment at this meeting. I think it's  
11 important to note that in the early '80s this  
12 tribe was involved in research to host a  
13 monitored retrievable storage facility but due  
14 to budget cuts funding ended. Then in the  
15 mid-'90s we began the process to obtain a  
16 license to host spent nuclear fuel. After a  
17 long regulatory process we've been successful  
18 in obtaining a license from the Nuclear  
19 Regulatory Commission to store the spent fuel  
20 but for the past few years this issue has been  
21 caught up in the political arena as you are  
22 aware.

1 I read with interest the  
2 commission's draft report, especially Chapter  
3 6 outlining the commission's proposed consent-  
4 based approach for siting and developing spent  
5 nuclear fuel SNF storage facilities. Overall  
6 I believe the draft report is well done. I  
7 have the following comments on the draft  
8 report generally and on Chapter 6  
9 specifically.

10 Number one, the consent-based  
11 approach. The commission recommends a new  
12 consent-based approach for siting and  
13 developing SNF storage facilities. This  
14 approach is built on the belief that if  
15 affected communities have an opportunity to  
16 decide whether to accept facility siting  
17 decisions and retain local control then they  
18 might be more willing to accept an SNF storage  
19 facility. With respect to Indian tribes the  
20 draft report makes plain, however, that the  
21 so-called affected communities in fact really  
22 means the states. Tribe support, however, has

1 not been sufficient to overcome state-level  
2 opposition. This suggests that to be  
3 successful a new waste management organization  
4 must find ways to address state concerns while  
5 capitalizing on local support for proposed  
6 facilities.

7           The state concern rationale  
8 underlying the consent-based approach is not  
9 new, and moreover it has generally not worked  
10 for Indian tribes. For example, this approach  
11 is at the heart of the tribal state compacting  
12 provision of the Indian Gaming Regulatory Act  
13 of 1988 requiring the states and Indian tribes  
14 to negotiate a compact addressing their  
15 respective roles and interests in gaming on  
16 tribal lands. If the state refuses to  
17 negotiate in good faith thereby blocking the  
18 tribe's ability to secure a compact the act  
19 allows the tribe to sue the state in federal  
20 court. Unfortunately, the United States  
21 Supreme Court declared this provision  
22 unconstitutional thereby leaving the tribe

1 with an empty promise. This being said, the  
2 tribe stands willing to discuss and address  
3 the state of Utah's concerns about the SNF  
4 storage facility.

5 The tribe proposes the following  
6 comments in connection with the consent-based  
7 approach. The draft report should recognize  
8 the tribe's right to self-determination.  
9 Although the draft report does a good job  
10 describing the governing principles of federal  
11 Indian law that states do not have the power  
12 over Indian tribes or tribal lands unless  
13 given such power by Congress. There is no  
14 mention of the current national policy of  
15 tribal self-determination allowing tribes to  
16 manage their own affairs with the maximum  
17 degree of autonomy. The commission should  
18 reference this national policy because it  
19 provides additional support for a tribal  
20 government's decision to locate a SNF storage  
21 facility on tribal lands. And I don't think  
22 I'm going to get through. Okay.

1                   MODERATOR BRYAN: David Lartonoix,  
2 to be followed by David Hackert.

3                   MR. LARTONOIX: Good afternoon,  
4 ladies and gentlemen. My name is David  
5 Lartonoix. Thank you for this opportunity to  
6 address such a distinguished audience. I'm a  
7 graduate student at the University of Illinois  
8 in the Department of Nuclear Engineering.  
9 Recently my professor Dr. Clifford Singer as  
10 well as Dr. William Roy of the Illinois State  
11 Geologic Survey and Dr. James Stubbins,  
12 department head, recently submitted a  
13 statement to the Blue Ribbon Commission. I  
14 would like to reiterate their main point at  
15 this time.

16                   First and foremost, the  
17 recommendations in the draft report July 2011  
18 represent a major conceptual step forward one  
19 way or another depending on your point of  
20 view. I would like to represent, would like  
21 to start by addressing one major flaw though.  
22 Specifically, this problem pertains to the

1 state's roles in the recommended consent-based  
2 process for siting a new management facility.  
3 The executive summary of the draft report says  
4 that the role of states should be, quote, "an  
5 element of negotiation" and refers to the  
6 states having a, quote, "meaningful  
7 consultative role." In addition, the states  
8 have a, quote, "responsibility to work in the  
9 national interest." It's our humble opinion  
10 and recommendation that the Blue Ribbon  
11 Commission unambiguously define what exactly  
12 that means.

13           Given past history ambiguity about  
14 the state's role is not just a minor editorial  
15 concern, but rather a potentially fatal flaw.  
16 In '92 Wyoming state Governor Michael Sullivan  
17 rejected a monitored retrievable storage site  
18 in his state because he did not believe the  
19 government could be trusted -- federal  
20 government could not be trusted as a  
21 meaningful negotiating partner. Without fully  
22 and clearly defining a state's rights and role



1 in negotiation it is very easy to understand  
2 why a present-day governor would feel the  
3 exact same way.

4 To avoid this fatal flaw the  
5 report needs to do one of two things,  
6 either/or. First, unambiguously define and  
7 recommend that no siting process will be  
8 initiated or continued without the full  
9 voluntary cooperation of the host state or,  
10 two, on the other hand, the report should make  
11 an unambiguous recommendation that the federal  
12 government offer incentives and reassurances,  
13 but then defined under what conditions it will  
14 proceed with a compulsory siting process if  
15 that doesn't work. If the second option is  
16 chosen the report should clarify exactly what  
17 stages of research, licensing, construction  
18 and operation that host states' objections  
19 could be overruled.

20 In conclusion, as Illinois  
21 currently harbors the most nuclear fuel  
22 reactor discharges of any state in the nation

1 the ultimate conclusions of the Blue Ribbon  
2 Commission will and are bound to impact us  
3 significantly. We therefore ask that you  
4 carefully and thoughtfully consider the  
5 states' roles in the negotiation process with  
6 the federal government and outline a  
7 definitive conclusion in your report. We  
8 appreciate all the work you've done so far in  
9 this matter and patiently await your final  
10 draft. Thank you for your time.

11 MODERATOR BRYAN: Next, David  
12 Hackert, followed by Judy Treichel.

13 MR. HACKERT: Good afternoon. My  
14 name is David C. Hackert, Project SI. I'm  
15 from about four hours north of here, a little  
16 bit northeast of here in a little town called  
17 Fifield, Wisconsin, located in Price County.  
18 Fifield sits on top of the Puritan Batholith  
19 which is a granite substructure below the  
20 surface for permanent waste storage. Not only  
21 are we a permanent waste storage but we could  
22 also be a monitored retrievable storage site

1 and an ISFSI location too. If we had the  
2 appropriate amount of money and funding  
3 whether or not we could work through the  
4 privatization or working through companies  
5 like Xcel Energy with Laura or working through  
6 Dairyland Power with Mr. Rude there's a lot of  
7 different things that we could do up in Price  
8 County. We don't have the capabilities of  
9 being a Yucca Mountain but it was determined  
10 that that was where it was going to happen.  
11 If it was we probably would have succeeded in  
12 developing this site.

13 So again, we have location,  
14 location, location. We've got the granite.  
15 We've got lots of laid-off people. We've got  
16 people willing to devote their time and effort  
17 and put people back to work. We have a state  
18 that has to put people back to work again. We  
19 could create a program that could do that. We  
20 need funding. Our state's not in disagreement  
21 with us. Mr. Walker wants to see people put  
22 back to work too and there's things that our

1 state needs. Thank you for the money that the  
2 university has gotten for studying the future  
3 possibilities of recycling and building a  
4 nuclear reprocessor in our state. Only thing  
5 I can say is keep the monies coming. That's  
6 what our politicians need. That's what they  
7 want. We're willing to build. We've got the  
8 laid-off people, we have the resources, we  
9 have the business, we have the  
10 infrastructures. We have the water, the  
11 sewer. We have everything necessary to get  
12 this job done and done on a fast speed.

13 What we don't have is this new  
14 mechanism that the BRC has determined working  
15 through the privatization way and oversight  
16 from EPA and the Nuclear Regulatory Commission  
17 that could help guide us into doing things the  
18 right way, the safe way, things that might  
19 cost a little more money but we want to do it  
20 the safe way. And like I said, if everyone  
21 could have it in their heart, the commission,  
22 to determine that Fifield is the greatest town

1 in America we will come through and we will  
2 succeed in our state. Remember, Wisconsin is  
3 the forward and progressive state. We have  
4 always come through for America. We did it  
5 during the logging era and we will do it  
6 during this new era of a national future  
7 energy policy putting people back to work and  
8 addressing a national debit card. A paycheck  
9 every day for our workers. And with that I'll  
10 let you go and have a great day. And I'll  
11 look forward to the future for working with  
12 the new privatization way and the private  
13 entities. Thank you.

14 MODERATOR BRYAN: Judy Treichel,  
15 followed by Teri Engelhart.

16 MS. TREICHEL: My name is Judy  
17 Treichel. I'm the executive director of the  
18 Nevada Nuclear Waste Task Force. Our office  
19 is in Las Vegas, Nevada. It's interesting  
20 because today I've heard several  
21 contradictions. One is you've got to get the  
22 waste out of our community because it's risky

1 and it's costly, but on the other hand we see  
2 a very promising nuclear energy future where  
3 we live. So on the one hand there's the look  
4 forward to making more waste, but right now  
5 we've got to get rid of the waste we have  
6 which I think is interesting. There's also  
7 what I've heard so many times in meetings like  
8 this that the Blue Ribbon Commission  
9 recommendation for consent-based siting is an  
10 absolutely wonderful idea, everybody endorses  
11 that, but let's force that license on Yucca  
12 Mountain first and then we'll go out looking  
13 for volunteers. So, you can't really have it  
14 both ways and we keep hearing all of those  
15 things.

16           When I'm here I'm always reminded  
17 that in the early '90s a colleague of mine and  
18 I were invited to come here to the Minnesota  
19 legislature when they were first considering  
20 siting the very first dry cask storage casks  
21 at Prairie Island. And they wanted to hear  
22 from us about Yucca Mountain and whether or

1 not it was on track. If these things were  
2 licensed would the waste be there for just the  
3 term of the license or less and then go to  
4 Yucca Mountain. And we said absolutely not.  
5 We're very sure that Yucca Mountain won't  
6 work, it's not a good site. The state is  
7 totally against it and will do everything that  
8 it can to fight that plan. And that's what  
9 finally happened. So now people seem very  
10 surprised that there is no Yucca Mountain.  
11 Well, it was made clear quite a long time ago.  
12 If there had been a consensual system for  
13 siting when Yucca Mountain was mentioned we  
14 could have saved billions of dollars because  
15 it just never would have started.

16 I think it's a mistake to  
17 recommend expediting or hurrying the process  
18 as the report does because I think first trust  
19 needs to be built and a lot of things have to  
20 happen before it starts. And finally, I agree  
21 that we should stop or phase out nuclear power  
22 so that anyone who does volunteer for the

1 current problem knows exactly what they're  
2 taking on. Thank you.

3 MODERATOR BRYAN: Okay, Teri  
4 Engelhart is not going to speak so we're going  
5 to move forward with Donna Holland. Following  
6 Donna we'll have Linda Lewiston.

7 MS. HOLLAND: I'll admit I'm new  
8 to this so I don't know a lot but what I do  
9 know is I have listened today to both a lot of  
10 positive and a lot of negative. And  
11 unfortunately the negative, they talk about  
12 the risk involved and the financial burden on  
13 the communities but they don't, the same  
14 places, they do have a lot of benefits that  
15 they have received because of having these  
16 sites there. Now, they have the jobs, the  
17 security, the emergency management are much  
18 more up to date and secure on that.

19 And there will never be a consent,  
20 a fully consent basis site because you can't  
21 please everybody. You will never please all  
22 the landowners, you won't please all the



1 county people, you know, and that is something  
2 that you do need to keep in mind. A majority  
3 of the people, yes, you do need to please, but  
4 when you put the benefits ahead of that I  
5 think that you will probably find that there  
6 are a lot more sites out there willing to go  
7 ahead and host this, especially given the  
8 economy, a lot of people out there without  
9 jobs, and then also the people that are at  
10 these sites now that are working, you know.  
11 I know they said that they had 600-some jobs  
12 at Red Wing. Well, what happens with those  
13 families and their kids and you have no jobs?  
14 I think that maybe if they are compensated for  
15 their extra money that they have to put out  
16 there they may be more willing to keep some of  
17 that stuff. And maybe not Red Wing but one of  
18 the other 72 sites. Or like I said, to look  
19 around and you will find places out there that  
20 are willing to take that. Thank you.

21 MODERATOR BRYAN: Linda Lewiston,  
22 followed by Charlotte -- Lewison, followed by

1 Charlotte Eastin.

2 MS. LEWISON: Hi, I'm Linda  
3 Lewison. I came up here from Chicago. I work  
4 with Nuclear Energy Information Service.  
5 We've been a watchdog on the nuclear industry  
6 in Illinois for the last 30 years. And I'm  
7 also an energy policy consultant with groups  
8 nationally and locally.

9 Right after Fukushima, Fukushima  
10 as the Japanese pronounce it, we attended a  
11 meeting with business leaders in Chicago and  
12 we heard Kennette Benedict speak. She's the  
13 editor of the Bulletin of Atomic Scientists.  
14 And she started out by saying that nuclear  
15 energy and mankind cannot coexist very long  
16 together. So I just wanted to start my  
17 remarks with that for us all to think about.

18 The recommendations that we  
19 support are certainly to close the plants and  
20 not make more, and that we agree with John  
21 Rowe who's a member of the commission who has  
22 said that it's not cost-effective, it's much

1 too expensive to continue to make new plants  
2 and that we need to go into alternative forms  
3 of energy, renewables and energy efficiency.

4 The second recommendation that I  
5 want to mention that we support which was  
6 mentioned in our meeting this afternoon is  
7 about hardened dry cask, that we know we're  
8 going to be -- the waste will come out of the  
9 spent fuel ponds at some point and it will be  
10 in these dry casks for a considerable period.  
11 And we need to improve the technology to make  
12 these dry casks as safe as we can and  
13 introduce the concept of hardened onsite  
14 storage into the recommendations of the blue  
15 ribbon committee.

16 And I'm a very practical person,  
17 I'm thinking about what can we do on Monday.  
18 On Monday we're going to be living with these  
19 dry casks. We live with them, they're, you  
20 know, in many facilities already and they're  
21 not what they should be. There are flaws in  
22 their designs, there's different manufacturers

1 that have certain records with them and we  
2 need to adhere to these principles of how to  
3 safeguard the radioactive waste onsite. We  
4 can't do that, however, in the shell game that  
5 we're playing here between make it, put it  
6 onsite, maybe move it off, if we move it off  
7 then we can make more, unless we stop making  
8 it on the front end. So I want to just go  
9 back to that.

10 And I want to close with a story.  
11 Right after Fukushima at this same meeting  
12 that I mentioned earlier we heard from Dr. Bob  
13 Gallucci who is the head of the MacArthur  
14 Foundation. And he was rethinking his whole  
15 approach to the problem of what to do with the  
16 radioactive waste. He said I can't anymore  
17 endorse this min-max effect where there's a  
18 minimum probability of something happening but  
19 the effect from it happening like Fukushima is  
20 profound. I really have to go back and think  
21 about it again. And he asked this question.  
22 He said how many more Fukushimas can the Earth

1 and the species absorb without being  
2 significantly wiped out? He said what if the  
3 answer is five to ten? What if it's 30? What  
4 if it's close to a hundred of such incidents  
5 that go on like this? We've had Chernobyl,  
6 Three Mile Island and now Fukushima. He said  
7 the number doesn't matter, it's a finite  
8 number. And we need to think about that as we  
9 go along with the plans and the  
10 recommendations for this committee. Thank  
11 you.

12 MODERATOR BRYAN: Next is  
13 Charlotte Eastin, followed by Susan Jeffrey.

14 MS. EASTIN: Hi, everybody, I'm  
15 Charlotte Eastin. I'm from Lake City,  
16 Minnesota. I was in the blue group. A lot of  
17 smart people in that group. A lot of people  
18 had great things to say and it was so great to  
19 be here today. But boy was I surprised when  
20 I learned that the topic wasn't really  
21 America's nuclear future. I thought we were  
22 going to be talking about what do American

1 citizens want in their energy policy. So you  
2 know, I was like okay, you know, we don't want  
3 this. We don't want nuclear power. Look at  
4 this, 35 years I've been coming to these same  
5 kind of meetings and we never have an answer.  
6 We never get anywhere. And my question to the  
7 commission is when do we get to tell you what  
8 we want?

9 MS. LEVINE: I'm going to be  
10 reading a statement by SuSu Jeffrey who  
11 couldn't be here. Very much in agreement with  
12 what we just heard. This is a very hot issue,  
13 literally. Radiation is hot. And we are not  
14 going to be able probably, I think something  
15 that came out in our group that we all agreed  
16 on was we all want more jobs, which will be  
17 addressed, but we all know that we don't live  
18 in an ideal world. It's going to be very hard  
19 to reach consensus on what to do with this  
20 waste. And so it seems like the sensible  
21 thing to do would be to stop producing it as  
22 quickly as we could.

1 I represent Friends of Coldwater  
2 and CURED, Citizens Unwilling to Risk  
3 Environmental Disaster. It was appalling to  
4 listen to the idea that something is perfectly  
5 safe means that there's a very low probability  
6 that there will be a disastrous accident or a  
7 release that's a big release, that the  
8 background radiation which we know causes  
9 cancer and spontaneous abortions, that's  
10 considered safe because it didn't happen all  
11 at once and burn people.

12 I think creating jobs is really,  
13 really important but I think we need to, just  
14 like we use the term job creators to include  
15 the 1 percent of people who make the most  
16 money, I think creating jobs in nuclear energy  
17 is creating centralized energy jobs. We'll  
18 create more jobs if we seriously look at the  
19 funding that we use to get rid of all these  
20 wastes and use that money to try to use more  
21 energy efficient things, take a serious look  
22 at developing real, true alternative energies

1 in a serious way, use environmental sense in  
2 terms of high efficiency, triple-paned glass.  
3 None of those things have been looked at with  
4 the amount of cash that we've looked at what  
5 to do with these wastes, and it would be much  
6 easier to reach consensus if we all put our  
7 heads together to create real uncentralized  
8 jobs where profit for the few is not the  
9 maximum concern but profit for the people  
10 working on making this a safer society was the  
11 prime concern.

12 I also just want to mention  
13 environmental racism in closing. We all know  
14 that the people who suffer the most from these  
15 tend to be in poor neighborhoods and on Indian  
16 reservations. I think at this point we're all  
17 after Fukushima aware of the fact that that  
18 could spread out to touch all of us which is  
19 good because it brings more awareness. But I  
20 think there's just a much more equitable way  
21 that we can use what little wealth we still  
22 have left to live in a safe society where the



1 jobs that we have aren't being emergency  
2 health providers to people who've been injured  
3 by nuclear energy.

4 MODERATOR BRYAN: Lee Engelbrecht,  
5 followed by David Hardtke.

6 MR. ENGELBRECHT: Okay, thank you.  
7 Lee Engelbrecht, town chairman for the town of  
8 Two Creeks in Manitowac, Wisconsin. We're  
9 host to two nuclear reactors, the Point Beach  
10 Nuclear Plant and we have somewhere between 30  
11 and 35 dry cask storage units onsite right  
12 now. I agree with most of the remarks that  
13 were made by your second panel, Laura McCarten  
14 and Ronald Johnson, Mayor Dennis Egan and  
15 Senator John Howe on their comments. The only  
16 other thing I would add is that I think the  
17 host communities that have these dry cask  
18 storage should be compensated some way for  
19 their -- that the services that they have to  
20 provide. This was not part of the agreement  
21 when the power plant was first engaged to be  
22 built on our power plant. I was just a

1        youngster, it was back in 1960s, middle '60s  
2        when the plant was originally proposed to be  
3        built. And it was said that the fuel would  
4        never stay onsite. Well, it's there. And I  
5        guess I'm a realist, I don't know if it's ever  
6        going to leave but I hope it does.

7                    The other thing I would add is  
8        there was a question that morning, in the  
9        morning to Laura McCarten about the safety  
10       testing. I'm a former dairy farmer and I  
11       milked cows for, oh, probably 40 years or so.  
12       I quit about six, seven years ago. But we had  
13       our milk tested. There was three gallons  
14       gathered every month by the power plant and  
15       the health department from the city of  
16       Manitowac and to my knowledge there was never  
17       any radiation found in our milk. And as far  
18       as I know there are still milk samples being  
19       taken by area dairy farms within up to  
20       probably a 5- to 10-mile radius of the plant.  
21       So I feel fairly safe that being lived there  
22       all my life that there is no radiation getting

1 into the forage that we produce that's fed to  
2 the cattle, and the milk and dairy products  
3 that we drink. Thank you.

4 MODERATOR BRYAN: David Hardtke,  
5 followed by George Crocker.

6 MR. HARDTKE: I'm Dave Hardtke.  
7 I'm chairman of the town of Carlton in  
8 Kewaunee County, Wisconsin. And we are home  
9 to Dominion's Kewaunee Nuclear Plant. Thirty-  
10 five years ago when they built that plant they  
11 assured us for 35 years that there was going  
12 to be no waste stored onsite and all of a  
13 sudden we find ourselves being a host to  
14 nuclear waste. More important than being  
15 chairman of the town of Carlton I have  
16 children and grandchildren in the town and I  
17 do not want to leave our mess to these kids.

18 And so I urge you to look at even  
19 opening Yucca Mountain. We spent billions  
20 doing it and it's a good site. And as far as  
21 that goes any plan that you come up with has  
22 to have federal standards working with the

1 state and local people, and I stress local  
2 people. I think a site can be found and can  
3 be functional with the right -- working with  
4 the people. I'll leave it at that. Thank  
5 you.

6 MODERATOR BRYAN: George Crocker,  
7 followed by Lea Foushee.

8 MR. CROCKER: Thank you. My name  
9 is George Crocker. I'm the executive director  
10 of the North American Water Office which has  
11 been involved with these issues for quite a  
12 long time including the dry cask storage issue  
13 at Prairie Island that was mentioned earlier.  
14 It was our work that brought that through the  
15 administrative process and then into the  
16 courts where it ultimately ended up in the  
17 legislature.

18 And I'm here today to sort of  
19 mention that there seems to be a fraction of  
20 the waste that the draft report doesn't too  
21 much take account of. And what you've been  
22 talking about seems to be the solid fraction.

1 And I would like to remind you that when you  
2 explode uranium atoms you get just about  
3 everything on the periodic chart including the  
4 gases and the liquids, and that high-level  
5 fissile remnant is dispersed and deployed into  
6 the atmosphere and into the water.

7 We use the air and the water as a  
8 high-level nuclear waste dump. Well, that's  
9 just what we do. And we've agreed to it and  
10 we have acknowledged that there is a federal  
11 preemption of state authority to regulate that  
12 but there's also a right to know. As a right  
13 to know, people have a right to know that what  
14 is the plume, what is the definition of the  
15 radiation content of routinely released  
16 emissions. That needs to be defined. We're  
17 a tolerant society, we even let deviants among  
18 us, but they have to tell us where they live.  
19 We kill over 50,000, 40,000 people a year on  
20 the highways and we go and buy cars and drive  
21 some more, but we put signs up. We can eat  
22 anything, including things that are bad for us

1 but we have to put labels on it. Right to  
2 know. The people have a right to know what is  
3 the definition in real time of the dispersion  
4 plume from the reported routine releases,  
5 bearing in mind that the National Academies of  
6 Science in their BEIR VII report June 2005 I  
7 believe says there's no safe dose. That's why  
8 this is an issue. There is no safe dose.  
9 There are reported releases of tens, hundreds  
10 and sometimes even thousands of curies per  
11 year. It's not in the milk. It's not at the  
12 borders of the site. It doesn't just  
13 disappear. It goes someplace. Where does it  
14 go? Define it.

15           You know you can define it. They  
16 tracked a spy in Europe months after he was  
17 dead by looking at trace amounts of polonium-  
18 210. We've seen what we can track from  
19 Fukushima all of this time. We know the  
20 technologies are there. We know that the  
21 technologies to disseminate information in  
22 real time is available on the web and

1 elsewhere. Real-time definition of the plume  
2 from every reactor. The public has a right to  
3 know. Thank you.

4 MODERATOR BRYAN: Lea Foushee,  
5 followed by Andrew Falk.

6 MS. FOUSHEE: I am Lea Foushee.  
7 I'm the environmental justice director at the  
8 North American Water Office and I have two  
9 comments. And one was your extolling the  
10 virtues of the WIPP site as your model which -  
11 - as being voluntary. And maybe you just  
12 don't know who Robert Redford is, but Mr.  
13 Redford had a marvelous video of opposition to  
14 that site that I think you ought to go look  
15 at. And it had some very, very pointed  
16 information on what you had to do as the  
17 federal government to get that and it wasn't  
18 very sweet and it wasn't very voluntary.

19 And then the other idea that it's  
20 a new concept. It's not new. Nineteen years  
21 ago I was a consultant for the Prairie Island  
22 Mdewakanton Dakota Community for the monitored

1 retrievable storage project. And our thought  
2 was that there was \$100,000 that they were  
3 dangling to host communities if we'd only just  
4 let them come and talk to us about it. And so  
5 as a consultant we took the money and we  
6 decided to prove why it would be a bad idea.  
7 Of course, we didn't get phase II of a million  
8 dollars, but nonetheless it's not voluntary  
9 and it's not new. Thank you very much.

10 MODERATOR BRYAN: Andrew Falk,  
11 followed by Kristen Tollefson.

12 MR. FALK: My name is Andrew Falk.  
13 I serve in the Minnesota House of  
14 Representative and I have served on the Energy  
15 Committee for my entirety of my legislative  
16 service. One thing I would have to say about  
17 this issue, dealing with it from a state's  
18 perspective but also from a macro-energy  
19 perspective is that there's decoupling between  
20 who creates the waste and who is ultimately  
21 responsible for it. Today we have heard  
22 constantly that if only the federal government



1 would come through and live up to their  
2 obligation to deal with the waste we wouldn't  
3 have onsite storage, we wouldn't have these  
4 issues. The challenge I see there is that  
5 ultimately those that are creating it do not  
6 have to deal with the real cost of cleanup so  
7 society has to bear those costs. When it's  
8 not those that benefit ultimately it's the  
9 taxpayers that end up picking up the cost.  
10 And so as we look at energy policy we have to  
11 refocus our efforts that if we're going to use  
12 this type of energy source that we have to  
13 account for the costs and to make sure that  
14 they are paid for by those who benefit.

15 And secondly, that because we do  
16 not have a viable means to deal with the waste  
17 that we already have in storage we should work  
18 to eliminate the growth in the amount of waste  
19 that's being produced. Now, we do have  
20 alternatives and these are conscious choices  
21 that can be made whether it's through  
22 regulators or through our utilities. And so

1 I would encourage the idea that we have to  
2 look at, one, renewables, but also  
3 conservation and efficiency, ultimately using  
4 less energy. As a business I want to cut my  
5 costs. Using less energy is one of the best  
6 things I can do. And when we talk about the  
7 demand aspect of energy consumption when we  
8 all use less the prices ultimately go down for  
9 everybody. And so we have to have a paradigm  
10 shift to that we know we have an issue with  
11 the waste, let's at least slow the growth rate  
12 in how much is being produced until we know  
13 how to deal with it, and then let's use some  
14 of those resources to encourage other forms of  
15 energy development.

16 MODERATOR BRYAN: Kristen?

17 MS. EIDE-TOLLEFSON: Kristen Eide-  
18 Tollefson. I'm a planning commissioner in  
19 Florence Township which is just south of  
20 Prairie Island. I've been involved in this  
21 issue for about 15 years which is a very tiny  
22 fraction of the 10,000 or more that we have to

1 be attending to nuclear waste.

2 But I have two fundamental  
3 responses. One, I'm tremendously relieved  
4 that we're no longer pretending that this  
5 onsite waste is temporary, that we're  
6 acknowledging the term of storage problem.  
7 And my other fundamental response is that I'm  
8 very concerned about confidence-based  
9 regulation and decision-making which has a  
10 tendency to rationalize the irrational and  
11 really is incompatible with scientific and  
12 social credibility and accountability.  
13 However, we are now acknowledging that without  
14 Yucca Mountain we are talking about  
15 indeterminate storage, stranded waste at 72  
16 plant sites around the country. These sites  
17 have never been evaluated for long-term  
18 storage or environmental impacts and  
19 sensitivities of long-term storage.

20 In order to be consistent with the  
21 values that are stated in the report of  
22 scientific basis and consensual siting it's

1 imperative that mitigation start now with the  
2 existing facilities. It's an important  
3 message to me. I need to see that the  
4 commission is not dealing just with future  
5 possible permanent siting or interim siting  
6 but with the sites that are there now.

7 The excellent idea about leading  
8 with a USGS site evaluation, again, should  
9 begin with the original, or with the 72 plant  
10 sites. There are two reasons for this. One,  
11 it's essential. Two, a foundation of  
12 credibility and trust for the program for  
13 future siting.

14 And second, I'm holding two  
15 timelines in my hand that are from the Yucca  
16 Mountain environmental impact statement under  
17 the no-action alternative. And both of them  
18 show the necessity of major facility repair at  
19 50 years and complete replacement of facility  
20 every 100 years or degradation as it shows on  
21 these timelines will begin.

22 I hope that the commission will

1 outline some incentives for the utilities to  
2 work with their communities, host communities,  
3 to enhance monitoring and make technical and  
4 funding plans for waste as long as it remains  
5 at the reactor sites. We need to begin to  
6 develop the institutional infrastructure that  
7 will carry continuity of oversight throughout  
8 hundreds and hundreds and hundreds and  
9 hundreds of years and that's going to take all  
10 of us to do so I'm glad to be here today and  
11 work with others on this. Thank you.

12 MODERATOR BRYAN: That concludes  
13 our public comment period for today. I want  
14 to now turn the podium over to John Kotek for  
15 some final words. John?

16 MR. KOTEK: Thanks again,  
17 everyone. Just a reminder, where the  
18 commission goes from here. The comment period  
19 technically ends on Monday. I know some of  
20 you may have picked up some things about, you  
21 know, from today's discussion that you may  
22 want to weave into comments you may have to

1 offer. So try and get them in next week if  
2 you can. That'll give the commissioners a  
3 chance to really give them some thoughtful  
4 consideration as they work to prepare their  
5 final report.

6 Again, a reminder, the final  
7 report is due to the Secretary of Energy by  
8 the 29th of January of next year at which  
9 point it'll be up to the administration and  
10 the Congress to decide what action they want  
11 to take as a result of the recommendations in  
12 the report. So it's important for you all to  
13 have your voices heard in that process.

14 Really appreciate everybody coming out today.  
15 I found the breakout session that I sat in to  
16 be great and I've heard similar feedback from  
17 other folks.

18 So thanks again for being here. I  
19 think I can confidently say the commissioners  
20 got a lot out of it. They've gotten a lot out  
21 of every other one of these meetings that  
22 we've had and it's really been valuable having

1 you all here. So thanks very much.

2 MODERATOR BRYAN: Thank you to all  
3 of you today. Let me give the commissioners,  
4 do either of you have anything that you want  
5 to say before closing? Thank you. Yes, from  
6 the commissioners. Thank you very much to all  
7 of you for participating today.

8 We really appreciate your feedback  
9 and your comments and the spirit that you  
10 brought to the meeting in presenting your  
11 perspectives and in listening to others as we  
12 move through this process. This is the final  
13 meeting of five public meetings that we have  
14 had around the country.

15 There will be a summary of the  
16 breakout sessions from this meeting as well as  
17 a transcript of the other portions of this  
18 meeting that will be available on the website  
19 as soon as we can get those up. That breakout  
20 session again, that summary will be non-  
21 attributional. It will be a quick overview of  
22 all of the breakout sessions that we've had.

1 So we'll try to reflect the key points as best  
2 as we possibly can across those four breakout  
3 groups.

4 If there aren't any other  
5 questions I think at this point we just want  
6 to again thank you all for coming, for being  
7 a part of this. And we'll look forward to  
8 sharing thoughts and ideas with you. Again,  
9 if you have thoughts as John said that you  
10 want to present to the commissioners through  
11 written comments please do so as soon as you  
12 can next week so that those can be submitted  
13 for the process going forward. Thank you  
14 again.

15 (Whereupon, the foregoing matter  
16 went off the record at 5:06 p.m.)  
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19  
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This is to certify that the foregoing transcript

In the matter of: Public Hearing on the Draft  
Commission Report

Before:

Date: 10-28-11

Place: Minneapolis, MN

was duly recorded and accurately transcribed under  
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**NEAL R. GROSS**

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