

Summary Statement
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I am very pleased to have been requested to appear before the Commission and offer my thoughts on the governance structure that is needed for the successful execution of the Nation's high-level radioactive waste program. The opinions I will be presenting are based on my experiences while serving as the Director of the Office of Civilian Radioactive Waste Management (OCRWM) in the Department of Energy from June 2006 to January 2009. My comments and opinions presented to the Commission are strictly my own and should in no way be construed as representing those of my current employer.

There are a number of governance models that could be imposed on the high-level radioactive waste program in the future, but unless the enabling legislation addresses several key issues which have encumbered the current program, none of these models will be successful. Specifically, for the organization charged with the transportation, storage and disposal of Spent Nuclear Fuel (SNF) and High-Level Waste (HLW), the enabling legislation must provide 1) Certainty of funding, 2) Continuity of leadership, 3) Insulation from changes in political policy, and 4) Address the responsibility for the federal government's liability associated with the failure to perform on the Standard Contract for commercial spent fuel disposal. Depending on where the responsibility for siting of disposal sites resides, it will also need to address issues of Federal Land Withdrawal, the siting process, EPA vs. NRC regulatory authority, and compliance requirements with State and Local permits, among other issues. Operationally, this organization must 1) have an authorized place to store/dispose of its inventory, 2) have the ability to enter into long term contracts, 3) have the authority to set compensation and benefits for its employees, 4) have the authority to take possession and title to SNF,HLW and I suggest Low-Level Waste including Greater Than Class C (GTCC), 4) have the authority to access and develop transportation routes from existing waste sites, and 5) not be subject to the annual appropriations process.

I strongly suggest that the responsibilities for the operational aspects of the program, i.e., taking title, transportation, storage and disposal be kept separate and distinct from the responsibility for siting of storage and disposal sites. The reality of nuclear waste disposal is that any siting process is a technically-informed political process. I believe that it will be important that the entity charged with waste disposal be kept separated from that political process as it has the potential to damage its perceived technical credibility and invite political intervention in its governance.

There have been several previous examinations of potential models for financing and managing the Nation's HLW/SNF program. I recommend that the Commission review the report Alternative Means of Financing and Managing the Civilian Radioactive Waste Management Program, DOE/RW-0546 dated August 2001. I have found this impartial report of great value in understanding alternatives for the governance and financing of the Program and the limitations each provides.

I will explain the rationale for these recommendations in my remarks before the Commission.