BLUE RIBBON COMMISSION ON AMERICA'S

NUCLEAR FUTURE

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MEETING

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MONDAY, NOVEMBER 15, 2010

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The Commission convened at 8:30 a.m. in Salons B, C and D of the Marriott Metro Center at 775 Twelfth Street, Northwest, Washington, DC, Lee Hamilton and Brent Scowcroft, Co-Chairs, presiding.

MEMBERS PRESENT:

LEE HAMILTON, Chair BRENT SCOWCROFT, Chair MARK AYERS

VICKY BAILEY ALBERT CARNESALE SUSAN EISENHOWER JONATHAN LASH ALLISON MacFARLANE RICHARD MESERVE ERNIE MONIZ

PER PETERSON PHIL SHARP

ALSO PRESENT:

TIM FRAZIER, Designated Federal Official SHUNSUKE KONDO, Japan Atomic Energy Agency

PIERRE-FRANCK CHEVET, Ministry of

Ecology, Energy, Sustainable

Development and the Sea KEN NASH, Canadian Nuclear Waste Management Organization ROALD SAGDEEV, University of Maryland MIKE SULLIVAN, former Governor of

Wyoming

CECIL ANDRUS, former Governor of Idaho REP. JOHN GARAMENDI, former Lieutenant

Governor of California RUSSELL JIM, Yakama Nation RICHARD STEWART, New York University TOM LATOURRETTE, RAND Corporation AUDEEN FENTIMAN, Purdue University

C-O-N-T-E-N-T-SOverview of Japan's Nuclear Policy for the Back End of the Fuel Cycle. 10 By Dr. Shunsuke Kondo Overview of France's Nuclear Policy for the Back End of the Fuel Cycle. 45 By Pierre-Franck Chevet An Overview of Canada's Nuclear Policy for By Ken Nash An Overview of Russia's Nuclear Policy for By Dr. Roald Sagdeev Advice on Working with State and Tribal Governments to Craft and Equitable and Mike Sullivan Cecil Andrus Rep. John Garamendi Russell Jim Overview of "Fuel Cycle to Nowhere: US Policy By Dr. Richard Stewart Overview of RAND Corporation Study "Managing By Dr. Tom LaTourrette Overview of American Nuclear Society Study on By Dr. Audeen Fentiman

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1	P-R-O-C-E-E-D-I-N-G-S		
2	(8:31 a.m.)		
3	MR. FRAZIER: Okay. We're going		
4	to go ahead and get started, if I could get		
5	Commissioners to take their seats. My name is		
6	Tim Frazier. I'm the Designated Federal		
7	Officer for the Blue Ribbon Commission on		
8	America's Nuclear Future. I'd like to welcome		
9	you to this full Commission meeting. It's all		
10	day today, half day tomorrow. And with that,		
11	Congressman Hamilton, when you're ready, sir.		
12	CHAIR HAMILTON: Thank you very		
13	much, Tim. Good morning to everyone. Thank		
14	you all for coming. This morning, the		
15	Commission has a three-fold purpose. First,		
16	the Commission will learn more about the fuel		
17	cycle policy decisions that several leading		
18	nuclear energy nations have made, including		
19	the factors that influenced those policy		
20	decisions and how the policies are being		
21	implemented.		
22	Secondly, this afternoon, we'll		

1	have a roundtable discussion with several
2	former state and tribal government leaders who
3	can advise on how to work with state and
4	tribal governments to develop an equitable and
5	enduring solution for nuclear waste
6	management. Third, later this afternoon and
7	tomorrow morning, we will hear from a variety
8	of individuals and organizations who have
9	studied issues before the Commission and who
10	will share their findings and recommendations.
11	May I take just a moment to
12	reiterate why we are here? Secretary of
13	Energy and the President have asked us to
14	conduct a comprehensive review of policies for
15	managing the back end of the nuclear fuel
16	cycle and recommend a new plan. That's what
17	we intend to do. We are investigating a wide
18	range of issues. These include reactor and
19	fuel cycle technologies, options for safe
20	transport and storage of nuclear waste,
21	options for waste disposal and institutional
22	arrangements for the management of used fuel

		Page	6
1	and high-level waste. We'll also make		
2	recommendations regarding the handling of the		
3	Nuclear Waste Fund.		
4	We are trying, at least, to		
5	operate this Commission in an open and		
6	inclusive manner. In conducting our work, we		
7	have heard and will continue to hear from a		
8	broad and diverse range of interested parties.		
9	We are very mindful of the erosion of trust in		
10	the federal government's ability to meet its		
11	waste clean-up obligations. We have		
12	appreciated and will continue to appreciate		
13	the advice and guidance on restoring trust		
14	that we have received from our invited		
15	speakers and through public comment, both at		
16	our meetings and through our web site.		
17	We remind all who are interested		
18	in our work that this is not a siting		
19	commission. We will not be recommending		
20	specific locations for any component of the		
21	U.S. nuclear waste management system. Also,		
22	the Commission was not asked to make		

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1	recommendations regarding the future use of
2	nuclear power in the United States. We will,
3	of course, consider a wide range of possible
4	scenarios for the future of nuclear power in
5	the United States to ensure that our
6	recommendations can accommodate a full range
7	of possibilities.
8	We have been charged with
9	submitting a draft report to the Secretary by
10	the end of next July. We intend to meet, if
11	not beat, that deadline.
12	We will now turn to the business
13	at hand. We very much appreciate the time and
14	effort the speakers have put into their
15	presentations and we look forward to hearing
16	what they have to say. Several of them have
17	come many miles to be with us.
18	As a reminder, at the end of
19	tomorrow's session, not today's, we will hear
20	from any member of the audience who wishes to
21	speak. A sign-up sheet for the public comment
22	period will be available tomorrow morning

		Page 8
1	starting at 8 a.m. and closing at 11 a.m. Of	
2	course, the amount of time allotted to each	
3	speaker will depend on the number of people	
4	who wish to speak.	
5	With that, I open the floor to	
6	Commissioners for any statement or comment	
7	that they wish to make before we hear from our	
8	first speaker. Are there any such comments?	
9	If not, we will proceed.	
10	This morning, we will hear from	
11	four distinguished speakers who will help the	
12	Commission understand the policies of other	
13	nations for the back end of the nuclear fuel	
14	cycle and the factors that have influenced	
15	those policy decisions. Several members of	
16	the Commission's Disposal Subcommittee	
17	recently visited Finland and Sweden to learn	
18	more about their approaches to the back end of	
19	the fuel cycle and found their visit to be	
20	extremely valuable. The information we are	
21	receiving from other nations will be of great	
22	help to the Commission as we consider what	

1	policies we might recommend be adopted in the
2	United States.
3	We've asked our speakers to keep
4	their remarks to about 20 minutes so we have
5	ample time for discussion. A caution light
6	will come on with two minutes left. A red
7	light comes on at the end of the presentation
8	of 20 minutes.
9	Our first speaker is Dr. Shunsuke
10	Kondo, the Chairman of the Japan Atomic Energy
11	Commission. Dr. Kondo has served as chairman
12	of the Commission since January of 2004. He
13	holds a Doctorate of Engineering in nuclear
14	engineering from the University of Tokyo and
15	served as a professor at the University until
16	his retirement in 2004. He also served as
17	Director of the University's Research
18	Institute for Nuclear Science and Technology.
19	Dr. Kondo, thank you for coming
20	all of the way to help us understand how Japan
21	has chosen to address the many issues before
22	our Commission. We welcome you, sir. We're

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1	delighted to have you here, and you may		
2	proceed.		
3	DR. KONDO: Thank you. Good		
4	morning, Co-Chairman Hamilton, Co-Chairman		
5	Scowcroft, members of the Blue Ribbon		
6	Commission on America's Nuclear Future. Thank		
7	you for the opportunity to present you an		
8	overview of Japanese nuclear energy policy.		
9	CHAIR HAMILTON: Dr. Kondo, you'll		
10	have to speak up. I'm not sure that		
11	microphone is		
12	DR. KONDO: Okay, okay.		
13	CHAIR HAMILTON: Okay. You'll		
14	have to speak up. Thank you very much.		
15	DR. KONDO: Focusing on the back		
16	end of the nuclear fuel cycle. As the		
17	particulars of the path Japan has chosen since		
18	the establishment of the atomic energy		
19	commission, given in the prepared text titled		
20	Note on the Back End Policy, Past and Present,		
21	I will talk about in this particular		
22	presentation just a snapshot of the kind of		

		Page	11
1	policy and activities at the back end of the		
2	fuel cycle in Japan with some comment on the		
3	related topics.		
4	First, a few words on nuclear		
5	energy and nuclear power generation in Japan.		
б	Generally, the power companies currently		
7	operating, 54 with light water reactors, thus		
8	probably about 30 percent of electricity.		
9	They contributed to the reduction of the		
10	carbon dioxide emission 200 million tons		
11	annually and to the increase in energy self-		
12	supply ratio from 4 percent to 16 percent		
13	under the assumption that nuclear energy is an		
14	indigenous source.		
15	Three units have loaded MOX fuel		
16	fabricated in Europe and two units are under		
17	construction. Three units are under		
18	regulatory review for construction, and three		
19	units are in the decommissioning phase.		
20	The current policy goals Japan is		
21	passing to enjoy the benefit of nuclear		
22	energy: A, maintain the sound infrastructure		

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1	for safe, secure, safeguarded and sustainable	
2	utilization of nuclear energy; B, reprocess	
3	used fuel from light water reactors within the	
4	domestically available capability, utilize	
5	fissile materials thus recovered in light	
6	water reactors for the time being and dispose	
7	the vitrified high-level waste from	
8	reprocessing process into a deep geologic	
9	repository; C, promote nuclear energy research	
10	and development efforts, including those	
11	aiming at commercializing fast neutron	
12	reactors and its fuel cycle technology that	
13	can attain better fuel utilization and waste	
14	minimization before 2050; D, promote	
15	international cooperation and trade for	
16	contributing to the assurance of the safe,	
17	secure, safeguarded and sustainable	
18	utilization of nuclear energy in every part of	
19	the world and for pursuing mutual benefit and	
20	fulfilling common responsibility among	
21	partners.	
22	The government recently decided to	

expect the increase of the share of nuclear 1 2 power to about 40 percent by 2020 and about 50 3 percent of electricity generation by 2030 as 4 one of the most important actions to combat 5 global warming. Therefore, it's necessary for 6 the Japanese nuclear community to, first, 7 improve the average the plant capacity factor; B, promote construction of new plants, 8 9 replacing aged plants in some cases; and, C, pursue the understanding of the public on the 10 11 validity of managerial innovation to be 12 introduced from the viewpoint of safety 13 assurance and for increasing the capacity 14 factor, as well as on the importance of 15 nuclear energy for both assuring energy 16 security and combating global warming. The last point I made because, 17 18 just show the current recent result of the 19 public opinion survey. This showed that the 20 majority of the Japanese people support the 21 promotion of nuclear energy, but, again, just 22 more than 50 percent of public feel uneasy

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1 toward nuclear.

2	Now, on the Japanese policy on the
3	back end of the fuel cycle, since the 1960s,
4	in concert with the international effort of
5	nuclear power generation by electric power
6	company in Japan, the Japanese government has
7	been promoting the research under the ATR and
8	the of the fast neutron reactor that utilize
9	plutonium from the reprocessing of spent fuel
10	by conducting experimental fast neutron
11	reactor JOYO prototype advanced reactor
12	FUGEN, prototype FNR MONJU, and the Tokai
13	Reprocessing Plant, recognizing that for
14	pursuing energy security by way of nuclear
15	energy utilization, it is important to aim at
16	establishing closed fuel cycle.
17	Electric power companies jointly
18	decided in 1970s, sharing such recognition
19	with the government, to invest into the
20	reprocessing business in Europe so as to
21	assure a necessary amount of reprocessing
22	services for the time being and to start the

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1	construction of a commercial reprocessing		
2	plant in Aomori, that is Rokkasho Reprocessing		
3	Plant, by establishing JNFL.		
4	In the end of 1990s, after they		
5	injected the investment into the construction		
б	of demonstration advanced reactor, they		
7	decided to start the use of MOX fuel in		
8	reactors utilizing the plutonium recovered in		
9	Europe for the time being and recovered at the		
10	Rokkasho Reprocessing Plant also.		
11	Before starting the construction		
12	of the Rokkasho Reprocessing Plant,		
13	recognizing the importance of assuring		
14	international confidence in observing the		
15	commitment of nuclear nonproliferation for		
16	promoting nuclear fuel cycle activities in		
17	Japan based on the recent from the		
18	negotiation at the start of the Tokai		
19	Reprocessing Plant, Japan started in		
20	cooperation with the IAEA, the United States,		
21	France, and so on the development of an		
22	adequate concept and technologies for the IAEA		

safeguards to large bulk-plutonium handling 1 2 facilities. The current IAEA safeguards 3 activities at the Rokkasho Reprocessing Plant 4 are based on the result of these particular 5 activities. 6 Furthermore, to increase 7 transparency, Japan has published annually the 8 quantities and the location of separated 9 plutonium it holds since 1997, and since 2005 electric power companies and other 10 organizations have published at the beginning 11 of every fiscal year the objectives of the 12 13 reprocessing to be executed in the year, 14 namely when and how to use the plutonium 15 recovered, based on the recommendation of my 16 commission. Along with the decision I 17 18 mentioned, up to now 5,600 tons of used light 19 water reactor fuel and 1,500 tons of used gas-20 cooled reactor fuel were reprocessed in Europe 21 by contract, and 1,020 tons of used light 22 water reactor fuel were reprocessed at Tokai

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1	Reprocessing Plant. In the future, among
2	66,000 tons of spent fuel to be generated
3	before 2046, 32,000 tons will be reprocessed
4	in the Rokkasho Reprocessing Plant, annual
5	capacity is 800 tons, and it should be
б	completed in the near future. In short time,
7	I should say. And the remaining 34,000 tons
8	will be stored at spent fuel storage
9	facilities at reactor or away-from-reactor for
10	the time being and will be reprocessed at the
11	second commercial reprocessing plant in the
12	future. That should be coming in 40 or 50
13	years.
14	As the use of MOX fuel, as the
15	fabrication and introduction of MOX fuel, it
16	has been a major R&D activity of 40 advanced
17	reactor R&D. The FUGEN and JOYO and MONJU
18	have been loaded with MOX fuel fabricated at
19	the so-called Plutonium Fuel Fabrication
20	Facility at Tokai, utilizing plutonium
21	transported from Europe and recovered at the
22	Tokai Reprocessing Plant. On the other hand,

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1	the utilities have just started to load MOX	
2	fuel in the light water reactors because they	
3	decided about ten years before, because of the	
4	difficulty in obtaining the understanding of	
5	the government.	
6	The JNFL started now the	
7	construction of the Rokkasho Reprocessing	
8	Plant and for spent MOX fuel that should be	
9	stored onto fast reactor, it was immediately	
10	after we introduced but, quite recently, this	
11	month I should say, it just started a	
12	preliminary discussion about the management of	
13	spent MOX fuel in the context of the so-called	
14	second reprocessing plant, when and how this	
15	particular plant should be built.	
16	The Rokkasho Reprocessing Plant of	
17	the JNFL, the completion of the commissioning	
18	test has been delayed for several years for	
19	particular plant due to a series of troubles	
20	in establishing operation procedure of the	
21	joule-heated ceramic melter in the high-level	
22	waste vitrification line. And the JNFL quite	

1 recently announced that it will be completed 2 in two years, based on their analysis of the 3 result of a series of mock-up tests to 4 reproduce the undesirable phenomena in the 5 melter and modeling and simulation activity 6 with a view to establishing the operating 7 procedure.

8 As for financing of this 9 particular reprocessing business in Japan, along with the deregulation of electric 10 11 industry, the government established in 2005 a fund for reprocessing and related 12 activities, including the decommissioning of 13 14 facilities involved, collecting fees from 15 electricity customers based on the generation 16 of spent fuel. The fee is about 0.3 yen per 17 kilowatt hour or 1 yen per kilowatt hour from 18 the nuclear power plant, which is based on the analysis of life-cycle cost of the activity. 19 20 Now, on the management of high-21 level waste vitrified at Rokkasho Reprocessing 22 In Japan, since 1970s, in parallel Plant.

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1	with the operation of Tokai Reprocessing
2	Plant, an expert group had discussed the
3	feasibility of disposing a vitrified HLW in
4	the geologic repository, after storing it for
5	30 to 50 years at a surface facility to allow
6	cooling, based on a so-called multi-barrier
7	system in stable geology at a depth greater
8	than 300 meters below ground surface.
9	The group concluded after more
10	than a ten-year study in 1992 that a
11	sufficiently stable deep geological
12	environment to ensure the performance of the
13	multi-barrier system can be found in Japan,
14	even though the country is located in a
15	tectonically active zone and complex geology
16	is expected in most part of the island.
17	Based on this recommendation, the
18	Commission asked the research organizations to
19	start the research and development activities
20	to establish technical basis for high-level
21	waste disposal project and for its safety
22	regulation. The research organization JAEA is

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developing, among others, integrated methods 1 2 for characterizing the deep geological 3 environment at two typical geological environments in Japan utilizing two 4 5 underground research laboratories, one in 6 Mizunami city in crystalline rock and the 7 other in Horonobe city in sedimentary rock. 8 Now, siting is a very difficult 9 program. In 2002, the NUMO, an organization authorized by government to promote the 10 disposal activity, invited mayors of 11 12 municipalities to apply for site suitability investigation. Although there have been 13 14 several preliminary moves and one failed 15 application, so far no mayor has successfully 16 applied. Based on these activities and 17 18 failure, the Commission has asked government 19 and NUMO to strengthen public information 20 activities on the safety and the importance of 21 the disposal facility at both national and 22 municipal levels. This shows the result of

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1	opinion poll taken last year. This shows that		
2	now the majority of Japanese people think it's		
3	our responsibility to decide the site for		
4	geologic repository for high-level waste.		
5	However, a great majority, I should say, of		
6	the public disagree to entertain or accept the		
7	repositories in their neighborhood.		
8	Therefore, our commission is still		
9	encouraging the government and NUMO to		
10	continue actions to promote mutual		
11	communication with the public patiently,		
12	exploring innovative ways for increasing the		
13	probability of application and, at the same		
14	time, to prepare facilities that demonstrate		
15	the concept of the repository and the safety		
16	of the disposal, as a picture is worth a		
17	thousand words.		
18	Finally, I will briefly talk about		
19	fast neutron reactor research and development.		
20	We start operation of the prototype fast		
21	neutron reactor MONJU in 1994. But in 1995,		
22	the sodium fire event occurred at MONJU due to		

		Page	23
1	a second sodium leak. Due to this event, the		
2	local government asked us to stop the		
3	operation of MONJU, and we are faced with		
4	difficulty in promoting the fast reactor.		
5	In 1997, we started the		
6	comprehensive review of the program and asked		
7	the organization and electric power company		
8	and reactor vendors to perform a comprehensive		
9	review of fast neutron reactor technology with		
10	a view to exploring the promising concept of		
11	the system. And receiving a report from these		
12	groups, the Commission decided in 2006 to ask		
13	the JAEA to step up the activity to promote		
14	the research and development of a fast neutron		
15	reactor, specifying goals in economy, safety		
16	and reliability, waste management,		
17	proliferation resistance, and so on from the		
18	viewpoint of making it a sustainable energy		
19	technology in the future.		
20	In response, the JAEA started		
21	FaCT, fast neutron cycle technology, project		
22	with incorporation with electric power		

companies, nuclear vendors, and so on to 1 2 explore technologies, reviewing their effectiveness in innovative fast neutron 3 4 reactors, in which not only plutonium but also 5 actinides, minor actinides, are recycled, so 6 that should satisfy the goals. And they are 7 expected to propose us a feasible design of 8 the system before 2015. And just this month, 9 we started the review of the activity or intermediate result of the activity in a 10 11 three-month project. 12 CHAIR HAMILTON: Dr. Kondo, in 13 order to allow time for questions, could you 14 begin to wrap up your remarks? 15 DR. KONDO: Okay. So, finally, 16 I'd like to say that the Commission believes 17 it important to pursue close cooperation with like-minded countries, including the United 18 States, France in particular, in promoting 19 20 this particular endeavor, as it is a global 21 interest and the duty of major nuclear energy 22 supplier to make nuclear energy more

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1	sustainable. Thank you for your attention.		
2	CHAIR HAMILTON: Thank you very		
3	much, Dr. Kondo. We'll open it up now for		
4	questions from Commissioners. Do we have such		
5	questions? Per?		
б	MEMBER PETERSON: Kondo-sensei,		
7	thank you for coming all this way to speak		
8	with us and to present about Japan's nuclear		
9	fuel cycle decisions. In thinking about		
10	differences between United States and Japan,		
11	the one that comes to mind is the difference		
12	in the availability of natural resources,		
13	especially for energy. So I was hoping that		
14	you could talk a little bit more about how the		
15	situation with natural resources or lack of		
16	natural resources affects the decisions that		
17	are made in Japan and what the current		
18	assessments in Japan are around the		
19	availability of uranium this coming century in		
20	terms of stability of price and access, again,		
21	given that Japan must import. And then maybe		
22	also just to comment a little bit on the		

possibility of obtaining uranium from sea 1 2 water. DR. KONDO: 3 Thank you. First, 4 natural resources in terms of energy, in the 5 past we have some coal, but it is depleted. As I said, four percent of energy come from 6 7 domestic. That's from hydro. That's all. 8 And now people are talking about wind, solar, and so on, and we can, by some assumption, 9 10 sizable amount of energy of course. But as 11 you may know, the Japanese are mostly mountainous, and region is about 20 percent I 12 13 think, so it's not to so easy to convert whole 14 mountain into solar panels and so on. That's 15 the reason why we choose nuclear as the energy 16 for future back in 1960s. 17 As for uranium, in our case, we have no uranium resource in our country, so it 18 19 must be purchased from abroad. And your 20 question is Japanese view of the global 21 uranium availability, we're not appropriate 22 person to talk about it, but we rely on

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1	several estimates estimated by NEA or other		
2	guys. We know that there is some significant		
3	amount of uranium in the world. But, again,		
4	the program is for us to think about		
5	everything from the viewpoint of energy		
6	security. We know that in the past years		
7	we've seen a sudden jump of price of uranium		
8	and so on, so we believe that it's prudent for		
9	us to assure the on the foreign suppliers.		
10	That's current thinking.		
11	CHAIR HAMILTON: Richard?		
12	MEMBER MESERVE: Dr. Kondo, it's		
13	nice to see you again. In your presentation,		
14	you indicated that you collect a fee of 1 yen		
15	per kilowatt hour, and I'm not completely		
16	clear on the exchange rate, but I think that's		
17	about one cent per kilowatt hour which is		
18	about ten times what we collect in the U.S.		
19	You indicated it's based on an analysis but		
20	that it also includes the cost of		
21	reprocessing. Do you know what segment of		
22	that fee is for storage and disposal and what		

portion of it is allocated for your 1 2 reprocessing activities? I think we have 3 DR. KONDO: Yes. 4 some viewgraph on this particular point, but, 5 to be precise, yes, but general. It's the 6 users, customers. And it's going to be 7 converted into the kilowatt hour electricity 8 from nuclear, 1 yen per kilowatt hour. And I 9 think 0.6 yen come from reprocessing, 60 percent or something like that, yes. 10 And the remaining hours is waste disposal and some 11 12 other activity related to disposal activities. So this is a breakdown of the 13 14 Reprocessing and six others are there. cost. And in terms of, this particular slide 15 Okay. 16 is a part of our study at the occasion of the dispute on the needs for start of the Tokai 17 18 Reprocessing Plant. We have made a very 19 detailed study in the public domain, and we 20 summarize at the bottom. You can see at the 21 bottom that the recycle option is about ten 22 percent or higher than that of disposal cases

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1	in terms of electricity generation.		
2	CHAIR HAMILTON: Al and then Ernie		
3	and then Allison.		
4	MEMBER CARNESALE: Thank you, Dr.		
5	Kondo. A couple of questions about		
6	reprocessing. As you indicated, the decision		
7	to reprocess was made in the 1970s and first		
8	in Europe and then in Japan. At the time, the		
9	1970s, people expected a much more rapid		
10	growth of nuclear energy and much more		
11	depleted source of uranium and much higher		
12	prices. If you were making the decision		
13	today, if you did not already have		
14	reprocessing capability, what do you think you		
15	would do?		
16	DR. KONDO: Good question. That		
17	was, of course, included in this particular		
18	exercise, but the scenario one is the use of		
19	Rokkasho Processing Plant and continue the		
20	recycling business. Scenario two is just		
21	operate Rokkasho and after that we dispose of		
22	every spent fuel, and scenario three just		

Page 30 abandon Rokkasho Reprocessing Plant and use 1 2 the direct disposal and so on. At that time, we decided, based on 3 4 this and other aspects, that we should 5 continue to use Rokkasho. So your question is 6 then if we have no Rokkasho Reprocessing Plant 7 then what should we, what do you think about 8 for future. It's a good question. It's not 9 so easy to answer. We can answer but just 10 from my personal viewpoint. We know that the 11 future, if we'd like to use the nuclear energy 12 for a long time, that's the key. If we'd like to do so, then we should think about the 13 14 reprocessing. So at this moment, that's all 15 I can say. 16 MEMBER CARNESALE: Can I follow 17 up? 18 Sure, go ahead. CHAIR HAMILTON: 19 MEMBER CARNESALE: Thank you. Α 20 second question also about reprocessing. You 21 indicate that, thus far, you've reprocessed 22 about 8,000 tons of spent fuel, if I'd just

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1	add up the numbers, and you'd expect that by		
2	2046 an additional 32 tons of spent fuel will		
3	be reprocessed. Now, when we think about		
4	reprocessing around the world, we only think		
5	about the Japan and the United States. I'm		
6	just wondering, thus far, roughly, what is the		
7	total stockpile of plutonium now, what is,		
8	roughly, the plutonium unaccounted for now,		
9	and when you reprocess 32,000 tons of spent		
10	fuel what do you expect to be the unaccounted		
11	for mass of plutonium? Is it one percent, is		
12	it one-tenth of one percent?		
13	DR. KONDO: Okay. The number is		
14	here.		
15	MEMBER CARNESALE: Yes, that's		
16	where my numbers came.		
17	DR. KONDO: Yes, yes. And you're		
18	talking about the so-called		
19	MEMBER CARNESALE: Stockpiles of		
20	plutonium and the unaccounted for amount of		
21	plutonium.		
22	DR. KONDO: Now, as I said, before		

starting with the construction of the Rokkasho 1 2 Reprocessing Plant, we paid due attention to the problem of the safe reliability of the 3 4 plant, and we, of course, inviting the United 5 State and IAEA and so on, we make a review of 6 the technology available and finally concluded 7 that we should now utilize the approach to not 8 just talk about the math but to review the 9 plant comprehensively from the viewpoint of the diversion. And we introduced several 10 innovative ideas, technologies in the plant. 11 12 So I now would like to keep quiet, 13 talk about just only the material unaccounted 14 That's my position. Of course, if you for. would like to calculate it, assuming that one-15 16 percent number, you can easily obtain the 17 number. 18 MEMBER CARNESALE: Yes, that's the 19 point of my question. That's right. And, 20 finally, if I may, again, in the 1970s, you 21 indicated that you felt that people were quite 22 confident that after 30 to 50 years of surface

storage you would be able to safely store it 1 2 in a geological repository. The 30 to 50 3 years is rapidly running out. What is your 4 current estimate of when you would expect to 5 be able to store it safely in a repository? 6 DR. KONDO: Okay. Just to be 7 precise, in starting from the 1970s, they started a discussion and studies of such kind 8 9 of business, and they concluded in 1992 that, 10 in principle, we can do it in Japan, irrespective of the rather -- geological 11 12 unstable island that has many complexities. And we decided to go this way in 2000. 13 And we 14 asked, we think about how to obtain the site. My commission decided that to open it is the 15 16 most democratic way, and so we just explain 17 current policy. And we've spent ten years, 80 18 years from the start, and now we are talking 19 about this is the, we couldn't wait anymore. 20 So we should discuss new ways to approach to 21 the public. And the opinion poll results show 22 that now the people has a general

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understanding of necessity of having a 1 2 repository but the point is the understanding of the safety or other matters related to 3 4 these particular procedures. 5 So we are talking with these guys about what should be the common ground to 6 7 discuss the matters, and we are now talking 8 about the equity of benefit, the benefit to 9 the nation, and somehow these benefits should 10 be equalized. That means, as a nation, we 11 should do many things to the particular 12 disparities. And then the question comes, 13 hey, you want to buy the site by money, so how 14 to respond to this kind of ethical question in good way. And the solution is just ask them 15 to give us their idea of the future of their 16 17 society from the viewpoint of equity of 18 benefit. 19 CHAIR HAMILTON: Okay. Ernie and 20 then Allison. 21 Actually, first, a MEMBER MONIZ: 22 comment for Commissioner Meserve to bring him

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1	up to date, 1 yen per kilowatt hour is now
2	much more than one cent. Chairman Kondo, this
3	actually follows Al's question. I think Japan
4	has unquestionably been a real leader in terms
5	of transparency, safeguards, integration of
6	this into the Rokkasho design, et cetera. But
7	one thing really disturbs me, and it is this
8	annual publication of quantities and locations
9	of separated plutonium. It just seems to me,
10	in an age of terrorism, this is a policy that
11	deserves reexamination, and I'd like to get
12	your view on that, whether that is happening,
13	that reexamination. And, third, what is the
14	general security posture and is that being
15	upgraded in terms of protection of stockpiles?
16	DR. KONDO: Thank you. Good
17	question. Our policy is transparency, but,
18	obviously, in the case of Chairman Meserve,
19	the security and the transparency, we're also
20	starting to make balance. But in the sense,
21	in the sense, the information, public
22	information, and what we are doing just to

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1	identify the companies or factories.		
2	Obviously, the facility should have something		
3	from the viewpoint of the public, so the point		
4	is that the quantity adds value from sites.		
5	And I don't think we caused a huge difference		
6	between no announcement or announcement from		
7	the viewpoint of the people.		
8	Of course, this is related to the		
9	second question, of course the security is		
10	nowadays an important issue, the same as the		
11	safety. So we put our huge resources on this		
12	particular aspect. As you know, the now		
13	international community are in the process of		
14	finalizing and we follow the particular		
15	international on these particular activities.		
16	We have very close operation, and I think this		
17	particular yesterday or the day after		
18	yesterday, President Obama meeting, the		
19	necessity or the importance of joint activity		
20	on the nuclear security.		
21	CHAIR HAMILTON: Allison?		
22	MEMBER MACFARLANE: Good morning.		
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1	Thank you, Mr. Chairman, very much for your		
2	remarks. I have a couple of questions related		
3	to MOX and plutonium. So tell me if I've got		
4	this right. My understanding is that the		
5	original plan for reprocessing was to use the		
6	plutonium in fast reactors. Is that correct?		
7	DR. KONDO: Fast reactor and		
8	advanced reactor, yes.		
9	MEMBER MACFARLANE: Okay. And so		
10	at some point in time, a decision was made to		
11	use plutonium, as in MOX, instead for light		
12	water reactors, and I want to try to		
13	understand how that decision was made because		
14	that's sort of important in how we're thinking		
15	about different fuel cycles in the future. So		
16	can you shed any light on that or give us your		
17	personal views? And then I have a couple more		
18	questions.		
19	DR. KONDO: In 1995, I think the		
20	utility companies looking into the design of		
21	the demonstrated advanced reactor, they		
22	rejected the investment in this particular		

project due to the economic reasons. 1 And 2 since they have already invested in 3 reprocessing activities in Europe and also the 4 construction of the Rokkasho Reprocessing 5 Plant, it's quite reasonable for us to hold 6 them to think about the use of this particular 7 plutonium in their light water reactors. Not 8 so difficult but as a simple decision from my 9 viewpoint and from their viewpoint. They have no choice at the particular moment. 10 11 MEMBER MACFARLANE: Well, you 12 could decide to just keep the plutonium around 13 and wait until you get your fast reactor 14 program going. I'm interested in the 15 difference there. But, anyway, so in the 16 Japanese program do all 54 reactors plan to 17 use MOX in the future, or is it just going to 18 be a subset of those? And then how long will it take to work through the stockpile of 19 20 separated plutonium, which I think right now 21 is over 40 metric tons between what's in Japan 22 and what's in France?

		Page	39
1	DR. KONDO: Okay. The utilities		
2	decide to use MOX fuel in just one-third of		
3	their reactors.		
4	MEMBER MACFARLANE: One-third.		
5	Okay.		
6	DR. KONDO: Yes, yes, 16 to 18		
7	they said. It's quite logical balance of the		
8	plutonium, yes. And we, of course, use the		
9	plutonium for fast neutron reactor program, of		
10	course. At present, most of the plutonium are		
11	in Europe. In Japan, we have not enough even		
12	to supply fast neutron reactor projects. We		
13	are wondering how to make fuel for these		
14	activities. If we just rely on the Rokkasho		
15	Reprocessing Plant, in 20 or 30 years, we end		
16	the supply, the whole plutonium, in the form		
17	of spent fuel. So that's the reason why we		
18	just started a discussion of this second		
19	reprocessing plant, including the how to		
20	manage the spent MOX fuel.		
21	CHAIR HAMILTON: Vicky?		
22	MEMBER BAILEY: Thank you. Thank		
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you, Dr. Kondo, and welcome and good to see 1 2 you here. I think a great deal of your research and technology has contributed 3 4 greatly to our understanding of nuclear energy 5 issues here in this country and around the world, and I've had the opportunity to visit 6 7 some of these areas in which you are talking 8 about today. So maybe I'd like to explore two 9 or three areas and one technical area. You mentioned MONJU, the sodium fire. And I saw 10 11 the diagram and what have you, but have you pinpointed exactly the cause and can you move 12 13 forward from there is one of my questions, 14 technically, from the standpoint of safety. And I'd also like to understand the reaction 15 16 of the community when this happened, how you were able to move forward from there. 17 DR. KONDO: First, the cause of 18 the leakage was completely understood, yes. 19 20 Just the root cause is the top management of 21 the engineering design brought the attention 22 to the detailed part of the component.

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1	MEMBER BAILEY: You said it was an		
2	engineering design issue?		
3	DR. KONDO: Yes. I should say, as		
4	you know, the devils lie in the details. So		
5	engineers, design teams should pay due		
6	attention to even the very detailed part of		
7	the system. Often, in many occasions, you		
8	know the cause isn't always the lack of		
9	attention to the details. So it's the same as		
10	in the case of Monju.		
11	MEMBER BAILEY: I think it goes to		
12	the point, though, of you look at recycling,		
13	you look at the issue of separation of		
14	plutonium and uranium, this goes to some of		
15	the concerns we have in this country as it		
16	relates to that technology and the feasibility		
17	here.		
18	DR. KONDO: And we've learned many		
19	things from the lessons learned in the past,		
20	especially in the case of safety. And now we		
21	are, as probably you know quite well,		
22	introduced the so-called defense in depth		

philosophy. Okay. We cannot completely any 1 2 defect in the design, but we review in detail from the viewpoint of public risk. From this 3 4 viewpoint, as in the case of the Monju 5 incident, was no incidents, no public impact, 6 just psychological impact was there because 7 the people are talking about there's no chance 8 of the sodium leak in this particular plant. 9 From my view, it's not good. But as they are talking in that way, they are talking in that 10 11 way, this has some psychological impact upon 12 the people around the site. And it's the reason why they took three, four, or five 13 14 years to accept the start of the Monju. So we 15 are talking about this particular incident 16 taught us many lessons about the management of 17 the facilities that can be regarded by the 18 public. 19 You also talk MEMBER BAILEY: 20 about, we're not a siting commission, but from 21 the standpoint of looking permanent 22 repositories and geological areas, I notice

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1	you have a, was it the NUMO group and mayors		
2	are able to make applications to this group		
3	and so far you said no mayor has successfully.		
4	Is it because of the areas, the geological,		
5	you know, the fact that a lot of the tectonic		
6	activity in those areas? What are some of the		
7	issues why?		
8	DR. KONDO: We asked the		
9	organization to site survey, so mayors is not		
10	necessarily to know anything about their		
11	geological conditions. But just we asked them		
12	to apply for a site survey. We made a three-		
13	step approach, starting from the regional		
14	survey and site survey and detailed design and		
15	the safety. And each step we must ask the		
16	opinion of the mayor of the area, and we are		
17	now we want to enter the fast stage. Still		
18	they are talking about, how to say, the impact		
19	on the local industry due to the existence of		
20	the particular facility. The psychological		
21	matters should be taken care of very carefully		
22	with direct communication and making a good		

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1	demonstration and inviting these guys to the		
2	underground research laboratories 200 meters		
3	below the surface. We invite young guys and		
4	the people from the municipalities. We invite		
5	public to these underground research		
6	laboratories and give them some feeling of the		
7	safety, hopefully, of the facilities.		
8	CHAIR HAMILTON: Are there further		
9	questions?		
10	(No response.)		
11	CHAIR HAMILTON: Dr. Kondo, thank		
12	you very much for your excellent presentation.		
13	We're most grateful to you.		
14	Our next speaker is Mr. Pierre-		
15	Franck Chevet, the Executive Director for		
16	Energy and Climate in the French Department		
17	for Ecology, Energy, Sustainable Development		
18	and the Sea. In this role, he's responsible		
19	for green technologies and international		
20	climate change negotiations. Mr. Chevet is a		
21	state representative of the French government,		
22	of GDF Suez Board and a member of the GDF Suez		

Page 45 Strategy and Investment Committee. He is a 1 2 representative of the French government on the 3 supervisory board of AREVA and is a government commissioner with AREVA NC, Andra, and the 4 5 French Energy Regulatory Committee. He also 6 is a member of the French Green Industry 7 Strategic Committee. 8 Mr. Chevet, it's a great pleasure 9 to have you with us this morning, and you may 10 proceed. 11 MR. CHEVET: Thank you, Mr. 12 Chairman, honorable members of the Commission, It's a real pleasure 13 ladies and gentlemen. 14 for me to be here and to have the opportunity 15 to make a short presentation, I will try to be 16 short, on the fuel cycle's back end. I've got 17 They can be made public, obviously. slides. 18 We also have prepared a small note dedicated 19 to the end of fuel cycle. It's an official 20 It can also be made public. We will note. 21 just review that at the end of my 22 presentation. And you will ask questions. Ιf

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1	I don't have the answer, it's possible I'm		
2	quite a generalist, we will note the question		
3	and send you the answer by written procedure.		
4	It's very clear for me.		
5	Just a few words about the general		
6	context of nuclear energy in France, why we		
7	have chosen more than 30 years ago to develop		
8	nuclear energy. The answer was basically at		
9	that time for energy independence and security		
10	of supply reason. Now, the reasons are more		
11	developed. It's the same, energy independence		
12	and security of supply, but it's also a good		
13	way to reduce CO2 emissions. It was not the		
14	initial reason, but it's now a good reason		
15	also. And there's also another reason: the		
16	competitiveness of energy. We consider this		
17	is a result of our situation that the price of		
18	nuclear energy is quite competitive, at least		
19	in our country but I think it's general.		
20	And we are also willing to help		
21	countries that wish to develop also peaceful		
22	uses of nuclear energy, obviously provided the		

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1	highest standards of safety, of proliferation,
2	and environmental protection for two main
3	reasons. First, France wants to promote
4	climate change mitigation action plan at the
5	international level, so that's consistent with
б	our policy, nuclear energy policy and climate
7	policy. And also for a more selfish reason,
8	that is to say, if there is an accident
9	elsewhere in the world, we depend from 80
10	percent of our electricity production from
11	nuclear energy, so we don't want to have an
12	accident elsewhere in the world, so we are
13	willing to help on each area of the nuclear
14	development of nuclear energy.
15	About the opinion polls, we also
16	have regularly opinion polls organized every
17	six months until the beginning, I think, of
18	the 80s. And on the upper part of this slide,
19	if you can't read it I'm very sorry, we asked
20	the question, do you consider that nuclear has
21	more advantages than drawbacks. You see it's
22	not, do you fully approve. It's a more

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mitigated question. And you see the part of 1 2 this slide show that a rather positive opinion 3 is dominant. It's roughly in between from 45 4 percent to 50 percent of French citizens that 5 you see that the relative negative opinion is 6 increasing in the time. I don't know if it's 7 a good or bad result. It's a result. I think 8 that the good result in that slide is that 9 there are no opinion part of that slide is I think that it's 10 we're using in the time. one of the result of our strong policy about 11 transparency to explain what is nuclear, 12 what's wrong, what's good, and what happens. 13 14 And the result is this decrease on the longterm issue when you look at this slide. 15 But 16 you cannot consider that France is clearly in 17 favor of nuclear. We have strong debates, and 18 we still have strong debates about nuclear. 19 And we tried to develop a policy 20 to take into account the various different 21 timescale. Obviously, we're working now on 22 the extension of the current fleet lifetime.

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1	We've got a big fleet, a nuclear plant fleet.		
2	We tried to keep open the nuclear option		
3	beyond 2020. We have decided to build two new		
4	reactor of Generation 3 reactor in France.		
5	And we are preparing actively the future of		
6	those reactors, and we've got, we'll speak		
7	about that later, a lot of R&D on Gen 4 and		
8	especially about fast breeder for after 2020		
9	on other activities. And also thinking about		
10	the future, we always try to have an active		
11	policy on spent fuel and radioactive waste		
12	management.		
13	There is a lot of players in the		
14	field of nuclear energy. One detail that I		
15	will speak specifically about is how we are		
16	organized about the radioactive waste		
17	management. We've got a dedicated public		
18	agency on that point until now roughly 20		
19	years which operate all the programs, the		
20	industrial programs and our R&D programs on		
21	that point. It's a very efficient tool for		
22	the government.		

		Page	50
1	This is a schematic view of the		
2	French nuclear fuel cycle with all the		
3	aspects. As you can see, that's part of this		
4	fuel cycle. On the main part of the slide is		
5	the present situation, and we have tried to		
6	figure the Generation-4 system on the right		
7	part of the slide to figure what will be in		
8	the future, what could be in the future to		
9	complete your cycle.		
10	We've got a lot of acts about		
11	nuclear energy. We've got the last one about		
12	radioactive material. It is quite a recent		
13	act. It was in 2006, four years ago. And		
14	just to quote what has been in the act, it's		
15	dedicated to the sustainable management of		
16	radioactive material and waste. Both terms		
17	are very important: sustainable management and		
18	radioactive material and waste. We try to		
19	deal not only with waste, on high-level waste,		
20	but we try to deal with all the stuff of the		
21	material in radioactive waste.		
22	We have introduced a		

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ation		

classification, a very precise classifica 1 2 of waste, especially on the right part of the slide, dividing them on one side on activity 3 from very low level of activity on the 4 5 country, on high level activity, and dividing them with the second pyramid, the life of the 6 7 waste from very short-lived and long-lived 8 waste.

9 And every three years we try to have a complete inventory of all the waste 10 classified using this classification. 11 Every 12 three years, we publish a complete inventory 13 of where, how many waste we have in each cases 14 of this diagram and where they are precisely 15 and so on. And this report, we've got copies 16 of this report in English, a few copies of this report in English, if you're interested. 17 18 And every three years, we readjust this inventory and make it public. 19 20 Well, just some points of the 21 important point of this act of the waste 22 Obviously, transparency and the management.

1	requirements, we got a lot of commission,
2	public commission, open commission with all
3	stakeholder which are involved about the
4	inventory of radioactive material I just
5	mentioned. We've got the national commission
6	on that point. We've got the scientific
7	commission on those aspects, everything being
8	basically public.
9	And we've got this special
10	mechanism, I would like to mention it. We
11	have created the obligation that utilities
12	have to create dedicated assets for
13	decommissioning and for radioactive waste
14	management. They've got to put the money on
15	a given place. They've got to manage this
16	money to invest correctly, just the amount of
17	the money does have to correspond to the cost
18	of the end of the fuel cycle and of the
19	dispensing of the installation. So they've
20	got to place this money somewhere and manage
21	it quite well.
22	And we've got a special financing

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1	of R&D on research radioactive waste	
2	management, which is based on a tax for	
3	nuclear facilities. It's on nuclear	
4	facilities, not on the cost of electricity	
5	compared to the system we just mentioned.	
6	And we also have a dedicated	
7	public body, Andra, which is a national	
8	centralized public responsible for the	
9	operation of present disposal centers but	
10	which is also responsible for R&D and also	
11	responsible for regular inventory of	
12	radioactive waste and so on. And this public	
13	body is mainly funded by the utilities,	
14	directly funded by the utilities. There is a	
15	small amount off public budget in this agency	
16	just to cope with off-fund waste. But,	
17	basically, it's funded by utility.	
18	Some facts about the French fuel	
19	cycle. We've got EDF, Electricity De France,	
20	is the world's leading nuclear operator. It's	
21	the biggest fleet in the world with operator.	
22	We've got, roughly, 60 nuclear power plant in	

		Page	54
1	operation, basically all of the same type.		
2	It's BWR. So it's policy choice to have a		
3	standardization. We tried to operate in		
4	France.		
5	EDF produces more than 1,000 ton		
6	of spent fuel every year, that figure is here,		
7	and 22 reactors currently have the		
8	authorization to use MOX fuel and four other		
9	reactors are currently authorized to use		
10	reprocessed fuel. We've got those from the		
11	main player, which is AREVA, which is not only		
12	supplier but which is also an operator in the		
13	full fuel cycle and rendering back end		
14	services. And just to mention two major		
15	installation, La Hague and Melox plant, which		
16	have more than 20 years of operation. And the		
17	current capacity of the system for recycling		
18	is 1,700 tons per year, which has to be		
19	compared to the prediction of spent fuel by		
20	EDF.		
21	We got various management routes		
22	for each kind which are under research,		

1	especially for the high-level and medium-level
2	but long-lived waste. And we are studying
3	final disposal in argillite. It's 200 or 300
4	kilometers from Paris. We have identified a
5	zone for the possible location of the future
б	waste disposal facility, and we are now in the
7	process to have a very precise investigation
8	on a limited area with geological researches,
9	which is now 15 square kilometers. And we've
10	got a precise time schedule, which is clearly
11	mentioned precisely in the act of 2006 that I
12	have already mentioned.
13	The license we will have in 2013.
14	It's not written. A big public debate on the
15	main option of this kind of final repository.
16	There will be a license application expected
17	at the end of the next following year, that is
18	to say 2014. We will have to define also at
19	that time conditions of reversibility. The
20	present law is a law of 2006, as I said. It
21	was a result of a personal public debate that
22	we got to introduce the possibility of

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Page 56 reversibility in 100 years for disposal. 1 So 2 at that time, we'll have to define the conditions of reversibility and the final 3 4 operation which is expected in 2025. 5 So some comments about recycling 6 or no recycling. While recycling we consider 7 that there is some technical advantages. The 8 first one already mentioned by my colleague is 9 the security of supply. We consider that recycling, we'll get a better use of energy 10 resources which are still in spent fuel. 11 At 12 the presentation to the French system, which is what I have described just before, we 13 14 recycle. We can set up using our system up to 15 25 percent of natural uranium consumption with 16 MOX fuel in our NPPs. Alpha dose gain of 25 percent is coming from the use of MOX fuel and 17 18 is coming from the enrichment of reprocessed 19 uranium. 20 We do consider also a recycling 21 participate in the security of supply. As part of also as of diversification of 22

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1	supplies, we apply this kind of principle not	
2	only on the uranium. We also apply this kind	
3	of principle in gas, on oil also. We don't	
4	have gas, we don't have oil, but we try to	
5	have a diversification of the sources and the	
6	road for all the resources so it's very	
7	consistent to have the same type of approach,	
8	obviously, with uranium.	
9	And we consider also that	
10	recycling is an advantage. We consider that	
11	it is with the long-term use of nuclear. It	
12	provide a stock of recyclable uranium and also	
13	with the fact that we are in the process of	
14	studying Gen 4. I will speak about that just	
15	after.	
16	And about Gen 4, we are clearly	
17	focusing on especially fast neutron reactors	
18	as a way to use natural resources to burn	
19	plutonium in a more efficient way and, thus,	
20	to achieve the base use of natural resource.	
21	There is a figure. We can reconvert at least	
22	100 times higher with a fast neutron reactor	

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than with the present system. 1 2 And we've got also on that point a very precise time schedule. We are starting 3 4 a prototype which is called ASTRID. We're 5 studying that, which could be started in the beginning of the 2020s. And we've got an 6 7 intermediate rendezvous in 2012, so in two 8 years on that point to decide or not to pursue 9 to build this prototype. About recycling, although the 10 technical advantages, we consider that this 11 12 recycling has significant advantage for the 13 disposal of radioactive waste, especially 14 adequate condition for storage and disposal, for the final storing and disposal. It's 15 16 quite more easy, vitrified waste, they are 17 quite more easy to render and transport and to 18 It's quite more flexible. store. 19 Globally speaking, we speak about 20 that before, we consider that if reduced 21 volume and loading of the system compared to 22 the open cycle, so it facilitates the

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1	disposal. We considered that there is a	
2	positive impact on the disposal cost of using	
3	the closed cycle, and it also reduce footprint	
4	for storage and disposal facilities. I've got	
5	a more detailed slide on that point. And also	
6	I may add that we considered that it is a	
7	mature technology, not an R&D technology but	
8	mature technology with decades of experience,	
9	like I think it began its operation in the 60s	
10	so more than 40 years ago without any major	
11	problem.	
12	If you try to compare the	
13	recycling option and open cycle, in terms of	
14	footprint calculation with the same amount of	
15	spent fuel to cope with, your figure is 5.5	
16	square kilometers for the closed cycle and	
17	it's more than two or three times this figure	
18	for an open cycle, so there is a problem of	
19	size of footprint of various options. And	
20	there is also another problem, which is very	
21	important, that the waste you're putting the	
22	final disposal on, in the first option, on our	

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		Page	60
1	first option I'd say, the closed cycle, you		
2	inject minor actinides and fission products.		
3	But when it's an open cycle, you inject also		
4	directly uranium and plutonium. And at the		
5	end, in some years, at the end we are		
б	fundamentally creating a new mine of		
7	plutonium, a possible new mine of plutonium.		
8	So for us, it's also a very important		
9	consideration, considering the		
10	nonproliferation aspects.		
11	We considered that there is a		
12	diagram trying to express, the sources of the		
13	diagram is OECD calculations. Basically, fuel		
14	costs, that's a very common figure, fuel costs		
15	in nuclear operation we present to be 20		
16	percent of the total cost. Globally speaking,		
17	global fuel costs and the back end cost only,		
18	we present only 5 percent of the total cost of		
19	electricity generation. And we'll have some		
20	comparison about open cycle and the closed		
21	cycle, but the order of magnitude about 5		
22	percent of impact on the price of electricity		

Page 61 is roughly the same in the two options. 1 So, 2 okay, we can have a lot of discussion, but what we would like to insist that this figure 3 4 is quite low. Only 5 percent of impact, 5 globally speaking, of the end of fuel, and 6 there are differences in between the two 7 options of, well, let's say 10 percent. Ten 8 percent of five percent is a very minor 9 impact, so we don't consider that there is a clear conclusion based on economic aspects. 10 11 Basically, that's largely that nuclear energy 12 is competitive with or without recycling. And we do consider but we understand that 13 14 recycling reduces the exposure to especially uncertainties, which is very important 15 economically speaking, especially in 16 17 certainties of the final disposal, which is 18 probably the main issue of the back end fuel 19 cycle. 20 Sir, can I ask CHAIR HAMILTON: 21 you to wrap up your presentation so we'll have 22 time for questions, if you would, please? MR.

		Page	62
1	CHEVET: Okay. I will try to do that. Very		
2	quick quote about nonproliferation aspect.		
3	First, to say that our recycling facilities		
4	are very good track record. Also that		
5	recycling MOX fuel consumes roughly one-third		
6	of the plutonium, which will reduce the stock.		
7	Another very important point is that when you		
8	do that you degrade the composition of the		
9	remaining plutonium and, thus, the potential		
10	for future attractiveness for non-peaceful		
11	usage. That's very important.		
12	And the last point is that we		
13	recycle, our recycling is fundamentally driven		
14	by the needs for our NPP to minimize the stock		
15	of separated plutonium in France, so driven by		
16	the predictions that we are not creating a lot		
17	of plutonium reserve. When we create		
18	plutonium, it's to have an immediate, very		
19	short-term use in our NPPs.		
20	Okay. I'll try to speed my		
21	presentation. Just a political comment about		
22	political issue: political acceptance. I've		

spoken about security of supply and so on and 1 2 But, basically, we have to demonstrate so on. our capacity to find a final solution for the 3 4 waste. And that is to say that, in France at 5 least, that the fact that we leave the burdens 6 on future generation, we've never before 7 considered to be acceptable in France, both by 8 the parliament. They want to have, they want 9 us to propose a solution and to have a 10 solution now. We cannot say that, okay, in 11 France at least, we can wait, we'll study on 12 They want to have a solution because that. when we make opinion poll, I've seen for 13 14 Japanese people that safety was of the major 15 point, and you have the same question in 16 France, the question of the waste. The final 17 treatment of waste is a big question, and the 18 people in France want to have answers, a 19 precise answer. And for us, it will be 20 impossible to say that we will leave the 21 question for the next 10, 20, 50 years. It 22 will be impossible because the question is

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asked now.

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2	And we consider that nuclear
3	materials and waste have to be dealt with in
4	sustainable development approach, the same
5	terms that are used by the French, with the
6	idea of recycling. Recycling, meaning
7	minimization and conditioning of the waste,
8	and that we have mentioned elsewhere. I used
9	to work on classical waste also in the past.
10	Recycling is a big question. We try to answer
11	it on environmental policy, classical
12	environmental policy about separation. People
13	please separate your real waste, and we will
14	try after that to recycle. That basic
15	principle we tried to use on classical and
16	environmental matters. So the idea is very
17	known, very well known by French people. And
18	they ask us exactly the same question on
19	nuclear matters.
20	Well, one principle, it's back in
21	policy, we have to demonstrate now our
22	capacity to find a final solution for the

Page 65 waste and to avoid leaving the burdens on 1 2 future generations is the basic principle. Second principle for us is that nuclear 3 materials and waste have to be dealt with in 4 5 a sustainable development approach. Recycling achieve the general principle we applied in 6 7 the classical industry. Those are the main 8 points I tried to focus my presentation on. 9 We also already have some cooperation between U.S. and France in the 10 11 fuel cycle, with AREVA action especially, cooperation on Gen 4. We have a lot of 12 technical exchange on radioactive waste, but 13 14 we considered that this cooperation could be 15 pursued because we are discussing a very 16 important matter, especially concerning, 17 obviously, back end of the nuclear fuel cycle. 18 We are interested also in discussing 19 especially about the liabilities of newcomers 20 concerning the spent fuel and waste. It's a 21 very important matter when we are, perhaps, in 22 a time of nuclear renaissance, rebirth -- I

		Page	66
1	don't know the exact term. And that we would		
2	obviously be happy to provide any further		
3	information on our policy, and we can also on		
4	recycling, on waste management, on economical		
5	issues. I mentioned economical issues, which		
6	are important. We would be happy to organize,		
7	if you please, possibly a workshop in the next		
8	month if you want in France or here if you'd		
9	like on a more detailed subject I do not have		
10	the time to mention here in my presentation.		
11	Okay. I tried to shorten my		
12	presentation, but it was too long. Sorry.		
13	CHAIR HAMILTON: Thank you very		
14	much, Dr. Chevet, for a very thorough		
15	presentation. We'll open it up for questions		
16	now. Are there questions from the Allison,		
17	we'll begin with you.		
18	MEMBER MACFARLANE: Thank you.		
19	Thank you very much for your presentation this		
20	morning. I have a couple of questions. And		
21	I apologize. I think some of them are kind of		
22	technical, so maybe they're for later. But,		

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1	anyway, let me just go ahead. Do you know if		
2	you intend to recycle all of your spent fuel,		
3	or will there be some stockpile of spent fuel		
4	that you won't recycle?		
5	MR. CHEVET: Basically, I've		
6	spoken about the MOX production is driven by		
7	the need we have and, basically, we have to		
8	reuse it. Basically, with the system, I		
9	mentioned that we have 22 reactors using MOX		
10	fuel and six are using		
11	MEMBER MACFARLANE: Recycled		
12	uranium.		
13	MR. CHEVET: Yes. And we are near		
14	the equilibrium point. I was talking on they		
15	can confirm that we're near the point of		
16	equilibrium		
17	MEMBER MACFARLANE: Between		
18	production of		
19	MR. CHEVET: Yes, reuse of MOX.		
20	But when we have used MOX fuel, we produce		
21	spent MOX fuel, and this is the final		
22	production of our system, the spent MOX fuel,		

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1	which is not recycled again. So that creates		
2	a quantity of non-recycled spent fuel, which		
3	is, roughly, 1,000 ton of spent MOX fuel per		
4	year. I can confirm the precise figure		
5	MEMBER MACFARLANE: Yes, that		
6	would be		
7	MR. CHEVET: to have a complete		
8			
9	MEMBER MACFARLANE: Absolutely.		
10	And so this brings me to my other questions,		
11	so great answer. So what is the plan for the		
12	spent MOX fuel? Are you going to reprocess it		
13	at some point in time in the future		
14	eventually? If so, do you need to build a new		
15	reprocessing facility or certainly modify the		
16	existing ones?		
17	MR. CHEVET: So spent MOX fuel?		
18	MEMBER MACFARLANE: Yes. And		
19	where is the spent MOX fuel now? It's at the		
20	reactors?		
21	MR. CHEVET: Basically, it's in La		
22	Hague.		

Page 69 MEMBER MACFARLANE: Oh, it's in La 1 2 Hague? 3 MR. CHEVET: La Haque. It's a 4 very beautiful country on the --5 MEMBER MACFARLANE: Yes, I know. I know, I know, I know. 6 7 MR. CHEVET: You know? Okay. So 8 everything is in La Hague. 9 MEMBER MACFARLANE: And all the 10 spent MOX fuel is there? 11 MR. CHEVET: Yes. 12 MEMBER MACFARLANE: And the plan 13 for the spent MOX fuel is? 14 MR. CHEVET: What is it? Sorry? MEMBER MACFARLANE: What are you 15 16 going to do with the spent MOX fuel? 17 MR. CHEVET: So at that time we 18 store it. It's not a very big quantity, 100. 19 It's a quantity we got to cope with clearly 20 with safety, but it's using mainly pools, are 21 in pools waiting for 100 -- spent MOX fuel 22 barrier is not a big quantity. We've got

		Page
1	discussion. We have at least enough room to	
2	go to 2020, and if we want to go further	
3	waiting for Gen 4, especially, reactors which	
4	could be used at that time, if we got them to	
5	reuse spent MOX fuel. We can, obviously,	
6	build a new pool in La Hague. We've got	
7	space. It's not a technical problem, not as	
8	much difficult as the final disposal is for	
9	the new pool.	
10	MEMBER MACFARLANE: Right. So you	
11	mentioned also that you're reaching	
12	equilibrium between the amount of plutonium	
13	produced and the amount of MOX consumed, and,	
14	at the same time, you have a stockpile of	
15	separated plutonium of over 40 metric tons.	
16	So how are you going to catch up?	
17	MR. CHEVET: There is plutonium	
18	content in classical spent fuel in the MOX	
19	fuel, and you didn't mention this and you	
20	mention there's no stock of plutonium, not	
21	at MOX fuel. This stock, roughly, not 40	
22	small, in between 20, but we can have the	

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1	precise figure. It's between 20 cubic meter		
2	and 30 cubic meter no? Tons. Sorry.		
3	Tons. Which is what we need to have time to,		
4	when we fabricate MOX fuel we need to have		
5	just a small reserve, a minimum technical		
б	reserve to prepare the new assembly. So that		
7	when I was saying that the process was driven		
8	by the MOX fuel need, it is that. That in		
9	order to build new assembly, MOX assembly, we		
10	need to just have a small reserve		
11	MEMBER MACFARLANE: But it's not		
12	small.		
13	MR. CHEVET: already in La		
14	Hague, but it's not, in France it's like La		
15	Hague, which is a very complex, protected		
16	installation.		
17	MEMBER MACFARLANE: Okay. One		
18	final question, and maybe this is a technical		
19	question that you can tell me the number		
20	later, but I'm interested in the quantity in		
21	metric tons, not volume, of intermediate-level		
22	waste that will require a geologic repository		

Page 72 that you have right now and that you have in 1 2 the processing plant. 3 MR. CHEVET: I'm sure, we have 4 mentioned that we have a plan, a very precise 5 inventory. So we --6 MEMBER MACFARLANE: Sure. You can 7 get that to me later. That's fine. 8 MR. CHEVET: Okay. 9 MEMBER MACFARLANE: Okay, thank 10 you. 11 MR. CHEVET: We give you the 12 summary of this plan. 13 CHAIR HAMILTON: Okay. We have 14 four Commissioners seeking recognition. Ι 15 think that's probably about all we'll have 16 time for before the break. Al, Jonathan, Per, and Ernie. 17 Al? 18 MEMBER CARNESALE: Thank you, Mr. 19 Chevet. I have two questions. One is very 20 brief. On one of your slides, you said the 21 conditions of reversibility for the geological 22 repository are to be defined by law. That's
		Ρ
1	a very important point whether it's to be	
2	reversible or not. When do you anticipate	
3	that that decision will be made?	
4	MR. CHEVET: So we have organized	
5	on that very important subject a lot of public	
6	debate. The last one before the law of 2006,	
7	and one of the conclusions coming from the	
8	public, but one of the conclusions was that	
9	people prefer that we have, at least at the	
10	beginning of the operation of the final	
11	storage, that we organize all the technical	
12	aspects in order to be able in 100 years to be	
13	precise to make it reversible if we have	
14	another solution. That was the conclusion of	
15	the public debate, and we have decided to take	
16	into account of this conclusion in the law,	
17	the French law.	
18	And we've got a time schedule,	
19	there are some elements in my slide, for the	
20	final disposal near Paris to be short. When	
21	they will have to the license and the file,	
22	they will have to define the precise	

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reversibility condition: what will we do in 1 2 100 years? And we will have a discussion in 3 the Parliament about the general principle of this reversibility in 2014, so in four years. 4 5 In between that, there will be another public 6 debate. After that, Andra will have to take 7 into account of the principles fixed by the 8 Parliament, and we will have to apply that 9 into the license. We will leave to Andra to 10 operate this final waste. And at the end, in 11 100 years, I won't be there probably, we'll 12 have to, whether we have a new solution in 13 between or something else, no reversibility or 14 reversibility, but I cannot anticipate of this 15 time period. 16 But, basically, coming from the 17 public debate, it was the idea that we got at 18 that time to conceive a reversible final 19 disposal, which is not completely positive 20 when we speak about safety. When you are 21 doing irreversible things you reduce the 22 probability of having an external enter in the

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		Page
1	final disposal. When it's irreversible, it's	
2	much more easy to protect the final waste.	
3	But reversibility was asked for by the public.	
4	We can manage that for 100 years, but for a	
5	very more longer period it won't be a good	
6	solution. But for so short-term a period, we	
7	considered that it was quite a good question.	
8	MEMBER CARNESALE: I'll make my	
9	second question brief. You had a number of	
10	slides that had why recycling, and it's a	
11	brief for recycling.	
12	MR. CHEVET: Yes.	
13	MEMBER CARNESALE: Now, I	
14	understand that's what the French do. Of	
15	course, the United States is going to have to	
16	face the question should we reprocess and	
17	recycle and, if so, when? If you're already	
18	reprocessing, the argument for recycling is	
19	quite different than if you're not	
20	reprocessing. But what do you consider, if	
21	you're going to consider the advantages and	
22	disadvantages, understanding that France	

considers the advantages to outweigh the 1 2 disadvantages, in your experience what do you consider to the principal disadvantages of 3 4 reprocessing and recycling? 5 MR. CHEVET: The basic drawback of 6 an open cycle is the fact that you produce a 7 bigger quantity of final waste and that you 8 need to have a bigger final disposal. So the 9 size of the final disposal you are looking for 10 is bigger. And in France at least, I don't know about your situation, we have more spaces 11 12 in the States than France for the fact that our territory is smaller, the public thinks 13 14 sometimes it's not so good with this kind of 15 installation. I don't know for you, but for us it was difficult for nuclear waste but to 16 look also for classical waste. 17 The idea to minimize the final 18 19 disposal for the high-level waste it's very 20 important, you know, to find at the end the 21 solution because if we arrive in debate saying 22 we've not made any effort to reduce the

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1	quantity of waste, which is the classical		
2	requirement to try to reduce the quantity of		
3	waste, and we will now put in operation an		
4	installation near your house, it's impossible.		
5	Politically speaking, for us it would be		
6	impossible. I'm not speaking about security		
7	of supply, you see. I'm speaking about public		
8	accidents just to apply the classical		
9	principle.		
10	And for us, you asked a question		
11	about what is a situation, would you do again		
12	the same choice now you have done in the 70s		
13	or in the 80s, I would say I'm not sure. I'm		
14	not the administer in charge. I think that		
15	probably we would do the same choice, not for		
16	the situation of uranium market which is quite		
17	good now. We're not sure about the future.		
18	I'm not mentioning that I think the best		
19	argument, probably the best argument, our most		
20	important argument is probably the public		
21	accidents just in France of those kind of		
22	final waste installation, nuclear or non-		

		Pag
1	nuclear.	
2	CHAIR HAMILTON: We have time for	
3	three more questions. Jonathan, then Per, and	
4	then Ernie. Jonathan?	
5	MEMBER LASH: I'm going to ask	
6	three, Mr. Chairman. Does that mean I'm	
7	taking away I'll ask three very short ones.	
8	They're all related. I have three questions,	
9	Mr. Chevet, about your map of the players in	
10	France, which I found extremely useful. The	
11	first, you said that Andra, which has the	
12	basic responsibilities of public body, and I'm	
13	interested in how the decision was made to	
14	have a public body rather than a private	
15	entity managed by the utilities.	
16	Second, I'm interested in the	
17	process for community consent, buy-in, opt-	
18	out, how do you manage that process? And,	
19	third, which of these entities makes the	
20	decisions about siting criteria and operating	
21	standards for the facility?	
22	MR. CHEVET: Okay. So, basically,	

we decided, we tried to cope with this in 1 2 France. We tried to achieve a waste aspects in the end of the 70s and beginning of the 3 And we had at that time a lot of 4 80s. 5 difficulty to find a good solution. And, 6 basically, at that time, with the idea that 7 both utilities can join together. It was a 8 good idea, but we didn't succeed in doing 9 that, especially because that for radioactive waste installations it's a very public 10 11 service, I would say, as a common public service. So it was not possible to do that, 12 13 so we created a public body but basically 14 funded by the utility. It was in the very 15 early 90s. I don't know the precise date, but 16 very early 80s. We got this public body, but 17 with a fundamentally with a private funding 18 with a direct mechanism. But the idea that it 19 could be directly private sectors all together 20 having the same ideas about the future and so 21 on, it became a very long-term aspect. That's 22 why we've created such a public body, but we

Page 80 can have, I think you can have an alteration 1 2 in between the percentage of public and Those are our choices. But I think 3 private. 4 you need to have part of public and money 5 obviously coming from the private sector, but 6 they've got the responsibility of the final 7 waste. That's the first point. 8 You mentioned opt-out --9 MEMBER LASH: Second is what form of consent by the communities, and the third 10 is who sets the standards and the criteria? 11 12 MR. CHEVET: About standards and 13 criteria, Andra is working like an operator, 14 another operator. They propose something, 15 they make geological researches and so on, and 16 they have to produce a safety files. But 17 after that, which is in charge to say okay, 18 it's okay or not, basically. So that's the 19 classical standard applied to a public 20 operation, Andra in the French case. 21 But the second question I didn't 22 understand you so --

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1	MEMBER LASH: When Andra selects a		
2	community for possible siting of a facility,		
3	do they have to consent to that selection, the		
4	community?		
5	MR. CHEVET: The consent, they are		
б	okay with you mean? Yes, and it's always		
7	difficult to say everybody is okay with such		
8	kind of installation. But we have had, I		
9	don't know how to say, a converging process.		
10	We at first tried to include positive		
11	geological area, very vast area, very large		
12	area. But after that, we tried to select, to		
13	converge to obtain the base localization. And		
14	we are now in the process, a very converging		
15	process. We are exploring a very short area,		
16	a small area. I mentioned 15 square		
17	kilometers. It's a very precise value, very		
18	rough to have a strong with the public.		
19	There is an incentive measures		
20	which has been put in place. We inject some		
21	money to help the local development, the		
22	technical development of the community		

		Page	82
1	concerned and so on. We've got, obviously, a		
2	local commission for transparency and so on		
3	just to facilitate the process of public		
4	acceptance, local public acceptance. Not sure		
5	if I fully answered your question but		
6	CHAIR HAMILTON: Two final		
7	questions. Per and then Ernie. Per?		
8	MEMBER PETERSON: I will compress		
9	my questions into two very specific ones. The		
10	first very important one relates to the fact		
11	that the cost of managing spent fuel		
12	reprocessing and the disposal are fully		
13	internalized into the cost of electricity, I		
14	believe; but I'd like, more specifically, you		
15	mentioned R&D costs are paid by a tax on		
16	nuclear facilities. Does that include R&D on		
17	fast spectrum reactors? And then, more		
18	specifically, for the costs of reprocessing		
19	and disposal, how are those charged? Is it on		
20	electricity, or is it on a tax on facilities,		
21	or what's the specific way that it's charged?		
22	MR. CHEVET: It depends. So for		

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1	Gen 4, basically it's paid by the state		
2	through the CEA, the French Commissariat a		
3	l'Energie Atomique, which is in charge to		
4	develop these projects which is considered as		
5	an R&D project so mainly funded by public fund		
б	with the help, I think, of industry as part		
7	of, the operators inject a little money. But,		
8	basically, it's public funding, but it's R&D.		
9	Specifically about waste		
10	management, there is two aspects. Andra is		
11	funded mainly by tax on its R&D activities.		
12	It's for R&D. It's tax directly paid by the		
13	utility. For industrial activities, just to		
14	operate existing waste management		
15	installation, we've got a lot of already, so		
16	it's a contractual operation in between		
17	utilities and Andra. We don't interfere with		
18	that. They've got to discuss it together.		
19	And I mentioned that at the end		
20	the price of electricity got to take into		
21	account all the type of costs, including the		
22	cost of the final end of the fuel cycle, the		

		Page	84
1	end, the dismantling. So we have created, you		
2	have seen in one of my slides, an obligation		
3	for each utility to have dedicated assets		
4	covering exactly the cost estimate for the end		
5	of the cycle, including dismantling. I'm in		
6	charge to certify that they are doing their		
7	job, that the utilities are doing their job,		
8	that they have created dedicated assets and		
9	they are managing this fund correctly, safely.		
10	And at the end, they say that we've got this		
11	cost, financial cost as to be incorporated		
12	into the final price of electricity, and it		
13	is. I'm not sure it's completely clear.		
14	MEMBER PETERSON: That's actually,		
15	it's very helpful. The next question relates		
16	to spent fuel, managing spent fuel in		
17	countries that are starting new nuclear		
18	programs. For example, United Arab Emirates.		
19	The United States 123 Agreement that was		
20	recently signed pre-authorizes UAE to send		
21	U.S. origin spent fuel to France for		
22	reprocessing, which is important in terms of		

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the capability to make sure that we don't have 1 2 spent fuel building up in places where perhaps 3 it could present long-term security problems. 4 High-level waste would be returned to UAE, but 5 could you discuss how plutonium from the 6 reprocessing of the spent fuel would be 7 managed? 8 MR. CHEVET: So considering those 9 kind of situations, United Arab Emirates, the French, we do consider that recycling met by 10 serious countries, like Japan or like you if 11 you decide on that, is a positive thing. 12 But, 13 again, when we propose for a newcomer to a 14 recycle issue, we consider that is in charge 15 because it is a responsible, also a 16 responsible country, it has got to deal with 17 the final waste coming from this, which is a 18 result of this recycling. So we don't accept on our territory those kind of final, it's 19 20 forbidden by law, the French law. We cannot 21 store of a final disposal of foreign waste on 22 our territory. It's a problem also of public

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1	accident, but it's a law, so we are obliged to
2	do that. So at the end, we consider it's a
3	good thing to recycling, but they've got to
4	deal with the final waste.

We are ready to help them, as I 5 6 mentioned Andra, we are ready to propose an 7 Andra addendum to find an interim storage 8 first because you cannot find directly a final 9 storage. We are not able to do that, so we can help them to -- but the idea is if they 10 are sufficiently responsible for the new NPP 11 12 they must also be responsible for finding a 13 solution for the final waste, taking into account the fact that I mentioned that when 14 you recycle, the final waste are not 15 16 plutonium. They are not under high IAEA. It's not the same type, it's not spent fuel, 17 classical spent fuel. It's less, it's much 18 19 more better for nonproliferation aspects. So 20 that's why our position is, okay, is that the 21 French do say we cannot store final waste 22 coming from outside but to go back. But

		Page	87
1	concerning plutonium and uranium, we do		
2	consider that those are not waste just to be		
3	consistent with the fact that we are recycling		
4	them. So for plutonium and uranium, those		
5	kind of products, the ownership of these		
6	products is the ownership we do consider		
7	that we can and it's better to store it, to		
8	sell it, to reuse it in MOX fuel somewhere		
9	else. It could be in France, but it could be		
10	elsewhere. Everybody is having MOX fuel		
11	usage.		
12	MEMBER PETERSON: So you do not		
13	return the plutonium? You can use it		
14	domestically and		
15	MR. CHEVET: Domestically or I've		
16	said that La Hague is not functioning only for		
17	internal purposes. We are doing recycling for		
18	other country. We are also fabricating MOX		
19	for Japan, for a lot of other countries, or we		
20	can reuse it if the owner is okay, and I think		
21	it's better we can reuse it in a very safe		
22	manner. It's our point of view.		

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1	CHAIR HAMILTON: The final		
2	question will be by Ernie.		
3	MEMBER MONIZ: Well, given the		
4	time, we will not be able to go through a		
5	bunch of issues. I must say, I will at least		
6	state for the record I believe that virtually		
7	every reason given for the waste management		
8	advantages of the current reprocessing scheme		
9	are dramatically overstated. Volume, mass,		
10	you name it, waste form. And these are very		
11	serious issues. In fact, following on Per's		
12	statement, I see no end to the logical		
13	statement just made about what happens to the		
14	plutonium because even if you use it		
15	domestically then you have used MOX fuel and		
16	is that going to go back to the UAE in its		
17	form then? The waste management advantages		
18	for the country with a small program have not		
19	been articulated in any way that is very		
20	convincing.		
21	Nevertheless, minor actinides are still going		
22	back, et cetera. But that's, I guess, for a		

different time to debate. Let me go to a more 1 2 precise question. 3 I was actually quite stunned by 4 your graph of the public opinion in France and 5 its trends, and I'm wondering two things. 6 One, do you have a correlation of the positive 7 and negative responses with proximity to 8 nuclear facilities? And, secondly, is that 9 upturn recently, do you know, is it associated with more visible discussions of waste 10 11 management in the public? 12 My next and last question would be, first, as an observation, in your slide 15 13 14 you talk about the advantages of MOX for, to 15 quote you, which minimizes the stock of 16 separated plutonium. I guess I would argue 17 not reprocessing at all would minimize the 18 stock of separated plutonium, and it just seems to me indicative, as Al suggested, one 19 20 has locked in a pathway over 30 years ago and 21 the discussions are around variations of that 22 pathway as opposed to going back to a more --

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Page 90 bigger reconsideration, and I'm curious 1 2 whether that kind of de novo reevaluation is in the cards. 3 MR. CHEVET: Well, about your two 4 5 questions about this slide, this diagram, if 6 I understand your question, is there a 7 difference of results if you are near an 8 installation or far, this is a national 9 opinion poll, so these are the average value at the French level. I don't have here but we 10 can find some more local opinion poll which 11 12 has been made. I think that, generally 13 speaking, we have better results on very 14 local, on very local than 20 kilometers around the installation, nuclear installation. 15 And after that, I believe all of the department, 16 17 you find classically this kind of result. But 18 we can have a look if we've got more detail. 19 Local results varied around near installation. 20 You had a second question on that? 21 The question was how can I explain which 22 trend?

MEMBER MONIZ: It was whether the 1 2 increased public discussion about waste 3 management is known to affect those trends or 4 not. Has that led to more negatives, 5 basically? 6 MR. CHEVET: It's difficult to, my 7 only comment, I'm not quite sure about that, 8 is that the good news is that no opinion 9 result is decreasing. There is an increase of negative position. I don't know how to 10 11 explain that. I think that we tried to be 12 transparent. When you try to be transparent, you explain what's wrong, what's bad. So you 13 14 see at the end, well, you tend, I think, with a more classical result. 15 We do consider that to have this 16 on nuclear is normal, and the fact that we are 17 now 50/50, well, it's quite normal for me. 18 I 19 mean, I'm not engaging my government on that 20 point. 21 Second point is that you see, but 22 it's a very political comment, too much

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1	political comment. You see that there is
2	already a reduction in the positive, the
3	comparative advantage of the positive value.
4	In 2002 and 2007, it's presidential campaign.
5	We got a lot of debates also in France, and in
6	those debates there is also nuclear. But if
7	I remember, the two last presidential
8	campaign, the men are questioned was not about
9	waste management, to be clear. But the main,
10	at the political level, the main issue of the
11	political debates were focused on the safety,
12	on the fact we've got to build new NPP. So
13	we've got to wait for the Gen 3. It was more
14	safety than waste management, so I don't think
15	directly link in the median and long-term to
16	that point.
17	And you mentioned slide 15. When
18	I
19	CHAIR HAMILTON: Dr. Chevet, I
20	think our time has expired, and we thank you
21	very, very much for your presentation. We'll
22	take a break. Ten minutes, please. Return

I

		Pa
1	for the final two speakers this morning.	
2	Thank you.	
3	(Whereupon, the foregoing matter	
4	went off the record at 10:29 a.m. and resumed	
5	at 10:40 a.m.)	
6	MR. FRAZIER: Okay. If everyone	
7	could take their seats. Commissioners, come	
8	on in. Grab a chair, preferably the one	
9	behind your name. Congressman?	
10	CHAIR HAMILTON: I ask once again,	
11	if the Commissioners would please take their	
12	seats we will get underway for the third	
13	speaker this morning. Okay. Our third	
14	speaker is Mr. Ken Nash, President of Canada's	
15	Nuclear Waste Management Organization. He has	
16	served in this role since 2006. Mr. Nash is	
17	a founding director of the Nuclear Waste	
18	Management Organization and was the immediate	
19	past chair of the Organization's Board of	
20	Directors. Prior to joining the Nuclear Waste	
21	Management Organization, he held a number of	
22	management positions at Ontario Hydro and	

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1	Ontario Power Generation in the areas of		
2	finance, engineering, and environmental		
3	management.		
4	Mr. Nash, thank you very much for		
5	joining us. We look forward to your		
6	presentation. I ask you to keep your remarks		
7	to the 20 minutes, and then we'll have time		
8	for questions. Mr. Nash?		
9	MR. NASH: Thank you and good		
10	morning. It is indeed a pleasure to be here.		
11	I hope my remarks will be of value and		
12	assistance to the Commission. I understand		
13	the Commission does have available to it a		
14	written submission that we did make earlier,		
15	so I'll be drawing most of my remarks from		
16	that submission.		
17	The end point of Canada's nuclear		
18	fuel cycle requires eventual safe isolation of		
19	used fuel in a suitable geologic formation		
20	where it will be monitored and it could be		
21	retrieved, if necessary. It also requires the		
22	facility to be located in a willing host		

1	community that is fully informed. I will
2	explain how we arrived at this policy and
3	reviewed progress on its implementation.
4	First of all, in Canada,
5	electricity energy choices are the purview of
6	provincial governments. Nuclear energy and
7	the management of nuclear waste are regulated
8	by the federal government. Work on used fuel
9	disposal was initiated in the 1980s after the
10	1978 Ontario Royal Commission on Electric
11	Power Planning. This commission recommended
12	that nuclear waste capacity be capped pending
13	progress on nuclear waste disposal. This led
14	to the governments of Ontario and Canada
15	establishing the Canadian Nuclear Fuel Waste
16	Management Program where Atomic Energy Canada
17	Limited federal Crown corporation was assigned
18	the responsibility for developing geological
19	disposal.
20	In 1989, in response to public
21	concern about repository siting activities,
22	the concept of geologic disposal was referred

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1	to a federal environmental assessment panel
2	and a moratorium was placed on siting
3	activities. That federal panel conducted a
4	dedicated long process, very comprehensive, of
5	ACL's disposal concept. In its 1998 report,
6	the panel said that technical safety of
7	geological disposal had been demonstrated at
8	a conceptual level. However, public support
9	had not been demonstrated and there was
10	insufficient social acceptability to proceed.
11	The panel made a total of 52
12	recommendations that were largely translated
13	into the 2002 Nuclear Fuel Waste Act, a new
14	framework of responsibility and decision-
15	making. The 2002 Nuclear Fuel Waste Act
16	established clear roles and responsibilities.
17	The Act requires Canada's nuclear energy
18	corporations to establish the NWMO, Nuclear
19	Waste Management Organization. The Act
20	requires NWMO to appoint an advisory council
21	with a diversity of expertise and that that
22	council provide independent comment to the

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1 government on NWMO's work.

2	The Act established NWMO's
3	mandate. Our first mandate was to undertake
4	a three-year study of options of the long-term
5	management of used fuel. Following selection
6	of the management approach by the federal
7	government, NWMO is to implement that
8	approach. The Act requires NWMO to provide an
9	annual report to the federal government
10	through the Ministry of Natural Resources and
11	the Ministry to table this report in both
12	Houses of Parliament. NWMO is required to
13	submit a report every three years on its
14	progress and a strategic plan for the next
15	five years.
16	The Act stipulates that the major
17	waste owners provide funding for all aspects
18	of the long-term management of used fuel.
19	Waste owners must establish trust funds and
20	make annual deposits to those funds. The
21	funds may only be accessed by NWMO and may
22	only be used for the purpose of long-term

		Page	98
1	waste management and may only be used after a		
2	construction license has been issued by the		
3	Canadian Nuclear Safety Commission.		
4	In accordance with the		
5	requirements of the Nuclear Fuel Waste Act,		
6	significant progress has been made since 2002.		
7	The NWMO was formed with a mission to develop		
8	and implement a socially-acceptable,		
9	technically-sound, environmentally-		
10	responsible, and economically-feasible plan		
11	for Canada's used fuel. An advisory council		
12	chaired by the Honorable David Crombie, the		
13	former federal cabinet minister, was formed.		
14	Trust funds have been established by the used		
15	fuel owners with balances that now exceed \$5		
16	billion. NWMO completed a study of		
17	alternative storage and disposal options and		
18	submitted a recommendation to the government		
19	in 2005. A governmental decision was made in		
20	2007 to accept the NWMO recommendation.		
21	NWMO went on to publish an		
22	implementation plan in 2008. More recently,		

		Page
1	NWMO initiated a process for selecting the	
2	site earlier this year.	
3	During the three-year study of	
4	alternatives, significant efforts were made to	
5	address the societal aspects of used fuel	
б	management. NWMO's study was led in phases,	
7	inviting Canadians to help shape the study and	
8	assessments at each point. As a starting	
9	point, national dialogues were convened to	
10	identify those values that Canadians believe	
11	should apply to the long-term management of	
12	nuclear waste. NWMO led 120 information and	
13	discussion sessions that were held in all	
14	provinces and territories. Expert workshops	
15	and roundtables and web-based activities took	
16	place. Aboriginal organizations designed and	
17	delivered their own dialogues. The study of	
18	options and development of the plan involved	
19	18,000 Canadians, including 2500 Aboriginal	
20	people, and contributions from 500 experts.	
21	Not surprisingly, there was a wide	
22	diversity of views. However, there was common	

		Page	100
1	ground. Safety and security is a top		
2	priority. This generation must take action		
3	now to manage the waste that we have created.		
4	We must take advantage of best international		
5	practice. And because of the long time frames		
б	involved, the approach must be adaptable to		
7	allow for changes in technology and society's		
8	priorities.		
9	NWMO's recommendation, which we		
10	call adaptive phase management, emerged as the		
11	approach that would best meet the priorities		
12	and values of Canadians. This is the plan		
13	that was approved by the Government of Canada		
14	in 2007. This plan is both a technical method		
15	and a management system. The technical method		
16	is isolation in a deep geological formation		
17	where used fuel can be monitored and retrieved		
18	if need be. This method, we believe, is		
19	aligned with international practice.		
20	However, equally important is how		
21	we get there. And this is specifically		
22	tailored to Canadian values and priorities.		

	Page
1	It requires flexibility in the pace and the
2	manner of implementation and responsiveness to
3	new developments and traditional Aboriginal
4	knowledge. Openness, transparency, and staged
5	decision-making with the involvement of
6	Canadians at every step of the way. It
7	requires the facility to be located in an
8	informed and willing host community.
9	The government accepted NWMO's
10	recommendation in June 2007, and NWMO is now
11	responsible for implementing what we consider
12	to be a national infrastructure project that
13	will involve an investment in excess of \$16
14	billion by the owners of used fuel. It will
15	be a high-technology project with skilled
16	employment for hundreds over many decades, and
17	it will operate as a center of international
18	collaboration. It will involve a long-term
19	partnership between the NWMO and the
20	community, and it will foster community well
21	being. Of course, it will be highly regulated
22	with strict scientific and technical criteria

to assure safety. 1 2 Since 2008, NWMO has annually 3 published an implementation plan after public 4 consultation. The plan charts direction and 5 milestones against seven key objectives: 6 building long-term relationships with 7 interested Canadians, further developing 8 repository designs in safety cases, 9 collaboratively developing and then implementing a process for site selection, 10 updating the funding formula for trust fund 11 deposits to ensure that those that benefit 12 13 from nuclear energy pay for its long-term 14 costs, research into alternative technology and technical methods and societal 15 16 expectations to ensure that our plans are 17 adapted as necessary, continuous improvement 18 in our governance and continuous improvement in our organizational capability. 19 20 Building relationships and 21 involving interested Canadians in decision-22 making is a fundamental part of our plan. We

		Page
1	very much see ourselves as working on behalf	
2	on Canadians to implement adaptive phase	
3	management and that we can only succeed if we	
4	maintain the social license to proceed. We've	
5	established several mechanisms to achieve this	
6	in a systematic way, including a forum of	
7	Aboriginal elders from across Canada and	
8	projects with several Aboriginal groups, a	
9	forum of municipal association leaders, and	
10	frequent dialogues with the leaders of	
11	reactive communities.	
12	The diversity of engagement	
13	methods. Multi-party dialogues, citizens	
14	panels and government roundtables, dialogues	
15	led by Aboriginal organizations, public	
16	information sessions, and briefings on request	
17	are several of the mechanisms that we use.	
18	And, of course, ongoing provincial and federal	
19	government briefings. We use these mechanisms	
20	on a frequent basis to seek input to our	
21	implementation plans and, more recently, on	
22	our site selection process.	

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1	Probably the most challenging task		
2	is selecting the site for a used fuel		
3	repository. In 2008 and 9, using the		
4	mechanisms that I just described, we held two		
5	rounds of public dialogues that focused first		
б	on the principles and then a draft process for		
7	site selection. Throughout those dialogues,		
8	Canadians continued to express the values and		
9	principles they expect to see guide the siting		
10	process: safety first; consistent with		
11	international standards; the need for this		
12	generation to take action; adherence to the		
13	principle of informed and willing host; a		
14	commitment to community well being; and the		
15	importance of a fair, inclusive, and		
16	transparent process involving all those that		
17	may be affected.		
18	In May this year, we initiated the site		
19	selection process and have been actively		
20	building awareness to the process since then.		
21	Capacity building program offers		
22	communities an opportunity to learn more about		

		Page
1	the project. Several communities in	
2	Saskatchewan and Ontario have taken advantage	
3	of that program. The full site selection	
4	process involves a series of progressively	
5	more detailed studies to evaluate candidate	
6	sites for both technical safety and social	
7	acceptability. For a final site selection, it	
8	will, of course, be necessary for NWMO to	
9	demonstrate a robust safety case against	
10	regulatory requirements and for the community	
11	to demonstrate strong support.	
12	So in summary, following the	
13	introduction of the legislative framework in	
14	2002, Canada's plan for the long-term	
15	management of used fuel has moved forward.	
16	Governance is in place to oversee the plan's	
17	implementation. Trust funds and mechanisms	
18	are in place to ensure that the financial	
19	burdens will not be passed to future	
20	generations. The plan for used fuel	
21	management has been developed that reflects	
22	the priorities of many Canadians. The plan is	

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1 moving forward in the spirit of collaboration. 2 Interested individuals and organizations shape 3 the design of the site selection process, and 4 communities are beginning to learn more about 5 the project.

6 Canada, together with its 7 international partners, does have the 8 technology for the safe, long-term isolation 9 of any geologic formation. And as a result of successive reviews, extensive dialogue, and of 10 11 government decision-making over the past 25 years, NWMO now has a mandate that is 12 13 consistent with the expectations of Canadians 14 that expect to see action taken. Thank you. 15 CHAIR HAMILTON: Mr. Nash, thank 16 you very much. We'll turn now to questions 17 from the Commissioners. Mr. Sharp first and 18 Allison. 19 MEMBER SHARP: Thank you very 20 much, Mr. Nash. It appears to be a very 21 impressive process you folks have gone through 22 and which I know a number of our, especially

		Page	107
1	one of our subcommittees has focused very		
2	heavily on. Let me ask you a couple of		
3	questions. I wasn't quite clear on who		
4	initiates the interest. In other words, does		
5	the federal government or the provincial		
6	government sort of say these broad areas		
7	appear to be technically appropriate and then		
8	people within that area decide whether they		
9	want to pursue this, or is this strictly a		
10	matter of a tribe, a local community, a		
11	county, or a provincial government stepping		
12	forward and saying we'd like to discuss this?		
13	MR. NASH: It's definitely the		
14	latter.		
15	MEMBER SHARP: I mean, well,		
16	that's		
17	MR. NASH: That's the short		
18	answer.		
19	MEMBER SHARP: No, no, no, that's		
20			
21	MR. NASH: Certainly, the		
22	community, whether it's an Aboriginal		

		Page	108
1	community or a non-Aboriginal community, hears		
2	about the project, has its own internal		
3	discussion, and then decides to step forward		
4	to learn more about the project. And a very		
5	important component of this is the assurance		
6	and the trust on behalf of the community that		
7	it can exit at any point in time.		
8	MEMBER SHARP: Right. No, I		
9	understand that. They don't get themselves		
10	entangled if they step forward with interest		
11	is, I'm sure, a major principle here. One of		
12	my questions, however, about that is in your		
13	country, as well as in ours, we have vast		
14	areas in which populations are spread thin,		
15	and this ought to be viewed or has been		
16	historically viewed, perhaps incorrectly so,		
17	as an asset in terms of where we might put		
18	this stuff, that we can have less impact		
19	certainly on established communities because		
20	we have all this territory. But then the		
21	question becomes so what's a community? And		
22	I don't know if you've defined that. So if		
Page 109 we're in a rural area, is it a -- we use 1 2 counties. I don't know if you use counties. I know you use provincial governments. 3 Is 4 that sort of a community, or is this just 5 we're waiting to see who steps forward? 6 Certainly, the MR. NASH: Yes. 7 question of what is a community has been 8 discussed quite extensively and does continue 9 to be discussed, and there is certainly no one neat definition of a community. The process 10 11 that we have requires this expression to learn 12 more to come from an authorized community, such as a town council. It could, in fact, be 13 14 a county, and it could be the leadership of a First Nation, a bona fide First Nation. 15 And 16 one of the first things that we would do is to 17 ensure that the expression to learn more comes 18 from a body such as that. 19 MEMBER SHARP: Then perhaps this 20 answers my next question, which is what 21 constitutes a willing host and whether you 22 define that or not? In other words, is it a

		Page	110
1	formal act of the local leadership, the		
2	provincial government, the tribal council, or		
3	whatever the nature of the governing body is?		
4	I mean		
5	MR. NASH: Well, perhaps, I'll		
6	provide two points in response to that. First		
7	of all, the community, in our definition of		
8	community, although it is not a strictly		
9	defined definition, but it does include not		
10	only the municipality for instance but it		
11	could also include any First Nation or		
12	Aboriginal group that was in the general area.		
13	It could include neighbors. So it is based on		
14	the region, so there's a host community but		
15	then we also, as we move forward, would		
16	consider the region.		
17	MEMBER SHARP: But I'm assuming		
18	you're sticking with constitutional and		
19	legitimate government authorities as opposed		
20	to there has to be an 80-percent agreement		
21	within a community. I'm operating on the		
22	presumption there is no where in the world		

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1	that you're going to get universal consent to
2	anything but especially for a nuclear waste
3	site, so somebody has to make a formal
4	decision. And are you saying that what
5	constitutes a legitimate willing host is when
6	a formal decision comes at some point in the
7	process? I realize you've got a lot of
8	negotiations to get there.
9	MR. NASH: This question of what
10	constitutes a decision by the community and a
11	strong demonstrate of support, because that's
12	what we're looking for to make such a huge
13	investment over a long period of time, we do
14	believe it would have to be a certain strength
15	in support. Specifically what that strength
16	is is yet to be determined and the extent to
17	which we would look for support in a region is
18	a question that is yet to be addressed. But
19	of course, we need strong support in the host
20	community, and we would need a significant
21	degree of acceptance in the region.
22	MEMBER SHARP: And I'm assuming

		Page	112
1	that, excuse me, Mr. Chairman, for carrying		
2	on, but one of our difficulties so far to date		
3	has been we may have a willing community but		
4	we don't have a willing state or vice versa,		
5	or we have a willing community but the		
6	communities surrounding it are not so willing,		
7	and you get this issue of how far do you go.		
8	Indeed, I think there's a serious question of		
9	we may have a willing state but the		
10	neighboring state that has to have it		
11	transported through them are not so willing.		
12	So I'm just trying to get at whether you, I		
13	assume you're assuming layered approval with		
14	all the levels of government, or is the		
15	provincial government, will they make this		
16	determination?		
17	MR. NASH: Yes, regarding		
18	provincial governments, that is definitely a		
19	very important part of the process. And we've		
20	made significant efforts to ensure that		
21	provincial governments are fully aware of what		
22	we're doing and also have had full opportunity		

	Page
1	for the input to the siting process and when
2	and how it's launched. We have not asked for
3	provincial governments who said that they are
4	willing provinces, but we do recognize that if
5	a community does come forward in a particular
6	province that, at some point, the provincial
7	government would have to be involved in the
8	process.
9	MEMBER SHARP: So you're actually
10	working directly with the communities and
11	hoping over time through just general
12	information at first the provincial government
13	does not step in, as we've had in this country
14	where the state government steps in and says,
15	wait a minute, we're not interested; that
16	tribe may be interested but we're not. I
17	mean, would that stop the process pretty
18	quickly if you had a vote in the provincial
19	parliament
20	MR. NASH: We would hope the
21	process would not result in a vote in a
22	provincial parliament. So for instance, if

		Page	114
1	interested communities do come forward to		
2	learn more and there's a resolution passed for		
3	instance or the First Nation government, one		
4	of the first things we do is to inform the		
5	provincial government to make sure that they		
6	hear about this as soon as possible. And		
7	prior to that, we have had discussions with		
8	provincial governments that are aware of our		
9	process. And as we go forward, provincial		
10	governments are going to be integral to the		
11	process.		
12	CHAIR HAMILTON: The Chair has		
13	four Commissioners asking questions. Allison,		
14	Jonathan, Richard, and Per. Allison?		
15	MEMBER MACFARLANE: Great. Thank		
16	you very much. So I'll try to keep this as		
17	brief as I can. I noted in the write-up that		
18	you gave us somewhere, on page six at the		
19	bottom you say these high-level screenings		
20	that are now underway are going to inform the		
21	communities as to whether there are known		
22	technical or geological factors for excluding		

		Page	115
1	the areas from further consideration. So one		
2	of my questions is do you or have you already		
3	established a short list of exclusionary		
4	criteria?		
5	MR. NASH: Yes. There's a listing		
6	in our siting document, and that was part of		
7	the public consultation that we held over the		
8	past		
9	MEMBER MACFARLANE: Okay. So we		
10	could get a hold of those		
11	MR. NASH: Absolutely.		
12	MEMBER MACFARLANE: criteria		
13	MR. NASH: Yes, that's on our web		
14	site.		
15	MEMBER MACFARLANE: That would be		
16	really helpful. Okay. So that's one		
17	question. Another question is about the		
18	trust fund. How is it assessed, or is this up		
19	to each utility?		
20	MR. NASH: Initially, in 2002,		
21	when the Act was passed, there was a schedule		
22	of deposits that were required to be made by		

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	-
1	the individual utilities. Shortly after the
2	federal government made the decision on the
3	specifics of the plan in 2007, we were
4	required by legislation to provide an
5	estimated cost of executing that plan and
6	proposals for future deposits by the
7	utilities, and that was done in 2008 and
8	approved by the federal government in 2009.
9	MEMBER MACFARLANE: And so how
10	were they assessing these funds?
11	MR. NASH: Well, we estimated the
12	total cost of building a repository, and
13	there's a schedule of payments that are made
14	over a period of time to make sure that by the
15	time we start construction of repository those
16	funds are available to build it.
17	MEMBER MACFARLANE: Okay.
18	CHAIR HAMILTON: Jonathan?
19	MEMBER LASH: Thank you. Mr.
20	Nash, thank you very much. The subcommittee
21	that I'm a member of heard from Elizabeth
22	Dowdeswell, and we were enormously struck by

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1	the kind of process that you went through to
2	ascertain Canadian values and used those to
3	construct the process. I have two very
4	specific questions. The first is do you
5	provide any kind of financial assistance to
6	either communities or civil society groups to
7	participate in the process?
8	MR. NASH: Yes, indeed. That's
9	been part of our program since its inception.
10	For instance, during the study phase, we did
11	provide quite substantial funds to Aboriginal
12	organizations to do their own dialogues.
13	During the course of when we initiated this
14	site selection process, communities learning
15	more, there's funding for them to hire their
16	independent experts, and one community has
17	taken advantage of that. There's funding for
18	communities to go and visit facilities that
19	already exist and store waste. Communities
20	have taken advantage of that. And there's
21	also a funding, for instance, to go and visit
22	the Canadian Nuclear Safety Commission to get

		Page	118
1	an independent view on the regulators'		
2	perspective on this. So, yes, it's a very		
3	important part of the program.		
4	MEMBER LASH: One other question.		
5	In your opening statement, you mentioned that		
6	one of the objectives is to provide for		
7	retrievable disposal. And I thought that I		
8	remembered when we heard from Liz Dowdeswell		
9	that the initial findings of the NWMO process		
10	were that the public was concerned about		
11	security and leaning toward permanent		
12	disposal. And I'm just wondering about the		
13	definition. Is this during the adaptive		
14	period, or do you foresee long-term		
15	reversibility?		
16	MR. NASH: There's no question		
17	that public are concerned about security. But		
18	I would say there is a strong demand for		
19	continued monitoring and a strong demand for		
20	the ability to retrieve. The general public		
21	asks questions about the recycling option, and		
22	there is a faith out there that there will		

		Page	119
1	someday be a technology that will come along		
2	that would provide, perhaps, a better solution		
3	than a deep geologic repository. So for a		
4	number of reasons, there appears to us to be		
5	a strong preference for retrievability and,		
6	certainly, when we tested the plan that we		
7	drafted that came through strong and clear		
8	that it will be important to include the		
9	option of retrievability and build that into		
10	our planning.		
11	CHAIR HAMILTON: Richard?		
12	MEMBER MESERVE: Thank you. It's		
13	a very interesting presentation. You haven't		
14	said very much, if anything, about the		
15	regulatory environment within this decision is		
16	to be made. You indicated that there were		
17	some exclusionary standards that came out of		
18	the dialogue, but is there a whole regulatory		
19	framework that's been put in place by the		
20	CNSC, or is that all awaiting and going to be		
21	developed in parallel with some communities		
22	coming forward?		

		Page	120
1	MR. NASH: Yes, the requirements		
2	that I've discussed so far in the program that		
3	we've implemented since 2002 is in accordance		
4	with the Nuclear Fuel Waste Act, which is		
5	specific to use nuclear fuel in Canada. We,		
6	like the United States, do have a nuclear		
7	regulator that's got very well-developed		
8	regulatory processes. The regulatory process		
9	in our program would officially start when we		
10	have a particular project and a specific site,		
11	and we make a regulatory submission to		
12	construct a facility on a particular site.		
13	However, let's call it pre-		
14	licensing activities of the Canadian Nuclear		
15	Safety Commission, they are involved in our		
16	program. We have a memorandum of		
17	understanding with the Canadian Nuclear Safety		
18	Commission. And they have, through the normal		
19	course of business, established regulatory		
20	standards for deep geologic repositories, and		
21	these are consistent with the equivalent IAEA		
22	standards so we know what standards we have to		

Page 121 achieve. Another feature of the interface 1 2 that we have with the Canadian Nuclear Safety 3 Commission, we're in the process of submitting 4 repository designs and safety case at a 5 conceptual level for their review to assess 6 whether the technology we're developing is 7 going to, has the potential to meet their 8 regulatory requirements. 9 So in summary, the actual 10 regulatory process does not start until we 11 have an informed and willing host community and we're ready to initiate the regulatory 12 But the recent interface between 13 process. 14 ourselves and the Canadian Nuclear Safety Commission -- in fact, I think on the 9th of 15 16 December we will be making an update 17 presentation to a meeting of the Commission. 18 MEMBER MESERVE: If I understand 19 you correctly, there is a whole regulatory 20 system that's in place, standards that --21 Yes, absolutely, MR. NASH: 22 waiting for the day when we initiate the

1 regulatory process. 2 MEMBER MESERVE: You didn't have 3 any litigation over those standards in Canada? 4 MR. NASH: No. Not so far. Tt's 5 a different country. 6 CHAIR HAMILTON: Per? 7 MEMBER PETERSON: Thank you. We, 8 I think, look upon Canada as providing an 9 important role model, particularly around governance of this process of trying to 10 11 develop disposal capability. I chair an 12 academic department at a large university that I'll leave nameless at this point where 13 14 there's no decision that is too minor not to 15 be made by centralized management, so what I 16 find breathtaking about the Canadian approach 17 is that your organization has been given a 18 substantial responsibility and the 19 breathtaking part is the amount of authority 20 that you've also been provided to develop the 21 process and to be in control of the process 22 for trying to execute it. And so I'm very

		Page	123
1	enamored with the courage that it takes for		
2	political leadership to actually delegate		
3	authority along with responsibility.		
4	I'd just be curious are there any		
5	problems that have emerged that we should be		
б	aware of from having delegated this amount of		
7	authority to the organization? It seems to me		
8	that there's very large positives to having		
9	done that.		
10	MR. NASH: I would say the main		
11	challenge of this is that the way that this is		
12	structured, which is different from the		
13	situation you saw in France where Andra is a		
14	government agency. When this question first		
15	came up in the mid 90s, both industry and		
16	government studied this question. And it's		
17	clear, to make progress on something like		
18	this, trust is a very important ingredient,		
19	and so that weighed quite heavily in the		
20	government decision to structure things this		
21	way. And if one looks internationally where		
22	these models are drawn from, and the		

		Page
1	government and industry did look	
2	internationally in the mid 90s, the ones that	
3	are making the best progress and are able to	
4	develop the most trust in the system are the	
5	ones that are structured like this. For	
6	instance, Finland, Sweden, perhaps	
7	Switzerland, they're structured like this	
8	where it is the utilities that form the	
9	organization and it's under government policy,	
10	direction, and regulation.	
11	The challenge is the question of	
12	trust is constantly challenged and can we be	
13	trusted because of our ownership, and that is	
14	a continuous challenge. But I can say that	
15	from our board of directors, which is	
16	appointed by the utilities, those folks are	
17	definitely able to separate this question of	
18	managing nuclear waste in accordance with the	
19	mandate and the mission of the organization is	
20	to solely focus on managing waste and not be	
21	influenced by other factors in their decision-	
22	making. But it is a question. I'd say that's	

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1	probably one of the biggest challenges of		
2	this, but it's the question of trust. But my		
3	own opinion on that, it will take time to see		
4	whether and fully prove that this is a		
5	trustworthy organization, and I believe that		
б	time will prove that.		
7	MEMBER SHARP: Could I ask a		
8	follow-up?		
9	MEMBER PETERSON: Thank you.		
10	MEMBER SHARP: Just a quick		
11	follow-up on that. Are there organized groups		
12	in the civil society who actually have		
13	challenged that ownership, that organization,		
14	and have said up-front we find this		
15	intolerable? I mean, I can imagine that		
16	happening here. That's why I'm asking. Right		
17	off the bat, you've got a whole set of		
18	opponents.		
19	MR. NASH: I mentioned earlier		
20	there were 52 recommendations from the		
21	environmental assessment panel that were		
22	largely incorporated into legislation. One of		

Page 126 the recommendations of the panel was that it 1 2 be a government-established agency with a 3 governance body appointed from different parts 4 of civil society, and that recommendation was 5 not accepted by the government and did not 6 find its way into the Nuclear Fuel Waste Act. 7 And as far as I understand, there are folks 8 there that would like to see that. We think 9 that's a better formulation. 10 CHAIR HAMILTON: A question by Al. 11 MEMBER CARNESALE: It would appear 12 that, having seen our country and perhaps some 13 others going through a process that was guite 14 different, namely identifying which appeared 15 the best places technically and then seeing 16 what might be acceptable politically. Canada 17 has swung the pendulum the other way: what 18 would be most acceptable politically and socially, and can we find a place not only 19 20 where the people will be willing to accept it 21 but would actually be a very good site 22 technically?

		Page	127
1	So my question is really two		
2	parts. One, is it the case that Canada has so		
3	many good sites that it really doesn't matter		
4	much and you could do that? And, secondly,		
5	how confident are you that this process will		
6	converge on one of them?		
7	MR. NASH: You know, first of all,		
8	I'd like to state that we're never going to		
9	compromise on safety, no matter what degree of		
10	social acceptance there is in a particular		
11	site. That is not negotiable. Another point		
12	that's perhaps helpful is that, as we designed		
13	this site selection process, a lot of the		
14	participants did ask for the, you know, let's		
15	produce where technically it could work and		
16	then we don't have to worry about all the		
17	others, and that was certainly a question that		
18	came forward. However, practically speaking,		
19	that's not really practical to do that in		
20	Canada. We do need to look at the particular		
21	location, and that is why we have something		
22	called an early screening where the community		

	I
1	comes forward, they learn about the process,
2	and we look at the available data. And if
3	there's any reason against this criteria why
4	this site doesn't have a chance, then we kind
5	of tell the community right up-front that you
6	shouldn't really go any further with this
7	process.
8	Back to your last question, what
9	degree of probability do I think exists in a
10	willing host community, the majority of
11	Canadians do believe this is the right
12	process. We do have some interested
13	communities, and we do have the time to move
14	forward with this process of a willing host,
15	and we have flexibility on the timing. And so
16	I think those are the strengths and that,
17	eventually, we will find a willing host. It
18	may take time.
19	CHAIR HAMILTON: Ernie?
20	MEMBER MONIZ: Yes, just a follow-
21	up on this question of a willing host.
22	Actually, earlier, Chairman Kondo for Japan

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1	made a very nice understated statement that no
2	mayor has successfully applied yet. And also
3	I think that this first law of nuclear waste,
4	that waste tends to stay where it is,
5	retrievability may have a, you know, limited
6	value in the sense that if there were a
7	problem it would be even more likely to stay
8	where it is.
9	So in that context, I guess one of
10	the issues, and maybe I missed this, is what
11	is the Canadian law with regard to long-term
12	ownership and liability assignment for spent
13	fuel? If there is a transfer to the
14	government at some point, when and where does
15	that occur? And if there is not, what
16	assurance should any community have that there
17	would be a willing and responsible party in
18	the long term to match their short-term
19	willingness?
20	MR. NASH: Yes. The ownership of
21	the fuel is clearly with the current waste
22	owners, the people who produced it. And there

Page 130 is no set date when that transfer will occur 1 2 or could occur. There are examples in Canada 3 where uranium mining projects have run their 4 natural life, and these have been turned over 5 eventually to the federal government. 6 However, there's no decision been made 7 regarding used fuel management. 8 Back to your question about what 9 assurance does a community have, they have the assurance that, under the Nuclear Fuel Waste 10 11 Act, we are required to be in existence by law and, by law, there must be funds from the 12 13 waste producers who are actually owned by 14 provincial governments to actually pay for So those are the level of assurances 15 this. 16 that --17 MEMBER MONIZ: But is there, so 18 there's no principle that it will ultimately -19 20 MR. NASH: That's correct. 21 MEMBER MONIZ: -- to the 22 Okay, thank you. qovernment?

Page 131 CHAIR HAMILTON: All right. 1 Any 2 further questions? If not, Mr. Nash, we thank 3 you for your very good presentation, and we 4 turn now to our final speaker of the morning, 5 Dr. Roald Sagdeev, distinguished professor of 6 physics at the University of Maryland; 7 Director of SLCSAT, a telecommunications 8 project utilizing small satellites. He is 9 also director emeritus of the Space Research Institute, the Moscow-based center of the 10 11 Russian space exploration program which he 12 headed for 15 years. He was one of the 13 youngest scientists ever elected a full 14 academician of the Russian Academy of Sciences. He served as a summit advisor to 15 Mikhail Gorbachev and Eduard Shevardnadze at 16 three summits in the 1980s. It's a pleasure 17 18 to have him with us today to help us learn 19 more about Russia's nuclear fuel cycle. 20 Dr. Sagdeev, we are pleased to 21 have you. You may proceed. 22 DR. SAGDEEV: Thank you, esteemed

	I	Page
1	Commissioners. First of all, I would like to	
2	thank you for inviting me but a disclaimer.	
3	I'm not representing official or even	
4	unofficial of Russian government or nuclear	
5	energy's sector of the country. What I'm	
6	going to talk about is my own independent	
7	assessment gathered over a long period. Early	
8	in my career, I started, actually, at	
9	Kurchatov Institute under direct guidance from	
10	Igor Kurchatov, even served as advisor to him	
11	for a brief moment before he passed.	
12	Later on, I changed my science	
13	interest and was involved in space activity.	
14	So from time to time, I participate in nuclear	
15	gatherings. During the last several years, I	
16	hosted at University of Maryland several small	
17	workshops related to different potential	
18	techniques of transmutation of the nuclear	
19	waste. Can I move to the next slide?	
20	Okay. So let me say a few words	
21	where Russia is standing now on nuclear	
22	energy. It's recovered from Chernobyl	

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1	syndrome and current share of electricity		
2	generated by nuclear is 16 percent, and they		
3	are planning to, at least declaring to		
4	increase it until one-quarter of all overall		
5	output by 2025. Everything is controlled by		
6	state. There is a vertical integrative		
7	structure run by RosAtom, the national nuclear		
8	agency successor to Ministry of Medium		
9	Machine- Building. Recently, it was given		
10	state-owned corporation. It accounts for 20		
11	percent of new reactors under construction		
12	worldwide and about 17 percent of global		
13	nuclear fuel fabrication.		
14	In last year, 2009, the nuclear		
15	sector generated a little bit more than 163		
16	billion kilowatt-hour. The majority of it was		
17	generated by light water reactors, the Russian		
18	VVER, but still a considerable amount, almost		
19	more than 40 percent, is coming from graphite-		
20	moderated LBM reactors, the same type as in		
21	famous Chernobyl reactor. And the plans to		
22	retire this series of reactors go beyond to		

		Page	134
1	2025. However, safety standards were		
2	increased, according to Russian claims,		
3	tremendously, even for graphite-moderated, at		
4	the expense of reducing burn-up of the fuel		
5	and other measures. And the modern versions		
6	of Light Water VVERs are estimated by some		
7	Russian experts as already three and a half		
8	generations in terms of the safety.		
9	So approved plans would add that		
10	much in new capacity of upgraded VVERs by		
11	2030. In addition, the Russians already		
12	embarked on designing in publication first		
13	several floating nuclear power stations in the		
14	category of 100 megawatt. So they're already		
15	in production. They will have a lifetime of		
16	about 30 years and would need refurbishing		
17	once in every about ten years.		
18	So talking about the closed fuel		
19	cycle. Russia, in many ways, is following the		
20	steps of France and Japan. There's a time		
21	lack largely associated with a need to		
22	recuperate after Chernobyl accident. They are		

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1 talking about the reuse of plutonium,
2 experience they are gaining in extracting
3 plutonium mostly based on their Cold War
4 experience in getting plutonium for military
5 stockpile.

6 Under pressure from international 7 community, they are moving now to use some of 8 the plutonium in energy of nuclear power 9 stations, and the first use of MOX fuels will That is a lot of come after beyond 2015. 10 experience are gaining from France, and there 11 is some limited cooperation also with Japan on 12 such issues. 13

14 So future of comprehensive nuclear fuel cycle is connected in Russia in the view 15 of majority of Russian nuclear science elite 16 associated with the fast neutron reactors. 17 This is considered in Russia as one of their 18 advantages. They have a series of different 19 20 reactors functioning already for more than 40 21 years from the beginning of program of fast 22 reactors.

		Page	136
1	There is a routinely functioning		
2	BN-600 in the Urals, which is actually		
3	delivering electricity and thermal energy to		
4	local communities, and it is considered as one		
5	of the most perfectly functioning in those		
б	terms, compared even to light water reactors,		
7	in terms of the watt factor. At the same		
8	time, BN-600 has a special compartment which		
9	provides excess of different test materials to		
10	run experiments to study specifics of		
11	functioning fast neutron reactors related to		
12	resistance of different materials on enhanced		
13	fluence of fast neutrons, which is critically		
14	important for future of fast neutron reactors		
15	and their economic justification.		
16	They are planning to construct a		
17	larger version, it's already under		
18	construction, BN-800, and would be introduced		
19	fully according to plan in 2014. And in		
20	competition with this sodium-cooled reactors,		
21	they are planning to start investment in		
22	already existing engineering design of BREST-		

		Page	137
1	300 reactor, which is going to function on		
2	liquid lead coolant. Some of the Russian		
3	experts can see the lead-cooled BREST		
4	generation of reactors eventually to become		
5	fifth generation of reactors capable to serve		
6	also as burner reactors to incinerate		
7	plutonium and minor actinides.		
8	So this is the timescale of		
9	development in fast reactors. It's started		
10	with this well-known BN-350 on the Caspian.		
11	Now this particular land is sovereignty of		
12	Republic of Kazakhstan.		
13	There is a BOR-60, the very		
14	earliest research reactor, 60-megawatt		
15	reactor, functioning in Dimitrovgrad in a		
16	major reactor functioning still now. BN-600		
17	already mentioned, BN-800 under construction,		
18	and there is a discussion of BN-1200 or 800 as		
19	a future conceptual reactor which would be		
20	economically competitive visa existing and		
21	future reactors.		
22	So this slide describes the major		

]
1	research center in reactor engineering and
2	science on Volga. And they host BOR-60
3	reactors.
4	And I have a number of material describing
5	work on this existing research reactor for
6	many years. It's a workshop in the University
7	of Maryland, and there is a plan, there are
8	preliminary talks about hosting some
9	international foreign experiment on using this
10	neutron fluency in fast neutron and conditions
11	close for operational conditions of future
12	sodium-cooled reactors. One particular use is
13	planned, according to recent negotiations, by
14	new American company, you've probably already
15	heard of it, TerraPower, supported by Bill
16	Gates. The company which is planning to use
17	a different concept of fast neutron reactors
18	called Traveling Wave Reactor. Apparently,
19	the idea of Traveling Wave Reactor which
20	claimed to leave absolutely no dangerous spent
21	fuel materials. The idea was also coming from
22	Kurchatov Institute at the late 50s during

		Page
1	actually my early tenure at Kurchatov	
2	Institute.	
3	So that's a brief description what	
4	kind of research was going on and could be	
5	done on this particular reactor, BOR-60. I'm	
6	not going to bother you with the details of	
7	all of these things.	
8	Similarly, we had a detailed	
9	discussion with Russian experts here at	
10	Maryland a couple of years ago on how one can	
11	use BN-600 reactor capability to carry	
12	research with special insert modeled on	
13	routine fuel used for BN-600 reactors. So	
14	this is a sketch of the BN-600 reactor.	
15	The initial protocols at that time	
16	was ready to sign with Russians on the use of	
17	this facility to accelerate our own pace of	
18	research related to fast neutron reactors.	
19	Now I think it depends largely on future	
20	chance for one to see agreement to be ratified	
21	by U.S. Congress.	
22	So it describes the interior of	

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1	BN-600 reactors. You see the structure of the
2	fuel rods with a few parameters related to
3	internal functioning of BN-600 reactor.
4	Starting from burn-up percentage
5	rate, about 6 percent, which was typical for
6	BOR-60 and then BN-350 on Caspian. The
7	current reactor, BN-600, already reached 11
8	percent but still is not enough for future
9	routine fast neutron reactors. One of the
10	limitation of the burn-up is resistance,
11	insufficient resistance of the material
12	enveloping fuel under the flux of energetic
13	neutrons in these reactors. But Russian
14	experts are looking optimistic to the future
15	of this research.
16	So this is what the Russians are
17	thinking about the future of sodium-cooled
18	fast neutron reactors. Today's capital, of
19	course, is about twice of what you would
20	expect for standard thermal light water
21	reactors. However, there are indications,
22	according to Russian projections, that economy

		Page	141
1	of scale which would permit to move to higher		
2	power fast neutron sodium-cooled reactors		
3	would be able to reduce relative capital		
4	costs. You see the last figure at the bottom		
5	on the right is 0.45. So at the moment, about		
6	1800 or so megawatts, they will catch up with		
7	the economics of thermal nuclear reactors.		
8	So I mentioned that some Russians,		
9	at least, can see the BREST as a candidate to		
10	become a fifth generation reactor. So liquid		
11	lead coolant, plus full plutonium reproduction		
12	in the core of reactor without the use of the		
13	blanket. Transportation of most hazardous		
14	long-lived actinides as part of fuel and		
15	fission products plans to be done outside of		
16	the core in the blanket using the radiation by		
17	fast neutrons. And then some other measures		
18	are discussed to be introduced in this final		
19	generation of BREST reactors.		
20	However, it is not yet the end of		
21	the game. There is very touch competition		
22	between sodium-cooled and ideas to introduce		

		Page	142
1	BREST reactors. So we will see what will		
2	happen in the second half to the next decade.		
3	So this is a brief sketch of the		
4	BREST reactor complex. I'm not going to		
5	comment. I don't think it's necessary for		
6	today.		
7	So in recent discussions in		
8	Russia, nuclear energy elite came to		
9	conclusion that comprehensive closed cycle		
10	based purely on the use of fast neutron		
11	reactors would not provide sufficient budget		
12	of neutrons for that closed cycle, including		
13	transmutation. So as a result of this		
14	discussion and the figure of the deficit of		
15	the neutrons in this budget is about 5		
16	percent, but different groups in Russia are		
17	giving different numbers.		
18	So the final decision was to open		
19	R&D to add outside source of neutrons.		
20	RosAtom already started to finance system		
21	analysis and early engineering designs for		
22	hybrid fusion-fission systems.		

		Page	143
1	So future timeline, I already		
2	mentioned BREST and the next step after BN-		
3	800. It probably might be even BN-1200.		
4	There is a firm decision to build multi-		
5	function fast research reactor by 2070. It		
6	would be in Dimitrovgrad, and Russian		
7	government already invited international		
8	community to first participate, to co-invest,		
9	or to prepare to use this fast neutron multi-		
10	function research reactor. So if BREST-300 in		
11	the second half of next decade would provide		
12	valuable data, then there will be discussion		
13	of moving to the next target, operational		
14	BREST-1200 reactor.		
15	Russia is somewhat behind France		
16	in Japan in introducing the structure for		
17	handling radioactive waste and fuel. So		
18	what's happening now? There are three laws		
19	working independent on radioactive waste. The		
20	draft is ready for adoption by state Duma.		
21	They claim it might happen by the end of this		
22	year. As the radioactive waste, they		

categorize about 500 million tons of all the 1 2 waste including slight radioactive, what is left after mining, enrichment, and so on. 3 So 4 according to this particular draft, they are 5 planning to establish to create national 6 operator to take care of this radioactive 7 waste. It might be even independent of 8 RosAtom. It's a proposal of RosAtom to move it, so perhaps they will do something like 9 French did with Andra, the special agency. 10 And they're planning to have seven geological 11 repository to deposit this type of radioactive 12 13 waste. Much more difficult issue will be 14 15 the next one: law on spent nuclear fuel. And 16 I haven't seen a draft. Nobody is talking 17 about it, but they claim that they will come soon with the first draft for the discussion. 18 19 And then the final law, the third 20 one, would be law on retiring of the old 21 nuclear reactors, which would have been 22 portfolio for state Duma in 2011. Perhaps one

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1	in the same national operator would handle all
2	these three issues.
3	So I had a chance to have a few
4	interviews with leading experts. One of them
5	is deputy speaker of state Duma. He was a
6	chair of energy committee. In the past, he
7	was a nuclear engineer at one of the
8	facilities in Urals. So this is what he said
9	very recently, last week actually, we are on
10	the threshold of the world nuclear
11	renaissance. What should the technological
12	platform for future nuclear energy? My
13	answer: this is closed nuclear cycle on the
14	basis of fast nuclear reactors. Russia
15	provides a unique place in the world. Nobody
16	has experience to run such reactors. We
17	control 40 percent of the world market for
18	enrichment of uranium and 16 percent on
19	construction of atomic reactors. Presently,
20	we have the tenders for 16 blocks abroad. It
21	is clear that in second half of this century
22	the share of nuclear energy will be 12 to 15

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		Page	146
1	percent. Actually, even for such optimist, I		
2	would say it's a little brought down. But it		
3	will be in the different scale of energy		
4	sector, which will be twice bigger.		
5	So there are, of course, critics		
6	of Russian approach to nuclear energy, but		
7	they do not have much impact on the decision-		
8	making.		
9	CHAIR HAMILTON: Dr. Sagdeev, may		
10	I suggest you begin to wrap up so we can have		
11	time for questions?		
12	DR. SAGDEEV: Yes. Last three		
13	slides. So some critics show that even		
14	despite a lot of promises, Russia is behind		
15	the rest of the world in lot parameter of		
16	existing stations, so you see how far it is		
17	behind. Perhaps it is not so critical for the		
18	country as far as looking for fast reactors as		
19	a future.		
20	Another group of critics, not very		
21	large clout, but I saw that an interesting		
22	suggestion: waste to be sent in Kremlin.		

Page 147 Interesting suggestion for repository. Okay. 1 2 Expansion in the international 3 sphere is tremendous. Everyone knows about Bushehr. Russia is doing a lot in China. 4 In 5 particular, there is almost agreement about 6 construction of two fast neutron BN-800s in 7 China. A lot of activity in India. Recent 8 trip to Vietnam by President Medvedev brought 9 contract with Vietnam reactor, and there is discussion almost ready agreement about 10 building at the station in Bulgaria. I will 11 12 show Putin before signing agreement in Sofia. Visits of president and prime 13 14 minister is actually working. All the foreign 15 trips are used to promote Russian nuclear energy services. So all these countries, one 16 17 of the interesting suggestions Russian even 18 made to some of the countries, Argentina and Italy, they said that they can create it, even 19 20 invest in construction of nuclear reactor. 21 And I already mentioned traveling 22 wave by TerraPower of Bill Gates. Thorium

		Page	148
1	Power, the old name of American company,		
2	agreed a rather obscure Russian nuclear energy		
3	company, Red Star, to design fuel rods which		
4	would be using thorium and plutonium. The		
5	original idea was following the idea of so-		
6	called Radkovsky reactor, and they wanted to		
7	compete with MOX fuel in trying to incinerate		
8	bulk of Russian weapons-grade plutonium. But		
9	we will see.		
10	Red Star is known abroad,		
11	especially to Canadians. Forty years ago,		
12	they started nuclear reactors in space. One		
13	of them in late 70s was delivered to Arctic		
14	areas of Canada.		
15	Okay. So let me show activity of		
16	Russian. This is not a joke. This is a		
17	little party which Bulgarian prime minister		
18	delivered to Putin before the signed agreement		
19	on the cost of the Russian investment in		
20	Bulgaria. I was trying to figure out similar		
21	fresh photograph illustrating activity of		
22	Medvedev in promoting Russian nuclear		

Page 149 services. 1 2 So you will recognize a face next to -- however, Russians claim that it is not, 3 4 there is nothing new. Venezuela apparently 5 was operating American-built research reactor 6 from 1960 to 1992. Thank you. 7 CHAIR HAMILTON: Thank you very 8 much, Dr. Sagdeev. Are there questions for 9 Dr. Sagdeev? Ernie? MEMBER MONIZ: I have a couple of 10 very narrow kind of questions and a couple of 11 12 broader ones. The more narrow ones is did I 13 understand on the BREST that your target is a 14 conversion-ratio-1 reactor without blankets? That's the idea? 15 16 DR. SAGDEEV: Yes. 17 MEMBER MONIZ: Okay. On the BN-18 600, so far has that been uranium-fueled or 19 plutonium-fueled or --20 DR. SAGDEEV: It is uranium oxide 21 fuel --MEMBER MONIZ: Uranium oxide fuel. 22

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1	DR. SAGDEEV: right now, and		
2	they are planning to start production of MOX		
3	fuel at Mayak facility, but there are some		
4	delays.		
5	MEMBER MONIZ: And what's the load		
6	factor then? You said it was higher than		
7	LWRs? The load factor. You said it was		
8	higher than LWRs.		
9	DR. SAGDEEV: Yes. I think they		
10	claim that they reached 75 percent for the		
11	load factor so an average for nuclear		
12	industry, and they say that they BN-600 is		
13	better. So I would assume it's probably 80 or		
14	a little bit higher.		
15	MEMBER MONIZ: Okay. So the		
16	broader question is going back ten or twelve		
17	years, some of us were interacting with what		
18	was then a very immature regulatory agency.		
19	Can you say how has that evolved? Is there		
20	developing a strong regulator independent of		
21	the certain political pressures?		
22	DR. SAGDEEV: I would say that		

	Page
1	discipline, of course, is strengthened now in
2	Russia, and RosAtom is functioning as a
3	vertical integrated structure. But I don't
4	think they are ready yet to have independent
5	agency similar to NRC in Russia. Perhaps,
6	with new legislation, we will see something
7	like that.
8	CHAIR HAMILTON: Are there further
9	questions? Susan?
10	MEMBER EISENHOWER: I'd like to
11	know a little bit more about these seven
12	repositories. I mean, this is a rather
13	stunning number. Can you say something about
14	where they are in their development and what
15	kind of geological formations they are
16	planning to use? And also the nature well,
17	anyway, why don't you answer those two
18	questions? That would be helpful.
19	DR. SAGDEEV: My interpretation
20	about this figure seven is most likely is
21	associated with old, now abandoned uranium
22	mines, as would be natural. And it is not

		Page	152
1	very critical because the level of		
2	radioactivity for that type of radioactive		
3	waste is not very high.		
4	CHAIR HAMILTON: Per and then		
5	Richard.		
6	MEMBER PETERSON: Thank you.		
7	Could you discuss briefly the current status		
8	of Russian policy on importing spent fuel from		
9	other countries?		
10	DR. SAGDEEV: At the beginning of		
11	Putin's tenure in early 2000, Russia had a		
12	huge campaign to open its spent fuel sites for		
13	foreign customers, and there was even special		
14	legislation by state Duma. However, what		
15	happened nobody, in addition to old customers		
16	who were the clients of Russian nuclear		
17	sector, came with offers. So gradually the		
18	whole campaign kind of degraded, and I would		
19	expect that in case of success of one to three		
20	Russia would probably relaunch its call for		
21	new customers.		
22	A few months ago, I had a brief		

Page 153 conversation with Sergey Kirienko, head of 1 2 I asked a specific question. It was RosAtom. 3 a moment when lost competition to South 4 Koreans to construct nuclear reactors in any 5 rate. And I remember talking to Koreans at 6 our workshop. They said that if they would 7 have a chance to find a place of what to do 8 with the waste, they will expand much more 9 their nuclear sector. So I thought what are they going to do with the waste which 10 eventually will come from this newly-built 11 12 future nuclear compound in Middle East. And 13 Kirienko said that they are talking to Koreans 14 about this issue. The latest news I heard a 15 few days ago that Medvedev's picture of 16 nuclear joint venture with Korea when he was 17 a few days ago was not successful. 18 Final question CHAIR HAMILTON: will be from Richard. 19 20 MEMBER MESERVE: Just a quick 21 follow-up to Per's question. My understanding 22 with regard to the Bushehr reactor was that

		Page	154
1	the understanding with the Iranians is that		
2	the spent fuel was going to be returned to		
3	Russia, which is good. And I would have		
4	thought that would be very attractive for the		
5	Russians as they make their agreements with		
6	the many other countries, new entrance		
7	countries, as well who don't have any capacity		
8	to deal with the spent fuel, and to get it out		
9	of there would be a great competitive feature		
10	for them.		
11	DR. SAGDEEV: This is absolutely		
12	right. I think Russians refer to Americans,		
13	its idea came from the United States, and now		
14	is leasing the fuel, not selling it. So it		
15	would be Russian property, even if it would be		
16	operating on facilities outside of Russia.		
17	MEMBER MESERVE: I have one		
18	question, though, that I wanted to ask. You		
19	indicated that in 2015 the Russians intend to		
20	introduce MOX fuel, presumably in light water		
21	reactors. And I'm puzzled, given that they		
22	have the intention to go very quickly to a		

		Page	155
1	large number of fast reactors, why they don't		
2	want to save the plutonium to use for the		
3	initial cores.		
4	DR. SAGDEEV: I think calculations		
5	I heard from Russian experts was that in		
6	future science fiction plutonium economy, in		
7	order to start up a big number of reactors,		
8	each new reactor to activate would need about		
9	five tons of plutonium. So Russia said if we		
10	have 250 metric tons of plutonium, so it would		
11	help us to start 50 new big fast neutron		
12	reactor blocks. I don't know if this view has		
13	changed right now.		
14	CHAIR HAMILTON: Ernie, did you		
15	have a follow up?		
16	MEMBER MONIZ: Just to Dick's		
17	first comment. I mean, the fuel leasing was,		
18	indeed, introduced in a U.S./Russia		
19	negotiating channel some years back without		
20	success in the end. But my understanding then		
21	and still now that the Russian law is		
22	fundamentally the same as the French one that,		

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1	in the end, except for the former Soviet Union		
2	states, that reprocessed spent fuel would have		
3	to return to the country that used the fuel.		
4	Is that still correct?		
5	DR. SAGDEEV: The law may be still		
6	correct, but the contract with Iran and maybe		
7	to some other future clients states that this		
8	particular fuel is Russian property and has to		
9	be returned to Russia. That's all.		
10	CHAIR HAMILTON: Dr. Sagdeev, we		
11	thank you very much. We understand yours was		
12	not an official presentation, but it was very		
13	informative indeed. We thank you.		
14	MEMBER MONIZ: One more question.		
15	CHAIR HAMILTON: One more		
16	question. Ernie, this will be your third		
17	round.		
18	MEMBER MONIZ: But this is a very		
19	important, I think, distinction because it's		
20	also the case that the original deal with Iran		
21	required lifetime supply of Russian-origin		
22	fuel, and that seems to have possibly changed.		

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1	DR. SAGDEEV: I don't think so. I
2	haven't seen any indication that Iranian
3	government would refer with their own fuel to
4	Bushehr.
5	CHAIR HAMILTON: Dr. Sagdeev,
б	thank you very, very much. Okay. That
7	concludes the morning session. We'll meet at
8	1:00 for the afternoon working with state and
9	tribal governments to craft an equitable and
10	enduring solution. We stand adjourned until
11	1:00.
12	(Whereupon, the foregoing matter
13	went off the record at 12:02 p.m. and resumed
14	at 1:02 p.m.)
15	CHAIR SCOWCROFT: All right. If
16	we could all begin. I think we had a very
17	productive meeting this morning on our
18	exploration of fuel cycle choices that have
19	been made by other nations. Of course, each
20	country is faced with a different set of
21	circumstances which shape both the options
22	that can be selected and the way in which the

Page 158 selected options are implemented. 1 2 In the U.S., the need to work 3 within our federal system of government is 4 often cited as a particular challenge to 5 finding solutions at the back end of the 6 nuclear fuel cycle. So we will now turn our 7 focus to the question of how to work 8 effectively with state and tribal governments 9 to craft an equitable and enduring solution to 10 our nuclear waste challenges. With us this afternoon are Russell 11 12 Jim, manager of the Yakama Nation's Environmental Restoration and Waste Management 13 14 program. We had the pleasure of hearing from Mr. Jim during our visit to Hanford, and we 15 16 greatly appreciate having you back with us. We have the Honorable Mike 17 Sullivan, former U.S. Ambassador to Ireland. 18 19 Mr. Sullivan served as governor of Wyoming 20 from 1987 to 1995. At the time, the U.S. 21 Office of Nuclear Waste negotiator was 22 attempting to find a volunteer site for a

		Page
1	monitored retrievable storage facility.	
2	The Honorable Cecil Andrus, former	
3	U.S. Secretary of the Interior. Mr. Andrus	
4	served as governor of Idaho from 1971 to 1977	
5	and again from 1987 to 1995. He has a long	
6	history of dealing with the federal government	
7	on nuclear waste issues at the Idaho National	
8	Laboratory.	
9	And, finally, Congressman John	
10	Garamendi. Congressman Garamendi represents	
11	California's 10th congressional district, the	
12	home of DOE's Lawrence Livermore National	
13	Laboratory. Mr. Garamendi served as	
14	lieutenant governor of California from 2007 to	
15	2009 and as Deputy Secretary of the Interior	
16	from 1995 to 1998.	
17	Gentlemen, it's a pleasure to have	
18	all of you with us today. This session we	
19	have structured as a roundtable because we	
20	want to devote most of our time to a free-	
21	wheeling discussion of the major	
22	considerations when working with state and	

tribal governments. 1 2 Before we start the roundtable 3 discussion, we'd be pleased to hear from any 4 opening statements that any of you may wish to 5 make. Are there such opening statements? 6 Governor Sullivan? 7 MR. SULLIVAN: I don't have a 8 formal opening statement. I just have some 9 remarks to develop during the roundtable. But 10 let me just, by way of background, say that I was last governor in 1995 and that was 11 12 essentially my last involvement with the issue 13 that you're charged with facing today. I was 14 asked to be on this panel because we undertook 15 the process on monitored retrievable storage 16 in Wyoming, and I vetoed and terminated the 17 process after phase one. One of the 18 interesting things to me is, like Yogi Berra 19 said, this is deja vu all over again. Ι 20 haven't been at the issue for 18 years. And 21 as near as I can tell, nothing has changed. 22 But I do, as a result of that

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1	experience, and that's the only portfolio for		
2	which I have any credibility appearing before		
3	here, have ideas about where the process was		
4	wrong, about where we may need to go in the		
5	future. And interestingly enough, those ideas		
6	which I've developed during the course of		
7	preparing for this roundtable, you've heard of		
8	all of those ideas as recently as this		
9	morning. And those are societal acceptance of		
10	the science and solution through collaborative		
11	processes, which was missing; independence of		
12	the body proposing the answers; voluntary		
13	participation and fair incentives to all		
14	stakeholders, and the stakeholders are		
15	significant and broad regionally, not		
16	statewide and certainly not countywide; trust;		
17	and stability, not political uncertainty.		
18	Those are the areas where I think the emphasis		
19	has to be based upon the experience that we		
20	had.		
21	I wrote a letter in 1992 that		
22	expressed all of the opinions I had at that		

	P	age
1	time, and not many of them have changed. And	
2	some of them even seem to be prescient. Thank	
3	you very much for having me.	
4	CHAIR SCOWCROFT: That was a	
5	remarkable letter and still is.	
6	MR. SULLIVAN: Actually, it was	
7	one of the most enjoyable letters I wrote	
8	because as a western governor it's fun to bash	
9	the federal government and, two, it was an	
10	interesting mix of politics, science, and	
11	intellectual reasoning. And that issue still	
12	has that very mix.	
13	CHAIR SCOWCROFT: Yes, yes, yes,	
14	it does.	
15	MR. SULLIVAN: Well, that's the	
16	outside intellect. We don't have any in	
17	Wyoming.	
18	CHAIR SCOWCROFT: Mr. Secretary,	
19	do you want to make a	
20	MR. ANDRUS: Thank you, Mr.	
21	Chairman, congressman, distinguished members	
22	of the Committee. Yes, sir, I'll take about	

five or six minutes of opening comment, if I 1 2 might. I would just share what I've heard 3 here already today that the U.S. failure to 4 devise or adopt a plan to safely handle 5 nuclear waste in America is one of the greatest failures of the last 50 years and a 6 7 significant failure in that. As a nation, 8 both scientifically and politically, I think 9 we all recognize that we have spent our time, efforts, money to devise advanced technology 10 in the area of making a bigger bomb or a more 11 12 efficient reactor for electrical energy 13 without any consideration whatsoever for the, 14 well, very little consideration for the back-15 end policy. It's a lot like building a new 16 house and failing to hook up the bathroom to 17 the plumbing system. Now you can't drain the 18 bathtub and you can't flush the toilet, and 19 that's not a bit different from what we face 20 in this situation. 21 I don't envy your job. The 22 Committee has got to come up with some

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	I
1	recommendations. Let me just give you a
2	little bit of reason to reinforce what I've
3	heard already here that you can't trust DOE.
4	Their word is no good, and it doesn't have
5	anything to do with political affiliation of
6	any party. It's consistent right down the
7	line.
8	I was first elected governor in
9	November of 1970. I took the oath of office
10	in January of `71. One of the first things
11	that we had to face was the gigantic dumping
12	of nuclear waste in the state of Idaho. For
13	20 years, they dug ditches out there with a
14	bulldozer and put mixed waste, transuranic,
15	low-level and some high-level indiscriminately
16	into the ditches and covered it up. I went to
17	then Dixy Lee Ray, who was head of the Atomic
18	Energy Commission, and she said, oh, Governor,
19	you just don't understand. That's just
20	interim storage. We're going to take that out
21	of there. Well, that interim storage went on
22	and on and on. Yes, you know the story.

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1 That's the first edition.

2	In `77, Jim Schlesinger, well, we
3	created DOE in `77, and Jim Schlesinger became
4	the first secretary. I went to Jim and I
5	said, Jim, does that commitment that the
6	waste, and I still had that letter from Dixy
7	Lee Ray where she said we'll have it out of
8	there by the end of this decade. Anyway, I
9	said does that commitment still stand? Oh,
10	yes, you bet, Cec. That still stands. Oh,
11	lied to again.
12	Then we had an Admiral Watkins and
13	then we had an Admiral DeMars and the list
14	goes on and on, and DeMars made the public
15	statement. He was head of the propulsion
16	group in America, as I recall, in charge of
17	refueling the battleships and aircraft
18	carriers and what have you. And he publically
19	said, we'll just send that waste out to a
20	remote place in America. Well, the place he
21	selected was just west of Idaho Falls in the
22	state of Idaho on a 50-mile footprint. There

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1	was about 350,000 people. But just beneath it
2	640 feet, there's the largest fresh water
3	aquifer in North America. And DeMars and I
4	obviously didn't agree on very many things.
5	And then I would just finally say
6	two things. In 1995, we created an agreement
7	where the only state that has an agreement
8	with the federal government that says you'll
9	take out by a certain date, 2035, and if you
10	don't there will be substantial financial
11	remunerations and fines to go for. Well, the
12	ink wasn't even dry on that document until DOE
13	and Justice said all doesn't mean all, and I
14	said, I beg your pardon. Well, all doesn't
15	mean all. We ended up in the federal district
16	court. The federal district judge ruled in
17	favor of the state. DOE and Justice
18	immediately appealed to the 9th Circuit. It
19	came back again. And once again, the state
20	did win the decision.
21	I have to say for the first time
22	that I can say on the transuranic waste, they

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1	started doing a pretty good job right now.		
2	High-level, we still got a little over 900,000		
3	gallons of high-level waste in single-wall		
4	tanks buried underground. Sodium		
5	contaminated, that's another issue. That's		
6	enough examples, Mr. Chairman, to say you		
7	can't trust DOE. They have no credibility.		
8	I would submit to you that what this group		
9	should recommend is that a separate entity be		
10	created by the Congress of the United States		
11	with the singular authority to locate and		
12	create a high-level nuclear waste.		
13	Trust. I heard trust this		
14	morning. I heard a question, first of all,		
15	about remote areas. I don't buy that. I		
16	believe you asked that question. Because if		
17	you ask that again, we're going to unload on		
18	you. But it's a situation where I heard Mr.		
19	Nash use the word trust several times, and my		
20	colleague here used it a moment ago, and		
21	that's part of it.		
22	I would say that you've got four		

Page 168 things that you've got to do, Mr. Chairman, 1 2 and that's to create, first of all, that 3 separate entity. Secondly, you've got to 4 address a responsible fashion of reprocessing the waste we have to reduce the volume and 5 6 salvage the energy that is there. That 7 doesn't necessarily have to be in the same 8 area as the repository, but that has to be 9 there. Third, we've got to admit as a nation that significant, significant, substantial 10 financial incentive be extended to that 11 12 location that you choose as a possible site. 13 It comes back to trust. I would say that, cut 14 this short by saying that if you were to make Congressman Hamilton a benevolent dictator for 15 16 a short period of time and he asked me what to do, I'd say the first thing I believe that 17 18 you've got to do is to find a spokesperson. 19 Go to U.S. Geological Survey and determine 20 which states have the capability of being a 21 potential site, and then find a proper 22 spokesperson to visit in those states and make

Page 169 sure that, politically, it would be 1 2 acceptable. The difference between the 3 transuranic waste facility in Carlsbad, New Mexico and Yucca Mountain is that they didn't 4 5 have that trust. They didn't have that 6 agreement. 7 Mr. Chairman, I made several trips 8 to Carlsbad visiting with them about that. 9 That has been a success. One of your members 10 who I see is not present here today, the former senator from New Mexico, can tell you. 11 12 He was a supporter. The governor was a supporter. Bill Richardson, well, Bill's 13 position was that he was, some of his friends 14 were for it and some of his friends were 15 16 against it, and he was with his friends. Lee 17 is smiling. He remembers. But that's okay. 18 I take that better than an opposition. He went to doing other things, and Carlsbad is 19 20 there and it's functioned well. You've got to 21 do the same thing, and you've got to have 22 somebody that's trusting to go to those

	Page 170	0
1	various states, whether it's Michigan, Kansas,	
2	New Mexico, Wyoming, wherever, and see if it's	
3	successful.	
4	I'll stop there. That's longer	
5	than six minutes, and I apologize. But I've	
6	come a long ways to get that off my chest.	
7	But you simply absolutely cannot trust DOE.	
8	They're too large with too much responsibility	
9	to focus, so it's easy to just, you know, push	
10	it off to one side. I yield the rest of my	
11	time to the Congressman.	
12	CHAIR SCOWCROFT: That's very	
13	helpful. Mr. Congressman?	
14	MR. GARAMENDI: To the	
15	distinguished panel here, thank you for the	
16	opportunity to be here. I am honored to sit	
17	next to these three gentlemen and to share	
18	with you some experiences and perhaps some	
19	insights into what's going on here.	
20	I was in the California	
21	legislature when Three Mile Island happened,	
22	and I suspect I had as much to do as anybody	

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1	in the West Coast in shutting down the nuclear		
2	power industry's growth at that time. We were		
3	concerned about the safety of the facilities.		
4	In my own district, we had Rancho Seco which		
5	was the twin of Three Mile Island. And we		
6	also had this little issue of waste: what are		
7	we going to do with the nuclear waste material		
8	from the reactors? And there was no solution		
9	then. You've just heard from the two		
10	gentlemen to my right. They also dealt with		
11	this somewhat differently and that they were		
12	dealing with the laboratories and the nuclear		
13	weapons facilities. But, nonetheless, the		
14	issue was similar. There was no real solution		
15	at that time for the waste issue.		
16	And so for the intervening 30		
17	years now, I've held the position that, you		
18	know, we couldn't go forward with nuclear		
19	power until we solved those two issues.		
20	During that period of time, the safety issue		
21	is pretty well resolved. These plants, the		
22	new modern light water reactors around the		

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1	world operate safely. But the waste issue		
2	remains, and to this moment there is not a		
3	solution. That's what you're all about, and		
4	I'm sure there are millions of Americans and		
5	policymakers, perhaps in smaller numbers, that		
6	are keenly interested in what you propose.		
7	My second tour of duty on this		
8	issue occurred when I was the Deputy Secretary		
9	for the Department of Interior. Secretary		
10	Babbitt at that time, I'm sure Secretary		
11	Andrus didn't do this, handed the hot potato		
12	off to me and said, you deal with Ward Valley,		
13	which was the preferred dump for low-level		
14	radioactive waste for California and two other		
15	states, one of which was Idaho.		
16	So we had the U.S. Geological		
17	Survey do their work, which they're required		
18	by law to do. And we took a look at it, and		
19	there were some problems, a migration problem		
20	particularly of tritium. And I spent the next		
21	two years on that matter. Ultimately, that		
22	dump did not take place because of the issues		

		Dage	172
1	of securing the waste material.	ruge	175
2	Something interesting happened		
3	after, I guess, I was responsible for stopping		
4	that process. About two years later, the		
5	principal component of material to be dumped		
6	at that location, tritium, turned out to be		
7	not a waste product but rather a valuable		
8	product. And the industries, all of its		
9	various pieces, began to retrieve that		
10	particular material and to use it and reuse		
11	it.		
12	Since that time, and more recently		
13	as I've continued my work on climate change		
14	and energy issues, I've come to a different		
15	conclusion than I had 30 years ago, and that		
16	is that we have to move forward with nuclear		
17	energy, that we really have no choice in this		
18	world but to do so. However, to do so		
19	requires us to deal with the safety issue and		
20	the waste issue. Fortunately, the U.S.		
21	government, through the 70s and 80s and into		
22	the early 90s, worked diligently on a		

Page 174 mechanism to deal with the waste issue, and it 1 2 was pretty simple. It's not a waste, it's 3 actually a valuable energy source. Most 4 reactors today will use a few percentage 5 points of the energy in uranium, and the rest 6 has been considered to be a waste. But the 7 U.S. government figured out what to do with it 8 and during that period of time developed a 9 mechanism, a reprocessing mechanism, a reuse 10 mechanism, a reactor that actually, over time 11 and through continued recycling, can consume nearly all of the waste and do away with the 12 most dangerous -- excuse me, I used the wrong 13 14 word -- the most long-lived of those elements. And as I've looked at that, I'm 15 16 going a-ha. John, maybe it's time to reconsider, reconsider that if, in fact, there 17 is a viable way of re-using, recycling the 18 heretofore waste and instead of consider it to 19 20 be a waste consider it to be a valuable energy 21 source, that we can move forward with an 22 essential element, that is essential

Page 175 mechanism, to deal with the energy issues of 1 2 America and the climate change issues of this And so the Generation 4 reactor 3 world. 4 systems, processing, IFR, other things, they 5 actually happened and they actually work and they actually prove that it did work and to 6 7 work without proliferation issues. 8 And so I bring to you today the 9 years of experience, concerned initially about safety and waste products and the disposal of 10 them and then over the years learning that 11 12 there was a solution and that if we pursue 13 that solution we can move forward with an 14 extraordinarily important part of our future. 15 So I'm happy to be here and answer whatever 16 questions and engage you in a dialogue. And 17 thank you so very much for the opportunity. 18 Thank you. 19 CHAIR SCOWCROFT: Thank you very 20 Mr. Jim, would you like to make a few much. 21 22 Yes, I would. Thank you MR. JIM:

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1	very much, Mr. Chairman, members of the		
2	Commission. I appreciate this opportunity to		
3	be on this panel. As a recovering councilman,		
4	I should fit right in. I hope the methods		
5	that I bring today will help address the		
6	problems that we all have in regard to		
7	America's nuclear future.		
8	The main issues are many for the		
9	Yakama Nation whom land is situated right		
10	there at the most contaminated site in the		
11	country, the land of which the Yakama Nation		
12	at one time had exclusive use to that land,		
13	water, and all the resources. And the		
14	underlying problem here, as I see, to go		
15	forward would be the participants out there,		
16	whether it be the Department of Energy, the		
17	Interior, or EPA, as this term of trust		
18	responsibility. That is misunderstood at		
19	times, and I think the newer generations that		
20	are coming in to represent the federal		
21	agencies do not fully understand that term.		
22	The highest courts in this land		

Page 177 have interpreted, for instance, that any major 1 2 decisions, borderline decisions, must be made in favor of the Indian nations because when 3 those treaties were made we didn't understand 4 5 the English language, and that seems to be 6 misunderstood today. And I hope it isn't just 7 being pushed off into the side, the wayside. 8 We have a considerable problem 9 relative to the trust responsibility, plus the 10 trust issue. How can you trust a federal agency that does a study, for instance, with 11 12 a fish commission and determines out of that 13 study that if I eat the salmon and the fish, 14 other fish, out of the Hanford Reach I will 15 have 1 chance in 50 of getting the fatal 16 cancer. That's a long way from ten to the minus four. 17 So based on that, the federal 18 19 agency that did the study, we approached them 20 and said, what are you going to do now. and 21 they said, we're sorry. We don't have any 22 money to do anything. And to this day, I

		Page	178
1	don't understand the comment when they said,		
2	you should be more concerned about the		
3	contaminated strawberries coming out of		
4	Nicaragua. The strawberries out of Nicaragua		
5	are not natural food to the Yakama.		
6	And while we're on that subject, the natural		
7	foods that are there in that Hanford area,		
8	some only grow to a certain elevation.		
9	My point is they're part of my DNA		
10	historically. My consumption of that food		
11	that we have been utilizing for millennia I		
12	believe is preventive medicine, and without		
13	that understanding and the evidences within		
14	the fact that we have some of the highest		
15	rates of diabetes because of Burger King,		
16	Kentucky Fried, and et cetera, that's another		
17	problem, but we do have a very high rate of		
18	cancer. And the health and welfare is		
19	paramount in our treaty, and it is part of		
20	this trust responsibility that the federal		
21	agencies have as a fiduciary obligation, and		
22	it is being misunderstood further and further		

1 as time goes on. 2 And so we oftentimes find 3 ourselves on the periphery of some of the 4 major issues that are being addressed. And as 5 the president from Ronald Reagan this way 6 said, we must deal with these tribes on a 7 government-to-government basis of sovereign 8 nations, that has not fully being understood. 9 And although a federal official in the Department of Energy last year pounded on the 10 podium and said, we will comply with treaty 11 rights, that message needs to get through the 12 field office. 13 14 So that is the basis of my 15 introductory remarks, and I'll gladly take any Thank you. 16 questions. 17 CHAIR SCOWCROFT: Thank you very 18 I think we've established a good basis much. 19 for discussions. I would now open the floor 20 to questions from the Commissioners. If you 21 want to direct your question to a particular 22 member of the panel, fine. If not, just in

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Page 180 general. Jonathan? 1 2 I'm particularly MEMBER LASH: 3 interested, Governor Sullivan and Governor 4 Andrus, in how you would construct the process 5 so communities and states can be effective 6 participants, and is it practical to ask 7 states to approve a process, give them a veto, 8 and think that we can come out the other end 9 with a site, assuming that communities are 10 given the right to opt out? I'll take the first 11 MR. ANDRUS: 12 shot at that, Mr. Lash, and say that, no, I 13 don't think that you want to hand the state or 14 an independent nation veto power. But if 15 you've got any political smarts at all, you 16 simply will not go into the state after your initial contact to find out do we have a 17 18 spokesperson, the governor or somebody who has 19 the bully pulpit to be able to talk to people. 20 But you have to be prepared to find out 21 whether you have the acceptance, like we had 22 in New Mexico on Carlsbad. If they had gone
		Page	181
1	the other way, it would have been very		
2	difficult to achieve. We would not have. So		
3	you have to establish that we have, but you've		
4	got to give that spokesperson something to		
5	sell. It's simple politics, ladies and		
б	gentlemen. You all understand that. You've		
7	got to give them something to say, yes, we've		
8	got to do our share of this but, by the same		
9	token, the process is going to create this		
10	many jobs on a permanent basis and we're going		
11	to give you a substantial remuneration that is		
12	equal to your cost of higher education or some		
13	incentive. Now, it doesn't have to be that,		
14	but it has to be an incentive that that person		
15	can say that this is what we will receive.		
16	But if there is strong political		
17	opposition, then don't waste your time. Go to		
18	your other potential sites because look at		
19	Yucca Mountain and just compare Yucca Mountain		
20	and Carlsbad, the two situations. That will		
21	tell you the story. Michael?		
22	MR. SULLIVAN: It must be your		

		Page	182
1	federal background, Cec. I'm shocked to hear		
2	you say you shouldn't give a veto power to the		
3	state. I can't imagine siting a facility		
4	without state participation and acceptance,		
5	and I believe it is possible to get that. But		
6	I think we may have missed two or three steps		
7	in the process. Nuclear power, at least now,		
8	seems to me to be a subject that can be		
9	discussed in political circles. It wasn't		
10	some years back. But the experience that we		
11	had with the MRS clarifies for me the raw		
12	emotion of this issue because of the lack of		
13	education and because of the lack of a		
14	national consensus.		
15	I mentioned last night in		
16	discussing with some of the staff one of my		
17	great disappointments from the MRS study was		
18	that about five months after issuing my letter		
19	terminating the process I said to my staff, we		
20	have those boxes of letters on this issue.		
21	Would you retrieve them? because I think they		
22	would be good historically and for any future		

Page 183 process because they weren't check-the-box 1 2 letters or sign off on this petition. They were handwritten letters from every 3 4 demographic in our society, both pro and con. 5 I got word two days later that my staff, in its rush of efficiency, threw them out about 6 7 two weeks before that. 8 But the nature of the response was 9 so dramatic, and it was both sides. We had 10 people in Wyoming, we were suffering 11 economically, and there was a large part of our society that felt this was the answer to 12 our future economic circumstances. So it was 13 14 a divided state. I concluded we didn't have 15 the energy to face this issue, no pun 16 intended, given the circumstances that we were 17 faced of the uncertainty, the lack of a national consensus, the lack of a clear 18 understanding of what the science was. 19 20 I think this is like a pyramid, 21 and the foundation has to be a national understanding of the critical need and the 22

		Page
1	safety and the voluntary process. And I fear	
2	we're in a situation, and I hope that you	
3	would share the fear, that we can't have	
4	instant gratification. We can't go out and	
5	find somebody who wants it and then let them	
6	wrestle with the problem without the	
7	educational background that's needed to	
8	explain so that you can at least get some kind	
9	of support and reasonable discussion of the	
10	issues. And I think that has to take place on	
11	a national basis before you start looking for	
12	sites. It wasn't there with Yucca Mountain.	
13	It wasn't there with the MRS process. And	
14	until it's conducted, I think then you get raw	
15	emotion responding instead of thoughtful,	
16	considered process.	
17	MR. GARAMENDI: Let me add just	
18	briefly to that. My experience at Ward Valley	
19	is exactly the opposite. The state of	
20	California did want to use Ward Valley as a	
21	dump site for low-level radioactive waste,	
22	some of which happened to be extremely	

dangerous and quite migratory. It turned out 1 2 that the federal government actually stopped it for reasons of safety and for inappropriate 3 4 mechanisms of dumping or technique of 5 disposing of the material, you know, like 6 steel barrels dumped in a trench and covered 7 over and walk away. 8 So I think we need to look at this 9 in a different way here. I think we need to consider the material: what is it; can it be 10 11 transformed in one way or another to reduce 12 the nature of it, and that can be done; and also the educational point that was made by 13 14 Governor Sullivan is absolutely correct. Ιt 15 was a big, big issue in California. It turned out that the lack of education was actually 16 17 with the state government, and the public, at 18 least those that were advocates against the 19 dump, had far better knowledge than the state 20 did on the matter. 21 Anyway, it's very complex. But 22 education, knowledge, and then, to the extent

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1	possible, transform the material so as to		
2	reduce the dangerousness of it, the length of		
3	life of it, and to reuse what is potentially		
4	reusable, and there's a lot of potential in		
5	that.		
б	CHAIR SCOWCROFT: All right.		
7	Phil?		
8	MEMBER SHARP: Yes. Governor		
9	Andrus, I wanted to ask you several questions		
10	about trust and try to desperately reestablish		
11	my own. I will never again refer to		
12	remoteness. I come from Indiana, and that		
13	seemed like it was, it seemed like a		
14	reasonable proposition in the past but not for		
15	the future. And also let me quickly say my		
16	grandfather homesteaded in Coeur d'Alene,		
17	Idaho, so I'm a great admirer of the frontier.		
18	I just wanted to open it up a little bit here.		
19	But let me say, you know, the		
20	issue of trust, obviously, there's no magic to		
21	it. It's a very hard to regain once it's lost		
22	kind of proposition, so I'm sort of toying		

Page 187 with obviously there are a number of steps you 1 2 both have already referred to that need to be taken in consultation and things of that sort. 3 4 What I want to get it is is there any value 5 and can we place any value in legitimate agreements between local, state, and federal 6 7 government that goes stage by stage and, 8 therefore, nobody is committed to anything but 9 that stage? 10 Ronald Reagan always said about dealing with the Soviet Union, trust but 11 verify. John Dingell, who was one of my 12 13 mentors in the House of Representatives, 14 always said his pappy said, trust but cut the 15 cards. And what I'm wondering is if the 16 technique of, in a sense, having an agreement 17 between the federal and the state government, you have an agreement that you believe is 18 19 enforceable in the courts. Governor 20 Sullivan's letter suggest the supremacy clause 21 and the general behavior of the U.S. Congress 22 suggests you can't keep these agreements. But

Page 188 I'm just suggesting is there a way which you 1 2 can have an agreement about phase one that 3 doesn't lock the community or the state into 4 phase two if you have multiple phases? Ι 5 don't know what those are. I'm just asking do 6 you see this as a technique that has value in 7 staging and steps forward in building trust? 8 MR. ANDRUS: If I may use again 9 the example of Congressman Hamilton being a benevolent dictator, whomever headed up this 10 11 agency that we are going to create in the 12 Congress of the United States, that that 13 person is yet to be politically astute enough 14 to know, yes, you're going to go to a certain 15 level. Let's say that it's this subterranean 16 salt of Kansas is the attractive place. Okay, 17 that's an example. Then that new agency has 18 to go to the governor of Kansas, whomever he or she might be, and say this is a situation 19 20 we'd like to at least discuss with you, and it 21 becomes a first stage. And if they throw the 22 bum out, then it comes back to it may not be

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		Page	189
1	an institutionalized veto power but it turns		
2	out that you're not going to fight that		
3	battle. But that's phase one.		
4	But my colleague here is		
5	absolutely correct that you have got to do the		
6	educational aspect at that state level. But		
7	when you're created brand new, you're a new		
8	agency, that's a perfect opportunity for		
9	education at the national level, and that's		
10	where some of your first bucks should go.		
11	Now, we haven't asked yet about the financial		
12	incentives that I alluded to earlier in my		
13	comments, but somebody is going to get to that		
14	in a little bit. But, yes, I think that it's		
15	a level situation, but it's pretty hard to		
16	draw those lines. You've got to have small		
17	cadre at the top of people with the experience		
18	and the knowledge of our two co-chairman of		
19	this blue ribbon committee, for example, to		
20	say, woops, Kansas is no longer a potential		
21	but Michigan is or something and go again.		
22	Yes, you've got to go a step at a		

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time. You don't turn loose the dogs until you're pretty sure that you're ready to go to stage three.

Well, one of my 4 MEMBER SHARP: 5 concerns is that obviously it's unlikely in 6 anybody's tour of duty at that agency or in 7 that governor's position that all of these 8 issues get resolved. In other words, we have 9 no experience that would suggest, not from WIPP, certainly not from Yucca Mountain, that 10 11 in the two to four-year period we would end up 12 getting a final decision. So we're into multi-generations of leaders at the state and 13 14 local level, so they changed at the local level, as well as the federal level, kind of 15 16 propositions.

17 So what I'm trying to think about 18 is I certainly take your advice as well 19 heeded how these people must behave who are 20 there, but we're going to have a turnover. 21 You know, the general and the congressmen are 22 going to move on to other functions and a

		Page
1	different administration is going to come in.	
2	So I'm thinking can we have a series of staged	
3	agreements that kind of bind to that level and	
4	then, of course, they don't bind beyond a	
5	certain set of functions you perform. And	
6	then you've got another treaty, which I know	
7	Russell Jim is not likely to find this	
8	reassuring that we would sign a treaty with	
9	anybody since our history on that score is	
10	very poor.	
11	But I just didn't know, I'm trying	
12	to think of what can take us behind the	
13	generational problem. And certainly getting	
14	a new agency that starts out fresh, that	
15	starts with superior talent, and is committed	
16	to these things, but it has to function that	
17	way over a 10-year or 15-year period. I think	
18	it does.	
19	MR. SULLIVAN: The only comment I	
20	would make is you keep talking about an	
21	agency, and I think that's a part of the	
22	problem. I think we need an independent body,	

Page 192 whether it's quasi-governmental or not. 1 2 Canada's presentation this morning illustrated 3 that, and I think appropriately because the 4 political uncertainty, the change of 5 administration, political will, and everything 6 else, is what causes the generational issues. 7 And as long as they're there, the issues that 8 I faced, how do we trust -- I'm sitting here 9 thinking about wolves in the West, and if you 10 get back into siting them solely in the West wolves are going to be a big issue because 11 12 that's what the federal government does to And that is the problem, and I think the 13 you. 14 trust needs to come from an independent long-15 term corporation, if not quasi-judicial or 16 quasi-governmental function, that has long-17 lasting, accountable, contractually obligated to fulfill the needs. 18 MEMBER SHARP: And who would they 19 20 be accountable to? 21 MR. SULLIVAN: Well, that's beyond 22 my expertise, but I am convinced that, in the

		Page
1	infinite wisdom of Congress, they can figure	
2	out how to do this because it seems to me	
3	and you need the utility participation.	
4	They've got to embrace, it seems to me, some	
5	of this issue as well that this is a national	
6	issue that needs resolution, and it takes	
7	innovative ideas to make it last as long as	
8	the waste material is likely to last.	
9	MEMBER SHARP: Governor, I was	
10	with you up until you got to the infinite	
11	wisdom of Congress. I spent 20 years there,	
12	and I was for 20 years a member of that	
13	chamber, and there are a lot of extraordinary	
14	individuals there. But the collective wisdom	
15	sometimes is not as much as the individual	
16	wisdom.	
17	MR. SULLIVAN: I reserve any	
18	comment.	
19	CHAIR SCOWCROFT: Well, I would	
20	like to add just a point. There are two sides	
21	to this, and let's suppose you, as the	
22	governor in Idaho, say, fine, go ahead. An	

	Pa
1	election is held, a new governor comes in and
2	says, no, I don't like it. What do you do in
3	that circumstance? Because what you're doing
4	is committing here to a long-range plan, and
5	how do you do that in an elective system with
6	the local level, the state level or what have
7	you?
8	MR. ANDRUS: That's why I
9	mentioned earlier about no veto power, that
10	you're setting yourself up for that example
11	that you just pointed out. But I would say to
12	you that you have to have an understanding
13	within the Congress and an agreement within
14	the Congress of the importance of this. What
15	the Congressman said a moment ago about the
16	future of nuclear energy being created,
17	whether it's 20 percent of our output now, and
18	it is a very important resource and it's going
19	to be in the future, but I would just submit
20	to you that you've got to have an
21	understanding within the Congress. And I'm
22	not prepared to write it out, but I'm the

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1	eternal optimist. I think you could work it	
2	out with that provision of trust.	
3	You're right. Long-term, you've	
4	got to work your way around that. It's very	
5	necessary. But that's the danger of veto	
6	power is what you just spoke of.	
7	MR. JIM: Thank you. Mr. Sharp,	
8	it's the Treaty of 1855 that is supposed to be	
9	inviolable as long as the suns will shine and	
10	the grass shall grow and the rivers flow. I	
11	had the opportunity and the honor to work with	
12	Morris Udall to help create this Nuclear Waste	
13	Policy Act in which the tribes do have veto	
14	power. And so the point being that we strive	
15	to become part of the solution. And if the	
16	Treaty of 1855 would be adhered to, it covers	
17	everything from health to environment, et	
18	cetera, it would be protective of all future	
19	generations, not just the Yakama. And I know	
20	that's a very difficult issue, as I've	
21	witnessed for the past 30 years. But I think	
22	that, in the creation of any body to address	

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1	this issue in the future, you will find		
2	consistency from the Yakama that this land		
3	needs to be clean in order to be utilized for		
4	future generations.		
5	And our term is that we must preserve and		
6	protect the land and resources for those		
7	children yet unborn.		
8	And I think that if we could		
9	create this better understanding of what the		
10	treaty rights mean and the coordination		
11	between the state and the federal agencies, we		
12	would all get along much, much better looking		
13	for a solution to what the future holds for		
14	the nuclear future. And I know there are many		
15	opportunities.		
16	Perhaps, as I asked when I managed		
17	the first nuclear program that was looking for		
18	a repository, it took me four and a half years		
19	to convince that Hanford was not technically		
20	a place to put the high-level waste. But		
21	having said that, the next step is how do we		
22	resolve all of these issues and maintain a		

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1 good working relationship with the states and 2 federal government and et cetera? And as I 3 stated a bit ago, if there is going to be an 4 organization, you're going to have to figure 5 out how the tribes may be involved in that.

6 And so when all of this is going 7 to be addressed in the next few years and 8 coupled with the development of all these new 9 nuclear power plants, I asked in the first program I managed I'll give you back all the 10 11 money you have provided to me if you will give 12 me a design for a nuclear power plant; I think the Yakama Nation will need one one day. 13 And 14 I hope that research and development can 15 establish a safer way of operating these 16 plants. There may be not as much dangerous But first we have to resolve the 17 waste. 18 legacy that has befriended us up to now. 19 Thank you. 20 Thank you, Mr. MEMBER MONIZ: 21 I have two questions. The first is Chairman. 22 for the governors and congressmen. Governor

		Page	198
1	Andrus, you specifically brought up the issue		
2	of the new organization, and I would agree.		
3	In fact, an MIT report this year endorsed, as		
4	well, the idea of a quasi-government		
5	organization. However, it came with a		
6	condition that such an organization's creation		
7	would be unlikely to, frankly, have much		
8	difference unless it were given authorities		
9	that do not currently exist with anyone, like		
10	the ability to manage the Waste Fund which		
11	Congress has not authorized anyone to do. The		
12	authority to negotiate with facility owners		
13	about when waste is moved was stuck in an old		
14	contract mode and can't move from		
15	decommissioned reactors, et cetera. There's		
16	a whole list of authorities that would have to		
17	be given, so the question then is what between		
18	governors, Congress can one see to not simply		
19	have the feel-good step of creating a new		
20	organization but of creating one with the		
21	authorities required: a governors'		
22	association, working with industry, Congress,		

		Page	199
1	administration? That's the first question:		
2	how can we actually move to an organization		
3	with the authorities required to make an		
4	impact?		
5	Second question for Congressman		
6	Garamendi. You presented this vision of the		
7	solution in the future fuel cycle that,		
8	roughly speaking, utilizes and burns up all of		
9	the transuranics, the minor actinides, and dot		
10	dot dot. Let's not worry about factors of		
11	two, but, certainly, our estimate is that, to		
12	reach that kind of a possible solution, we're		
13	talking about the order of a billion dollars		
14	a year for the order of 20 years of RD&D. And		
15	the question is where's the money? Should		
16	this be another mil per kilowatt hour on		
17	nuclear power? That's 800 million a year, for		
18	example. How do we ask to get an RD&D program		
19	of the scale to do this?		
20	MR. GARAMENDI: We've started at		
21	the other side of this table. I'll take a		
22	shot at it. The new organization. Let me put		

		Page	200
1	these two questions together. I don't see a		
2	solution with the new organization or an		
3	existing organization until you change the		
4	nature of the game. If the nature of the game		
5	is how do we dispose of the waste that we		
б	presently have without changing that waste		
7	isn't going to work. There's just going to be		
8	opposition because you're looking at a time		
9	frame of several tens of thousands or more		
10	years with very dangerous materials. Where		
11	are you going to put them? Well, not in my		
12	backyard, thank you. But we'll try Idaho or		
13	maybe Wyoming, but not my backyard.		
14	So you've got to change the game,		
15	and I think there is a game change that is		
16	available for much of this. Not all of it but		
17	for much of it. I think that we need to be		
18	very creative, we've talked about the research		
19	and development, with regard to those waste		
20	materials that are not easily transformed or		
21	maybe cannot be transformed because of the		
22	nature and where they came from and so forth.		

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1	However, for many of the other		
2	waste materials, I think we need to change the		
3	game. They're not waste, they're a resource,		
4	a resource that can be used to provide energy.		
5	And in doing that, reusing, recycling over		
6	time, and it may be a lengthy period of time,		
7	a hundred years, maybe more, to recycle and		
8	recycle, you wind up with a waste at the end		
9	of the process that may be very short-lived		
10	and by comparison very short-lived and more		
11	easily handled.		
12	I think that's what we need to		
13	focus on here. And if we do that, you've		
14	changed the nature of this problem in that		
15	your waste is now an asset. It's a valuable		
16	product, a resource to be used.		
17	Now, what's it take to do that?		
18	In my opening statement, I said the U.S.		
19	government spent 20 years looking at this		
20	issue and came up with a solution, actually		
21	did it. They developed a reactor, they		
22	developed a process of recycling, reusing,		

		Page	202
1	pyroprocessing, and a reactor to IFR, sodium-		
2	based reactor, and it worked. It worked for		
3	more than a decade, almost two decades, until		
4	decided that there was a proliferation		
5	problem. It turns out you take a look at the		
б	proliferation problem and you go, hmm, maybe		
7	it wasn't carefully analyzed and that,		
8	depending upon how you do things, how you		
9	recycle, you may not have a significant or		
10	even a serious proliferation problem.		
11	So by doing that, how much money		
12	is it going to take? It's estimated that to		
13	build a pyroprocessing facility, demonstration		
14	facility, that is take it beyond what was done		
15	15 years ago and build a new one, you're		
16	talking something less than a billion dollars,		
17	700, okay? A lot of money, but in terms of		
18	what we're talking about here not much. And		
19	to build a reactor to a demonstration, IFR		
20	reactor, a couple billion dollars. How long		
21	would it take? Less than a decade if we put		
22	our minds to it, perhaps even less than that		

Page 203 if we really put our mind to it. 1 2 You then have changed the game. The nuclear material, the used nuclear 3 4 material at your various power plants suddenly 5 becomes not a waste product but a resource to 6 be used at some time in the future. So now 7 we're talking about an interim storage, 8 perhaps for, I don't know, a hundred years. 9 Maybe some of it will be used next year, others will be used ten years or 50 or 100 10 11 years from now. So you've taken that and 12 you've built that into a valuable asset. The material that is plaquing 13 14 Idaho and a few other sites around the nation 15 where we had nuclear weapons research going 16 on, that's somewhat different. It needs to be 17 handled differently. Some of that can be 18 recycled and reused. Others cannot for a 19 variety of reasons. So I'm not speaking to 20 that specifically. 21 What we're talking about for a, I 22 don't know, let's say on the outside \$3

		Page	204
1	billion or \$4 billion investment over the next		
2	five years to prove that we could do this.		
3	I'm new to Congress, okay? And I don't have		
4	infinite wisdom, may not even have collective		
5	wisdom. But I ask questions, and I asked the		
6	question in the Armed Services Committee, how		
7	much money are we spending protecting the flow		
8	of oil out of the Persian Gulf. Get back to		
9	you, sir. I asked the RAND Corporation. I		
10	figured they would actually get back to me.		
11	Not that the Pentagon wouldn't, but they		
12	didn't yet. Fifteen to seventeen, eighteen		
13	percent of the total defense budget, which is		
14	over \$700 billion. Do the math. Over a \$120		
15	or \$130 billion a year for that energy source.		
16	So we take a small piece of that or a small		
17	piece of the wars or whatever you want and		
18	move to something that could be a game-changer		
19	so that your waste is a resource, not a waste		
20	to be disposed of in somebody's backyard		
21	forever but rather to be put aside in a safe		
22	temporary temporary meaning long-term, not		

		Page	205
1	talking ten years. It will probably be		
2	somewhat longer than that. You change the		
3	game, and it's not expensive in terms of what		
4	we spend our money on here in this nation.		
5	MR. ANDRUS: I have just one		
6	footnote I would add. In my opening		
7	statement, I said there were four things that		
8	my benevolent dictator should do, and the		
9	second thing was reprocessing for the very		
10	reasons. The Congressman articulated it very,		
11	very well, so I don't think there's any need		
12	to carry it on any further. But is that cost		
13	extreme when you look at the situation of the		
14	way we're spending now and what we'll get as		
15	an end result? Absolutely not.		
16	MR. SULLIVAN: If I might just		
17	make one addition. I don't have the science		
18	that John has, but it still seems to me you		
19	have the same problem. You've got to put		
20	whatever you got somewhere. And as a game-		
21	changer, and this goes back to Chairman		
22	Scowcroft's question earlier, how do you do it		

		Page	206
1	when you've got two political lives going on		
2	at the same time? I think you need to change		
3	the game with the education and collaborative		
4	processes first on a serious long-term basis		
5	and then couple that with incentives,		
6	attractive incentives to the governmental		
7	agency that's willing to come in and make a		
8	bid for this so that you end up with something		
9	that's attractive to more than one		
10	governmental agency and not a threat because		
11	you've convinced them of the safety and the		
12	national need and a general consensus. And		
13	then you let the process, if you don't want it		
14	we've got somebody else who will take it, and		
15	you end up with not having a political issue		
16	but an economic issue.		
17	The MRS process had, it seemed to		
18	me, some very good aspects to it. It just		
19	needed a five-year foundation to put it in a		
20	place where it would work.		
21	MEMBER MONIZ: Could we have a		
22	reaction to the question of how to get an		

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1	organization with sufficient authorities?
2	MR. GARAMENDI: Well, I don't
3	think you'll get there, I don't know how you
4	could get there in the current circumstance
5	because nobody is going to trust anybody to
6	solve this problem because it may somehow
7	impact them. You think Congress is going to
8	give you guys the authority without some
9	oversight and some opportunity to pull you
10	back and rein you in or something? It isn't
11	going to happen in my view, not that I've been
12	around Congress long enough but I've been
13	around government for 35 years, almost as long
14	as the gentleman to my left or my right here
15	and my left.
16	So I think the organization is
17	going to have to work within the reality of
18	the ultimate authority is going to lie with
19	Congress and the President over time. And so
20	you need to set a mechanism that leads you in
21	the direction where you have a solution,
22	recognizing that the benevolent dictator may

		Page
1	exist in other countries but not around here.	
2	MEMBER BAILEY: Thank you. Thank	
3	you all for this panel. Let me pursue this	
4	line of comments, and since I have the	
5	opportunity to have a sit-in congressman here	
6	before me let's pursue this idea of a separate	
7	entity. And my questions go along pretty much	
8	some of the same as Commissioner Moniz. Who	
9	should be involved in this separate entity?	
10	Do I need to amend the Nuclear Waste Power	
11	Act? And how do I get the money to this new	
12	entity? How do I get the funds that are	
13	already there and have been stored in the	
14	Nuclear Waste Fund? What would be my	
15	mechanism? What kind of process would I need	
16	to set up?	
17	Recognizing that, obviously, as	
18	you have articulated quite well, this is going	
19	to be difficult, but I've got to get beyond	
20	that. You know, I appreciate the history and	
21	the history of the negative experiences help	
22	to inform how I can go forward, but I've got	

		Page	209
1	to go beyond that. And really my questions		
2	go, if I can fill in those blocks, if I can		
3	fill in those pieces of the puzzle and put		
4	four corners on this, I also need to know		
5	who's the best person, who has the		
6	credibility, the gravitas to articulate the		
7	need and, if you agree with this, that we do		
8	have a nuclear future, who can articulate that		
9	position? In our travels to Sweden and		
10	Finland, there was one afternoon where we were		
11	quite impressed with a community that		
12	articulated quite well the fact that they		
13	recognized that they have a responsibility to		
14	do something with this spent fuel. You can		
15	call it a dump, you can call it a waste, you		
16	can call it what you want, but there's a		
17	certain responsibility that lies with each and		
18	every one of us. And no matter how diverse		
19	and fragmented and dysfunctional DOE or		
20	Congress or whomever may be, there still lies		
21	this responsibility, and we've got to move		
22	forward.		

Page 210 So I need answers. 1 T need 2 something to help me make this decision and 3 help me write this report. So I'd like to 4 hear your comments on what are the components 5 of this decision-making process here, and how 6 do I get the money? Money is a big issue of 7 it. How do I get that? Congress is not going 8 to be an entity that's going to say, oh, okay, 9 we're going to allow this new entity now to have all this money, and take it out of our 10 11 treasury and put it over here and that kind of thing. So I pose that to all the panelists. 12 13 MR. GARAMENDI: I liked your last 14 sentence best, and it was, all the panel. How to deal with it? I've said this. 15 I don't 16 want to become boring, but in the current 17 circumstance I don't see a good solution and 18 I don't see any entity that's going to be 19 trusted over time to solve this problem. The 20 educational piece that has been discussed by 21 Governor Sullivan is really important. We 22 really need to understand. Certainly,

Page 211 Congress and others who are engaged in this 1 2 need to understand what it is we're actually 3 dealing with here. I've divided in my own 4 mind, and this may be incorrect, but you've 5 got, a word you use, spent nuclear fuel. 6 Mostly we're talking here from power plants. 7 I would use a different term. I'd use used 8 nuclear fuel. You've got the waste material 9 from the various laboratories which is somewhat different. Some of it's the same and 10 some of it is quite different. So I think we 11 need to have a good understanding of what 12 13 exactly we're dealing with. 14 With regard to the spent or used nuclear fuel, there is a solution available. 15 16 You've heard from France. They've got a 17 partial solution where they recycle using an 18 aqueous process of recycling. It has certain 19 troubles associated with it, very complex, 20 very expensive, and has the potential with a 21 little tweaking of the chemistry to wind up 22 making some really bad stuff like plutonium.

There are other mechanisms to recycle, but I 1 2 think what the game change here is to think of 3 this material as being a resource. 4 Now, how can we use that resource 5 in a way that gives us something of value? 6 I mean, you're looking at, I don't And it is. 7 know, using three or four percent maximum of 8 the energy in that material. And we figured 9 it out. America figured out what to do here. We spent, I don't know, billions of dollars 10 over 20 years, and we figured it out. 11 And then we dumped it. As near as I could tell 12 13 from my studies we dumped it because we were 14 fearful of proliferation. Well, guys, hey, 15 there is proliferation. And there's a whole bunch of terrorists out there that don't need 16 17 to proliferate, they just need to steal. 18 So we need a game change here, and the game change is what is this stuff? 19 Is it 20 an asset, a resource, or is it a waste? 21 America proved that this is a resource, not a 22 If we go down that path, then we can waste.

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1	find a solution to the question you raised,		
2	which is an entity that has the ability over		
3	time to move us from a waste to a resource,		
4	and that's your Generation 4 reactors. You		
5	can debate for some time. I've reached my own		
б	conclusion about which mechanism to use in		
7	recycling.		
8	We have money that's been set		
9	aside for, I don't know, three decades by the		
10	nuclear power industry. It's sitting		
11	someplace, God knows where, probably close to		
12	where the Social Security trust fund is. But		
13	let's assume it's somewhere. A pile of money.		
14	I don't know how many billions of dollars. In		
15	that context, could you use that money to		
16	change the game? Is the industry willing to		
17	use that, allow that money to be used to		
18	change the game? That is to prove in a		
19	demonstration program that we can not have a		
20	waste but we can have a resource. Three, four		
21	billion dollars over five, maybe ten years		
22	maximum. We change the game.		

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1	Now, certain waste, and this is a		
2	particular problem from our friend at the		
3	Yakama tribe and Yakama Nation and certain		
4	other laboratories around the nation, you've		
5	got a somewhat different problem. And I'm		
6	dividing the issue here. And I think that if		
7	we think about changing the game and we think		
8	about this in a different way and then develop		
9	the mechanisms to do that, which is basically		
10	building a demonstration facility, and an		
11	entity in that modality is the easier entity		
12	to build than one that deals with something		
13	that has to last for 200,000 years and is very		
14	dangerous. Thank you. CHAIR SCOWCROFT:		
15	Susan?		
16	MEMBER EISENHOWER: Maybe this is		
17	the perfect segue. I was going to initially		
18	make an observation and ask a question, but		
19	maybe the congressman has just gone a long way		
20	to making one of the points I wanted to probe.		
21	First of all, in hearing about these		
22	violations of trust over the years, it strikes		

Page 215 me that many of the most eqregious acts of 1 2 this occurred during the Cold War and this is 3 part of our legacy that we were in the middle 4 of a national emergency, that we probably took 5 a lot of shortcuts and let the American people 6 down across this country. But we are now in 7 a new era. I think it's fair to say we're 8 maybe even in the post-Cold War period, and I 9 think it's now just beginning to dawn on this 10 country that we're in a new environment, a new 11 global environment. 12 And so I was going to ask the 13 panel about how to talk about this issue in 14 the new set of circumstances, and I think the 15 congressman has gone a very long way in 16 answering my question. 17 I'd like to point out that I was 18 born in Fort Knox, and that was the gold 19 repository for this country. And I actually 20 would like to associate myself with your 21 comments because I think that taking spent 22 fuel to call it used fuel is a step, but it

Page 216 should be called partially used fuel, not used 1 2 fuel because used fuel sounds like it, too, is I mean, we're all on the same page on 3 spent. I think if we had called this 4 that one. 5 repository a national nuclear strategic 6 reserve it would feel a lot more like Fort 7 Knox than it would Yucca Mountain. 8 And so given this new nuclear 9 political environment we're in which is one that's full of potential and hope because the 10 Cold War is behind us, it's also a period of 11 12 deep uncertainty and kind of collective angst 13 in this country. So let me just re-frame this 14 question for the whole panel. What cautions 15 and opportunities would you see for us in 16 framing these issues today in the current political environment in which we are living? 17 18 CHAIR SCOWCROFT: Governor 19 Sullivan, you already did it in your opening 20 statement. 21 But not with regard MR. SULLIVAN: 22 to the current political climate of which I am
		Page	217
1	basically unfamiliar or on the wrong side of		
2	the fence. But I think it's a very good		
3	question. Going back to the limited		
4	experience I have, the angst, the anger, the		
5	fear that I saw generated because of a lack of		
6	information and a lack of a common solution,		
7	agreed-upon solution. And I think the current		
8	political situation makes that just that much		
9	more problematic and, thereby, makes the		
10	educational and I'm repeating myself and I		
11	apologize for that the educational		
12	component, the collaborative process component		
13	just like technology has advanced over the		
14	years, so has our ability to have		
15	collaborative process and understand how we		
16	inform people so that they view it as a		
17	responsibility as well as a part of our		
18	strategic energy answer. I think there is		
19	good opportunity to inform and educate and,		
20	based upon what John says here today, I think		
21	part of that information and education has to		
22	be we need a separate entity. So it may be		

Page 218 informing Congress, as well. But I would be 1 2 concerned about the current uncertainty and 3 angst. 4 MR. ANDRUS: I think I would agree 5 that you have to concerned about the political 6 element that we face today in the Congress, 7 but that's not your job as a blue ribbon 8 committee. You've got to come up with, 9 irregardless of what you think might be 10 happening out there, you've got to come up with something that you think would work. 11 And 12 I think that you've got to do what the 13 congressman has suggested here, but you come 14 back to Ms. Bailey's question about how do you 15 get the money and that's the very ingredient 16 that you have to have to make the agency work 17 or to do the reprocessing that we're endorsing 18 here today. And I believe that the first step 19 from that agency or that entity is created 20 that there is an appropriation, or an 21 authorization if you can, if that two and a 22 half billion dollars of money is still out

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1	there some place Congressman, I doubt that.		
2	I think it's been sucked up		
3	MR. GARAMENDI: It's in a trust		
4	fund. Not to worry.		
5	MR. ANDRUS: Oh, it's a trust		
6	fund. I'm sorry. I didn't know that. I		
7	don't want to go there. Anyway, that amount		
8	of money could be utilized. If not, an		
9	appropriation to start it up taken from some		
10	other source such as the congressman outlined		
11	here, the cost of protecting the hydrocarbon		
12	fuels that we ship into this country or some		
13	means. And then as you get working over that		
14	period of time, that money from the industry		
15	that is allegedly going into that trust fund		
16	should be directed right directly into your		
17	agency. It can be funded from the number of		
18	people that pay their utility bills, but		
19	you've got to start and the Congress has to		
20	either authorize or appropriate, whichever is		
21	the proper means.		
22	CHAIR SCOWCROFT: Allison?		

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1	MEMBER MACFARLANE: Thanks. Okay.
2	I guess I want to go back to this issue
3	sorry? Did you want to make a comment? I'm
4	sorry.
5	MR. JIM: To follow up on that
6	issue, it took us years to try and get the
7	education curriculums to teach about treaties
8	in public school systems. Only within the
9	last three years that has passed in the state
10	of Washington, but signed by the governor with
11	the proviso that only schools are on or near
12	reservations would be allowed to teach about
13	treaties. And the education process that's
14	been mentioned is very important. I call it
15	the logic of the uninformed, especially about
16	treaty rights. And to prevent down the road,
17	in the future, this consistency of litigious
18	people. I would hope one day that the
19	education curriculum on a nationwide basis be
20	allowed to teach about treaties. It would
21	provide a venue for your grandchildren or my
22	grandchildren to grow up and understand each

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1	other and not be so litigious or		
2	confrontational because of the issue of being		
3	uninformed about treaty rights. Thank you.		
4	MR. GARAMENDI: You asked about		
5	the political. I've been in Congress now 375		
6	days, so I have a great reservoir of		
7	historical knowledge. But obviously there's		
8	a significant political change afoot. For		
9	this issue, it seems to me that it's not an		
10	irretrievable but rather an opportunistic		
11	time. Generally speaking, there are far more		
12	folks on the republican side that are		
13	interested in nuclear power than on the		
14	democratic side. I use far more, not		
15	necessarily stronger advocates or better		
16	advocates but more numerous, at least judging		
17	from the nuclear caucus, if you will.		
18	So I think that there are some		
19	opportunities here, but the opportunity will		
20	not bear fruit as long as we are considering,		
21	and I'm going to talk here about nuclear		
22	energy waste or partially-spent fuel, as long		

Page 222 as it's considered to be a waste, it isn't 1 2 going to get resolved. So this is the game 3 change I'm talking about. 4 As to money, obviously, the 5 deficit hawks are about to gain control. Not 6 that they haven't for the last seven or eight 7 months, but, nonetheless, there is money 8 that's supposed to be spent on this issue. 9 How you access that money, whether the 10 industry is willing to involve itself in a 11 way, it seems to me that it's possible to do something here, and I see an opportunity. 12 13 That's where the nuclear power industry, let's 14 just say the energy, well, I won't say that, 15 the nuclear power industry has an interest in 16 building additional nuclear power plants. 17 It's part of our national energy policy now. 18 It has been for five or six years. But it 19 can't overcome this issue of what are you 20 going to do with the waste? 21 But if we transform this from a 22 waste to a partially-used fuel, that it's in

Page 223 a retrievable storage place that's sufficient 1 2 for retrieval, and you couple that with 3 Generation 4 reactors and a recycling system 4 that deals with your proliferation problem, 5 we've done a move to a completely different plateau from which to discuss this issue. 6 And 7 I think it's viable politically. What does it 8 take? It takes the nuclear power industry. 9 I'm referring to the manufacturers. It takes 10 the research that we have spent billions of 11 dollars on in previous years, decades actually. And to use that research, the 12 13 nuclear power industry, the electrical energy 14 industry, and the general public coming to an 15 understanding that there is a path that we can 16 follow. Would Congress do this? I think 17 18 the answer is yes. I know that in the Science and Technology Committee, some of us that are 19 20 on this path, we were able to insert a piece 21 of legislation that's now passed the House and 22 may get to the President in the lame duck

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1	session, or if not then it will be recycled	
2	next year, in which the Generation 4 path is	
3	laid out and funded, at least authorized	
4	funding. Now, the dollars are not there, but	
5	this is where the industry can come in and say	
6	maybe we're not going to have to store this	
7	stuff in our nearby swimming pool well, I	
8	guess that's not a swimming pool. Let's just	
9	say pool of water forever, but we can store it	
10	temporarily. We can recycle it in a	
11	mechanism.	
12	So I think what has to be done	
13	here is to understand those recycling	
14	mechanisms very, very well, and there are	
15	basically two: the pyroprocessing and the	
16	aqueous processing, and the reactors that	
17	would then be able to use that recycled	
18	material. If we understand that, then I think	
19	there's a pretty clear path for us to move on.	
20	And I believe the political will would be	
21	there. And if the industry is on board, that	
22	is the nuclear power industry is on board,	

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1	then there's a funding source. Now, that		
2	would require a mechanism, and I'll just work		
3	with this for a second, a mechanism made up of		
4	the industry representatives, pick and choose.		
5	I'd have a few advocates. Russell Jim would		
6	be a great person to put on it speaking for		
7	future generations, as he has so eloquently		
8	done.		
9	I don't know about DOE. A lot of		
10	emotion from my colleagues here about DOE, but		
11	it's pretty hard to ignore DOE in this		
12	process. But I would recommend a separate		
13	mechanism apart from and, ultimately, it's		
14	got to be responsible to the President and to		
15	Congress. I mean, you just don't do that.		
16	You cannot do otherwise in America. So you		
17	can put in installation, you know, various		
18	installations report back and leave us alone		
19	and a funding source that is not cut off, as		
20	often happens and has happened repeatedly in		
21	renewable energy.		
22	CHAIR HAMILTON: May I interrupt		

		Page	226
1	here? All of us are really wrestling with		
2	this question of organization, and you all		
3	stress or most of you do your dislike of the		
4	DOE and the necessity of setting up an		
5	independent quasi-government group, as you've		
6	indicated. And I've been sitting here asking		
7	myself what's the analogy? We have an		
8	independent group. We call it the Federal		
9	Reserve. It doesn't call upon the Congress		
10	for money, at least for the most part. It		
11	generates its own. But it's generally		
12	independent of the Executive and of the		
13	Congress.		
14	Now, it has its own sources of		
15	money. It generates its own money, and that		
16	may be a big difference there. If you have an		
17	organization dependent upon the Congress and		
18	the President, you can bet they're going to		
19	exercise oversight and probably should. But		
20	can you set up an organization that is		
21	independent, like the Federal Reserve? Then		
22	you'd have genuine independence. Now, I'm		

Page 227 told you've got \$23 billion in the Treasury 1 2 generated by fees, I guess, from the nuclear 3 power industry that might give us a measure of 4 independence here. 5 So when you talk about an 6 independent quasi-government organization, I 7 presume you're talking about a board of 8 directors. Who appoints the board? In the 9 Federal Reserve case, the President appoints the Board, even though it's independent of the 10 11 President to some degree. So does the analogy 12 of the Federal Reserve make sense to you, or 13 do you have a lesser idea of independence? 14 The only way you're going to have genuine 15 independence is to not be dependent upon the 16 Congress and the President for money. As long 17 as you're dependent upon them for money, you 18 don't have independence. I'm wrestling with 19 that. 20 MR. GARAMENDI: I'd like to defer 21 to my learned colleagues on both sides here. 22 The analogy that you used is an interesting

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1	one in that even as independent as the Federal		
2	Reserve is, they're often called before		
3	Congress for an explanation of what they're		
4	doing and, in some cases, beaten up and maybe		
5	they modify their activities and maybe they		
6	don't. But, you know, you still have		
7	oversight, and if Congress and the President		
8	really get upset, as Mr. Paul is presently		
9	upset, we're going to audit them. Fine, okay.		
10	CHAIR HAMILTON: No, but you've		
11	got a lot more clout if you've got money.		
12	MR. GARAMENDI: The money issue I		
13	addressed a moment ago, and I didn't realize		
14	it was \$23 billion, but if there is I'm even		
15	more excited about the potential. And we've		
16	seen the money issue over and over,		
17	Congressman Hamilton. We've seen it over and		
18	over again. You talk about the renewable		
19	energy issues in the United States. They're		
20	usually good for two or three congresses, and		
21	then the money ceases and the whole industry		
22	dies. You can take a look at what I've been		

		Page	229
1	talking about here, the Generation 4 IFR		
2	pyroprocessing. Twenty-years of research. It		
3	worked, and then it died because the Clinton		
4	Administration decided that it was somehow		
5	proliferating. It actually wasn't but,		
6	nonetheless, that was a decision that was		
7	made.		
8	So, yes, you need something that		
9	has longevity, a long period of time, because		
10	we're talking about something that goes on for		
11	a long while here. A high-level of		
12	independence. I do think you need to involve		
13	on the board, if you would. Key players. You		
14	can't do this without the electric energy		
15	industry. They're going to have to be		
16	involved. They have most of the waste,		
17	although it's stored in their facility now.		
18	I don't know who owns it. That's a question		
19	that can go on for a while; but, nonetheless,		
20	it's there.		
21	CHAIR HAMILTON: You can get a		
22	measure of independence by long-term		

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1	appointments. You give a ten-year appointment
2	to the FBI director, for example. Now, that's
3	a very different organization than what we're
4	thinking about here, but you do get a measure
5	of independence if the President appointed a
6	member of this organization we're talking
7	about for an extended term far beyond his own
8	term. Well, the FBI director is subject to
9	Senate confirmation. I don't think you'll
10	ever be able to not have that. You're going
11	to have probably the President making the
12	appointment, probably Senate confirmation.
13	They are going to be called before the
14	Congress, as they should be it seems to me, to
15	answer questions.
16	But I'm really struggling
17	personally and I think most of us are on what
18	kind of an organization we can put together
19	here that would be most effective in dealing
20	with this very difficult problem.
21	MR. ANDRUS: I think you're
22	awfully close excuse me just briefly. I

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1	think you're awfully close when you say terms		
2	of office. We were talking up here behind the		
3	mics a moment ago that terms of office with		
4	staggered terms type of situation we use in		
5	corporate boards of directors all the time,		
6	that would give you some continuity, of		
7	course. But I think that's about the only way		
8	you can go.		
9	MR. SULLIVAN: And I would simply		
10	say that when we speak of independence, I		
11	don't think any of us are naive enough to		
12	think that you're going to have total		
13	independence. You get independence by having		
14	your own money. That seems to me to be one of		
15	the major issues when dealing with the federal		
16	government is they've got control of the first		
17	strings, so you can't do anything with it.		
18	Oversight brings transparency, and		
19	transparency in this issue is of ultimate		
20	importance it seems to me. So I think your		
21	suggestion has some staying power.		
22	CHAIR SCOWCROFT: We are now badly		

	Pa	ge	232
1	over time. I'm going to adopt, we're going to		
2	call out the questions. Allison, Per, and Al,		
3	and then the panel can answer all three of		
4	them.		
5	MEMBER MACFARLANE: I just want to		
6	remind Governor Sullivan that in his letter he		
7	stated that he did not trust the federal		
8	government or the nuclear industry to assure		
9	the interests of the state, and so I think		
10	that's something, I wonder if you still feel		
11	that way? And then in terms of the states or		
12	tribes that are affected or that would host		
13	such a facility, I'm interested in how much		
14	control the state or tribe should have over		
15	the process.		
16	MEMBER PETERSON: My question is		
17	also related to trust. Thinking about it from		
18	the technical and operational dimensions of		
19	what should one prioritize for early actions,		
20	and we've spent some time debating this. I'd		
21	be curious about thoughts about some things		
22	that might be prioritized that can be done at		

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1	smaller scale, yet demonstrate the capacity to		
2	do what's needed subsequently at larger scale,		
3	looking at the example of where we started		
4	with true waste, now we're starting to do		
5	remotely handled. So a couple of options		
6	would include, for example, prioritizing		
7	centralized storage to spent fuel from		
8	decommissioned reactor sites. Another might		
9	be prioritizing early disposal activities to		
10	be for defense high-level waste where there's		
11	no controversy about the potential that it		
12	might have future economic value. That's a		
13	couple of examples of things that could be		
14	done technically at smaller scale to		
15	demonstrate capacities that, in the longer		
16	term, could be implemented at larger scale.		
17	CHAIR SCOWCROFT: Al?		
18	MEMBER CARNESALE: Congressman,		
19	mine is a little more of a very brief speech		
20	that ends with a what do you think of that		
21	because it relates to so the history here		
22	is credibility problems, to cheap to meter,		

waste isn't a problem. Too cheap to meter 1 2 gone. And climate change really since it includes a social cost, this is really 3 4 competitive, not economically otherwise but 5 worth subsidizing because of that. Waste 6 still a problem. Yucca Mountain wasn't the 7 solution. It was a small step in the solution 8 but indicated that we had a plan, we knew 9 where we were going. Now it's clear we don't. We don't have a plan, and we don't know where 10 11 we're going. We need a plan. 12 How's about recycling and 13 reprocessing, really rethinking used nuclear 14 That was the plan. That was the plan fuel? 15 40 years ago. Anybody that studied nuclear 16 engineering, it was wasteful to do anything other than that. It turned out not 17 18 economical. Industry wasn't interested. They were only interested if the government would 19 20 Also, it presented proliferation pay. 21 problems, but those come second. 22 The notion that the plan is going

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to be sodium-cooled reactors, try citing 1 2 Sodium-cooled reactors with those. 3 reprocessing plants and, trust me, that's 4 going to make it cheaper and it's going to 5 reduce the proliferation problem. 6 I think we're dead if we don't 7 have something that takes into account that we 8 need geological repositories, and we've got a 9 lot of spent fuel that is not going to wind up in some other kind of reactor. Nobody has a 10 scenario that makes use of all that fuel. 11 And the recycling that's taking place now is once-12 13 through, right? MOX -- doesn't really help. 14 So I think we've got to be very careful not to 15 sound like, trust me, it will be too cheap to 16 meter and the waste won't be a problem. 17 So what do you think of that? CHAIR SCOWCROFT: 18 That's a good 19 way to make up for our being over time. 20 MR. GARAMENDI: I'm going to be 21 very, very quick about this. I never for a 22 moment indicated there doesn't need to be a

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		Page
1	permanent repository. Certainly, some of	
2	these materials are absolutely going to have	
3	to be in a permanent repository of some sort	
4	somewhere. I'm not suggesting Yucca Mountain	
5	or any other place. You'll make your	
б	suggestions on that.	
7	But what I am saying is the fuel	
8	that's currently being used in our nuclear	
9	energy industry is an extraordinary asset that	
10	should not be locked up in a permanent	
11	repository but rather in a retrievable	
12	situation where we can then use that fuel once	
13	again in an advanced reactor system. That	
14	makes sense to me.	
15	It also gets us past what I think	
16	is an extraordinarily important issue here,	
17	and that is what are we going to do about the	
18	energy for America? What are we going to do?	
19	Are we going to continue on the path of where	
20	we are today, coal and oil; or are we going to	
21	transform and do what has been discussed for	
22	more than 40 years? It's time for us to get	

on with it.

1

2	One thing, and you mentioned the
3	cost issue here, you mentioned the economics,
4	the economics of the nuclear energy is pretty
5	well understood and is usually or almost
6	always calculated when we want to take the
7	next step. What does it cost us to dispose of
8	the waste? What does it cost us to build a
9	reactor? What does it cost us to build a
10	Generation 4 reprocessing system? Those costs
11	are always understood. Earlier, I said very
12	categorically that the cost of oil is not
13	understood. \$120 billion a year to protect
14	the flow of oil out of the Persian Gulf is not
15	calculated, nor is the cost to the environment
16	of carbon in the atmosphere. Those costs are
17	not calculated. If they were, we'd be on
18	nuclear, we'd be on solar and wind in half a
19	nanosecond.
20	MEMBER CARNESALE: I agree.
21	That's what I was saying about climate change
22	is change the calculation because of the

		Page	238
1	social cost.		
2	CHAIR SCOWCROFT: Other comments		
3	from the panel?		
4	MR. SULLIVAN: I would just		
5	respond to your question as I haven't changed		
б	my mind any. I think plan and education and		
7	a separate entity would resolve my concern.		
8	I don't hate DOE. I just have a general		
9	distrust for the ebbs and flows of political		
10	decision-making.		
11	MR. JIM: Mr. Chairman, I, too,		
12	would like to echo that, as we've said,		
13	funding is a very important issue, and the		
14	tribes particularly are dependent upon the		
15	federal government for their participation		
16	with the funding. But we always have to take		
17	care to be careful about putting those line		
18	items or wherever it may come from because as		
19	of `95 the new Congress came in and under the		
20	logic of the uninformed, what's all this money		
21	for Indian tribes? They took it out. We had		
22	to fight months to get it back in there.		

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1	So OMB also needs to be educated		
2	about what the trust responsibility means		
3	because they are a very important segment when		
4	it comes to funding. And if they don't		
5	understand trust responsibility, even though		
6	they're not a federal agency, they make a very		
7	important decision. Thank you.		
8	MR. ANDRUS: I will just say in		
9	conclusion that we appreciate the opportunity		
10	to share with you our thoughts. None of us		
11	have an absolute perfect blueprint for the		
12	future, but I would submit to this blue ribbon		
13	committee that if we continue to go forward		
14	without a plan and actuality of what we can		
15	accomplish then we're being irresponsible. We		
16	simply have no right to continue to produce it		
17	if we don't have plan to properly manage it.		
18	And that puts an awful burden on you, Mr.		
19	Chairman, and your colleagues, but that's		
20	absolutely what we have to do.		
21	Thank you very much for having us		
22	today, sir.		

Page 240 Thank you very 1 CHAIR SCOWCROFT: 2 I want to thank all of the panelists much. 3 for helping us get to the heart of the issues 4 that we're all grappling with. We greatly 5 appreciate your contribution and being with 6 Thank you very much. us. 7 We'll now take a ten-minute break. 8 (Whereupon, the foregoing matter 9 went off the record at 2:42 p.m. and resumed 10 at 2:55 p.m.) 11 CHAIR SCOWCROFT: I'd like to 12 begin now our final session of the day. It will consist of presentations and a panel 13 14 discussion with three experts who have studied 15 various aspects of the issues before this 16 Commission. We've asked the three presenters 17 to keep their remarks to about 15 minutes a 18 piece. 19 We will hear first from Dr. 20 Richard Stewart, University Professor and John 21 Edward Sexton Professor of Law at New York 22 University School of Law. Dr. Stewart is in

Page 241 the process of publishing a book on U.S. 1 2 nuclear waste policy, and we have asked him to deliver a summary of his findings. 3 Dr. 4 Stewart, please proceed. 5 DR. STEWART: Thank you very much, 6 Mr. Chair. I am a law professor at New York 7 University where I teach environmental and 8 regulatory administrative law, and I've worked with the Consortium for Risk-Based Evaluation 9 with Stakeholder Participation, CRESP. 10 You've heard from Charles Power of that organization. 11 And as Chair mentioned, my wife, Jane Stewart, 12 who is an environmental lawyer, and I recently 13 14 sent to the publisher the first comprehensive 15 history and account of U.S. nuclear waste law, 16 regulation, and policy, and that will be out 17 in the spring. 18 And I should just mention, as an 19 autobiographical addendum, I was the Assistant 20 Attorney General for Environment and Natural 21 Resources in the George H. W. Bush 22 Administration where I worked with Admiral

		Page	242
1	Watkins and the Energy Department facilities.		
2	And I actually argued the case before the 9th		
3	Circuit where Nevada unsuccessfully challenged		
4	the constitutionality of the Nuclear Waste		
5	Policy Act amendments of 1987.		
6	Our book, I think, has some key		
7	lessons that I'll try to distill at this		
8	point. First thing to be said is I think we		
9	need to move on for a beginning a process to		
10	site a new repository. Given the		
11	uncertainties over the future of Yucca, there		
12	is a possibility the WIPP's mission could be		
13	enlarged to include other waste. But given		
14	those uncertainties and the fact that we may		
15	need several repositories, especially if we		
16	have a pilot approach to the first one to see		
17	if there are start-up issues. So we ought to		
18	begin now, and we ought to begin with at least		
19	one consolidated storage facility for spent		
20	nuclear fuel to deal at least with fuel from		
21	the decommissioned reactors. There's broad		
22	consensus on that and I think some additional		

fuel to show that we can succeed at this 1 2 enterprise. Both of these involve siting 3 4 challenges. And if we look over the history, 5 we can see a variety of techniques or 6 strategies that we've followed in this country 7 to site nuclear waste storage or disposal 8 facilities. One is what we're going to call 9 the top-down technocratic approach. That was 10 the 1982 Nuclear Waste Policy Act. The top-That was the `87 11 down political approach. 12 amendments. And the low-level radioactive 13 waste legislation. Congress had a situation 14 of interstate compacts to site new facilities. 15 We've had some experience with private siting 16 in the early days with low-level waste and, 17 more recently, with the private fuel storage 18 facility in Utah. And then what I'm going to 19 call government host state and local host 20 negotiation, which is the WIPP. And all of 21 these, except the last, have failed. And the 22 WIPP, it's very difficult to generalize

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because we only have one case study and all the studies are limited in extent. But the lesson thus far suggests that a system of negotiation with local and state host assent to these facilities is critical to the success of the process.

7 Now, the Nuclear Waste Policy Act 8 imposed these top-down approaches because it 9 assumed that we had to bury the waste as soon There was a rush. 10 as possible. We couldn't afford securing local assent. The current 11 12 generation had to deal with this accumulated 13 problem that had been neglected. That was 25 14 years ago or more at this point, and the whole strategy that emerged out of the initiatives 15 16 of the late 70s and early 80s is pretty much 17 collapsed at this point. And the Commission, 18 you, have an opportunity to rebuild, to start 19 with a new approach which is an opportunity, 20 and I hope you'll seize it in the fullest 21 degree with a sort of top-to-bottom re-22 examination and a fresh start.

Page 245 The ethical premise of the Nuclear 1 2 Waste Policy Act, building on the interagency 3 review group from the Carter Administration, 4 was that the current generation had to deal 5 with the waste as soon as possible. I think 6 that's overly simplistic. It couldn't burden 7 future generations. I think that's an over-8 simplistic ethical premise, and I think we now 9 realize that, as Tom Isaacs has said, that we 10 need a more sophisticated approach that leaves 11 options open to future generations without 12 unduly burdening them in the process. And I think that means, one, that it's going to take 13 14 time for a repository to open, especially if we site a new one as I think we need to; and 15 16 we're going to need to acknowledge need for 17 interim storage, at least to some limited degree, maybe to a greater degree. 18 19 Under the Nuclear Waste Policy 20 Act, interim storage and a repository were 21 seen as enemies, so Congress put strict limits 22 on sort of any interim storage. And now I

		Page	246
1	think we have to see them as compliments.		
2	Starting with an interim storage facility can		
3	show, at least one, maybe several if		
4	geographic equity is an important		
5	consideration, to get into the siting process,		
б	to deal with local and state host		
7	constituencies; and successful siting of an		
8	interim storage facility can be the next step		
9	for successful siting and opening of a		
10	repository. So they should work together, not		
11	across purposes as I think the Waste Policy		
12	Act presumes.		
13	Starting with an interim storage		
14	facility, that could be located at a DOE site.		
15	It wouldn't have to be necessarily constructed		
16	by DOE, depending on your new institutional		
17	arrangements. All of these are linked to some		
18	extent. It could be leased land on DOE sites.		
19	There's a precedent, you know. There's a		
20	private reactor at the Hanford site. I think		
21	the possibility of private facilities is		
22	something that the government ought to allow		

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		Page	247
1	for and encourage if it's suitably regulated.		
2	The future siting efforts have to,		
3	I think, learn from the failure of the		
4	strategies other than securing host assent		
5	and, specifically the failure of Yucca and the		
6	success of WIPP. Forcing a site on the state		
7	doesn't work. Collaboration that gives state		
8	and local hosts a real say can work. That		
9	means host assent, probably regulatory		
10	authority as New Mexico has over the facility.		
11	The override of state regulatory authority in		
12	the Waste Policy Act is totally at odds with		
13	the Federal Facility Compliance Act that says		
14	federal facilities should be subject to state		
15	environmental regulation.		
16	It has to proceed step by step,		
17	not sort of one fait accompli. There has to		
18	be full disclosure. The state and the local		
19	community have to have independent technical		
20	capacity that's funded by the federal		
21	government. There have to be significant		
22	long-run economic benefits, not just for the		

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1	locality but the state, and a variety of		
2	regulatory and other assurances. That seems		
3	to be the lesson so far in the way forward.		
4	Now, our book goes into greater		
5	detail on the low-level waste situation, which		
6	is, in many ways of course, less pressing but		
7	still serious. The Low-Level Radioactive		
8	Waste Policy Act I think has failed. We have		
9	a serious problem of B and C waste. We have		
10	an orphan problem of greater than Class C		
11	waste. And those need to be addressed front		
12	and center, and I would respectfully suggest		
13	the Commission do so.		
14	The institutional and financial		
15	issues were being aired in the last panel. My		
16	own view is that we need at least two new		
17	institutions other than DOE. One is the		
18	siting process. I think the legacy of		
19	distrust of DOE is significant on the siting		
20	issue. And I guess my own view is something		
21	like an independent commission that is multi-		
22	member, three to five members, that has a		

Page 249 base, a sort of political base of different 1 2 sorts with different constituencies can work well with states and locality and the Congress 3 4 and the Administration to develop new storage 5 and repository facilities that are needed and 6 then, on the other hand, the operational 7 management of the actual handling, treatment, 8 storage, disposal of waste is a long-term 9 operational responsibility. I think it's rather different than the work of the Federal 10 Reserve but one that I think should be outside 11 of a regular department with all the political 12 13 push and pull, and it should have an assured 14 funding source. That was discussed in the 15 last panel. 16 Just what that might be, I think 17 there are a variety of options, but we need to 18 move more to a business model, probably a government corporation very probably with the 19 20 private industry involvement in some way and 21 representation in the governance structure of 22 which is done in Europe. And the financial

	Page
1	element has to involve some resolution of the
2	government's liabilities under the Nuclear
3	Waste Policy Act for not taking spent nuclear
4	fuel beginning in 1998.
5	I mean, it's sort of a scandal I
6	think that this problem has been festered and
7	been left to the lawyers and the utility
8	industry and in DOE and in the Justice
9	Department. I think it's obscured a lot of
10	openness. The DOE lawyers I think have
11	clamped down on getting information I found in
12	researching my book. It's not a healthy
13	process.
14	So we need to somehow liquidate
15	and transform the government's obligations.
16	It's obviously got to be an important funding
17	source given its backlog of obligations, along
18	with funding from the industry and, depending
19	on the model, of funding from the government
20	for the defense part of the waste. And that
21	all has to be rearranged.
22	Finally, I want to urge the

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Commission to also put on the table for the 1 2 national agenda our existing system of waste classification and regulation, which is grown 3 4 up patchwork without, you know, higgledy-5 piggledy over time, over 40 years, with no 6 consistent approach to the classification of 7 waste. Some waste are classified by their 8 origin, some are classified by their 9 characteristics, some are classified by whether they're civilian or defense. And this 10 11 has led to excessive regulatory burdens in some cases, like certain reprocessing waste 12 13 streams, and inadequate regulation for others, 14 like sealed sources that are currently classified as low-level waste or greater than 15 16 Class C. And I think we need to make a fresh 17 That doesn't mean, you know, a start. 18 revolution all at once. There has to be maybe some orderly transition. But I think that's 19 20 a key part of dealing with our waste. 21 Finally, let me just say on the 22 debate on reprocessing or the discussion that

Page 252 just occurred, I think my own view is we ought 1 2 to make some investment in R&D, but it 3 wouldn't be prudent to bet our future on 4 reprocessing at this point. But I think the 5 idea of both consolidated storage, at least 6 one start with it, and a repository are 7 consistent with those are going to take time, 8 they're going to be phased, they're going to 9 take decades, not as the Waste Policy Act pretended, you know, 16 years from start to 10 finish. And in that time I think decisions 11 12 can be made on the results of R&D and an ongoing evaluation of the role that 13 14 reprocessing might play. So I think that scenario outline is compatible with a range of 15 16 decisions on the reprocessing issue. 17 Thank you very much. 18 CHAIR SCOWCROFT: Thank you very 19 much, Dr. Stewart. Our next presenter is Dr. 20 Tom LaTourrette of the RAND Corporation. Dr. 21 LaTourrette and his colleagues at RAND 22 recently published a study entitled Managing
	Page
1	Spent Nuclear Fuel, which he will summarize
2	for us today. Thanks for being with us, Dr.
3	LaTourrette.
4	DR. LATOURRETTE: Thank you. On
5	behalf of myself and my colleagues, thank you
6	to the Commission for inviting us to speak
7	here today. I've got some slides. Okay. I
8	don't have a clicker, so can I have it? Thank
9	you.
10	So the objective of the work I'm
11	going to present is to look at how different
12	technical approaches to managing spent fuel
13	can be combined to create different overall
14	strategies and then to try to develop a way to
15	help think about how to distinguish those
16	different strategies. In the end, we don't
17	make specific recommendations. The idea is to
18	identify a range of feasible options for
19	dealing with spent fuel and then how we might
20	think about choosing among them.
21	Just very briefly about RAND and
22	this study. RAND, for those of you who are

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1	not familiar, is a non-profit independent		
2	institution that helps improve policy and		
3	decision-making through research and analysis.		
4	And this study is part of an we have an		
5	energy program. This is part of our ongoing		
6	energy work, and it was a modest internally-		
7	funded effort, so there's no external client		
8	with this work.		
9	So this just gives us a brief		
10	outline. We tried to use both technical and		
11	social considerations to distinguish, well, to		
12	design and then distinguish spent fuel		
13	management strategies. So we first looked at		
14	what are the opportunities and limitations as		
15	sort of a qualitative evaluation of different		
16	technical approaches to managing spent fuel.		
17	Then we also looked briefly at how the current		
18	institution framework has performed. I won't		
19	be able to take time to talk about that,		
20	although I could raise some points in		
21	discussion. Suffice it to say, we didn't find		
22	anything inconsistent with what's been		

		Page
1	discussed already.	
2	And then, finally, to what extent	
3	are different spent fuel management strategies	
4	consistent with different societal priorities?	
5	That's the sort of measure we use to try and	
6	distinguish them.	
7	So I'm just going to very briefly	
8	step through the technologies. You're all	
9	aware of these. We have on-site storage in	
10	pools or in dry casks. We've got centralized	
11	interim storage which is technically, more or	
12	less, exactly the same thing as dry cask	
13	storage on-site but you, of course, have to	
14	transport the fuel there. The third is	
15	permanent disposal in a deep geological	
16	repository, which is, of course, required in	
17	any strategy. No matter what recipe you come	
18	up with, this is part of it for sure. And	
19	then the fourth is I guess what we call semi-	
20	generic advanced fuel cycle. There are, of	
21	course, a lot of different advanced fuel cycle	
22	schemes. This is just a schematic eye crib	

Page 256 from the web. It's not meant to be specific 1 2 to what we're envisioning. We don't really consider most details, other than the waste is 3 4 essentially only fission products and that it 5 allows multiple recycles. From a waste 6 management perspective, those are the 7 important components. 8 And we evaluated these 9 technologies according to a bunch of criteria: safety, security, technical obstacles, the 10 11 impact of the waste characteristics, cost, and public acceptance. And some of the most 12 important findings I'll just list here. 13 14 So from everything we've been able 15 to gather, dry cask storage, it works. It's 16 feasible, safe, secure, and low cost. There 17 are concerns having to do with repackaging: 18 when would you have to do it, how often would 19 you have to do it. And it's certainly, of the 20 things we could do today, it's the most 21 acceptable because we're doing it now, but 22 it's certainly not perfectly acceptable,

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1	particularly at decommissioned sites. There
2	is some urgency to remove spent fuel from
3	decommissioned sites where it's preventing
4	redevelopment of the site.
5	The second point: technical
6	obstacles to geological repository. They
7	appear surmountable. This is, of course, a
8	bit tricky because we still haven't completely
9	settled the question of how good is good
10	enough, what should we expect a repository to
11	do, and what should we design it for. And, of
12	course, the performance depends a lot on the
13	details of the geology and the engineering
14	barriers involve. But I think there's a broad
15	consensus that we can build geological
16	repositories that meet technical regulatory
17	safety requirements. The greater challenge is
18	gaining public acceptance and trust.
19	Then the third is advanced fuel
20	cycle. I'll only spend a minute on this.
21	These have the potential to greatly reduce
22	repository capacity needs and uranium

Page 258 consumption. And by repository capacity 1 2 needs, it, of course, can decrease the volume 3 of waste but, more important in terms of 4 repository capacity is the heat load of the 5 And there are versions, schemes you waste. 6 can come up with where if you wait a 7 sufficient cooling period of a hundred or two-8 hundred years, you can actually greatly reduce 9 the repository capacity needs by decreasing the heat load. This doesn't account for the 10 11 fact that there's going to be ancillary long-12 lived intermediate level waste that will also need permanent disposal, although perhaps not 13 14 in the same type of environment as the spent fuel itself or the high-level waste. 15 16 Of course, the transition is going to take several decades I think it's fair to 17 18 say. And another important point is, while it could greatly reduce the repository capacity 19 20 requirements, it may not offer much benefit in 21 terms of reducing the environmental risk. And the reason is the environmental risk stems 22

Page 259 from the dose, not the radiation level. 1 So it 2 can reduce the radiation level by getting rid of a lot of the long-lived actinides, but the 3 dose to the biosphere is a function of the 4 5 amount of stuff there, so the radioactivity as 6 well as the performance of the repository and 7 the mobility of the elements. And the fission 8 product elements are far more mobile in 9 general than the actinides. So even getting rid of the actinides, you're still keeping the 10 dose level quite high by having those fission 11 12 products in the repository, so it may not reduce the dose level very much at all. 13 So 14 you may still need to have this thing as safe as you can for hundreds of thousands of years. 15 And detail this result, it's 16 important since we don't have advanced fuel 17 18 cycles yet, it depends on a few things. Ιt 19 depends on how the fuel cycle is designed. 20 You could remove the offending fission 21 products from the waste chain separately. It 22 also depends a lot on the geology. This

	Page 260
1	includes bias towards Yucca Mountain, which is
2	a very oxidizing environment. You can go to
3	a reducing environment. In fact, fission
4	products are a lot less mobile, and you could
5	actually start to reduce the dose level. But,
6	again, that raises the question of how
7	important the geology is.
8	Okay. So those are just some of
9	the, I don't want to take too much time on
10	that. I know you've heard a lot about these
11	before.
12	So what we did then is we took
13	those four technical pieces and combined them
14	in different ways to create what turned out to
15	be also four different strategies, overall
16	strategies for managing spent nuclear fuel.
17	And I'm presenting these in terms of a
18	notional timeline, but it's obviously highly
19	uncertain and the timeline really only acts as
20	a framework just to present the different
21	elements of each strategy.
22	So the first is what we call

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1	expeditiously proceed with Yucca Mountain. We		
2	recognize that particular siting of a		
3	repository is not the purview of this		
4	commission but, nonetheless, we included this		
5	particular site because so much work has		
6	already been done and we felt it was important		
7	to include it to be complete. So that		
8	includes maintaining on-site storage and then,		
9	at some point, we don't know exactly when,		
10	maybe ten years, maybe more, we license a		
11	repository and begin to place spent fuel. And		
12	the important point is we continue to maintain		
13	on-site storage for decades afterwards just to		
14	clear this backlog of spent fuel.		
15	The next, what we call the		
16	strategy, is a two-part strategy where we		
17	develop centralized interim storage in		
18	conjunction with restarting the site selection		
19	process for a new permanent geologic		
20	repository. In this case, again, we're		
21	maintaining on-site storage. In some number		
22	of years, we're able to site license and open		

Page 262 a centralized interim storage facility and 1 2 begin to transfer spent fuel, and that buys us 3 more time to take a measured staged approach 4 to select a new permanent geologic repository 5 and then begin to place spent fuel there. 6 The third strategy is what we 7 simply call aggressively pursue advanced fuel 8 cycles. In this case, we're maintaining on-9 site or probably eventually develop centralized interim storage, maintaining 10 surface storage anyway, for several years, 11 12 maybe several decades while we work out the bugs and the research and demonstrate and then 13 14 eventually commercialize advanced reprocessing for advanced fuel cycles. Off to the right 15 16 would be a permanent geological repository as well, but it's so far in the future it's not 17 18 explicitly considered in this strategy. 19 And then the fourth is what we call wait and 20 see, maintaining extended on-site storage 21 which is self explanatory. 22 So given these different

Page 263 strategies, which we feel span -- there are 1 2 certainly an infinite number of variations of these and combinations of them, but we feel 3 4 they span pretty much a range of things that 5 are seriously being discussed. So the next 6 step was to think about how to distinguish 7 among them. Given that they're all, more or 8 less, technically feasible, we could do it, how do we decide what to do? And so what we 9 did is we examined some of the key social 10 priorities or values that often come up in 11 12 discussions of nuclear energy and dealing with nuclear waste, and for each we asked which 13 14 strategy is most consistent with this priority? And this exercise is intended to 15 16 help with the question, you know, how do we distinguish among them, given that they're all 17 doable and they all, I think, have 18 19 constituencies. 20 So the first one that we often 21 hear about is we need to solve the spent fuel 22 disposal problem quickly. We just heard about

		Page	264
1	that. We've heard about it on and off for		
2	years. And this stems, I guess there's really		
3	two reasons. Generational equity. That is,		
4	we have a responsibility, those of us who have		
5	benefitted from spent nuclear fuel can't leave		
6	the disposal problem to the future. But		
7	there's another slant on this that you might		
8	say it's irresponsible to proceed with nuclear		
9	power until we've demonstrated the feasibility		
10	of the entire fuel cycle.		
11	In any case, for whatever reason,		
12	if this is our priority, then you want to		
13	proceed with Yucca Mountain. That's the		
14	fastest way. If you really want to close this		
15	out, that's the fastest way to do it.		
16	The next priority that I want to		
17	discuss in discussions of nuclear energy is,		
18	of course, paving the way for nuclear power		
19	growth. We all know nuclear power has not		
20	grown nearly at the rate we expected 40 years		
21	ago or even 20 years ago. And I don't want to		
22	oversimplify this. There's a lot of reasons		

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1	for that. It's complicated. Spent fuel and
2	the inability to dispose of spent fuel is one
3	element to that. And, certainly, utilities
4	have been reluctant to invest in the nuclear
5	power, partly for the reason that they can't
6	get rid of the spent fuel.
7	There's another reason that's more
8	pragmatic. It's, in many cases, illegal to
9	expand nuclear power until we come up with
10	satisfactory solutions to spent fuel disposal.
11	California, Oregon, Wisconsin, several states
12	have different versions of this sort of law
13	that makes it illegal. So if that's our top
14	priority, then either of those two solutions,
15	expeditiously proceeding with Yucca Mountain
16	or the centralized interim storage in
17	conjunction with a new geologic disposal site.
18	Both would get the spent fuel off the utility
19	sites, demonstrate good faith that the federal
20	government can take possession and begin to
21	dispose of the fuel or make arrangements for
22	disposal of the fuel. So that, conceivably,

would contribute to pave the way to nuclear 1 2 power growth. A third one. 3 If we've heard 4 anything today it's that there's been an 5 erosion of trust and credibility in the 6 process of pursuing Yucca Mountain. And so if 7 the priority really is to regain that 8 credibility and trust and increase confidence 9 in the decision-making process and the decision consensus, then you don't want to 10 necessarily rush ahead with Yucca Mountain. 11 12 You want to slow down, start over. But at the 13 same time, you want to do something. So in 14 that case, the centralized interim storage is 15 really the way to go. It solves the immediate 16 problem of the federal government making good 17 on the contracts, taking possession of the 18 spent fuel, and, at the same time, doesn't 19 rush us into anything where you don't have a 20 lot of trust and confidence in the decision. 21 You can come at this from a very 22 different perspective. Equally valid is that

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we're very confident that nuclear energy is 1 2 going to increase dramatically and become the dominant source of electricity in the country 3 4 and perhaps the world. In that case, you may 5 really want to start worrying about repository 6 capacity and perhaps uranium resources, 7 although that has less to do with spent fuel 8 management. And of course, if that's the 9 case, really the only way to really reduce the 10 repository capacity requirements is to 11 aggressively pursue advanced fuel cycles. 12 And then, finally, what we call, 13 you know, the priority would be to wait and 14 And I'm not sure all the reasons this see. 15 would come up, but one is simply that if 16 there's a sense that current options are just 17 too uncertain to warrant doing anything now. 18 There is a voice that argues for this and, of course, if that's your priority you want to 19 20 maintain extended on-site storage. 21 So that's really the gist of the 22 presentation. I can summarize now in a couple

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		Page
1	of slides what we found. So aggressively	
2	pursuing advanced fuel cycles is attractive if	
3	constrains on repository capacity or uranium	
4	resources are really your top priority. This	
5	entails great investment and great	
6	uncertainty.	
7	Maintaining extended on-site	
8	storage is attractive really only if all other	
9	options are unacceptable. And I think, in	
10	addition to not helping pave the way for	
11	nuclear power, it could, in fact, be quite	
12	detrimental by deliberately stating our plans	
13	to do nothing. I think that could make	
14	licensing quite difficult.	
15	And then that leaves Yucca	
16	Mountain or this two-phase centralized storage	
17	with a reopening the site selection process	
18	for a new permanent geologic repository. That	
19	would facilitate the growth of nuclear power.	
20	It would not leave the spent fuel disposal	
21	problem for future generations. And really	
22	either of them would satisfy those priorities,	

	Page
1	and the real decision of which to choose
2	depends on how important it is to increase our
3	confidence in the decision-making process.
4	Thank you.
5	CHAIR SCOWCROFT: Thank you very
6	much, Dr. LaTourrette, for your presentation.
7	The third and final presenter is Dr. Audeen
8	Fentiman, Associate Dean of Engineering and
9	Professor of nuclear engineering at Purdue
10	University. Dr. Fentiman chaired a recent
11	study by the American Nuclear Society of
12	options for managing the back end of the fuel
13	cycle. Dr. Fentiman, we appreciate your being
14	with us today.
15	DR. FENTIMAN: Mr. Chairman and
16	Commissioners, thank you very much for the
17	opportunity to present the results of our
18	study. In the spring of 2010, the then
19	President of the American Nuclear Society, Dr.
20	Tom Sanders, formed a special committee to
21	explore options for managing used nuclear fuel
22	and asked me to serve as its chair. The

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1	committee's charge was to prepare a report for
2	members of the general public who want to
3	understand the basics of used nuclear fuel and
4	also for policy managers who must choose a
5	path forward.
б	The report will describe currently
7	feasible used fuel management options and
8	explore the advantages and disadvantages of
9	each, including consideration of
10	environmental, economic, and social factors,
11	as well as proliferation risks. It was not
12	the committee's charge, nor its intent, to
13	identify the correct storage treatment or
14	disposal method. Rather, the committee
15	focused on presenting the options and
16	discussing the factors relevant to selecting
17	the methods for storage, treatment, or
18	disposal.
19	Now, clearly, the methods selected
20	will depend, in part, on the number and types
21	of nuclear power plants operating in the
22	United States for the remainder of this

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1	century. Committee members did not attempt to
2	predict the mix of the nuclear power plants
3	but, rather, we defined two bounding
4	scenarios.
5	Now, the lower bound is a no-
6	growth scenario in which all existing nuclear
7	power plants operate for 60 years and then
8	shut down with no nuclear power plants being
9	built. The upper bound is a growth scenario
10	in which half of the growth in U.S.
11	electricity met demand between 2010 and 2100
12	is supplied by nuclear power.
13	We will complete our report in
14	January of 2011. However, we have identified
15	our major conclusions, and I'd like to present
16	those today.
17	The first and foremost, the U.S.
18	fuel cycle policy must be guided by stable and
19	long-term program direction. Whether
20	America's nuclear future is the orderly
21	closure of the current nuclear plants or
22	expansion of the nation's nuclear capacity

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1	with advanced technologies, a long-term stable		
2	nuclear energy policy with clear objectives		
3	and milestones is critical. Utilities, used		
4	fuel program managers, contractors, and, most		
5	importantly, the communities considering		
6	hosting any used fuel management facility must		
7	have confidence that they can make long-term		
8	plans.		
9	The ANS and many others support		
10	the concept of an independent entity to manage		
11	the back end of the fuel cycle. There are		
12	some who suggest that perhaps Congress and DOE		
13	can find a way to do it themselves. Either		
14	way, something needs to change.		
15	Second, the committee concluded		
16	that a geological repository will be needed		
17	under any conceivable scenario. It will be		
18	required for reprocessing wastes if the U.S.		
19	decides to recycle used fuel and for the used		
20	fuel itself if we don't. In addition, it will		
21	be needed for the defense waste. The		
22	committee agreed that Yucca Mountain, salt		

Page 273 formations, and deep boreholes are all 1 2 feasible options for geologic disposal that 3 pose no technological showstoppers, just different engineering challenges. 4 5 Third, the committee concluded, rather obviously, that interim storage will be 6 7 required. We are already storing used fuel at 8 the reactor sites in pools and dry storage 9 casks, and the NRC has recently ruled that it will be safe there for 60 years after the 10 11 reactor's license expires. The committee felt that if a deep geologic repository is licensed 12 13 or used fuel reprocessing commences in the 14 next, perhaps, couple of decades, there may be 15 no need for a separate centralized storage 16 facility. But if not, the centralized interim 17 storage will almost certainly be needed, but, 18 again, it should present no technological challenges. 19 20 Reprocessing may make economic 21 sense at some stage. The decision needs to be 22 made with a long-term perspective that

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considers the prospects of fast reactor
deployment and the possibility of taking back
used fuel from other nations.

4 We looked at the two reprocessing 5 options. Option one is limited reprocessing 6 and recycling of used fuel into light water 7 reactors with reprocessing waste permanently 8 disposed of in an underground geologic 9 repository. And option two is full recycling of used nuclear fuel using fast reactors, 10 again with fission products and other waste 11 12 permanently disposed of underground. The committee felt that, while MOX fuel was of 13 14 limited use in light water reactors, it's much more valuable in fast reactors where it can be 15 16 recycled multiple times. Option one should, therefore, be considered as an interim step 17 towards option two, full recycling in fast 18 19 reactors. 20 It may be worthwhile to develop 21 reprocessing capabilities to develop reprocessing capability and begin building an 22

		Page	275
1	inventory of MOX fuel while the U.S. reactor		
2	fleet consists primarily of light water		
3	reactors if it is clear that fact reactors		
4	will be coming online in the near future. The		
5	United States could also decide to pursue		
6	option one if providing used fuel reprocessing		
7	services to other countries appears to be a		
8	way to avoid nuclear proliferation.		
9	Aqueous reprocessing has been used		
10	worldwide for decades, and advanced aqueous		
11	reprocessing technologies are under		
12	development, primarily motivated by the		
13	recovery of other minor actinides to reduce		
14	the toxicity of the remaining waste and to		
15	enhance proliferation resistance.		
16	Pyroprocessing is another reprocessing		
17	technique that is being investigated for metal		
18	fuels and may have some applications for oxide		
19	fuel.		
20	If and when fast reactors are in		
21	place, there will be a strong incentive for		
22	full actinide recycling. Used fuel from fast		

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reactors has as much or more fuel value than
the fresh fuel put into the reactor, but it
must be reprocessed.

4 Since option two requires the use 5 of fast reactors, evaluation of this option 6 must include consideration of capital costs 7 associated with the development of fast 8 reactors. A cradle-to-grave cost/benefit 9 analysis will have to take into account the total impacts of uranium enrichment, fuel 10 11 fabrication, fuel recycling, reactor construction and operation and waste disposal. 12 13 Again, I must point out that for 14 both limited and full recycle options, high-15 level waste will be produced from reprocessing 16 and will require a permanent disposal 17 facility. Numerous studies have been conducted on the impacts of reprocessing on 18 19 repository performance. In general, as the 20 radiotoxicity of waste are reduced in 21 reprocessing, the potential releases from the 22 repository and impacts on humans and the

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environment will be reduced.

1

2	As I was preparing this testimony,
3	one of my colleagues asked me, but what is the
4	big news in this report. My answer was, the
5	big news is that there is no news. For 50
6	years plans for developing nuclear power have
7	included interim storage facilities, deep
8	geologic repositories, and sometimes
9	reprocessing and recycling facilities. This
10	isn't rocket science. The main obstacles to
11	a rational fuel cycle policy are political,
12	financial, social, not necessarily
13	technological. We, therefore, urge the
14	Commission to focus on the management
15	mechanisms needed to create a stable, durable
16	fuel cycle policy, and I'm highly confident
17	that the men and women in the American nuclear
18	community can take care of the rest. Thank
19	you very much.
20	CHAIR SCOWCROFT: Thank you, Dr.
21	Fentiman. Questions? Richard?
22	MEMBER MESERVE: I'd like to thank

		Page	278
1	all of the panelists for their thoughtful		
2	presentations. I have a few questions,		
3	however, I'd like to direct at Professor		
4	Stewart. You made the case, as had the		
5	previous panel, I think most of us appreciate		
6	the need for state and local collaboration and		
7	asset in establishing a repository. And I		
8	think that it would not be surprising that		
9	it's necessary but perhaps not sufficient, and		
10	I think we can look at the example that you		
11	didn't have time to discuss but our experience		
12	with low-level waste, about its insufficiency.		
13	That's a statute that allows or requires the		
14	states to find a means to handle the low-level		
15	waste, allow them to make agreements among		
16	themselves for how to do it. And over the		
17	course of 30 years, I think we have		
18	established exactly zero low-level waste sites		
19	under a situation where the states have		
20	control.		
21	And I wonder whether you could		
22	just spend a minute about why that situation		

where the states were, in fact, given the 1 2 responsibility and they still couldn't It seems a little bit inconsistent 3 proceed. 4 with the assertion that assent will help to 5 solve the problem. It may be necessary, but 6 it may not be sufficient. And then I have 7 another question when you finish that. 8 DR. STEWART: All right. Thank 9 you. There has to be strong federal 10 leadership. That was the recommendation of 11 the interagency review group on low-level 12 waste that the federal government really had 13 to take a major lead in promoting the siting, 14 and I think they envisaged, you know, federal financial support for hosts, which certainly 15 16 came out of the negotiation with New Mexico. 17 The facility itself may provide enough local 18 benefits for a community, but in our federal 19 system, unlike in Finland or Sweden, the 20 states are a key part of our governance 21 system, and you have to provide sufficient 22 incentives for them, which I think include not

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just money but maybe research institutions,
infrastructure, and so forth.

The problem with the Low-Level 3 Waste Radioactive Policy Act was it left it to 4 5 these compacts. The compact commissions were 6 supposed to do the siting when there was no 7 agreement. They were very weak. They're 8 part-time employees put together. They had no 9 financial resources, and the thing collapsed. We do actually have, though, a new facility. 10 It's up and running or will be soon in Texas, 11 12 but that's not in the compact framework. 13 Texas sort of has a gerrymandered compact with 14 They want it, and they're hoping to Vermont. get a lot of market benefit out of it. 15 16 But we can't just leave it to 17 states and localities. The federal government has got to take a lead. 18 19 MEMBER MESERVE: My second 20 question is directed at an item you also 21 didn't have a chance to cover. As you know, 22 under the Nuclear Waste Policy Act, there's a

		Page	281
1	fractured regulatory system where the		
2	standards are established by EPA and the		
3	licensing is done by the Nuclear Regulatory		
4	Commission. And I wonder if you have any		
5	views about the regulatory side of the issue		
6	as we go forward, whether the notion of		
7	divided regulatory responsibility is		
8	appropriate as something we should continue or		
9	whether it should be a single regulatory. You		
10	may have thought more deeply about what the		
11	various issues are about the regulatory side		
12	of the question.		
13	DR. STEWART: You know, I'm of two		
14	minds on that question. I put my professor		
15	hat on and I say it doesn't make sense to		
16	have, you know, two regulators, the NRC and		
17	EPA both regulating. I can say, wow, we don't		
18	maybe trust the NRC, we need another		
19	regulatory. That way lies, you know, an		
20	infinite number of regulators since who's		
21	going to watch over the next one?		
22	On the other hand, I guess my more		

	I	Page
1	pragmatic side says this is now sort of an	
2	accepted part of the process. It seems to	
3	work not terrifically but reasonably well. So	
4	I think the notion of trust that's been spoken	
5	of here suggests that, despite my, say,	
б	academic misgivings or more than academic,	
7	that probably we ought to go forward with the	
8	system we have. I don't think it's so broken	
9	that we should give it up.	
10	CHAIR SCOWCROFT: Per?	
11	MEMBER PETERSON: I have a	
12	question for the panel members that arises out	
13	of some of the information that comes from the	
14	RAND study. Dr. LaTourrette, you had pointed	
15	out that the impacts of advanced fuel cycles	
16	can sometimes be a bit counterintuitive. That	
17	is, the improvement for long-term performance	
18	of a repository is a more complex type of	
19	question than simplistically reducing the	
20	inventory of radioactive material. You noted,	
21	for example, that reducing the amount of	
22	transuranics may have a fairly modest effect.	

	Page 28	3
1	However, a benefit of reprocessing may be the	
2	capability to immobilize fission products in	
3	a form which is more intrinsically stable in	
4	a repository environment. Likewise, we do	
5	have this question about repository capacity	
6	and whether it would be sufficient. And this	
7	is really, I would say, a pretty complex	
8	optimization problem to try to figure out what	
9	types of technologies should be developed and	
10	commercialized and deployed.	
11	There's basically two ways, I	
12	guess, of trying to achieve these goals. One	
13	is to have the government, I guess, pick the	
14	correct technologies. The other would be to	
15	try to put in place some type of market	
16	incentives such as moving from charging a	
17	Waste Fund fee that's based on electricity	
18	generation maybe to something that would be	
19	more directly related to the cost and	
20	difficulty of waste disposal.	
21	So I'd be interested in thoughts	
22	about whether a more market-based approach to	

		Page	284
1	try to drive the behavior of waste generators		
2	versus a command-and-control approach, which		
3	might be more effective and desirable.		
4	DR. LATOURRETTE: Well, I wish my		
5	economist colleague was here. I'm not		
6	certain, but I think that the answer to the		
7	last part of your question, if we're worried		
8	about paying for a repository we ought to		
9	charge by the cubic, you know, volume, not by		
10	electricity, not by the kilowatt. That would		
11	create an incentive if there was a market for		
12	reducing the volume of waste or the mass or		
13	the volume of the repository. But I think		
14	before you get to those kind of arguments,		
15	there's an important question of just deciding		
16	why do you want to do advanced fuel cycles.		
17	There needs to be a policy check here, and I		
18	think there are a little bit of a mismatch.		
19	I don't think it's particularly new, but I		
20	think we start hearing more and more often		
21	that we want to design an advanced fuel cycle		
22	around the spent fuel optimization. I'm not		

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<u> </u>	

1	sure it ever started that way, but I think
2	that question has always been in there. But
3	it's certainly not the only question. It's a
4	complicated thing because it interacts the
5	entire front, middle, and back of the fuel
б	cycle.
7	So I think the first thing you
8	need to do is decide why are we doing an
9	advanced fuel cycle, what do we want to get
10	out of it, and then you can decide on an
11	incentive structure. I'm not at all opposed
12	to market-driven. That makes sense but not
13	until you kind of decide what you want it to
14	do.
15	CHAIR SCOWCROFT: Allison?
16	MEMBER MACFARLANE: Great. My
17	question is for Professor Stewart. I was very
18	interested in your suggestion that we needed
19	two new institutions, not one. And it's an
20	issue that I brought up and I don't have an
21	opinion on, a strong one anyway. I have
22	opinions on everything. Poor Jonathan. But

		Page	286
1	I'm curious about this and I want you to		
2	explore it a little more because I don't think		
3	there are any other countries with the		
4	relatively advanced siting programs that have		
5	two institutions. They all seem to just have		
6	one, and I wonder why you suggest two. Is		
7	there something unique to the United States		
8	where two is necessary?		
9	DR. STEWART: Well, what's		
10	different about the United States? Well, in		
11	part is our federal system. France, Sweden,		
12	Finland		
13	MEMBER MACFARLANE: Canada?		
14	DR. STEWART: Canada is still, you		
15	know, remains to be seen. We're at a very		
16	early stage of their planning, and they do		
17	have what we call stakeholder representation		
18	in their NWMO entity. And, you know, I think,		
19	given the sort of complicated politics in this		
20	country, that the sort of what you need to		
21	manage the waste is a long-term business type		
22	strategy with adequate assured financing,		

Page 287 long-term capital planning. That's one sort 1 2 of an enterprise. And a process of discussion with many different hosts working through 3 exchange of information, that's a different 4 5 sort. 6 And I think in the DOE thing, 7 besides all the overlay of the budget and 8 political process, those have been at war. 9 We've got to find a way to bury this waste and 10 we're going to move forward with it and, you 11 know, that has undermined the sensitivity, I 12 think, to the concerns of hosts and 13 localities. And, actually, the WIPP story was 14 the story over 30 years. It sort of was 15 serendipitous. There was no plan. DOE would 16 have just as soon, yes, all right, we're going 17 to dig it and bury it, but the state fought 18 back with litigation, through its 19 congressional delegation and all sorts of ways 20 and really forced the government to sort of 21 come to the bargaining table. My own instinct 22 is that a more broad-based organization like

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1	an independent commission would be well suited		
2	for our particular circumstances.		
3	MEMBER MACFARLANE: And who		
4	decides who the commission members are?		
5	DR. STEWART: These would be		
б	appointed by the President and		
7	MEMBER MACFARLANE: So then it's -		
8	_		
9	DR. STEWART: confirmed by the		
10	Senate, like any other independent commission.		
11	CHAIR SCOWCROFT: Phil?		
12	MEMBER SHARP: Yes, I want to go		
13	back to sort of the issue trying to get at		
14	this issue of the history of what caused		
15	failure. There are obviously multiple things,		
16	and we're speaking as if we can get the		
17	institution and the strategy right we'll get		
18	a result, and I'm a little more deeply		
19	suspicious that we've learned a lot. But that		
20	doesn't guarantee anything. It's the		
21	leadership at the time and the individuals		
22	involved and the political nature that's going		
		Page	289
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1	on that has a great deal of influence here.		
2	And so I just want to suggest that		
3	we be careful that we don't fight the last		
4	war. Generals were always accused of making		
5	the mistake of fighting the last war and only		
б	to discover the new war is different kind of		
7	proposition. So I guess I believe these		
8	lessons are important.		
9	One that I would like for the		
10	staff, I think could be really important in		
11	our report, to do is to identify all of the		
12	techniques over the last 25 years that we have		
13	developed and utilized in the state of		
14	Washington, South Carolina, Idaho, Nevada, and		
15	New Mexico to allow for participation. And		
16	they're different. Some of them are imposed		
17	by courts, some were imposed by federal-state		
18	agreements, some were imposed by federal law.		
19	But they involve how different groups can		
20	function, how they get funded on either		
21	technical information development or even		
22	participation. Even things like paying in		

Page 290 lieu of taxes, how much is Nevada winning or 1 2 losing at the local levels as this decision If we could, I think this would be 3 changes. 4 valuable. So how many earmarks went into the 5 20-year WIPP thing that actually paid off. 6 And we never had a grand deal, as I understand 7 it, in WIPP, but we had multiple ways because 8 of the skill of the representation in 9 Washington of making that work. And I think it would be useful 10 11 because some of those techniques we've 12 actually learned a lot, and they're very well 13 in helping DOE. I'm not defending that we 14 keep DOE in charge. So we shouldn't lose that kind of proposition. 15 16 One of the advantages I see that 17 hasn't been articulated of a presidentially-18 appointed commission to do siting in this 19 particular case is it would be genuinely high 20 level. One of the things that is that the 21 governors and others are talking about is who 22 are we dealing with? If we're dealing with

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1	three and four tiers down in the Department of
2	Energy and a secretary who's got 20 minutes to
3	spend on this because he's spending all the
4	time before 40 committees of Congress
5	testifying on everything under the sun, it
6	means you can't develop the kind of consistent
7	focus and relationship. And so it seems to me
8	that's one value that we ought to be focused
9	on is giving them a clear and singular focus,
10	but they've got to be high level enough that
11	when you're dealing with them you know you're
12	dealing with somebody who can make a decision.
13	I didn't mean to make a speech,
14	but I got inspired. So let me ask you if you
15	make the statement in your preface I read,
16	which, by the way, I think the manuscript, all
17	I've read so far is the preface but you've
18	shared them with us, is really powerful in
19	bringing stuff together. The other report is
20	very helpful, too, and so I'm looking forward
21	to reading the rest of it because it gets it
22	in one place that lesser beings have a chance

1 to understand.

2	But what I didn't know is whether
3	you went back and examined with, you make the
4	case, as is often made, about Yucca Mountain
5	as a failure that the implacable, you didn't
6	use the word implacable but opposition is like
7	it's going to go on as long as nuclear waste
8	goes on. But I guess I want to challenge that
9	just a little bit, and I don't know if anybody
10	has gone in the sampled opinion and whatnot.
11	But is there a reason for us to expect that
12	that opposition will sustain itself over the
13	next decade? The reason I say that is we have
14	people testifying here at various times from
15	the local and county communities and saying,
16	hey, we've come to accommodate this. Now that
17	we understand the game, now that we understand
18	the economics and things like this, we can
19	live with this. That hasn't been the position
20	of state government or the Majority Leader of
21	the Senate, but my point being that maybe
22	we're just on the cusp and this political

situation may be changing at a time that they decided. This is not the function of this Commission, and I'm not trying to take a position, but I'm just curious whether you actually updated the politics there or not.

6 DR. STEWART: On lessons from the 7 past and being careful, as I mentioned we have 8 a very small sample. But I guess my belief is 9 that this notion of host jurisdictions, local 10 and state, meaningful engagement, and assent is a necessary but not sufficient condition. 11 And Congress in the Waste Policy Act did put 12 some provisions for independent technical 13 14 review of funding the state, some sort of 15 engagement by the state. But looming was the sense it's all a fait accompli. 16 17 Now, where the politics are in

18 Nevada, where they might be going, I have no
19 special insight. I think things could
20 conceivably change if it's a more open game.
21 At least I think there might be some chance.
22 There are certain localities that see a

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1	benefit here. But what we see from public		
2	surveys is that the localities, particularly		
3	if there's already some sort of nuclear		
4	facility, a reactor or DOE site, tend to see		
5	the risks as much lower than the general		
6	population and, of course, they're familiar		
7	with it and they also get some economic		
8	benefit. You move 50 miles away and further		
9	and suddenly the risks are higher than the		
10	average public perceives it, and that		
11	translates in the WIPP case that reaction in		
12	Albuquerque and Santa Fe and certainly in Las		
13	Vegas. So whether that will ever be overcome,		
14	I don't know.		
15	CHAIR SCOWCROFT: Jonathan?		
16	MEMBER LASH: Thank you.		
17	Commissioner Meserve, as a former Vermont		
18	environmental regulator who discovered, to my		
19	horror, that I was also responsible for		
20	managing low-level radioactive waste from		
21	Vermont Yankee, I have to say I thought it was		
22	exceptionally clever of a little state whose		

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1	value proposition is clean and green to cut a
2	deal with Texas. We could all learn.
3	I do want to follow up on
4	Commissioner Meserve's question about
5	regulation. Professor Stewart, you answered,
6	well, being pragmatic, the current system
7	probably makes sense and seems to work. But
8	I want to ask about two other aspects of
9	regulation. First, siting criteria. Should
10	Congress establish the criteria, or should
11	there also be an agency that is responsible
12	for setting site screening criteria? And
13	should there be site screening considerations,
14	or should there be some absolute hurdles?
15	That's one.
16	Second, you, I think, endorsed the
17	idea of the application of conventional
18	environmental regulations as in the case of
19	WIPP, and at that Vermont Yankee plant we had
20	to issue a waste order permit every five
21	years. It wasn't actually even that big of a
22	deal, but it helped establish the

Page 25 1 relationship. Tell us a little bit more about 2 how that would work, how you can have states 3 applying RCRA and the Clean Air Act and the 4 Clean Water Act at the same time as EPA and 5 NRC are regulating and licensing facilities. 6 DR. STEWART: Well, I'm sorry, 7 your first question? I was so attentive to 8 your second I forgot 9 MEMBER LASH: The first one was 10 about siting criteria. 11 DR. STEWART: Oh, siting criteria. 12 Yes. Well, I think that Congress, obviously, 13 it's going to have to meet the environmental 14 technical requirements. I mean, that's 15 obviously fundamental. And beyond that, I 16 think some general criteria about, you know, 17 transportation, population, et cetera, but at 18 a very general level, and I think it has to be 19 left to whatever entity is going to manage 20 that process. 21 And on the second one, well, we				
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	21	And on the second one, well, we		
22 have as part of our, we do have the experience	22	have as part of our, we do have the experience		

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1	of WIPP that really gave the state the		
2	confidence that it had effective control about		
3	what was going in there and was going to be		
4	assured it could raise its concerns with not		
5	only DOE but they could take them to EPA,		
6	which had to certify the facility. And the		
7	Defense Department works under this regime, so		
8	why should there be something special here?		
9	And state requirements can be more rigorous		
10	than the federal requirements. That's a		
11	familiar part of our federal system. It may		
12	give the state an effective veto, but that may		
13	be the price of getting the confidence over		
14	the long-term safety and appropriateness of		
15	this facility.		
16	Now, maybe that's a total block		
17	and you have to come back to force majeure,		
18	but I don't think that's worked so far. So		
19	I'm prepared to go with the limited experience		
20	we have at WIPP.		
21	MEMBER LASH: Which statute turned		
22	out to be the most important? Was it		

	E E E E E E E E E E E E E E E E E E E
1	DR. STEWART: The RCRA statute
2	because a lot of the waste, the TRU that was
3	going into WIPP was mixed waste and,
4	therefore, within the RCRA authority of the
5	state.
6	MEMBER PETERSON: Actually, my
7	question is very closely related to the one
8	that Jonathan just posed because the question
9	of the regulatory authority that the state has
10	for activities that are required for operation
11	of facilities is clearly an important one.
12	I'd be curious, you mentioned that these
13	regulatory, the regulatory authority the state
14	has, actually, in some sense, constitutes an
15	effective veto capability. That is, those
16	regulations can be used to essentially
17	immobilize a project, if needed.
18	This raises two questions. The
19	first is is there any wisdom to having federal
20	statute preempt state regulatory authority or
21	is that counterproductive? And then the
22	second would be since state regulation

		Page
1	actually does constitute something that looks	
2	like a veto, might it be a sufficient veto?	
3	That is, a local community that can get all of	
4	the necessary, you know, can arrange and get	
5	all the necessary permits, as with any other	
6	facility, is that essentially a sufficient	
7	mechanism for the state to exercise some	
8	control over the process to assure that it	
9	meets the needs of the state? Does that make	
10	sense?	
11	DR. STEWART: Well, on the first	
12	one, I would point out, you know, that the	
13	Atomic Energy Act has been interpreted, at	
14	least consistently by the courts, not	
15	explicit, to preempt state regulation of	
16	radiological hazards. So the Federal Facility	
17	Compliance Act is really going to go to air,	
18	water, hazardous waste	
19	MEMBER PETERSON: Right. But all	
20	of these facilities require additional state	
21	permit.	
22	DR. STEWART: Yes, exactly.	

Page 300 MEMBER PETERSON: Everything from 1 2 the emergency diesel generators down to --3 DR. STEWART: Water permits --4 MEMBER PETERSON: -- water --5 DR. STEWART: Yes, absolutely. 6 But I wasn't clear on your second question. 7 MEMBER PETERSON: The second 8 question I guess is, since the state does have 9 control over permits, and I guess legislatures 10 can actually pass legislation saying that issuing this permit would not be in the 11 12 interest of the state. DR. STEWART: Well, it would have 13 to be non-discriminatory. It can't 14 discriminate against . . . 15 16 MEMBER PETERSON: Okay. Would that be a sufficient effective veto, or does 17 18 one need something that's more explicit? 19 Well, it would DR. STEWART: 20 depend on the situation. I mean, maybe it 21 would just take the mixed waste. I mean, some 22 waste forms might not be classified as, some

Page 301 radioactive waste forms might not be vitrified 1 2 high-level waste. That would be a technical 3 So, yes, you might need and maybe you issue. 4 would want to say, if you're going to go down 5 this road a little further, say the state has to assent to the facility. 6 7 CHAIR SCOWCROFT: Any questions? 8 Yes? 9 MEMBER CARNESALE: On the RAND 10 study, as I look at the conclusion in here 11 that, you know, it depends on society's objectives is what it is, and when I look at 12 the ones you identify, solve the spent fuel 13 14 disposal problem quickly, that's one of the 15 objectives. All right. They've got multiple, 16 but that's one. People are really eager to do 17 Pave the way for nuclear power growth, that. 18 that's another one. A lot of people want to do that, especially now in light of climate 19 20 So the first one has you change. 21 expeditiously proceed with Yucca Mountain, but 22 politics, for the moment, say that's an

Page 302 interesting proposition however, dot dot. 1 2 Pave the way for nuclear power growth leads you to both decentralize interim 3 4 storage but also extend on-site storage. 5 Nobody is talking about taking all of the fuel 6 from the reactor sites and moving it to 7 centralized storage, right? 8 So with that objective, you need 9 on-site storage at reactor sites and you 10 probably need some centralized storage if for 11 no other reason other than the plants that are going to be deactivated or are deactivated. 12 13 Increase competence in repository performance 14 and decision consensus. Well, certainly after 15 Yucca Mountain people are going to insist upon 16 that. Decreasing the demand for repository 17 capacity, probably Yucca Mountain wasn't there 18 was too much stuff. It was we don't want any. 19 So the only one, as I read these, 20 everything of the three strategies you 21 recommend, there's a strong push for each of 22 them except for advanced fuel cycle. There's

	Page 303
1	nobody I mean, I wouldn't say nobody. The
2	industry cares. Analysts care about the
3	demand for repository capacity, but our
4	problem in the near term is that the capacity
5	is zero.
6	So I know you guys didn't make a
7	recommendation, but what were reactions to
8	what you did have to say in the end to these -
9	_
10	DR. LATOURRETTE: Well, we haven't
11	talked about this much. I mean, the report is
12	just out, so I'm getting them now. I think
13	you're right. Of all the difficulties about
14	spent nuclear management, maybe the one thing
15	that has never come up is the amount of spent
16	fuel. Nobody has ever said if we'd only had
17	a tenth of the amount, gosh, all of our
18	problems would be solved. A lot of countries
19	have only a tenth or less than what we have,
20	and that has not proved to make their life any
21	easier.
22	So in that respect, from a purely

	Pa	ge
1	waste management perspective, maybe there's	
2	not a convincing case. But, you know,	
3	advanced fuel cycles are complicated. They	
4	differ from these other approaches because	
5	they affect much more than waste management.	
6	MEMBER CARNESALE: No, I was only	
7	talking about your study. I agree. There are	
8	other that has to do with conservation of	
9	resources, a whole bunch of other arguments	
10	for advanced fuel cycles. But it sounds like	
11	from what you did that's the one where there	
12	is no pressure other than	
13	DR. LATOURRETTE: Well, I don't	
14	know. I mean, there are a lot of, I think	
15	there are a lot of people who are convinced	
16	that nuclear power is going to grow	
17	dramatically that we really do have to worry	
18	about siting. Maybe not volume in the sort of	
19	space on the Earth sense, but capacity in the	
20	sense that we can't go through this siting	
21	process every six weeks.	
22	MEMBER CARNESALE: No, just have	

		Page	305
1	the least pressure. I don't mean the least,	2	
2	it's not the same as the least important.		
3	MEMBER PETERSON: Could I do just		
4	a quick follow-on to that? Actually, in		
5	contrast to what Al said, are there any cases		
6	where we've developed a waste disposal		
7	facility where we haven't placed societal		
8	capacity limits? Yucca Mountain has a 70,000		
9	cap. WIPP has a cap. In the end, are there		
10	any cases where communities and states have		
11	been willing to sign on to an infinite amount		
12	of stuff that might be disposed in a facility?		
13	MEMBER MACFARLANE: Per, the Yucca		
14	Mountain capacity limit was to force a second		
15	repository.		
16	MEMBER PETERSON: It was societal		
17	demanded. I'm just wondering if there's any -		
18	_		
19	MEMBER CARNESALE: Per, that's the		
20	opposite of what I'm saying. I'm saying if		
21	you suddenly said you only have to take		
22	10,000. Oh, well, send it here, right?		

Page 306 That's my point, not that it's infinite. 1 2 DR. LATOURRETTE: I don't know the 3 answer to your question, whether there's any 4 repository with no limit. Maybe Richard? Ι 5 doubt it. 6 DR. STEWART: No. And even I'm 7 not sure about some of the low-level waste 8 facilities, but the Nuclear Regulatory Commission is considering this down-blending 9 issue where B and C waste would be mixed with 10 11 A waste, and that would be shipped to the 12 facility in Utah. And Utah is now unhappy 13 because they want to keep the capacity for the 14 future, and they don't want it to be used up 15 and they don't want to be, there's a limit to 16 how much of the dumping ground. 17 CHAIR SCOWCROFT: Dr. Fentiman, 18 you've escaped relatively unscathed. Is there any last comments you'd like to make? 19 20 I think the key DR. FENTIMAN: 21 point that we want to make is that there needs 22 to be a stable long-term policy and a group

		Page	307
1	managing that policy. No one is going to make		
2	decisions about how much or where things are		
3	going to go until they're sure that there's a		
4	long-term policy that they can count on.		
5	CHAIR SCOWCROFT: Thank you very		
6	much, all of you, for a very valuable		
7	contribution to our understanding. We		
8	appreciate you being with us very much. That		
9	concludes our meeting today. We will convene		
10	again tomorrow morning at 8:30. Thank you		
11	very much.		
12	(Whereupon, the foregoing matter		
13	was concluded at 4:07 p.m.)		
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<u>CERTIFICATE</u>

This is to certify that the foregoing transcript

In the matter of: Blue Ribbon Commission on America's Nuclear Future

Before: n/a

Date: 11-15-10

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

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Court Reporter

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