

**Statement of Joseph Ziegler to the Blue Ribbon Commission on
America's Nuclear Future – January 7, 2011**

My name is Joe Ziegler and I have spent my career in nuclear licensing and ensuring the nuclear safety of commercial and DOE nuclear facilities. My comments today are solely on my own behalf as a citizen of the United States and a resident of Aiken, South Carolina. The comments cover two general topics.

The first is Yucca Mountain. The Federal government is attempting to throw away over \$10 billion dollars and 25 years of work leading to the safe operation of a repository at Yucca Mountain. Even in defending its withdrawal of the Yucca Mountain license application DOE admits that, quote: "the Secretary's judgment here is not that Yucca Mountain is unsafe or that there are flaws in the LA"

This Commission has stated it does not plan to address any specific site for high level radioactive waste disposal. This aligns with the Secretary of Energy's description of what he is seeking from this Commission. However, neither the legislation calling for the formation of this Commission nor the charter for this Commission makes any such restriction. This is likely because of a requirement in the Federal Advisory Committee Act in Section 5 (b) (3) that says, and I quote, "Any enabling legislation shall -- contain appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee's independent judgment." UNQUOTE

I request that this Commission, and/or any individual members, express your views in the Commission report on recent Federal actions regarding Yucca Mountain.

My second topic is the government's abandonment of the NRC licensing process regarding Yucca Mountain. DOE, in a reversal of position, is attempting to withdraw the Yucca Mountain license application, even though they have not identified any safety issue as previously noted. Further, the Yucca Mountain licensing board has ruled that DOE's attempted

withdrawal is not legal pursuant to the requirements of the Nuclear Waste Policy Act. Purportedly, the Chairman of the NRC has prevented the full commission from acting on an appeal of the licensing board's decision because the votes to overturn the decision do not exist and he is avoiding a final agency action. Furthermore, the NRC Chairman has directed staff to stop work on the Yucca Mountain Safety Evaluation Report even though the chapter on long term safety was essentially complete and within a few weeks of being issued three months ago. It appears that the Chairman is suppressing the results of the independent NRC staff scientific review because there were no unresolved safety issues with Yucca Mountain. At a minimum this violates the basic concepts of scientific integrity, openness in government, and the technical independence of the NRC.

This issue has implications that will severely affect "Americas Nuclear Future" far more than just the Yucca Mountain licensing proceeding. If one person, NRC Chairman or not, can unilaterally obstruct the licensing of nuclear facilities in this country, there is no assurance to those investing billions of dollars in safe, carbon emission-free electric power generation that a similar unilateral action may not be taken against their future projects. Until the unprecedented action by the current NRC Chairman, throughout its history, the NRC's only job has been to ensure the safety of this country's nuclear facilities.

The most important action that this Commission can take to ensure "Americas Nuclear Future" is to censure the recent actions by the NRC Chairman, call for a return to openness in all activities of the NRC, and reiterate that NRC's only job is nuclear safety.

Thank you for the opportunity to comment.