

# BLUE RIBBON COMMISSION ON AMERICA'S NUCLEAR FUTURE

May 27, 2011

The Honorable Fred Upton, Chairman  
U.S. House Energy and Commerce Committee  
2125 Rayburn House Office Building  
Washington, DC 20515

The Honorable John Shimkus, Chairman  
U.S. House Energy and Commerce Committee  
Subcommittee on Environment and the Economy  
2125 Rayburn House Office Building  
Washington DC 20515

Dear Representatives Upton and Shimkus,

At the direction of the President, the Secretary of Energy established the Blue Ribbon Commission on America's Nuclear Future and charged it with reviewing policies for managing the back end of the nuclear fuel cycle. We are serving as the Co-Chairmen of the Commission and have taken note of your recent comments about the Commission's work.

Your comments echo those we have heard from several members of Congress and from people across the country who believe the United States should not abandon the investment it has made in developing a proposed nuclear waste repository at Yucca Mountain in Nevada. As we have listened to testimony and public comment, we have been constantly reminded of the serious lack of trust that exists today in the federal government's ability to meet its waste cleanup obligations. The decision to withdraw the license application for the proposed Yucca Mountain repository has only increased this deficit of trust. Unfortunately, the longer our country fails to solve the nuclear waste problem, the greater the trust deficit becomes – with the U.S. government continuing to fail in its legal and moral obligation to take spent nuclear fuel and defense high level waste while the future of nuclear power as an option for electrical generation in this country is seriously jeopardized.

In a February 11, 2011 letter to the Commission, the Secretary of Energy states that “it is time to move beyond the 25 year old stalemate over Yucca Mountain” and “look for a better solution – one that is not only scientifically sound but that can also achieve a greater level of public acceptance than would have been possible at Yucca Mountain.” The Secretary's view has been supported by many witnesses before our Commission

who believe Congress acted unfairly when it decided in 1987 to force the repository project on an unwilling host state.

We can and must do better to resolve this stalemate.

Feelings certainly run deep on both sides of the Yucca Mountain debate. The Secretary has made it clear that we are not a siting commission. We have been directed not to recommend specific locations for any component or facility of the U.S. nuclear waste management system. We will therefore not issue any findings on the merits of Yucca Mountain or any other site as a repository. Furthermore, we will not defend or oppose the Administration's actions regarding Yucca Mountain. What we will do is recommend a sound waste management approach that can lead to the resolution of the stalemate; an approach that neither includes nor excludes Yucca Mountain as an option for a repository and can and should be applied regardless of what site or sites are ultimately chosen to serve as the permanent disposal facility for America's spent nuclear fuel and other high-level nuclear wastes.

What we have endeavored to do is to learn from past efforts – both successful and unsuccessful – to site nuclear waste disposal facilities and other controversial facilities in the United States and abroad. While there is no reasonably foreseeable technology that could eliminate the need for a high-level nuclear waste disposal facility, progress on mined deep geologic repository programs—particularly in Sweden and Finland, but in other nations as well —has significantly increased confidence in the ability to identify acceptable sites and safely isolate long-lived wastes in deep, mined geologic repositories. Here in the United States, more than ten years of operating experience at the Waste Isolation Pilot Plant in New Mexico, which is successfully accepting and disposing of certain radioactive wastes from our nation's nuclear weapons program, show that nuclear wastes can be transported safely over long distances and emplaced securely in a deep, mined repository.

This doesn't mean the development of new facilities to treat, store and dispose of nuclear wastes is now or will ever be easy; the existing trust deficit must be overcome and care must be taken to develop an inclusive, transparent and publicly acceptable process to identify and investigate suitable sites, engineer a system that is compatible with the site, construct the facility properly, operate it to very high standards of performance and, when the time comes, close and monitor the facility to protect the health and safety of generations to come. But experiences in the United States and abroad leave no doubt that a repository can be developed if the political will exists to develop one.

Our recommendations will build upon nearly thirty years of global experience in nuclear waste repository development since Congress passed the Nuclear Waste Policy Act in 1982. These recommendations will address the full range of problems that have hampered our ability to develop a successful waste management solution. We will

release a draft report in late July and we urge the Congress; electric utility ratepayers; federal, state, tribal and local governments; nuclear waste management professionals; non-governmental organizations and others in the United States and abroad to review and comment on our forthcoming report so the Commission might benefit from further input. We will weigh that input in developing a final report.

Our choice as a nation is clear: we can continue to fight the same battles we've been fighting for nearly 30 years, or we can step back and chart a new course that answers the challenge of putting the U.S. high-level nuclear waste management program back on a path to success.

We would be pleased to meet with you to discuss your views on the Commission's work. If you would like to set up a meeting, please contact our Commission Staff Director, John Kotek at (202) 460-2308 or at [john.kotek@blueribboncommission.net](mailto:john.kotek@blueribboncommission.net).

Sincerely,



Lee H. Hamilton  
Co-Chairman



Brent Scowcroft  
Co-Chairman

cc: The Honorable Henry Waxman, Ranking Member,  
U.S. House Energy and Commerce Committee

The Honorable Gene Greene, Ranking Member,  
U.S. House Energy and Commerce Committee  
Subcommittee on Environment and the Economy

The Honorable Steven Chu, Secretary  
U.S. Department of Energy

Timothy A. Frazier, Designated Federal Officer  
Blue Ribbon Commission on America's Nuclear Future  
U.S. Department of Energy