

BLUE RIBBON COMMISSION ON AMERICA'S
NUCLEAR FUTURE

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MEETING

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THURSDAY,
JULY 15, 2010

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The Commission convened at 8:30 a.m. in the Great Hall of the Three Rivers Convention Center at 7016 West Grandridge Boulevard, Kennewick, Washington, Lee Hamilton and Brent Scowcroft, Co-Chairs, presiding.

MEMBERS PRESENT:

LEE HAMILTON, Chair
BRENT SCOWCROFT, Chair
VICKY A. BAILEY
ALBERT CARNESALE

PETE V. DOMENICI
CHUCK HAGEL
JONATHAN LASH
ALLISON MacFARLANE
RICHARD MESERVE
PER PETERSON
JOHN ROWE

PHIL SHARP

ALSO PRESENT:

TIM FRAZIER, Designated Federal Official
ED REVELL, Hanford Communities
RUSSELL JIM, Yakama Environmental and
Waste Management Program
BRIAN KRISTJANSSON, Office of US Senator
Patty Murray
DAVID REEPLOEG, Office of US Senator
Maria Cantwell
BRIANNE MILLER, Office of Representative
Doc Hastings
MARY SUE WILSON, Office of Washington
Attorney General Rob McKenna
GOVERNOR CHRISTINE GREGOIRE, State of
Washington

PUBLIC COMMENTERS:

CARL HOLDER, Columbia Basin Consulting
Group
GERALD WOODCOCK, American Nuclear
Society
GARY TROYER, American Nuclear Society
ED HIGBEE, Lincoln County, Nevada
KEITH LARSON, City of Caliente, Nevada

SUZANNE VANDENBOSCH
ROBERT VANDENBOSCH, University of
Washington
DAVID MERRILL, AREVA
GORDON McCLEARY, Plasterers and
Cementmasons International Union
B.C. SMITH, Central Washington Building

Trades
JANET JOHNSON

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

8:31 a.m.

MR. FRAZIER: Okay. We're going to get started.

Welcome everybody to day two of the Blue Ribbon Commission meeting here at the Hanford Site about the Hanford Site.

So we're ready to go. General Scowcroft.

CHAIR SCOWCROFT: Thank you, Jim.

We will continue today where we left off yesterday.

I would remind our presenters that we have a light system here. Green light means go ahead. The orange light means you have one minute in which to wrap up your remarks. And the red light means your presentation is over.

Our first presenter this morning will be Mr. Revell, the Chair of the Hanford Communities.

Mr. Revell?

Good morning, Mr. Revell. Thank

1 you for coming. And the floor is yours.

2 MR. REVELL: Thank you, Mr.
3 Chairman.

4 Good morning, Chairman Hamilton
5 and Scowcroft, and distinguished members of
6 the Presidential Blue Ribbon Commission on
7 America's Nuclear Future.

8 I'm Ed Revell. And on behalf of
9 the Hanford Communities I would like to
10 welcome to our region and thank you for coming
11 here to learn firsthand about the high-level
12 nuclear waste the Hanford Site. This nuclear
13 waste, by law, must be moved and permanently
14 stored in a deep geological repository.

15 The Hanford Communities
16 organization, of which I am Chairman, was
17 formed 16 year ago. It's membership is
18 comprised of the cities of Richland, Pasco and
19 Kennewick, and the counties of Benton and
20 Franklin, and also the Port of Benton. Our
21 local government work closely together through
22 Hanford Communities to develop unified

1 positions on important environmental cleanup
2 issues at Hanford. We also strive to increase
3 public awareness and involvement in cleanup
4 decisions.

5 Yesterday you had a chance to tour
6 the 586 square mile Hanford Site. We are
7 encouraged by the tremendous progress that's
8 been made in cleaning up the waste and
9 underground contamination left from over 42
10 years of plutonium production on site. If
11 projected budgets are retained, most cleanup
12 in the Columbia River corridor will be
13 completed by 2015 so efforts can be refocused
14 in the Central Plateau where the highly
15 contaminated nuclear waste tanks and spent
16 nuclear fuel located.

17 Hanford has been an excellent
18 example of where the stimulus funding has made
19 a big difference in accelerating cleanup.

20 Now I'd like to talk about some
21 specific Hanford issues and concerns.

22 When plutonium production was

1 halted in 1990, Hanford still had 2300 tons of
2 spent nuclear fuel in wet storage at the K-
3 basins. It was technically challenging and
4 expensive process to put that fuel into
5 specially designed multi-canister overpacks.
6 Moisture was removed from the containers and
7 they were sealed and now sit in the Canister
8 Storage Building which you visited yesterday
9 waiting to be shipped to a national
10 repository. The entire \$1.6 billion endeavor
11 was accomplished by developing package that
12 was compatible with the nuclear waste
13 acceptance criteria for Yucca Mountain.

14 We are concerned that if Yucca
15 Mountain cannot be used for defense waste and
16 a new location is chosen for a repository, it
17 may have different waste acceptance criteria
18 than Yucca Mountain or the Yucca Mountain
19 facility. If this is the case, then spent fuel
20 and storage at Hanford may need to be
21 repackaged again at a significant additional
22 cost to taxpayers and risk to workers.

1 When the last canister of spent
2 fuel was delivered to the Canister Storage
3 Building, we thought the task was complete and
4 funding and resources could be redirected to
5 other cleanup activities. Unfortunately,
6 circumstances changed. Due to the heightened
7 security requirements imposed since 9/11 over
8 \$40 million dollars a year in cleanup funds
9 are currently spent on security at Canister
10 Storage Building.

11 We are concerned that a new
12 repository will delay shipment of the spent
13 fuel off site resulting in an additional drain
14 on cleanup funds. During the plutonium
15 production years spent fuel from Hanford's
16 nine nuclear reactors was taken to the Central
17 Plateau for chemical separation. Five
18 chemical separation processes were used
19 resulting in 53 million gallons of the most
20 toxic radioactive liquid waste being created.

21 Hanford has about 60 percent of
22 the nation's high-level activity tank waste

1 stored in the 177 underground tanks that are
2 on site. And those tanks, by the way, are near
3 the end of their design life.

4 In 2001 the Department of Energy
5 finally began construction on the \$12 billion
6 waste treatment facility at Hanford to treat
7 this waste. The facility will separate high
8 and low level waste, turn it into glass, and
9 put it into stainless canisters. The bulk of
10 this material will be permanently buried at
11 Hanford, however the high-level waste which
12 compromised about 10 percent of the volume and
13 90 percent of the radioactivity were scheduled
14 to go to Yucca Mountain, With the recent
15 closure of Yucca Mountain, Hanford will now
16 have to build a facility to house the high-
17 level glass canisters since there's no longer
18 a place to send them.

19 We have not been briefed on the
20 cost of a new facility, but we are concerned
21 that it will take funds from other cleanup
22 activities that are planned at Hanford.

1 The most important point to know
2 is that the gigantic new chemical processing
3 facility, the waste treatment facility which
4 is now 55 percent complete, has been designed
5 to produce glass waste to meet the Yucca
6 Mountain waste assessment's criteria. All
7 tank waste at West Valley has already been
8 vitrified. The Savannah River site has been
9 processing their tank waste to Yucca Mountain
10 standards for over a decade. Any change to
11 the Yucca Mountain waste acceptance criteria
12 can adversely impact each of these sites and
13 require extensive rework. Clearly our local
14 community is not alone in this concern.

15 We ask that you look for an
16 alternative location for a repository; start
17 with the assumption that the new site must be
18 able to accept vitrified tank waste from the
19 West Valley, Savannah River and the material
20 that will be vitrified here at Hanford.

21 I realize that you're not tasked
22 to determine where the funding will come from

1 to pay for a nuclear repository, however we
2 are concerned that the search for funding for
3 a new repository could result in a reduction
4 of cleanup work at Hanford and loss of jobs
5 and disrupt our economy. This is not an
6 uncommon experience for communities who in the
7 past have hosted DOE sites.

8 To the elected officials in this
9 region the notion of abandoning Yucca Mountain
10 for political versus scientific reasons is
11 appalling. We have outlined several of the
12 possible impacts to the completion of the
13 environmental cleanup Hanford due to the cost
14 increase and schedule delays.

15 We were recently encouraged by the
16 decision of the Nuclear Regulatory
17 Commission's Atomic Safety and Licensing Board
18 that concluded that the Department of Energy
19 does not have standing to withdraw the Yucca
20 Mountain license application under the
21 provisions of the Nuclear Waste Policy Act.
22 We recognize that you have been directed to

1 not consider Yucca Mountain in your
2 deliberations, but that direction came before
3 the decision of the relicensing board. We
4 would like to point out that the elected
5 officials in the community closest to Yucca
6 Mountain fully support the project. We talk
7 to them on a regular basis through the Energy
8 Community Alliance. They have studied the
9 Yucca Mountain for years with the assistance
10 of significant funding from the Department of
11 Energy. No such funding has been provided to
12 a community to like ours who now have
13 abandoned or possibly stranded high-level
14 nuclear waste with no confidence that it will
15 ever leave the site or the state.

16 As you consider alternative
17 locations for geological repository for
18 defense waste, we advice you not to put
19 Hanford on your list. Waste generated during
20 weapons production years has taken a massive
21 environmental toll on the Hanford site. In
22 addition to the solid waste buried at the

1 site, there are many square miles of
2 contaminated soil and groundwater. Some of
3 this material has made its way to the Columbia
4 River. This is not the place for a national
5 repository.

6 The Department of Energy is now
7 interested in having conversations with
8 communities about the concept of interim
9 storage which may very well translate to
10 permanent storage. This is not what local
11 communities bargained for with DOE. We have
12 counted on the requirements of the Nuclear
13 Waste Policy Act for high-level waste to be
14 sent to a deep geological repository. In our
15 region, we are looking forward to the
16 completion of the environmental cleanup at
17 Hanford and are moving forward to diversify
18 our economy and plan for the future.

19 We have a vision to transform our
20 region into a recognized leader in providing
21 clean sustainable energy solutions. This fits
22 well with the vision of DOE's Environmental

1 Management Program. As the active cleanup
2 area of Hanford shrinks from 586 square miles
3 to 75 square miles in the Central Plateau land
4 will become available for energy generation.
5 The Secretary of Energy has established
6 aggressive goals for the Department to reduce
7 their carbon omissions and increase the use of
8 renewal energy and implement renewal energy
9 projects on DOE property. The energy park
10 we're planning can assist DOE Hanford in
11 meeting the established goals.

12 Now I would like to change topics
13 for a moment and discuss the importance of
14 involving local elected officials as you
15 proceed wit your deliberations. It is
16 essential that the Commission and DOE fully
17 involve local government officials in making
18 their decisions on the future disposition of
19 high-level nuclear waste. We ask you to
20 undertake a collaborative process in
21 relationship with DOE, our local community and
22 other communities across the country. We call

1 on you to take into account local community
2 issues and concerns throughout the decision
3 making processes. We ask that you make
4 recommendations and decisions based on science
5 and environmental risks, not politics.

6 We also call on you to abide by an
7 open information process as you proceed with
8 your deliberations, as you have done here so
9 far.

10 We, and elected officials in other
11 energy communities feel closing the fuel cycle
12 should be seriously taken into consideration
13 for commercial waste. Recycling and
14 reprocessing of spent nuclear fuel must be
15 examined as an option. It would reduce the
16 amount of waste that will ultimately go to a
17 geological repository.

18 Residents of the regions and
19 others who have defense waste are enormously
20 frustrated by the nation starting over again
21 to determine what will be done with high-level
22 nuclear waste. Thirty years and many billions

1 of dollars were invested to prove Yucca
2 Mountain was an appropriate location. As you
3 explore other options, what confidence can we
4 have that after another 30 years and billions
5 of dollars that we can come any closer to a
6 solution?

7 Our communities are members of the
8 Energy Community Alliance. And on behalf of
9 our sister communities, we hope that is the
10 first of your visits and you'll visit their
11 sites as well around the country.

12 Based on almost 52 years of
13 federal, state and government service one
14 lesson I've learned about making major changes
15 in midstream without adequate discussion is
16 that delays will always cascade, impacts will
17 always compound and costs always escalate.

18 Thank you for visiting our
19 community and for the opportunity to testify
20 before the Commission. We appreciate your
21 willingness to engage in serious discussion.

22 Thank you.

1 CHAIR SCOWCROFT: Thank you very
2 much, Mr. Revell, for a thoughtful and
3 obviously sincere presentation. We appreciate
4 it very much.

5 Are there any questions,
6 Commissioners? Yes, John.

7 MEMBER ROWE: Mr. Revell, I'd like
8 to particularly thank you for your emphasis on
9 the harm that is done when we change the
10 standards for the ultimate burial site. Your
11 recognition that this adds to both the cost
12 and increases the schedule and makes delay for
13 solving your problems is very helpful. And I
14 think one the things this Commission must look
15 into is how we get a set standards of what is
16 done so they're consistent with an array of
17 ultimate siting decisions. And I particularly
18 thank you for that, because I hadn't thought
19 of it in that way before.

20 MR. REVELL: Thank you very much.

21 MEMBER MESERVE: I'd like to also
22 express my appreciation for your comments.

1 And let me ask the question: Are there any
2 circumstances in which you think that the
3 Hanford Communities would accept the notion of
4 an interim storage site at the facility, and
5 what those circumstances might be?

6 MR. REVELL: Well, I think if
7 we're assured that interim really is interim;
8 that's the problem.

9 CHAIR SCOWCROFT: What was the
10 answer.

11 MR. REVELL: IF we said yes to
12 interim, it could very well be forever, and
13 that's the major concern.

14 MEMBER MESERVE: So if you had
15 assurances that a process was in place that
16 you had trusted to find a disposal location--

17 MR. REVELL: Yes, absolutely.

18 MEMBER MESERVE: -- then interim
19 storage here might be acceptable?

20 MR. REVELL: I think if you were
21 just talking about delay in finding a
22 permanent spot, people probably would be more

1 comfortable with that. But it's really
2 frightening to that that --

3 MEMBER MESERVE: I understand.

4 MR. REVELL: -- if you're willing
5 to stick your neck out and say yes we'd go
6 with temporary storage and then find out
7 later, you know, it's not going to work that
8 way; that would be devastating.

9 CHAIR SCOWCROFT: Per?

10 MEMBER PETERSON: Mr. Revell, I'd
11 also like to thank you for these comments, and
12 including the recommendation that we need to
13 hear from local elected officials. In fact,
14 yesterday evening we had the chance to meet
15 with and talk with local officials. And I had
16 a wonderful discussion with John Fox, the
17 Mayor of Richland, that was very helpful.

18 Going to your point that closing
19 the fuel cycle should be taken into
20 consideration and then following up on your
21 answer to Dick Meserve, would it be helpful if
22 we were to prioritize our efforts on disposal

1 to take care of defense high-level waste first
2 from the perspective of increasing confidence
3 that disposal can be done without doing things
4 that might be irreversible around commercial
5 spent fuel?

6 MR. REVELL: Yes. Well, this is a
7 personal view now because I've not polled the
8 different organizations that I work with. But
9 prioritizing defense waste first would work
10 well, as far as I'm concerned.

11 I think eventually we'll find
12 something for commercial fuel. And from what
13 I see, the volumes of commercial spent fuel at
14 the sites doesn't seem to be that large, but
15 it is a little disturbing it's stored in a 100
16 places around country. You know, there should
17 be central place for it. But I personally
18 would feel comfortable with defense waste
19 getting a priority, yes.

20 CHAIR SCOWCROFT: Jon?

21 MEMBER LASH: One of the issues we
22 are struggling with, and we asked several

1 speakers about yesterday, is acknowledging the
2 importance that a process be based on both
3 community and regional consent that this has
4 to be an arrangement of two willing partners
5 finding a solution to a problem that benefits
6 all sides. I'm interested in your thought
7 about how you effectively include local
8 government? Who effectively represents the
9 public, how do you get a decision that will
10 stay in place and how do you involve the
11 region?

12 MR. REVELL: Well, the communities
13 that host DOE sites all work very close with
14 the Energy Communities Alliance in Washington,
15 D.C. They do a very good job, I think, of
16 working with the Hill, working with DOE, other
17 organizations and queuing up the issues,
18 making sure there's good clear understanding,
19 common understanding on the issues and working
20 ways through the issues.

21 I think this particular Commission
22 should look at them as a resource. Because I

1 think they could be a resource. Also, some of
2 the people out at the host sites could be
3 resources as well working in conjunction with
4 the Energy Community Alliance. And maybe some
5 meetings with them or checking in with them
6 for views, that sort of thing, could be
7 helpful.

8 MEMBER LASH: It's a very good
9 suggestion. We certainly don't assume that the
10 universe of possible future hosts of either
11 storage or repository sites is limited to the
12 current energy communities.

13 MR. REVELL: Right. Right. And
14 that group is just the group that works with
15 the host communities of DOE sites already.
16 Good clarification. Thank you.

17 CHAIR SCOWCROFT: Senator
18 Domenici?

19 MEMBER DOMENICI: Sir, I had one
20 question but I first want to ask: In your
21 activities do you have a chance to communicate
22 with and rub shoulders with other parts of the

1 country that aren't currently involved but
2 that you might get a feel for how they feel
3 about repositories? Let me be very specific.
4 Would you think it would be as difficult in
5 the future to find a site that would be
6 acceptable locally? And I'm speaking of your
7 location, just the country; don't you think
8 the people might look at it today with more a
9 positive sense than they would ten years ago
10 or 15 years ago?

11 MR. REVELL: Well, clearly, you
12 know some locations would have more interest
13 than others.

14 MEMBER DOMENICI: Sure.

15 MR. REVELL: And, you know seems
16 to me part of what you need is an area that's
17 remote, low populations, maybe high
18 unemployment where they need something for
19 their economy this is the sort of thing that
20 could work for them.

21 MEMBER DOMENICI: I would think
22 the other flip side of the coin is that you

1 might have been overly bombarded by the
2 opposition position because you've had to
3 defend so often. And you might not have a same
4 kind of feel about communities in the country.

5 My own feeling is nuclear and
6 power has changed in terms of receptivity by
7 the people.

8 MR. REVELL: Yes.

9 MEMBER DOMENICI: And it would be
10 much easier than it was ten years ago to find
11 some community that would welcome an
12 underground repository or in a temporary
13 repository.

14 MR. REVELL: I would say yes, on
15 commercial nuclear I think there's a lot of
16 people in the country that are more receptive.

17 MEMBER DOMENICI: And how about
18 defense waste? I don't think there would be--

19 MR. REVELL: I'm not sure. I just
20 can't speak to that. Wish I could.

21 MEMBER DOMENICI: All right.

22 Thank you, Mr. Chairman.

1 CHAIR SCOWCROFT: Any other
2 comments?

3 Thank you very much, Mr. Revell.

4 MR. REVELL: Thank you.

5 CHAIR SCOWCROFT: We appreciate
6 your appearing before us.

7 MR. REVELL: Thank you.

8 CHAIR SCOWCROFT: We'll next ask
9 Mr. Russell Jim of the Yakama Environmental
10 and Waste Management Program to come to the
11 stand.

12 Thank you very much for appearing
13 before us, Mr. Jim. The floor is yours.

14 MR. JIM: Thank you. Thank you,
15 Commission and Chairmen Scowcroft and Hamilton
16 for this opportunity.

17 And I hope you enjoyed the field
18 trip yesterday. You have seen a portion of
19 the land of the Yakama, and we hope that you
20 understand the natural foods and medicines
21 that we have been consuming for millennium is
22 preventive medicine because of our unique

1 genes that we have and the consumption of
2 those foods and medicines must be preserved
3 and protected. That is the basis of the
4 Yakama Nation's involvement for all these
5 years. And we hope that you can assist in
6 communicating to the country this dilemma that
7 we have been placed in.

8 I have my presentation here. I
9 will read, some of which I will not read but
10 I submitted it for the record for your
11 approval and consideration.

12 On behalf of the Confederated
13 Tribes and Bands of the Yakama Nation, I wish
14 to thank you for the opportunity to present
15 our comments regarding the fate of the high-
16 level radioactive waste and other waste
17 requiring geologic disposal. As outlined by
18 Tribal Councilman Spencer yesterday, the
19 Hanford Site is located on land to which the
20 Yakama Nation has perpetual rights under the
21 Treaty of June 9, 1855. And as such, the
22 Federal Government maintains a special trust

1 relationship with Indian tribes pursuant to
2 treaties, statutes, Executive Orders, judicial
3 decisions and other legal instruments.

4 Inherent in this relationship is
5 an enforceable fiduciary responsibility to the
6 Yakama Nation to protect its lands and
7 resources. As I know I brought this to your
8 attention and comments submitted at your first
9 meeting on March 23rd.

10 Long term storage, much less
11 permanent disposal, of such waste at Hanford
12 were undermine rights guaranteed in the Treaty
13 of 1855 with the United States.

14 In the early 1940s Manhattan
15 Project officials told our people that this
16 land was needed temporarily to support the war
17 effort and that they would be able to return
18 when the war ended. That return has yet to
19 happen.

20 When Yakama leaders signed the
21 Treaty of 1855 not far from here, they knew
22 that the Yakama Reservation land would not

1 provide adequate resources to support our
2 people. For that reason, they insisted that
3 resources on the ceded land at Hanford and
4 fish in the Columbia and Richland Rivers be
5 guaranteed in the treaty.

6 Use of traditional foods and
7 medicines is of increasing importance today
8 with widespread environmental contamination as
9 a relation between the unique genes of the
10 Yakama are native foods and our health is
11 being demonstrated.

12 Because the treaty did not
13 contemplate the specific of impacts of nuclear
14 waste, the Yakama Nation was at the forefront
15 and contributing to the parent legislation
16 which became the Nuclear Waste Policy Act of
17 1982. It was of vital importance to the
18 Yakama that Department of Energy consult with
19 our government on every aspect of siting a
20 repository or monitored retrievable storage
21 facility. Government condonement consultation
22 ia a requirement of the enforceable federal

1 trust responsibility.

2 The Administration's cancellation
3 of the Yucca Mountain Project has the
4 practical effect of creating an MRS at
5 Hanford, absent the safeguards required by the
6 Nuclear Waste Policy Act.

7 As Cold War memories fade, the
8 sobering aftermath of the nuclear arms race is
9 no more apparent than at Hanford where the
10 nation's most hazardous byproducts of nuclear
11 weapons products are stored. With nearly 60
12 percent of the nation's defense high-level
13 radioactive waste, Hanford's legacy is in a
14 league unto itself in terms of magnitude and
15 risk.

16 More than a third of Hanford's
17 tanks have failed leaking approximately one
18 million gallons of nuclear waste and
19 contaminating groundwater that eventually
20 enters the Columbia River.

21 By the early 1990s after the
22 Yakama Nation, the State of Washington,

1 petitioned the Nuclear Regulatory Commission
2 to clarify all of the waste classifications,
3 DOE announced its goal to process and dispose
4 of the high-level waste in all of Hanford's
5 177 tanks. Processing this waste was expected
6 to generate about 14,500 high-level glass
7 canisters, and more than 100,000 low activity
8 glass packages.

9 By 1995 the Department of Energy
10 by administrative action allocated disposal
11 capacity in the Yucca Mountain repository
12 setting aside 90 percent of capacity for
13 commercial reactor spent fuel leaving ten
14 percent for DOE waste.

15 By 2002, years before cancellation
16 of the Yucca Mountain project, DOE had issued
17 a record of decision in the Yucca Mountain
18 Final Environmental Impact Statement that
19 effectively curtailed geologic disposal of
20 defense high-level waste at DOE sites by 64
21 percent. The rationale for this decision was
22 to make more room for commercial reactor

1 waste, and this decision is embodied in the
2 license applications submitted to the NRC in
3 June 2008.

4 Through this action DOE sites
5 would be stranded with nearly two-thirds of
6 their inventory of defense high-level waste
7 even with successful operation of the Yucca
8 Mountain Project.

9 The Yakama Nation position is that
10 all Hanford spent fuel and high-level waste
11 must be disposed of in a geologic repository
12 consistent with decades of scientific
13 recommendations and as embodied in the Nuclear
14 Waste Policy Act. We urge the Commission to
15 support this goal. With regard to spent fuel
16 the practice of dry cask storage in hardened
17 facilities appears to provide decades of
18 breathing room to develop plans for ultimate
19 disposal. The same does not apply to high-
20 level waste already released into the
21 environment.

22 It would be inconceivable to

1 propose plans for disposal of even a small
2 fraction of spent nuclear fuel in the near-
3 surface. However, near-surface disposal of
4 high-level waste outside the tanks is still
5 planned for Hanford, waste containing the same
6 extremely toxic components as spent fuel.

7 The basic technical and legal
8 requirement for high-level waste disposal set
9 forth in the Nuclear Waste Policy Act are
10 being undermined at Hanford, putting the
11 future of this region at risk.

12 First, in section 3116 of the 2005
13 National Defense Authorization Act Congress
14 granted authority to the Secretary of Energy
15 to reclassify high-level waste in tanks
16 following consultation in South Carolina and
17 Idaho. Thus, authority was explicitly
18 excluded for the State of Washington at the
19 instance of Washington State and the Yakama
20 Nation. However, DOE has stated that it plans
21 to reclassify high-level waste at Hanford
22 through a Section 3116-like process in

1 contravention of the Nuclear Waste Policy Act
2 and previous court rulings.

3 DOE efforts to classify away this
4 problem raised the spectre of high sacrifice
5 zones at Hanford and invite legal challenges
6 after hundreds of millions of dollars are
7 spent on indefensible plans. Reclassification
8 of waste is a legal artifice that does nothing
9 to change the dangers that this waste poses to
10 health, to the environment, to the culture and
11 way of life of our people and to future
12 generations.

13 I urge the Blue Ribbon Commission
14 convened under an Energy Secretary who is a
15 Nobel Prize winner in physics to make an
16 explicit statement against such manipulation.
17 At a minimum, the Commission should be
18 explicit that the definition of high level
19 waste should include liquid waste arising
20 directly from reprocessing, part of the
21 definition in the 1982 Nuclear Waste Policy
22 Act, and that as a result all the waste in the

1 177 Hanford high-level waste tanks is high-
2 level waste. However, I believe the Commission
3 shall go further and bring greater
4 environmental and scientific coherence to the
5 issue of what waste should be sent to
6 repositories and most important, what waste
7 shall not on any account be disposed of in
8 shallow land burial.

9 CHAIR SCOWCROFT: Mr. Jim, I hope
10 you wrap up your remarks. Sir, and your time
11 is up.

12 MR. JIM: I'm sorry. I can't.

13 CHAIR SCOWCROFT: I hope you will
14 wrap up your remarks quickly. Your time is
15 up?

16 MR. JIM: Yes. Yes, I will. Give
17 me two more minutes.

18 I ask the Blue Ribbon Commission
19 make recommendations to address this
20 classification problem directly to assist DOE
21 in addressing this severe threat to the
22 region.

1 The Transuranic Waste Charter also
2 includes addressing nuclear materials that are
3 likely to pose a comparable risk to high-level
4 waste such as transuranic waste. I ask that
5 the Blue Ribbon Commission help ensure that
6 transuranic waste which require geological
7 proposal are not left to threaten the human
8 environment for centuries to come at Hanford.
9 We understand the pre-1970 transuranic waste
10 is now stranded as an artifact of legislative
11 history. For the Commission to provide a
12 clear direction for the Administration and
13 Congress, this pre-1970 waste, which is every
14 bit as lethal as that generated after 1970,
15 must be addressed squarely.

16 In conclusion, how these problems
17 are addressed, high-level waste and
18 transuranic waste now stranded by outdated law
19 and policy will have perhaps the most far
20 reaching consequences for a long-term health
21 of this region. I ask that the Commission
22 provide clear recommendations how we may

1 recognize the seriousness of this problem and
2 begin developing the solution for it.

3 The recent tragedy in the Gulf of
4 Mexico is another reminder of how modern
5 society is unable to avoid serious and
6 unintended consequences when employing
7 advanced technology. It is little understood
8 that the Yakama also employed advanced
9 technology in the form of sophisticated
10 understanding of the environment, its
11 resources and their interrelationships. The
12 ultimate test of a culture and society is
13 whether it's able to withstand the test of
14 time. What we may contribute is based on the
15 cultural wisdom which has allowed us to thrive
16 in this region since time immemorial. The
17 law, including the Yakama Nation treaty
18 rights, and an ethical responsibility to
19 future generations require that drinking water
20 standards be met.

21 The implication of the
22 Commission's work is twofold. First, the

1 Commission should explicitly acknowledge that
2 leaving high-level, waste derived from high-
3 level or disposing of this waste in shallow
4 land burial is not acceptable.

5 CHAIR SCOWCROFT: Mr. Jim, I have
6 to ask you to wrap up your remarks.

7 MR. JIM: Very good.

8 When people say that restoring
9 Hanford so treaty rights may be fully
10 exercised again may take another 100 years, we
11 say that is fine, we will help you get there.

12 Thank you.

13 CHAIR SCOWCROFT: Thank you, Mr.
14 Jim for your thoughtful and lucid remarks.

15 Are there any questions? Yes,
16 John.

17 MEMBER ROWE: Mr. Jim, last night
18 I was trying to figure out, I suppose it comes
19 from a different concept of land use, how it
20 is that each of the different tribes seem to
21 be claiming ownership over the Hanford Site
22 area. But you used slightly different words

1 which I think helped me.

2 I think what you're saying is the
3 Yakama and the other tribal nations each
4 believe they have under the treaty not the
5 right to own and subdivide, but the right for
6 certain uses such as hunting and fishing and
7 so forth which are shared among them. Did I
8 get your message correctly?

9 MR. JIM: Yes, we each shared the
10 area. But back then the unwritten rules and
11 regulations were recognized. And we cross-
12 referenced our resources, we traded, stole the
13 women and horses.

14 I hope I answered your question.

15 MEMBER ROWE: I appreciate the
16 humor as much as the wisdom.

17 MR. JIM: Thank you.

18 CHAIR SCOWCROFT: Per?

19 MEMBER PETERSON: Mr. Jim, first I
20 want to note that I very much enjoyed our
21 conversation on the tour. And I appreciated
22 the opportunity to discuss things.

1 You raised, I think, a very
2 important point which is that under the
3 current Nuclear Waste Policy Act statute there
4 is a statutorily defined limit of 70,000
5 metric tons of capacity on the first U.S.--

6 MR. JIM: Sir, I'm sorry. Could
7 you get a little closer to the mic? I'm hard
8 of hearing.

9 MEMBER PETERSON: I'm sorry.
10 Under the current Nuclear Waste Policy Act
11 there is a statutorily defined limit of 70,000
12 metric tons on the first U.S. national
13 repository. It's defined in the law this
14 capacity limit. And the policy reason for
15 doing that was to therefore force the
16 development of a second repository to provide
17 equity with the theory being that the second
18 repository would be in the east. The limit,
19 actually, does not have any scientific or
20 technical basis.

21 And it's an important question:
22 Is it an appropriate thing to do to have these

1 type of, say, artificial limits which achieved
2 maybe potentially important policy or
3 political objectives as opposed to trying to
4 focus more towards criteria for accepting
5 waste and for defining capacity of
6 repositories that are based on scientific
7 technical considerations associated with
8 safety standards?

9 MR. JIM: I have to admit I have a
10 hard time hearing you. I apologize. These
11 hearing aids aren't the greatest in the world.

12 MEMBER PETERSON: I understand.

13 Actually, during the break could
14 we talk about this?

15 MR. JIM: Sure.

16 MEMBER PETERSON: Let's do that,
17 and I'll take my answer offline. This is an
18 important set of questions and I think it will
19 be worthwhile to discuss. So I'll talk with
20 you about this at the break.

21 MR. JIM: I appreciate that very
22 much.

1 MEMBER PETERSON: You're welcome.

2 Thank you.

3 MR. JIM: Thank you.

4 CHAIR SCOWCROFT: Are there other
5 questions? If not, thank you very much, Mr.
6 Jim, for your presentation for being with us
7 today.

8 MR. JIM: Thank you.

9 CHAIR SCOWCROFT: WE appreciate
10 it.

11 Next, we have a series of
12 statements by members of Congress. The first
13 is from the Office of Senator Patty Murray and
14 will be delivered by Brian Kristjansson.

15 Welcome, Mr. Kristjansson. The
16 floor is yours.

17 MR. KRISTJANSSON: Thank you.
18 Good morning. My name is Brian Kristjansson,
19 and I'm the State Director for U.S. Senator
20 Patty Murray.

21 And thank you for allowing e to
22 appear today to convey Senator Murray's

1 testimony.

2 Good morning. And welcome to
3 Washington State. Please accept my apologies
4 for not being with you in person.

5 I would like to welcome the Co-
6 Chairmen and the Commissioners, and especially
7 my former colleagues Senator Domenici and
8 Senator Hagel.

9 Thank you for coming here to the
10 Tri-Cities to visit and learn more about the
11 Hanford Nuclear Reservation, the site of the
12 first full scale plutonium production reactor
13 in the world.

14 People of the Tri-Cities stepped
15 forward to produce the material that went in
16 our strategic arms during World War II and the
17 Cold War. We won those wars, in part, because
18 of the sacrifices made here in the Tri-Cities.

19 One legacy of that sacrifice is
20 the freedom we enjoy today. But another legacy
21 is the nuclear waste those efforts produced.
22 And now, 20 years later, 20 years after we

1 stopped making plutonium here work at the site
2 has turned to cleaning up the nuclear material
3 and contaminated waste that was left behind.

4 I'm glad that you had the
5 opportunity to tour the site yesterday and to
6 see firsthand some of the waste we are dealing
7 with. It's a complicated cleanup task, and in
8 Washington State we continue to do our part to
9 meet that challenge.

10 There have been difficulties along
11 the way, but there has also been progress.
12 Last summer I stood with officials from the
13 Department of Energy, the Environmental
14 Protection Agency and the State of Washington
15 as we announced an agreement on new
16 commitments for Hanford cleanup. The new
17 agreement is an aggressive plan to make sure
18 that the Federal Government meets its
19 obligation to cleanup this site.

20 As the Federal Government works to
21 meet its cleanup obligation, it must also
22 remove the waste from Hanford. Due to

1 Recovery Act spending the workers have been
2 able to accelerate cleanup and shrink the
3 footprint of the site so the need to move the
4 waste off-site has become more pressing.

5 I understand that the charge of
6 the Commission is to take a broader look at
7 nuclear issues and not to determine a specific
8 repository site. However, I am deeply
9 disappointed that the Obama Administration has
10 dismissed out-of-hand any discussion of Yucca
11 Mountain.

12 Over the last 30 years, Congress,
13 independent studies and every previous
14 Administration have voted for, pointed to and
15 funded Yucca Mountain as the nation's best
16 option for a nuclear repository. In concert
17 with these decisions, billions of dollars and
18 countless work hours have been spent at
19 Hanford and nuclear waste sites across the
20 country in an effort to treat and package
21 nuclear waste that should be sent there.

22 Yesterday morning you saw the

1 waste treatment plant, the most complicated
2 construction project in the country which is
3 being designed specifically to feed Yucca.
4 Without a national repository the WTP, those
5 sites and the communities that support them
6 are now in limbo. Decisions about if the
7 Department of Energy has the authority to
8 unilaterally terminate Yucca Mountain will be
9 decided by the Nuclear Regulatory Commission's
10 Atomic Safety and Licensing Board that
11 concluded that the Nuclear Regulatory
12 Commission's Atomic Safety and Licensing Board
13 that concluded that the Nuclear Regulatory
14 Commission and the D.C. Circuit Court of
15 Appeals. While we wait for those answers, no
16 high-level waste or spent fuel will leave
17 Hanford.

18 When interim storage turns into
19 long-term storage it can cause cost increases
20 and turn a known cleanup task into a more
21 complicated one. As we learned here at
22 Hanford when spent fuel from the N-Reactor was

1 stored in the K-basins for longer than
2 intended.

3 Hanford is also home to the
4 Columbia Generating Station, Washington's only
5 nuclear plant. The spent fuel from CGS is
6 stored on the Hanford Site. In my view, it
7 will be difficult for our country to move
8 forward with a nuclear renaissance without a
9 clear plan to address nuclear waste.

10 Without a clear plan for a
11 national repository it becomes more difficult
12 to continue to work to meet our already
13 aggressive timelines for cleaning up Hanford.
14 Nevertheless, I together with the people of
15 this community who have shown tremendous
16 support and dedication to the cleanup work
17 will continue to insist that the Federal
18 Government meet its legal and moral
19 obligations.

20 Finally, while the Commission has
21 stated time and again they will not name a
22 specific site in its report, I want to be

1 clear and I've been consistent I will fight
2 any attempt or any recommendation to make
3 Hanford the site for a permanent repository.

4 I hope you enjoyed your visit to
5 the Tri-Cities. And I look forward to reading
6 your report.

7 Sincerely, Patty Murray, United
8 States Senator.

9 CHAIR SCOWCROFT: Thank you very
10 much, Mr. Kristjansson.

11 Does the Commission have any
12 comments or questions that you would like
13 conveyed to the Senator? If not, please thank
14 Senator Murray for her thoughtful
15 presentation. Thank you.

16 Next we have Mr. David Reeploeg
17 from the Office of Senator Cantwell to deliver
18 her comments.

19 Thank you, Mr. Reeploeg. You may
20 proceed.

21 MR. REEPLOEG: All right. Good
22 morning, everyone. Thank you again very much

1 for being here. And it's a pleasure to be
2 here and reading this message on behalf of
3 Senator Cantwell.

4 It reads: "Dear Co-Chairs
5 Hamilton and Scowcroft.

6 I like to welcome you and all of
7 the members of the President's Blue Ribbon
8 Commission on America's Nuclear Future to
9 Hanford and the Tri-Cities. I very much
10 appreciate the BRC making the effort to better
11 understand the tremendously challenging
12 nuclear waste cleanup and disposal issues
13 effecting this community and region.

14 In many ways Hanford is unique
15 requiring a site visit to grasp both the scope
16 and technical difficulty of the current
17 cleanup effort as well as the Federal
18 Government's legal and moral responsibility to
19 ensure that cleanup occurs in a timely manner.

20 I have long called for a
21 comprehensive national strategy to address our
22 nation's nuclear waste disposal problem. We

1 need a plan that matches up nuclear energy use
2 with waste safety and effectively address all
3 levels and all sources of existing and future
4 nuclear waste, including both commercial and
5 defense waste streams. I believe that can
6 only be accomplished by basing our policy
7 decision on sound scientific analysis. Future
8 generations will have to live with our
9 decision long after today's political winds
10 have blown themselves out. Only a decision
11 based on sound science will stand the test of
12 time.

13 Whatever the merits of past
14 efforts to address these issues, they have
15 indisputably failed to confront the whole
16 problem. For example, even if Yucca Mountain
17 were to eventually open, it would only store
18 a small percentage of Hanford's waste and be
19 unable to meet our national civilian nuclear
20 waste disposal needs. Clearly, a more
21 comprehensive solution is required. That is
22 why I supported the formation of the BRC and

1 applaud your efforts to take a comprehensive
2 review of America's nuclear future.

3 While nuclear energy production
4 issues receive the most attention, we need a
5 credible national strategy that must
6 incorporate and dedicate the necessary
7 resources to cleanup Hanford in a timely
8 manner.

9 The Tri-City community sacrificed
10 a lot to help America win the Cold War and we
11 have an obligation to make the region and its
12 citizens whole. I urge the Commission to keep
13 that in mind during what I hope will be a
14 pleasant and productive visit.

15 Sincerely, Maria Cantwell, United
16 States Senator."

17 CHAIR SCOWCROFT: Thank you very
18 much, Mr. Reeploeg, for the comments. Please
19 thank the Senator for her remarks.

20 MR. REEPLOEG: Absolutely. Will
21 do. Thank you, sir.

22 CHAIR SCOWCROFT: Thank you.

1 Next we will hear from Ms. Brianne
2 Miller from the Office of Representative
3 Hastings.

4 MS. MILLER: Thank you all for
5 letting me delivery Doc's testimony. I
6 appreciate it.

7 And it goes: "Thank you for
8 inviting me to join you today. As you know,
9 Congress is in session and voting which makes
10 it impossible for me to be with you in person.
11 My views on the approach this Administration
12 has chosen to take when it comes to
13 terminating Yucca Mountain and citing the
14 mission of the Blue Ribbon Commission are well
15 known.

16 The Commission was formed so that
17 the Obama Administration could put off
18 decisions about nuclear waste and spent
19 nuclear fuel until after November, while at
20 the same time illegally acting to shut down
21 the national repository as quickly as
22 possible. Recognizing that a solution already

1 exists, continuing to study this issue until
2 Senator Reid gets the answer he wants and the
3 Democratic Senate Majority Leader is safe for
4 another six years is, in my view, the wrong
5 approach.

6 Let me be clear. These remarks
7 are not a reflection on any of the individual
8 members of the Commission, but rather on the
9 overall purpose and mission of the Commission
10 which was determined not by its members, but
11 by President Obama and the Department of
12 Energy.

13 I recognize the Commission is
14 performing the task it was assigned. Yet, I
15 remained troubled that the Commission has been
16 given an impossible mission with unfair
17 parameters, and I'm far from confident that
18 wasn't the precise intent.

19 The Tri-Cities is my hometown. I
20 can literally see Hanford from my backyard.
21 With the Hanford Site, the Pacific Northwest
22 National Laboratory and Energy Northwest, the

1 experience and expertise of this community
2 when it comes to spent nuclear fuel and
3 defense nuclear waste are simply unparalleled.
4 Here in the Tri-Cities we understand that
5 nuclear power is safe and we are committed to
6 cleaning up Hanford and shipping the waste out
7 of our state for permanent storage in a
8 legally designated repository. That's the
9 plan, that's the law, and that was the
10 commitment made to the State of Washington.

11 I understand the Commission has
12 had the opportunity to visit a portion of the
13 586 square mile Hanford Site this week. The
14 magnitude of waste at Hanford is widely known,
15 but I'm hopeful that this visit provided a new
16 appreciation not only for the volumes of
17 waste, but also for the quality of cleanup
18 work that is being accomplished and for the
19 role that this entire community has played in
20 our nation's defense for decades.

21 In Congress, making certain that
22 the Federal Government meets its legal cleanup

1 obligations to our state and ensuring that
2 Hanford cleanup moves forward as safety,
3 quickly and efficiently as possible is a top
4 priority. A key part of that involves the
5 tank waste and the Waste Treatment Plant.

6 In 1998 I wrote the law to create
7 the Office of River Protection to ensure that
8 cleanup of the waste stored in Hanford's
9 underground tanks receives the focus and
10 attention that is required. This model
11 continues to work well, and while there are
12 always challenges with a product of this
13 magnitude, we are seeing real progress with
14 the Waste Treatment Plan at over 50 percent
15 complete.

16 Under the Nuclear Waste Policy Act
17 Yucca Mountain is unequivocally the national
18 repository for high-level defense waste at
19 Hanford and for commercial spent nuclear fuel.
20 Congress had voted to reaffirm this decision
21 several times.

22 Two weeks ago the Atomic Safety

1 and Licensing Board decided that the actions
2 by the Department of Energy to withdraw the
3 Yucca Mountain application were unfounded and
4 deny their application. In addition, there is
5 an ongoing legal battle between the
6 Administration and parties effected by their
7 decision to withdraw the Yucca Mountain
8 application, including Washington State, Tri-
9 Cities leaders and others.

10 Included in the Blue Ribbon
11 Commission charter is a charge to consider if
12 additional legislation is needed. As part of
13 this endeavor I encourage you to examine
14 existing law, the clear intent of Congress and
15 the decisions made by our judicial system.
16 The Blue Ribbon Commission Charter also states
17 that members are charged with conducting a
18 comprehensive review of policies for managing
19 the backend of the nuclear fuel cycle
20 including all alternatives for storage. Yet
21 Secretary Chu has said that Yucca Mountain is
22 off the table.

1 Congress and our community are
2 left wondering which it is; a comprehensive
3 review or one that eliminates the existing
4 legal repository. Regardless of the answer it
5 is impossible for anyone to come to Hanford
6 and have an honest discussion about high-level
7 nuclear waste without talking about Yucca
8 Mountain.

9 I will continue developing bills,
10 offering amendments and calling on Congress to
11 take advantage of each and every opportunity
12 it has to uphold the law and keep Yucca
13 Mountain moving forward. With more defense
14 waste slated to go to Yucca Mountain than any
15 other state in the nation, the stakes for
16 Washington cannot be higher and the risk
17 cannot be more real. Delaying or abandoning
18 Yucca Mountain means that Hanford will be home
19 to high-level waste even longer. The Federal
20 Government's legal commitment to our state
21 won't be kept, and cleanup progress at Hanford
22 will be jeopardized.

1 The Waste Treatment Plant is a \$12
2 billion project that is being constructed to
3 turn Hanford's haulable waste into stable
4 glass so it will be shipped to Yucca Mountain
5 for permanent storage. The plant is being
6 built to meet the specific geological
7 requirements of Yucca Mountain.

8 As a recent Tri-City Herald
9 article noted, turning the Yucca Mountain
10 repository could result in a need to tear down
11 and rebuilt portions of \$12.2 billion Hanford
12 vitrification plant, which is being built to
13 treat Hanford's haulable waste and meet the
14 requirements of Yucca Mountain. So I would
15 caution the Commission against taking the
16 advise of some of who claim that this problem
17 can wait, that we don't have to decide now.

18 The Waste Treatment Plant is being
19 built right now, today. Billions have and are
20 being spent. Changing the goal posts at half
21 time has extraordinary risk to the Waste
22 Treatment Plant at a time when the Department

1 of Energy claims to be focused on reducing
2 risk to the massive one-of-a-kind project and
3 has a potential to waste limited cleanup
4 dollars that are already difficult to secure.

5 I would also caution the
6 Commission against taking advice of some who
7 say we can simply can leave defense waste on
8 site in canister storage. This would break
9 the Federal Government's commitments and leave
10 Hanford on the hunt for doing more without
11 the additional funding that would be required.

12 Others claim that transporting the
13 vitrified waste from Hanford to Yucca Mountain
14 is not safe. I would simply note that the
15 Department of Energy has already safely and
16 successfully shipped plutonium from Hanford to
17 South Carolina.

18 When it comes to commercial spent
19 nuclear fuel delaying or abandoning Yucca
20 Mountain puts the future of non-emitting
21 nuclear power in our nation at risk. By
22 taking away the solution that already exists

1 for spent nuclear fuel the Obama
2 Administration is handing these opposed to
3 nuclear power new political ammunition and
4 dealing the nuclear power industry a major
5 setback.

6 As you know, the nuclear power
7 energy continues to pay into the pot even as
8 the Obama Administration halts work on the
9 national repository. This is unfair to
10 families and businesses and adds uncertainty
11 to industry that has a potential to ramp up,
12 contribute to our national energy future and
13 add high paying jobs in communities throughout
14 nation. And here in the Tri-Cities we are now
15 faced with the question if not Yucca Mountain,
16 then where?

17 We know that Gable Mountain is one
18 of the three finalists for a national
19 repository. This community has a right to
20 know clearly and definitively it is back on
21 the table as a national repository site.

22 The Commission has stated that it

1 is not a site selection committee. However, we
2 know that one site has been arbitrarily taken
3 off the table. Consequently, we are left to
4 assume that everything else is on the table,
5 particularly since the Commission is looking
6 at various geological mediums that exist only
7 in a few places across the country, including
8 here at Hanford.

9 Make no mistake, this is not a
10 simple case of Not In My Backyard. As the
11 Commission can see from this visit, the Tri-
12 Cities community is not afraid of nuclear and
13 continues to do more than its fair share.
14 However, science has proven that Yucca
15 Mountain is the safest solution, period.

16 I'd like to conclude with a few
17 recommendations that I believe will improve
18 this process.

19 First, push back against arbitrary
20 limits of what the Commission can study. Go
21 to all the other defense cleanup sites and
22 visit Yucca Mountain; talk with the experts on

1 the ground.

2 Include in the Commission's report
3 the scientific reasons why Yucca Mountain is
4 not possible.

5 Talking with those building the
6 Waste Treatment Plant.

7 Request a full accounting of the
8 Federal Government's legal liabilities and
9 obligations regarding both defense waste and
10 commercial spent nuclear fuel given the
11 additional delay in opening a repository.

12 Clarify for the public if the
13 Commission is studying all geological mediums,
14 including those that exist at Yucca Mountain
15 and at Hanford. And let the people here know
16 if Hanford has been unilaterally taken off the
17 table in the same way Yucca Mountain has.

18 And finally, I encourage the
19 Commission to take the time to fully answer
20 the questions posed by the community. If the
21 Commission has questions or would like
22 additional information, I'd be happy to meet

1 with the Commission or alternatively would
2 welcome written requests.

3 Again, thank you for the
4 opportunity to share my thoughts."

5 CHAIR SCOWCROFT: Thank you very
6 much, Ms. Miller for your presentation.
7 Please thank Representative Hastings for
8 making his comments available to us. Thank
9 you.

10 MS. MILLER: Yes, sir. I certainly
11 will.

12 CHAIR SCOWCROFT: Next, we will
13 from the Office of Attorney General Rob
14 McKenna in the person of Mary Sue Wilson, the
15 Senior Assistant Attorney General.

16 Welcome, Ms. Wilson. The floor is
17 yours?

18 MS. WILSON: Thank you.

19 Good morning, Chairmen Hamilton
20 and Scowcroft, and distinguished members of
21 the Blue Ribbon Commission on America's
22 Nuclear Future.

1 I am Mary Sue Wilson, Senior
2 Assistant Attorney General, here today to
3 deliver remarks on behalf of Washington
4 Attorney General Rob McKenna.

5 Thank you for inviting Attorney
6 General McKenna to offer his perspective on
7 the important issues before the Commission.

8 My remarks will address three
9 subjects. First I will address the legal
10 framework that governs the issues before the
11 Commission. Second I will address
12 Washington's interests in the work of the
13 Commission. And third I will make requests of
14 the Commission on behalf of Attorney General
15 McKenna.

16 First, as to the legal background.
17 In 1982 Congress enacted the Nuclear Waste
18 Policy Act. The Act established a process for
19 addressing the nation's problem of accumulated
20 spent nuclear fuel and high-level waste. When
21 the law was enacted Congress recognized that
22 prior decades of debate had not succeeded at

1 addressing the problem. In response to these
2 past failures, Congress prescribed a detailed
3 process for identifying a site or sites where
4 high-level waste and spent nuclear fuel would
5 be safely and permanently housed.

6 Following the process laid out by
7 Congress, the Department of Energy began
8 searching for suitable sites. In 1986 the
9 Department of Energy used an accepted formal
10 scientific method and ranked the
11 appropriateness of the various sites it had
12 investigated. Yucca Mountain was the highest
13 ranked site.

14 Congress then amended the Nuclear
15 Waste Policy Act to focus DOE's next round of
16 study exclusively on the Yucca Mountain site.
17 After 15 years of additional study, DOE
18 formally recommended to the President that a
19 geological repository could be safely sited at
20 Yucca Mountain.

21 In July 2002 Congress approved
22 Yucca Mountain as a repository site and

1 directed that DOE pursue the next phase of
2 siting; the preparation of the license
3 application to be considered by the Nuclear
4 Regulatory Commission.

5 The Department of Energy submitted
6 that licensing application in June of 2008 and
7 the Nuclear Regulatory Commission staff
8 officially docketed the application proceeding
9 in September of 2008. Thus, today in 2010, 28
10 years after Congress first acted to address
11 the nation's problem of accumulated spent
12 nuclear fuel and high-level waste, there is
13 only one legal process in place for developing
14 a geological repository: The process provided
15 by the current Nuclear Waste Policy Act. This
16 process has taken us to a point of a license
17 application pending before the Nuclear
18 Regulatory Commission, posed for a decision on
19 the technical merits of the application.

20 The efforts of this Commission
21 must not disregard the very process Congress
22 put in place to move the nation closer to

1 addressing the problem of spent nuclear fuel
2 and high-level waste; the very process put in
3 place to move away from the policy debate and
4 move forward with the decision making process
5 based on the technical merits of a proposed
6 repository.

7 Now moving to Washington's
8 interest in the work of the Commission. As
9 this Commission saw yesterday, Hanford is the
10 home of a huge 586 square mile reservation
11 that was used between 1944 and 1989 to produce
12 plutonium for nuclear weapons. That activity
13 created enormous amount of radioactivity and
14 mixed radioactivity and hazard waste. Much of
15 this remains at Hanford today still awaiting
16 cleanup and proper disposal.

17 A large amount of that waste at
18 Hanford will finally be disposed of within the
19 Hanford site. However, as you heard from many
20 speakers certain waste streams are destined
21 for a national high-level waste repository,
22 these include the wastes from our high-level

1 tanks, spent nuclear fuel, cesium capsules,
2 strontium capsules and commercial spent
3 nuclear fuel.

4 Termination or significant delay
5 of the Yucca Mountain project would affect the
6 disposition of all these waste forms. A deep
7 geological repository is vital to the safe
8 long-term storage of this waste.

9 These are the reasons for
10 Washington's strong interest in both the work
11 of this Blue Ribbon Commission and in the
12 Department of Energy's recent efforts to
13 attempt to withdraw its licensing application
14 for the Yucca facility to terminate all Yucca-
15 related activities. In short, Washington has
16 done its part to support this country's
17 nuclear weapon production activities and has
18 paid, and will continue to pay a price for
19 doing so. Ultimately, the timely success of
20 Washington's cleanup activities aimed at
21 preventing further harm to our environment and
22 preventing additional risks to our citizens

1 depends on the timely availability of a
2 repository for high-level radioactive waste.

3 Study by this Commission and
4 action by DOE should not undermine this goal.
5 To ensure the timely availability of a
6 repository, the Commission must include the
7 Yucca Mountain facility as one of the
8 alternatives it examines. Likewise, the
9 Department of Energy must not abandon its
10 application to license the Yucca facility so
11 that it remains an option for one of the
12 repositories for high-level waste.

13 Moving to the Attorney General's
14 requests of the Commission.

15 At this juncture there is only one
16 legal process in place for developing a
17 geologic repository: That is the process
18 provided by Congress under the Nuclear Waste
19 Policy Act. And under that Act there is only
20 one entity that may take Yucca Mountain off
21 the table. That is Congress.

22 The convening of a Blue Ribbon

1 Commission to examine alternatives to Yucca
2 Mountain and recommended possible amendments
3 to the Act cannot substitute for a process
4 already provided by law. On behalf of the
5 citizens of the State of Washington Attorney
6 General McKenna urges the Commission to
7 recognize the prescriptive scheme established
8 by Congress to address the disposition of the
9 nation's high level waste and spent nuclear
10 fuel. The Attorney General urges the
11 Commission to recognize the 30 year process
12 already implemented pursuant to the Act. The
13 Attorney General urges the Commission to
14 consider the Yucca Mountain facility as among
15 the alternatives for a national repository for
16 high-level waste. It is critical to our
17 citizens that the only alternative thus far
18 identified and the one that has been subject
19 of millions of pages of study, decades of
20 review and the only one that has moved forward
21 under the governing law remains on the table
22 in order to avoid the otherwise certain delay

1 in the cleanup of our nation's nuclear waste.

2 Attorney General McKenna also
3 urges the Department of Energy to honor the
4 spirit and letter of the June 28, 2010 ruling
5 of the Atomic Safety Licensing Board by not
6 abandoning the licensing proceeding. Until
7 the licensing proceeding produces a decision
8 on the merits of the pending application or
9 until Congress amends the Act to provide
10 otherwise, it is critical that the Department
11 of Energy's action not cause unnecessary
12 delay.

13 Thank you, Commissioners, for
14 giving of your time and expertise to serve on
15 this important Blue Ribbon Commission. Thank
16 you for visiting Washington and seeing
17 firsthand why your work is so important to us.

18 CHAIR SCOWCROFT: Thank you very
19 much, Ms. Wilson.

20 Are there comments or questions
21 from the Commission? Yes?

22 MEMBER MESERVE: I very much

1 appreciate your statements. I'd like to ask
2 you about something that you didn't cover.

3 Earlier in the testimony by Mr.
4 Jim he asserted that there were some waste
5 streams that DOE was inappropriately
6 classifying as something other than high-level
7 waste, and therefore was not planning to send
8 them to a repository. I'm curious whether the
9 Attorney General has concerns along those
10 lines?

11 MS. WILSON: Yes, Commissioner
12 Meserve. What Mr. Jim was referring to was an
13 amendment to the Act from, I believe it was
14 2006, that specifically excluded waste that's
15 located in Washington. So it's the Attorney
16 General's position that tank waste that's
17 currently designated as high-level waste under
18 the Act must be treated as high-level waste
19 unless Congress acts to change that
20 designation. And the Secretary does not have
21 the authority to designate or reclassify that
22 as a different form of waste so that it

1 wouldn't be required to go to a deep geologic
2 repository.

3 MEMBER MESERVE: Well, I had
4 understood from the Waste Treatment Plant we
5 saw yesterday that the portion of the waste
6 that was the high activity component they do
7 intend to send to a repository. Is your
8 concern with the low activity waste?

9 MS. WILSON: No. Our concern is
10 with the high activity waste. And I believe
11 that what we're discussing is waste that may
12 be remaining in the tank after all waste, that
13 it can technically be removed but still be
14 designated high-level waste and that the
15 Department of Energy has considered in order
16 to leave that in place and not continue to
17 attempt to remove it, that the Department of
18 Energy has considered what that would be.

19 MEMBER MESERVE: I understand that
20 problem. Thank you.

21 CHAIR SCOWCROFT: Are there other
22 questions?

1 Thank you very much, Ms. Wilson.

2 We appreciate your being here.

3 MS. WILSON: You're welcome.

4 CHAIR SCOWCROFT: Thank you.

5 Now, we were scheduled to take a
6 break right now, but Governor Gregoire's plane
7 is not going to land quite as early as we
8 thought. So we thought we would move ahead and
9 have the Commission Subcommittee reports and
10 then take a break while we wait for the
11 Governor.

12 Mr. Chairman.

13 CHAIR HAMILTON: Thank you very
14 much, Brent.

15 The first Subcommittee is focused
16 on reactor and fuel cycle technology. The Co-
17 Chairman are Pete Domenici and Par Peterson.
18 We'll begin with their report. Par, Pete?

19 MEMBER DOMENICI: Yes, Mr.
20 Chairman. Pete Domenici.

21 Thank you very much. I have some
22 prepared remarks. They're very brief. I

1 think they're brief enough to satisfy how you
2 feel today. I'm kind of guessing on how you
3 feel.

4 But it's been my privilege to
5 serve as co-chairman with Per, who I've gotten
6 to know and work with. And he decided, along
7 with the staff, that I should give the remarks
8 for the Subcommittee. That doesn't mean I've
9 been the hardest worker. He certain has been.
10 I've done my best to follow on.

11 And I would say before I give my
12 opening remarks that the Subcommittee has had
13 a very exciting two days before you arrived,
14 and we learned a lot about another phase of
15 our problem. Today I would like to thank you,
16 Mr. Chairman, for the opportunity to update
17 the Commission on the Subcommittee's work. I
18 shared that with Dr. Peterson, and I'm pleased
19 to work with him, but I'm also pleased to have
20 on our Subcommittee such an impressive list of
21 experts: Dr. Albert Carnesale, Susan
22 Eisenhower, Dr. Allison MacFarlane, Dr.

1 Richard Meserve, Dr. Ernie Moniz, who is not
2 here now but has been with us most of the trip
3 and certainly is enormously helpful. And the
4 Honorable Phil Sharp.

5 As you may know, our Subcommittee
6 is focused on examining alternatives to
7 today's once through fuel cycle and the
8 understanding of these alternatives offer
9 sufficient promise to warrant consistent
10 considerations, serious considerations in
11 research and development investment and do
12 these technologies hold sufficient potential
13 to influence the way in which nuclear fuel is
14 utilized, stored and disposed.

15 We have begun our work in earnest,
16 and I believe that we're looking forward to
17 sharing our findings with the full Commission
18 and the deliberations that will follow.

19 We had our full Subcommittee
20 meeting this past Monday and Tuesday in Idaho
21 Falls, Idaho, toured the Idaho National Labs.
22 Our meeting was focused on nuclear energy,

1 research and development and we heard
2 extensively from the Assistant Secretary of
3 Energy Pete Miller and other Department of
4 Energy experts about the DOE's nuclear energy
5 research and development Roadmap.

6 For those who have not read it and
7 who were on the Committee, I urge that you at
8 least peruse it. It is an important document.

9 We also heard from the Electric
10 Power Research Institute, that's the EPRI. I
11 think most of you know of them. About the
12 utilities ongoing nuclear energy research and
13 development efforts.

14 It was quite a successful meeting.
15 And again, I'd like to thank the Idaho Falls
16 community, the Idaho National Laboratory and
17 the Department of Energy for welcoming us to
18 their community.

19 In an effort to continue making
20 the Commission's activities open and
21 transparent, this meeting was televised lived
22 over the internet and presentations have been

1 posted on our website. Our Subcommittee plans
2 on having a minimum of two more Subcommittee
3 meetings in Washington, D.C. before the end of
4 the year. And at these meetings we'll be
5 hearing from a diverse set of stakeholders on
6 a range of topics covering technology options
7 and their relevant policy implications.

8 As I said in my opening statement
9 during our first Subcommittee meeting, for
10 years people have asked me "Pete, why are you
11 pro-nuclear when there isn't a permanent
12 disposal facility for used nuclear fuel and
13 high-level waste?" Without equivocation my
14 answer has been and is, that this is a great
15 and power nation with strong science and
16 engineering capacity and we will find a
17 solution. The real question is, I continue
18 with my answer: Can we articulate with
19 confidence how we are going to do this? I
20 believe that is why we are here.

21 Our Commission was appointed to do
22 this and I remain confident that we will. Our

1 Subcommittee has certainly taken a good start
2 in attempting to answer that question.

3 Thank you. And if my Subcommittee
4 Chairman desires, we might give him a bit of
5 time. And if you have questions of us, we'll
6 try to answer them, Mr. Chairman.

7 CHAIR HAMILTON: Thank you very
8 much, Pete. Per?

9 MEMBER PETERSON: I just thank the
10 Senator for these remarks. I think that they
11 provide a good of summary of where we stand.
12 And we look forward to continuing to work
13 together as we look at reactor and fuel cycle
14 technology, a segment of the Commission's
15 work.

16 CHAIR HAMILTON: The Chairs are
17 very appreciative of the work done by two
18 Chairs of the Reactor and Fuel Cycle
19 Technology Subcommittee.

20 Thank you very much for the
21 report.

22 Are there any questions of that

1 Subcommittee Chairmen?

2 If not, we'll proceed with the --

3 MEMBER DOMENICI: Mr. Chairman, I
4 do want to say to everyone that it is very
5 hard to know when you have reached a point in
6 these hearings and deliberations when you're
7 out of the weeds and when you're into the
8 discussion of the real things. And I submit
9 to all of you, don't get to thinking that this
10 job is too big. It is a monster job. But
11 actually we work in a lot of weeds that
12 confuse us and get us worried. It can be
13 handled.

14 For our two Chairmen, I know they
15 are dedicated and hard working. This was not
16 their field when they were in Congress and in
17 service of Government. But I wanted to just
18 assure you that as one Subcommittee we're
19 going to present the case before you so you
20 can grasp it so that it isn't out there with
21 many, many points all tearing at you wondering
22 what's going on.

1 For instance, high-level military
2 waste; there's just no question we have a big
3 problem now because we were ready. It's not
4 one that we had to spend a lot of time. We
5 could have made recommendations and they could
6 have been started very soon at putting away
7 high level military waste that's been
8 vitrified. But it's gone off the table now
9 unless something is something reborn in the
10 Yucca Mountain fiasco. And I want the Chairs
11 to understand that we feel we've got a more
12 difficult job once the Yucca is pulled because
13 we'd also have to review the preparation that
14 was made naming it. What are we going to have
15 to do? Undue that? We've got to get somebody
16 to tell us about that and learn about this.

17 But we will, and we'll be helpful.
18 And we thank you very much.

19 CHAIR HAMILTON: Well, the Chairs
20 have a lot of confidence in the two Co-
21 Chairmen. And we certainly look forward to
22 your future reports. And we'll have more

1 elaborate discussion, of course, at a later
2 time.

3 MEMBER DOMENICI: Thank you.

4 CHAIR HAMILTON: I think we have
5 time now for a second Subcommittee report.
6 That will be Transportation and Storage.
7 Richard Meserve and Phil Sharp are the two
8 Chairman. Richard?

9 MEMBER MESERVE: Thank you, Mr.
10 Chairman. Phil Sharp and I talked this
11 morning and tossed a coin as to who was to
12 deliver this report, and I lost. So I will
13 proceed.

14 As I think you know, the members
15 of this Subcommittee include Mark Ayers, Vicky
16 Bailey, Al Carnesale, Pete Domenici, Ernie
17 Moniz and John Rowe with the two Co-Chairs
18 serving as ex officio members.

19 We're very conscious of the fact
20 that we are the one Subcommittee is dealing
21 and will have to deal with issues that are
22 very fast upon us. That the Disposal

1 Subcommittee is likely to come up with
2 recommendations that may take a decade or more
3 to implement, and similarly the Subcommittee
4 that's dealing with Advanced Technologies,
5 whereas the need to deal with the storage of
6 used fuel that is something that is a current
7 issue and one, as we have heard here, that is
8 of great interest. I think this was a point
9 that John Rowe made at one of our earlier
10 comments. This is one of our earlier
11 meetings, that this was something of current
12 importance and we're very much aware of that.

13 We appreciate the fact that the
14 entire Commission had an opportunity when we
15 were visiting the Columbia Generating Station
16 yesterday to visit the ISFSIs, Independent
17 Spent Fuel Storage Installations at which some
18 of the fuel at that plant is in dry storage.
19 That is the case at many plants across the
20 country. And similarly, we saw the waste
21 storage at the Hanford facilities. So that the
22 entire Commission has some insight I think as

1 a result of the very interesting visit we've
2 had here to have some notion about what's
3 involved in storage of spent fuel.

4 For the conduct of our work we
5 have been developing a work plan in which
6 we're trying to define the list of questions
7 that we will seek to pursue, and some of them
8 we're underway in pursuing. And the
9 Subcommittee has had a conference call at
10 which we discussed those questions and refined
11 them.

12 We are planning a meeting that
13 will take place at a shut-down plant. There
14 are many shut-down plants around the country,
15 a dozen or so shut-down plants at which there
16 is nothing remaining at the site, or
17 substantially nothing remaining at the site
18 other than a storage installation for the
19 spent fuel. And the Maine Yankee site, which
20 is in Wiscasset, Maine, is such a site. And
21 we are planning to visit that site on August
22 11th to have an opportunity to hear from local

1 officials and state elected representatives
2 about their concerns about that situation.

3 There is, as you might imagine, I
4 expect we're going to hear the concerns from
5 people in the community about the fact that
6 the plant is gone, tax revenues from the plant
7 is gone, yet this site which could be used for
8 other purposes remains dedicated for nuclear
9 matters because of the continued presence of
10 spent fuel on the site.

11 I'm sure that visit will be one
12 that will guide our Subcommittee in its work.

13 Let me also invite other members
14 of the Commission who would like to join us on
15 that visit that they would be more than
16 welcome. And as someone who has spent his
17 summers in Maine, I can assure you that August
18 in Maine is a wonderful time in which to
19 visit. So I'd urge any of you would like to
20 see a beautiful part of Maine, that you join
21 us on our tour of the Wiscasset site on August
22 11th.

1 We are proceeding at this moment
2 to schedule a meeting of the Subcommittee.
3 We're aiming for August. We haven't closed on
4 that yet, but we hope to within the next week
5 or so. And at that meeting we will, I'm sure,
6 be hearing some testimony on a variety of the
7 technical issues with which the Subcommittee
8 should grapple. And I hope we will be in a
9 position at the time of the September meeting
10 of this group to be able to report more
11 progress than we have achieved to date.

12 Let me turn to my Co-Chairman, Mr.
13 Sharp, to see if he has any suggestions or
14 comments to supplement my remarks.

15 MEMBER SHARP: Thank you very
16 much.

17 Mr. Chairman, I just think it's
18 worth reiterating that we are operating as the
19 co-chairs of the full Commission have set the
20 pattern in as transparent a way we know how by
21 virtue of we will have public testimony, we
22 will have posting of our questions on the

1 website. Anyone who submits recommendations or
2 observations to us around the country will be
3 posted on the website so that we will not be
4 giving favored access to a few people to come
5 lobby or anything of the sort. And these are
6 principles that were set down to make this
7 Commission as transparent as any that has ever
8 existed in the federal establishment and in
9 line with the kinds of recommendations we
10 heard today from local citizens here asking
11 that that be the way we operate. And so I
12 just thought it would be worth reiterating
13 that all the Subcommittees, my impression is
14 will be operating because the full Commission
15 is operating under those principles.

16 CHAIR HAMILTON: Your August
17 meeting will be in Washington?

18 MEMBER MESERVE: Yes, it will be.

19 CHAIR HAMILTON: Okay. Okay. Any
20 questions? Jon?

21 MEMBER LASH: Thank you, Mr.
22 Chairman.

1 I have one question arising out of
2 our experience yesterday. When we were at the
3 Columbia Generating Station I remembered that
4 we asked about transportation of the spent
5 fuel that is in dry casks and whether it
6 needed to be by road or by rail. And they
7 pointed out that there was a rail spur that
8 went directly into the containment, so that
9 would certainly be workable.

10 Later when we heard from the
11 Energy Commissioner from Oregon he pointed out
12 that all of the current transportation is by
13 road. And I had a chance to ask him
14 afterwards why he hadn't discussed rail
15 transportation at all, particularly when the
16 area seems so well served by rail. And he
17 expressed some frustration with their effort
18 to have a planning process for rail use that
19 was as excellent as the one he described with
20 respect to road transportation to the WIPP
21 facility.

22 So, I would just urge the

1 Subcommittee, among other things, to explore
2 what would be required to have an exploration
3 of rail transport in the future. I know the
4 Navy uses rail for its transportation of its
5 used fuel.

6 MEMBER MESERVE: Let me say, I
7 think that is a fully appropriate question.
8 Our Committee is in fact titled the Storage
9 and Transportation Committee.

10 The actual form of transport, of
11 course, will depend in part on where the
12 material is going and that you need to have
13 rail access at both ends. And I suspect the
14 various sites there may be a variety of
15 different alternatives that are explored.

16 MEMBER SHARP: And barges have
17 been used.

18 CHAIR HAMILTON: John?

19 MEMBER ROWE: I would just like to
20 pick up on a point that Chairman Meserve was
21 kind enough to quote me on before. You know,
22 one of the things we get by being here in

1 Hanford yesterday and today is the
2 overpowering need for integrity and
3 credibility in the process. And that was also
4 true when in Washington we heard from a number
5 of people who represented the State of Nevada
6 and had differing views on the Yucca Mountain
7 process.

8 And, you know, one of the crises
9 we face is that a great many people starting
10 with the first American Tribal Councils and
11 going to us later arrivals like utility
12 executives feel fundamentally betrayed by the
13 process. No one feels that for 50 years it's
14 really worked acceptably.

15 And in that context of integrity
16 and credibility I think the work of this
17 particular Subcommittee is painfully
18 important. The work of the Fuel Cycle
19 Committee inherently involves questions whose
20 time frame is measured in decades. And the
21 work of the Ultimate Disposal Committee I
22 think we would all be stunned if we could go

1 back to the drawing boards and do it better in
2 less than ten years, and probably several
3 decades is more realistic.

4 So, it is this Subcommittee that
5 has the highest likelihood of coming out with
6 a set of recommendations that may yield
7 tangible results in a time frame more like a
8 decade than two. And it is terribly important
9 for the integrity of the nuclear industry that
10 some of these closed down sites actually see
11 the spent fuel moved, and that involves both
12 transportation and storage.

13 This is not just a matter of the
14 economic interests of the owners of Maine
15 Yankee or my own Zion Station, or several
16 other plants. It's the matter of whether
17 either the Government or any utility seeking
18 to build a nuclear plant can say with
19 credibility to their neighbors that we won't
20 make this new site a permanent waste disposal
21 site.

22 So, this particular Subcommittee

1 is in my view sort of the canary in the coal
2 mine, to mix my metaphors, in terms of showing
3 it's something that can be that has tangible
4 results in a meaningful time frame.

5 CHAIR HAMILTON: Thank you very
6 much, John, for your comment.

7 Anything further? Per?

8 MEMBER PETERSON: I'd like to
9 provide just a quick follow-up comment to Jon
10 Lash's, which is that we also have nuclear
11 plants that do not have rail access. In fact,
12 in the State of California the Diablo Canyon
13 Power Plant, which is located on a beautiful
14 stretch of the California coast, does not have
15 rail access and there will be some
16 complication in methods to move spent fuel.

17 What I would note is that the
18 State of California's Energy Commission has
19 looked at these questions of transport of
20 spent fuel in detail, and this does point
21 towards the importance of making sure that we
22 hear from the state representatives who are

1 quite knowledgeable about this issues, and
2 furthermore, assure that the states are
3 integrally involved in the planning for an
4 alternate implementation of the transportation
5 activities that are needed. And certainly I
6 know that the California Energy Commission
7 would be very willing to be helpful in terms
8 of providing some of the insights that they
9 have in this area to the Commission.

10 CHAIR HAMILTON: Thank you very
11 much, Per.

12 Just so Commissioners know where
13 we are, we'll go now to the report of the next
14 and final Subcommittee. We expect the
15 Governor's plane to land about 10:15. So
16 after this Subcommittee report, the final one,
17 we will take a recess, wait for the Governor.
18 After the Governor's presentation, we'll have
19 the public comments. That will last about an
20 hour.

21 I'll ask the staff to re-jigger
22 the time schedules for us, but we're running

1 ahead here and may be able to conclude a
2 little earlier than we had anticipated. We'll
3 do our best.

4 The final Subcommittee report is
5 the Disposal Subcommittee and that's Co-
6 Chaired by Chuck Hagel and Jonathan Lash. I'm
7 not sure who's giving that. Chuck, please?

8 MEMBER HAGEL: Mr. Chairman, thank
9 you.

10 I'll begin and then ask my Co-
11 Chairman, Mr. Jonathan Lash to summarize our
12 report.

13 First, I want to thank on behalf
14 on behalf of Jonathan and myself the members
15 of our Subcommittee, the staff and all the
16 members of the Committee and all members of
17 our staff. And for the record, let me note
18 those Subcommittee members include Mark Ayers,
19 Vicky Bailey, Susan Eisenhower, Allison
20 MacFarlane, Per Peterson and John Rowe. So,
21 thank you.

22 We on our Subcommittee have early

1 on taken the approach of what our other Co-
2 Chairmen have noted and other members of this
3 Commission as to the importance of the
4 process; the confidence building and the trust
5 that is essential to any effort. And I think
6 that that is particularly important in this
7 area.

8 We have heard the last day and a
9 half when Jonathan and I talked a little bit
10 about the hearings we had last week listening
11 to others, it's very, very clear that there
12 essentially is no trust and no confidence
13 anywhere in the process, in the system, in the
14 structure. I think what Jon Rowe said was
15 particularly important, not just to focus on
16 or isolated on the nuclear industry, but all
17 the interests that are so vital to finding a
18 consensus that we must find to deal with this
19 critically important issue that faces our
20 country and really the world, the consequences
21 and the ripple effects. As Pete Domenici and
22 I were talking a few minutes ago, just of the

1 Yucca Mountain episode which are radiating out
2 and will continue for some time to come.

3 Let me, Mr. Chairman, note what
4 our Subcommittee has been doing. We've had
5 one conference call last week. We had a full
6 day of hearing listening to many credible
7 witnesses. Our Subcommittee members were all
8 in attendance, which we very much appreciated
9 their active participation.

10 Some of those that we heard from,
11 Western Governors Association, Senior
12 Representatives from New Mexico and Nevada,
13 other witnesses from various aspects of this
14 issue presenting their experiences, expertise,
15 opinions, obviously Yucca was a particularly
16 significant focus of the hearing because, of
17 course, our responsibility as noted in the
18 title of our Subcommittee Disposal is much
19 focused on certainly Yucca and the other
20 aspects of this issue.

21 During those hearings and prior to
22 the hearings we had last week we asked the

1 witnesses as they were preparing their
2 testimony to focus on three main questions:

3 Is a disposal facility or
4 facilities needed all foreseeable scenarios?

5 The second general question we
6 asked each of the witnesses to address: If
7 so, what are our alternative approaches to
8 disposal?

9 And third: What should the
10 process to develop a U.S. disposal system look
11 like?

12 I'll let Jonathan Lash talk about
13 some of these things here in a moment. But
14 obviously because so many different interests
15 are engaged as we again have noted from our
16 hearings the last day and a half, it's so
17 important to get not just on the record, but
18 with some intensity an understanding and
19 listen careful to these interests.

20 It has been my opinion, and I
21 speak only for myself on this observation, in
22 the years I spent in the Senate, and certainly

1 Senator Domenici was, as I think everyone
2 knows, one of the foremost leaders. And I
3 always hesitate to use the term "expert," but
4 certainly if there was United States Senator
5 who really did understand the issue, it was
6 Senator Domenici.

7 But what struck me always in the
8 time I was in the Senate on the votes we took
9 on Yucca and some of these other big issues,
10 that we somehow always got to a point where it
11 was polarized and it became brutally bitter
12 and partisan. And I understand when we're
13 talking about a way of life and communities
14 and safety, and future for your children those
15 are about as vital stakes as there in life,
16 aside from the legalities. But what that has
17 led us to subscribe to is the strong emphasis,
18 and especially what we heard here the last day
19 and half, on bringing a community together and
20 focusing on the common interests, the shared
21 interests of the community. And certainly a
22 good deal of this experience here has brought

1 that home once again.

2 And on this disposal question that
3 we and our Subcommittee are dealing with, and
4 I think the Yucca Mountain again example is a
5 good one. That without the political buy-in,
6 without the community buy-in, without the buy-
7 in and support of all whose lives are going to
8 be effected, then it's probably unlikely that
9 you're going to have a very productive
10 outcome. You cannot just impose a decision on
11 a community or a state.

12 And I suppose in other countries
13 that's possible. But we have a Constitution.
14 We have laws. People have rights. And so
15 that lesson is one that I think, Mr. Chairman,
16 is particular important here.

17 At this point let me ask Jonathan
18 to pick it up from here and offer his thoughts
19 as he will then layout what our future plans
20 are for the Subcommittee.

21 Thank you.

22 CHAIR HAMILTON: Thank you, Chuck.

1 Jonathan?

2 MEMBER LASH: Thank you, Senator
3 and Mr. Chairman.

4 I do want to pick up exactly where
5 Senator Hagel left off.

6 We heard from a community that is
7 the host for the only operating geologic
8 repository in the country, Carlsbad, New
9 Mexico, which is strongly supportive of the
10 facility that is operating there and feels it
11 has an excellent relationship with the
12 Department of Energy in operating that
13 facility. It's a tribute to Senator
14 Domenici's leadership and the leadership of
15 many people in New Mexico.

16 And we heard from the counties
17 around Yucca Mountain who reflect pretty much
18 the opposite end of the spectrum. They are
19 angry. They feel they have had no voice.
20 They feel they've been treated badly. And
21 they emphatically reiterated they don't want
22 to have a facility there. And it was a stark

1 contrast for us all to listen to.

2 And I think we got the message
3 increasingly strongly that if this process
4 moves forward, as Senator Hagel said, it has
5 to move forward on the basis of trust and on
6 the basis of a trust that can only be born of
7 consent. That this has to be an arrangement
8 between willing parties based on full
9 information, real consultation and a sense
10 that each retains some authority over its own
11 fate.

12 And as we look internationally,
13 we're seeing increasingly that has been the
14 experience of other nations that have
15 successfully sited repositories.

16 We also heard about a model of a
17 process that I at least found deeply striking.
18 The one used by Canada which found itself in
19 the same position that we are now in with a
20 siting process that didn't work, and a
21 significant amount. They don't have the same
22 defense waste problems, but they have

1 operating reactors and they've been unable to
2 dispose of the wastes. And they set up a new
3 independent corporation to begin a process,
4 and that process was really the reverse of the
5 ones we've heard about in the U.S.

6 It started with consultation with
7 Canadians, extraordinarily deep consultation
8 with Canadians in which Canadians were asked
9 what are the crucial considerations? What
10 principles should be applied here? How do we
11 assure that what we do is fair and ethical and
12 effective over the long-term and meets the
13 needs of the nation? And they got an
14 extraordinary and very constructive and
15 responsible response.

16 They've invented their own
17 process. It reflects their own situation and
18 the reaction of their public. But I think we
19 were all struck by the effectiveness of their
20 process and the fact that it produced a
21 situation in which there was trust and
22 credibility. And they're now into a siting

1 process.

2 In going forward, we would like to
3 emulate at least some aspects of that; that is
4 we are going to try to use every tool we can
5 in the relatively limited time we have to
6 consult with all of the key stakeholders. So
7 we've heard again and again local government
8 is essential, and we agree.

9 There are a wide range of citizens
10 groups who want to be consulted. There's a
11 range of experts on behalf of industry and
12 other interests that need to be included, and
13 we want to find ways either directly through
14 our Subcommittee or through the staff to
15 engage those interests to develop a set of
16 recommendations that do effectively reflect
17 the values that we hear to articulate the kind
18 of standards that one of our members, Per
19 Peterson, has emphasized again and again in
20 order to facilitate the process.

21 But I'd ask one question. Imagine
22 yesterday afternoon and this morning if it

1 were understood that there would be no
2 imposition of a facility in an unwilling
3 community, I think our interaction with many
4 of the witnesses yesterday and this morning
5 would have been very different. And I suspect
6 you will hear from this Subcommittee a
7 recommendation that we move in that direction.

8 We do intend to come to you with a
9 draft in January, as you have asked.

10 We are planning to organize a
11 Subcommittee visit to some of the communities
12 that have successfully run siting processes in
13 other countries, including Sweden and Finland.
14 And we will certainly have additional meetings
15 to solicit additional input on the set of
16 concepts that we've begun to articulate.

17 Thank you very much.

18 CHAIR HAMILTON: Very good.
19 Excellent report.

20 Any further comments? Okay.

21 Al?

22 MEMBER CARNESALE: Thank you, Mr.

1 Chairman.

2 I'd like to reflect just a little
3 bit on what we've heard from this Committee
4 and the others as it relates to Yucca Mountain
5 and try to say something that I think might be
6 helpful.

7 So many people seem to be
8 concerned on the one hand that Yucca Mountain
9 is not on the table. On the other hand, we
10 are not a site selection committee. No place,
11 no site is on the table for this Commission.
12 It's important for people to recognize that,
13 that those go together. And yet there is much
14 to learn about Yucca Mountain. There is much
15 to learn about the experience of the people at
16 Yucca Mountain. There is much to learn about
17 the experience of those who have been doing
18 their work on the assumption that waste would
19 go to Yucca Mountain. This Commission and its
20 Subcommittee have been doing and are doing
21 that.

22 So, the fact that it may have been

1 declared that Yucca Mountain is off the table
2 really has not effected our work and would not
3 effect, indeed, recommendations we might make
4 at the end to the extent that it's not site
5 specific.

6 So I think simply listening to the
7 reports of the Subcommittee and a discussion
8 of the Commission should give comfort to those
9 who have concerned that the work of this
10 Committee will be incomplete because "Yucca
11 Mountain is off the table."

12 And I hope that will be helpful.

13 CHAIR HAMILTON: Thank you, Al.

14 Okay. All right John?

15 MEMBER ROWE: Excuse me, Mr.

16 Chairman, just one other thing.

17 Like Jonathan, I too garnered
18 great respect for what we've heard in the
19 Canadian process. It's openness and
20 interactivity seemed both essential and highly
21 constructive to me.

22 I would simply point out that they

1 have gotten support for a process, they
2 haven't built support for a disposal site yet.
3 And the second is infinitely more difficult
4 than the first.

5 I think as we look at concepts of
6 complete acceptability, we also have to keep
7 in mind what that carries with it, and this is
8 the unattractive perhaps side of popular
9 process, that it also invites elements of
10 almost a Dutch auction: Who will take the
11 least money to have one. And this Commission
12 will have to address that part of the issue
13 fairly squarely.

14 CHAIR HAMILTON: Okay. Any
15 further comments? Pete?

16 MEMBER DOMENICI: Mr. Chairman, I
17 just wanted to make an observation for all of
18 the Commissioners based upon New Mexico and
19 WIPP because it came up that to the Chairs of
20 the Committee are looking at whether this full
21 Committee should go see it after the first of
22 year when the governors are elected in New

1 Mexico and you know who you're going be
2 dealing with. But I think at some previous
3 point in time I told you all that the Waste
4 Isolation Pilot Project that taught me that
5 even if you take a position that you want to
6 rely on science not fiction to make a
7 decision, then you have a Waste Isolation
8 Pilot Project transportation system set up and
9 see how those who opposed it, stretched
10 science so badly that they made fiction out of
11 the transportation plan. In other words, we
12 knew what the simulation and the science said,
13 but those who were opposed had their own
14 version and they made it appear to be a
15 traffic disaster.

16 And it's most interesting that one
17 example was that they park a car, a Volkswagen
18 in a major intersection in the highway and
19 abandon it and say you will not drive the
20 trucks by this point because we don't want to
21 be irradiated. Well, six state policemen just
22 walked up and picked that Volkswagen up and

1 moved it off the road. And the truck went by
2 and they've gone by for ten years without an
3 accident.

4 Now the people who opposed it
5 would have made everybody think that the
6 science of the project was that they were
7 going to have accident and irradiated
8 substance was going to be spewed and spread,
9 et cetera. It really did take a group of
10 leaders that tried to get from the science,
11 from those that could simulate and could tell
12 you what the reality was. The local leaders
13 tried to apply real common sense to the
14 scientific facts. And we're going to run into
15 the same difficulty that I just explained.

16 CHAIR HAMILTON: Very good. Thank
17 you very much, Pete.

18 Okay. We will take a break now.
19 When we reassemble, we'll hear the Governor.

20 (Whereupon, at 10:20 a.m. off the
21 record until 10:41 a.m.)

22 CHAIR HAMILTON: The Commission

1 will resume its meeting. And we're very
2 pleased to welcome to the Blue Ribbon
3 Commission the Governor of the State of
4 Washington. And I want the Commissioners to
5 know that she made a very special trip out
6 here to see us. And right after she meets with
7 us, she goes back again. So we are especially
8 appreciative of the fact that she has done
9 that.

10 Governor, we welcome you and you
11 may proceed for as long as you want, and then
12 we'll have a few questions.

13 GOVERNOR GREGOIRE: Great. Thank
14 you.

15 And welcome to each and everyone
16 of you to the great State of Washington.
17 We're proud to have you here. I trust
18 yesterday was not only informative, but you
19 enjoyed as well.

20 If you haven't already, may I
21 please suggest to you that before you go you
22 partake of the finest quality cherries to be

1 found anywhere in the world right here in our
2 backyard. And don't make the mistake of
3 having left without having tasted the finest
4 quality wine to be found anywhere in the
5 world.

6 So, hope you enjoy your stay and
7 thank you for your service to our country. I
8 very much appreciate the chance to be here and
9 be given the invitation to speak with you
10 today.

11 CHAIR HAMILTON: I don't think we
12 need any encouragement on that wine drinking,
13 Governor.

14 GOVERNOR GREGOIRE: There you go.
15 I like it.

16 First of all, let me just say that
17 I support the commitment by President Obama
18 and Secretary Chu for an in depth conversation
19 about America's nuclear future, particularly
20 our strategies for managing nuclear waste here
21 in this country.

22 Washington State has a unique

1 place in America's nuclear history. We
2 commonly refer existing department at this
3 particular area by the Department of Energy as
4 Hanford. And the truth is Hanford the town
5 was literally evacuated and torn down to make
6 way for the world's first full scale plutonium
7 production reactor. It was 1943 and our
8 country was committed to winning World War II.
9 And so we turned to the residents of Hanford
10 and asked them to sacrifice. Nearby the town
11 of White Bluffs. And they did sacrifice. They
12 sacrificed their homes but they were committed
13 to America and what was intended to be
14 accomplished.

15 In the years that followed, the
16 Tri-Cities became a part of the atomic
17 frontier, and Hanford fueled most of America's
18 Cold War arsenal.

19 Over the years, our awareness of
20 the hazardous of nuclear waste steadily
21 increased. And by the time the N-Reactor was
22 down in 1987, Washington was home to what many

1 referred to as the most contaminated waste
2 site in the Western Hemisphere.

3 It's hard to believe, but I have
4 personally involved in Hanford cleanup for
5 well over two decades. In 1989 I was the lead
6 as the Director of State Department of Ecology
7 of the Washington team that negotiated the
8 Tri-Party Agreement for the cleanup of this
9 site. It was an agreement had between the
10 Department of Energy, the Environmental
11 Protection Agency and the State of Washington;
12 hence its name the Tri-Party Agreement.

13 Later when I became Washington's
14 Attorney General I was involved continuously
15 in monitoring and discussing the progress that
16 was made under the agreement that had been
17 negotiated. The United States had committed
18 to a specific cleanup schedule for the toxic
19 and radioactive waste that was a part of the
20 contamination here. Importantly, the
21 agreement required emptying the single shelled
22 tanks which posed the greatest threat to the

1 community, to the Columbia, to the area.

2 When we started the cleanup, 53
3 million gallons of highly radioactive waste
4 was stored in 177 underground tanks at the
5 site. Sixty-seven of those were confirmed
6 leakers when we entered into our agreement.
7 We have empty seven of these million gallon
8 tanks. Several more are now being expedited
9 for complete removal.

10 Some may say that is a minor
11 accomplishment. Let me just tell you to say
12 that we have completely eliminated the waste
13 in seven tanks is, in fact, a huge
14 accomplishment. We didn't know how to do it.
15 We didn't know what was there. So that the
16 fact that that has been done has really led us
17 now so that we can expedite the cleanup of the
18 remaining leakers. But we do have to continue
19 this effort and it cannot be undaunted. We
20 have got to cleanup all of those tanks. We
21 need to vitrify the waste and contain it in a
22 manner that is compatible with long-term

1 storage. And I firmly believe that the
2 safest, most reliable long-term solution to
3 store those cylinders is in a deep geologic
4 repository.

5 First, cleaning up the tanks
6 requires a waste treatment plant. And when
7 the Tri-Party Agreement was originally signed
8 the Federal Government had agreed to a
9 treatment plant opening in 1999. That
10 deadline, as well as many others, have come
11 and gone. We have always cooperated with the
12 U.S. Department of Energy when they didn't
13 have the scientific understanding or the
14 technology, we agreed to delay.

15 In 2008 as I became Governor and
16 joined with Washington Attorney General Rob
17 McKenna we filed suit against the Federal
18 Government. Not something that we readily
19 waned to do, but we felt we were at that point
20 where we had no other choice. We wanted to
21 ensure an effective and timely cleanup of the
22 Hanford Site. So we turned to the courts and

1 we proposed that we had to so because the
2 federal budget that had been introduced at
3 that point in time provided for cleaning up
4 one tank a year. That meant we would be here
5 cleaning up for 144 years minimum. That
6 simply was unacceptable. So we went to court.

7 I am happy to say that we have
8 reached an agreement with the U.S. Department
9 of Energy and Secretary Chu as well as
10 Attorney General Eric Holder. It obligates
11 the Federal Government to enforceable and
12 achievable schedule for the tank waste
13 cleanup.

14 Single shell tanks are now to be
15 emptied by 2040; not 2018 which was the
16 previous deadline.

17 All tank waste is to be treated by
18 2047; not 2028 as originally agreed.

19 These extensions, as you might
20 well imagine, are pretty hard to swallow. But
21 we agreed that allowing the court to enforce
22 what is now believed to be an absolute

1 scientifically-based realistic deadline is
2 better than standing by with an unrealistic,
3 un-enforcement deadline that comes and goes.

4 I am encouraged by Secretary Chu
5 and his entire team who are committed to move
6 forward in as a timely and effective way as
7 possible for the construction and
8 commissioning of the waste treatment plant.
9 We've spent far too long planning and not
10 enough getting it done. And Secretary Chu and
11 his team are committed to move forward and get
12 the job done.

13 It's an agonizing slow process. It
14 has been for the people of this community and
15 the State. I know it has been as well for
16 U.S. DOE. But it does pose a real threat to
17 the Tri-Cities. So our tenacity has got to
18 continue.

19 The Columbia River literally is at
20 stake. It is the lifeblood of the Pacific
21 Northwest, everyone relies on that Columbia
22 River. It travels through the Hanford Site

1 for 51 miles. We must cleanup contaminated
2 underground water plumes there already before
3 they reach the river. We must do so to
4 protect 42 cities and towns downstream. We
5 must do so for the health and the safety of
6 one million people who live along the river
7 below Hanford. We must do so for an entire
8 industry in the State of Washington, our
9 agriculture industry.

10 We have made progress. Today the
11 Waste Treatment Plant is approximately half
12 finished. Through the American Recovery and
13 Reinvestment Act we are investing another \$2
14 billion that has been infused into the effort
15 to bring it to where it should be.

16 But the toxic legacy at Hanford is
17 real and will be a threat for a long time to
18 come, we know that under the current timeline.
19 The waste will finally be cleaned up a full
20 century after that first reactor came on line.

21 The apparent fact that the amount
22 of plutonium at the site has been

1 significantly under estimated is surely
2 disappointing, but unfortunately it is not
3 surprising. We will require the Department
4 of Energy to accurately determine the amount
5 of plutonium at the site and the best methods
6 for cleaning it up.

7 The solution to the Hanford
8 problem is to move forward with the work,
9 which the Federal Government has made an
10 absolute commitment to do. Cleanup is
11 frustratingly slow and expensive, but we have
12 no choice but to finish the job. Given the
13 real threats that Hanford represents for our
14 communities, for our economy and for our
15 environment a slowdown or a stop in cleanup is
16 not acceptable under any circumstance. Things
17 at Hanford must go in only one direction, and
18 that is to get a clean and safe site. Until
19 we have a deep geologic repository above
20 ground, monitored retrievable storage of
21 nuclear waste is required. The final
22 management of this hazardous waste must be

1 absolutely most.

2 Most, 90 percent of the volume of
3 our tank waste will be permanently disposed of
4 at the Hanford Site itself. But the most
5 dangerous waste accumulated during years of
6 supplying American's Cold War defense is
7 lethally radioactive and it will take a deep
8 geologic disposal capacity for us to ensure
9 that we have the protection of the public.

10 It's important to note that the
11 \$12.3 billion Hanford Waste Plant was designed
12 to safely process this high-level waste
13 specifically for storage at Yucca Mountain.
14 As with all things involving our modern
15 nuclear power facilities, the siting process
16 that shows Yucca Mountain was long and
17 deliberate starting when Congress passed the
18 Nuclear Waste Policy Act in 1982.

19 I am gratified by the recent
20 decision by the Nuclear Regulatory
21 Commission's Atomic Safety and Licensing Board
22 to deny the Department of Energy's motion

1 withdraw its license application for the Yucca
2 Mountain site. Ultimately we must be certain
3 that our storage method for this waste is
4 responsible and based on strictly scientific
5 and technical analysis. We cannot pick a
6 storage site for high-level radioactive waste
7 by default. We must choose it, design it, use
8 it and be guided by the highest scientific
9 standards that anyone can find.

10 Only by working together and
11 showing resolve in the face of these serious
12 challenges can we responsibly address our
13 nuclear history. And only by responsibly
14 addressing that history, both the benefits and
15 the costs, can we move into a healthy
16 productive future for nuclear energy in
17 America.

18 New nuclear power facilities could
19 help ensure that our communities and our
20 businesses have the clean, affordable,
21 reliable energy that is needed to compete in
22 the 21st century. But as with all sources of

1 energy, we must ensure that any new production
2 is economically viable and environmentally
3 responsible.

4 For nuclear power in particular,
5 high production costs have been a significant
6 barrier. New technologies including smaller
7 and more efficient generators such as small
8 modular reactors may help in terms of the
9 economic viability. Environmentally nuclear
10 power offers a source of carbon free energy
11 that fits well with our need to reduce
12 emissions and manage the effects of global
13 climate change. But the question of how to
14 process and where to store that spent nuclear
15 fuel remains. As we've discussed here today,
16 there is no clearer reminder than Hanford that
17 responsible plans for waste management must be
18 in place before the waste is produced.

19 For much of my professional life
20 I've been engaged with the skilled and the
21 dedicated people here who have advanced
22 nuclear science and our understanding of the

1 world. People have sacrificed much to ensure
2 America took the lead in nuclear technology
3 and never lost it. People have worked for
4 decades to address the dangerous legacy of our
5 earliest work in the field. I am confident
6 that that dedication and commitment I have
7 seen here at Hanford, and I have seen with our
8 U.S. Department of Energy partners, and the
9 dedication that they have shown here at their
10 Headquarters and locally can move us forward
11 to a day when Hanford is clean and nuclear
12 power is safe, an important part of America's
13 future.

14 So I look forward to your work. I
15 look forward to being a continued partner with
16 you to make sure that your service to America
17 leads to a result that will give us a bright
18 future, a safe and a clean future for the
19 people of America.

20 Thank you.

21 CHAIR HAMILTON: Thank you very
22 much, Governor. And we'll open it up now for

1 questions from the Commission. Allison, we'll
2 begin with you.

3 MEMBER MacFARLANE: Thank you.

4 Thank you very much, Governor. I
5 really appreciated your comments.

6 An issue that we've been hearing
7 over and over, and heard from you as well, is
8 how to maintain trust over a long period of
9 time. So, you pointed out that you had an
10 agreement with the Department of Energy to
11 open a treatment plant in 1999 and that never
12 happened. And now you have a new agreement to
13 empty the tanks by 2047.

14 So my question is how trustful are
15 you of that agreement actually working out in
16 the time frame outlined? And more generally,
17 and perhaps more importantly, how do we as a
18 Commission work on this issue of developing
19 trust over such a long period of time?

20 GOVERNOR GREGOIRE: You know, when
21 we first entered the agreement we put specific
22 timelines as best we could with the knowledge

1 that we had at the time. And it's very clear
2 subsequently, we did not have sufficient
3 information or knowledge. And as we've gone
4 along and technology has advanced, and our
5 scientific and our testing capacity has
6 advanced we have learned that those original
7 milestones were not achievable. So that's why
8 the state, rather than being dogmatic about it
9 and saying here's the deadline, you will meet
10 it no matter what has been very willing to
11 look at the evidence, to look at the science
12 to agree.

13 I believe that the state has the
14 trust of the people of Washington, knowing
15 full well we have only one goal in mind and
16 that is get it cleaned up and get it cleaned
17 up as soon as possible. But when we stray
18 from science, when we stray from technology,
19 when we stray from real data, when we allow
20 politics or anything else to get involved, we
21 lose the trust of the people of Washington
22 State, and for that matter I think the nation.

1 So, as I look around this august
2 body I say you are the right people to help us
3 ensure that that trust is there. Because I
4 have confidence that each and everyone of you
5 are committed. So this had to be done
6 objectively based on science, and data and
7 technology and not allow politics to guide
8 what we do. As long as we stay true to that,
9 I think that you can assume the people of the
10 State of Washington will be there. But when
11 you have Congress saying we're going to clean
12 one tank per year, you lose the trust of the
13 people here.

14 A 144 years, we're going to lose
15 the Columbia River. When you lose it you
16 don't get it back in anyone's lifetime.

17 So, it's we must remain committed
18 to the effort. We understand when science says
19 we don't have it right. But I am really
20 encouraged by my most recent conversations
21 with the U.S. Department of Energy and the
22 Undersecretary there in particular where

1 they're saying we need a new culture, and that
2 culture cannot continue to be plan and plan
3 and plan. It's got to be get on with the
4 construction. The goal is to commission. The
5 goal is to get going. We've got to get those
6 tanks emptied. We just do.

7 We have a plume that is headed to
8 the Columbia River. We don't know how to stop
9 it. The one thing we do know is stop it at
10 its source, that's what we have to do. So, I
11 believe trust can be achieved, and I think
12 you're the right people to make that happen.
13 Because I have confidence that you will do it
14 objectively based on science, data and
15 technology.

16 CHAIR HAMILTON: Per?

17 MEMBER PETERSON: Governor, I
18 sincerely appreciate all of the comments and
19 recommendations that you have made, and in
20 particular that you have some confidence that
21 we will do our very best to address these
22 issues that are so important.

1 I should note that when I
2 graduated with my bachelor's degree in
3 mechanical engineering in 1982 my first job
4 was to work for Bechtel on the design of the
5 Defense Waste Processing Facility.

6 GOVERNOR GREGOIRE: Wow.

7 MEMBER PETERSON: So much has
8 happened since then, but I think that I'm
9 confident that we have in this nation the
10 technical capability to address these problems
11 properly.

12 Now today I'm the Chair of the
13 Department of Nuclear Engineering at the
14 University of California at Berkeley. And I'm
15 also honored and pleased that I'm able to sit
16 on this Commission to help develop a strategy
17 for addressing these problems.

18 So in your remarks you noted I
19 think a very important insight, which was that
20 getting the first seven tanks cleaned should
21 not be under estimated in terms of the
22 significance of the achievement. Because it

1 proved that you could do it, that we have the
2 capacity. You know, I believe that that is a
3 fundamentally important insight that might be
4 extended more broadly.

5 So we have heard, for example,
6 people tell us that it would make a lot of
7 sense to reprioritize our efforts to move
8 spent fuel to centralized storage, to focus on
9 spent fuel at shutdown reactor sites and
10 demonstrate that it can be done.

11 I have another question, which is
12 when it comes to the question of demonstrating
13 the capacity for disposal and also noting that
14 we believe that there may be some potential
15 alternative ways that we can manage commercial
16 spent fuel in terms of disposition that may
17 not involve direct disposal, would it make
18 sense for us to prioritize our efforts on
19 disposal, those initial efforts towards
20 defense high-level waste as being the highest
21 priority to develop and move into disposal and
22 demonstrate that we can do it with those

1 materials before we then focus on the other
2 materials that we have?

3 GOVERNOR GREGOIRE: Well, not only
4 would I say yes, but I think it's our moral
5 responsibility, to be perfectly honest with
6 you.

7 As I mentioned to you, the people
8 of Hanford and Tri-Cities, the people of
9 Washington State have been patient. When they
10 had a call from the nation, they stood up and
11 they accepted that responsibility. But now
12 they legitimately are saying back it is the
13 responsibility of the Federal Government now
14 to leave us in a clean and safe site. So I
15 believe it should be a priority.

16 Now, I don't want you to think
17 that I think it's wonderful that we've only
18 cleaned up seven tanks. But I am so close to
19 the subject, I know how difficult that was.

20 The day in Washington, D.C. in
21 which we signed the Tri-Party Agreement, I
22 remember the Acting Secretary coming to me at

1 the time and saying "You orally said we're
2 going to take all the waste of a single shell
3 tank. That will never be possible, and I want
4 you to know that as a scientist." And I said
5 "I will challenge you to that." And now we
6 have shown we can do it.

7 It was getting through that
8 hurdle, that mentality, demonstrating we could
9 get it done, where now I think the rest will
10 happen much more expeditiously. But we've
11 shown we could do it.

12 The nation would like to see, I
13 think, we can show that we can prioritize, as
14 you just articulated, and use it as a
15 demonstration about how we can do it safely,
16 securely and manage the waste.

17 So, my answer to your question is
18 an emphatic yes.

19 MEMBER ROWE: Brent?

20 CHAIR SCOWCROFT: Governor, thank
21 you for coming here to meet with us and for
22 your remarks.

1 As you look back over more than a
2 half century of activity at Hanford how would
3 you characterize the economic impact of the
4 activities of Hanford on the surrounding
5 communities and the state as a whole? Have
6 they been insignificant, minor, significant,
7 major; what do you think the impact just
8 economically of these activities have been on
9 your economy?

10 GOVERNOR GREGOIRE: Well, sir,
11 when we became the producer of nuclear
12 materials our entire economy in the Tri-Cities
13 was pretty much dependent on that. I want you
14 to know the truth when I signed the Tri-Party
15 Agreement in Washington, D.C. how I was
16 greeted when I came back home. The headline
17 in the local newspaper was something to the
18 effect that we will be nobody's cleanup
19 person, garbage man. So people were
20 disappointed. Because they have a high regard
21 for the potential for nuclear energy, and a
22 great understanding of it, and are comfortable

1 with it and saw this as the end. The end of
2 an era for them and an end of an economy.

3 Since that time cleanup has
4 infused considerable economics into the local
5 community, obviously, for cleanup. But they
6 have taken the charge and diversified
7 themselves. So they are ready for a life after
8 Hanford cleanup economically.

9 They knew it would be difficult
10 and it was going to be a challenge, but they
11 have readied themselves. An so now we are
12 absolutely committed, unlike that first day
13 where we signed the agreement and we're not
14 going to be anybody's garbage man. We are now
15 committed to cleanup. We now understand
16 what's at risk. And we also know full well,
17 sir, that if we don't clean it up, we will put
18 the entire economy of not just the Tri-Cities,
19 but the greater part of this part of our state
20 at risk not only for Washington state, but
21 Oregon as well. When you see that plume meet
22 the ground headed to the Columbia River and

1 know full well what it would cause, the
2 trouble it would cause for us, our economy
3 will plummet dramatically so. So we know the
4 risk why we are all so committed to get the
5 cleanup done. We are ready for cleanup.
6 We've diversified ourselves. We're ready to
7 move on.

8 And we're ready, by the way, to be
9 the scientific center of the world for nuclear
10 energy and how to dispose of waste. We
11 believe here we can show the rest of the world
12 how you can properly store, how you can
13 properly take care of waste. And we want to
14 share that knowledge and that understanding
15 with the world. So we're not going to give up
16 that international leadership that we play.
17 But we've also diversified our economy here.

18 CHAIR SCOWCROFT: Thank you.

19 GOVERNOR GREGOIRE: You bet.

20 Thank you.

21 CHAIR HAMILTON: Jonathan and then
22 Richard and then John. Jonathan, go ahead.

1 MEMBER LASH: Governor, you've
2 pointed out to us that you have been dealing
3 with the Department of Energy in three
4 different offices in Washington. I think I
5 remember an NGA meeting when you were staffing
6 the then Governor of Washington and
7 simultaneously negotiating with Admiral
8 Watkins on the side of our meeting.

9 It strikes me that you've dealt
10 with DOE playing four separate roles: They're
11 generator of waste, they're manager of waste,
12 they're responsible for the cleanup of waste,
13 and; they're also responsible for trying to
14 identify and site a facility to dispose of
15 waste. And I wonder after all of that
16 experience whether you think if we are re-
17 imagining this process for identifying a new
18 disposal, whether it's necessary to create
19 some new institution than DOE to take that
20 responsibility?

21 GOVERNOR GREGOIRE: Jonathan, I
22 think you would be -- well, maybe you wouldn't

1 be surprised at in my about 25 years starting
2 with secrecy and trying to pierce that secrecy
3 message to where we are today, what we've been
4 through.

5 I'll tell you the frustration that
6 I've had. And that is every time we get a new
7 Administration in and a new Secretary, we go
8 back to square one. Each time that Secretary,
9 and on the one hand I want to be sympathetic
10 but I can't be anymore, wants to rethink well
11 is this the right way to go, if there is
12 another way to go, can we do something more
13 cheaply, can we do whatever.

14 The reason today: If you'd been
15 here a few years ago, you wouldn't have seen
16 me encouraged as I am today. The reason I am
17 today is because this Secretary has taken the
18 shortest amount of time, the shortest amount
19 of time to come up to speed. The shortest
20 amount of time to say this is the right thing
21 to do. We need to get going. And has shown
22 me more commitment, candidly, of it's time to

1 stop the plan, it's time to construct and
2 commission this plant and get going than I've
3 ever seen.

4 So I've been through my darkest
5 days of being optimistic. You've caught me in
6 a period which I am now, because I think this
7 Secretary -- and I probably, candidly,
8 Jonathan, was the first person on the phone
9 after his confirmation by the United States
10 Senate in which I said I need you to come out,
11 I need you to see this, I know you're going to
12 want to look at it again just like everybody
13 before you, but time is of the essence.

14 Secretary Chu came out right away, took a look
15 at it, made a commitment. I went to D.C. and
16 visited with him. And he's carried out that
17 commitment.

18 So, I am today very encouraged by
19 what we're seeing by the United States
20 Department of Energy. I'm quite discouraged
21 about the fact that Yucca Mountain has been
22 taken off consideration. And the reason for

1 that is I've been through all of that. I've
2 been through when Hanford was looked out. I
3 went out on the site when they were saying if
4 there's a water problem, then we can't use
5 Hanford and going underground and where the
6 water was seeping down and saying "How come
7 they can't see the water that's sweeping
8 down," knowing full well Hanford is not a good
9 site for that because of the water table.

10 Choosing Yucca, having it declared
11 2008 by the United States Congress and now
12 just taken away for reasons I don't know and
13 I don't understand. And the reason, I'm going
14 to come to your question, we have lost trust
15 on that is because we don't know if it's based
16 on science data and technology. We want to
17 know it's based on that. But we've spent
18 billions of dollars. We have prepared Hanford
19 waste to go to Yucca. And now to be saying
20 Yucca's out of the way; that cannot be an
21 excuse to say well then stop Hanford until we
22 pick a new site. Because I don't today have

1 any confidence that we'll pick a new site
2 anytime soon. And that even if we did, the
3 process will take years.

4 Hanford cannot wait. It cannot
5 wait. There should be no excuse whatsoever to
6 stop the cleanup, and there should be every
7 incentive in the world to get it going at full
8 charge. We've spent how many years studying,
9 thinking, planning, looking at the science.
10 Time to move on. We cannot afford anymore
11 delay.

12 MEMBER ROWE: Richard?

13 MEMBER MESERVE: Governor, I
14 appreciate your comments. And I'd like to
15 follow-up on a matter we discussed before you
16 came here.

17 There's a large amount of used
18 fuel that is at shutdown reactors around the
19 country. And one of the things that I'm sure
20 this Commission will want to evaluate is the
21 possibility of creating an interim storage
22 site for that spent fuel. And I asked Mr.

1 Revell, who is the Chair of the Hanford
2 Communities this morning the circumstances
3 under which it might be acceptable to consider
4 the Hanford site as a location for the storage
5 site for such materials. And I don't want to
6 mischaracterize his response, but I understood
7 him to indicate that the prime consideration
8 for allowing the site to be used for the
9 storage of spent fuel was assurance that it
10 didn't by default become the ultimate
11 repository because there wasn't any other
12 place to send it.

13 I'm very curious as to whether
14 that would be the State of Washington's view?
15 We're not a siting commission, but it would be
16 quite interesting to know what sorts of
17 factors would need to be satisfied from the
18 perspective of a state in order to establish
19 an interim storage site?

20 GOVERNOR GREGOIRE: Let me share
21 with you the tension that we've experienced
22 over the last two decades. We are not making

1 the progress that we need to make for cleanup
2 on the one hand, and on the other hand
3 constantly being told we're going to bring
4 more waste to Hanford; low-level nuclear
5 waste, medical waste, this waste, that waste.
6 It's been constant.

7 So the people of this community
8 and this state have finally I think said "Show
9 us that you can clean it up before you
10 constantly bring more waste to Hanford." And
11 I think they feel pretty passionate about
12 that.

13 I'm one who believes that it is
14 logical that we have to consider monitored
15 retrievable storage for the cleanup at
16 Hanford.

17 I'm acutely aware of
18 transportation issues. I'm acutely aware of
19 siting issues. So it makes good sense to me
20 that we should have monitored retrievable
21 storage for the cleanup of Hanford until we
22 have a deep geological repository.

1 Now, how are you going to assure
2 the people of this community, however, that it
3 is temporary? And define temporary. And
4 assure them that it really is so that in fact
5 we are moving forward with a deep geologic
6 repository and they know it is just that. If
7 it's any waste beyond what is produced or
8 cleaned up here, I think people will be highly
9 skeptical. Because behind all of that is this
10 fear that this is not a temporary facility, it
11 is a permanent facility. I'm going to come
12 back to your original question about trust.
13 I don't know how you'll get the people of this
14 state to trust that this is temporary.

15 I believe here I could convince
16 the people of this state that in order for us
17 to move forward now that we've got issues with
18 regard to Yucca Mountain, we have to consider
19 monitored and retrievable storage. And it
20 makes good sense to have it here. Now there
21 will be people who don't agree with me and
22 will object. I'm prepared to stand up on

1 that. But then to ask this community to take
2 more waste I think is going to be very, very
3 challenging sell.

4 CHAIR HAMILTON: John?

5 MEMBER ROWE: Governor, thank you
6 for spending so much time with us.

7 Given your long experience, I'd
8 like to ask you a question about one of the
9 challenges the Commission has. We're supposed
10 to think about the process of selecting and
11 the safety standard for a deep geologic
12 repository which you say is necessary, and
13 most of us would like agree with that.

14 You know, there has been talk
15 about saying it needs to be proven safe for
16 10,000 years. And then that number became a
17 million years. And my later mother would not
18 have thought me competent to opine on either
19 10,000 or a million years. And I'm curious if
20 your experience gives you any sense of how one
21 formulates a safety standard that is in tended
22 to be permanent but isn't vainglorious in

1 itself?

2 GOVERNOR GREGOIRE: You know, I
3 respect the challenge that you all have. But
4 I also believe that this country if it had the
5 knowledge and the capacity to do what it did
6 in World War II, has the knowledge and
7 capacity today to set up the safety standards
8 necessary for deep geologic repository.

9 And I would say to you in answer
10 of the question of how long. For long as you
11 can, rather than say 10,000 or a million. But
12 I do believe we have the capacity in this
13 country. I look around the globe at what's
14 going on in England and France, and other
15 countries. I don't believe this is a go-it-
16 alone issue. I believe every country that has
17 nuclear power now has got the same challenges
18 we do, and we can put our heads together. But
19 I'm absolutely convinced that you can come up
20 with a standard, and I don't believe that we
21 should say well tomorrow will bring a
22 different and better day.

1 Yes, we can have monitored,
2 retrievable storage a temporary basis. But
3 temporary is just that; absolutely temporary.
4 I believe we should be looking at a deep
5 geologic repository now.

6 I object to taking Yucca Mountain
7 off forever. That's what the proposal is, is
8 to forget Yucca Mountain forever. Why would
9 one do this at this point in our history? Why
10 would a site be forever forbidden when I don't
11 know of any scientific reason to remove it
12 today?

13 So I would say to you, sir, you
14 have the capacity, we have the capacity as a
15 nation. Time to move on. And the people here
16 are ready to move on.

17 CHAIR HAMILTON: Pete and then
18 Vicky.

19 MEMBER DOMENICI: Governor, I just
20 wanted to remind you in case you forgot me. I
21 was a Senator for 36 years and just left a
22 year and a half ago. And the last 25 years of

1 my life I was on the Appropriations process
2 and you were lobbying either in your capacity
3 that you have now or another one for money for
4 the facility you have here.

5 GOVERNOR GREGOIRE: I do remember,
6 sir.

7 MEMBER DOMENICI: And I just want
8 to share with the Commissioners one of the
9 anomalies about paying for these projects.
10 Believe it or not, in budgeting the money for
11 most of Hanford comes out of the Defense
12 budget, even today. And when you put a budget
13 together, you put a project together and then
14 you charge Defense for part of the DOE
15 program.

16 And the reason much of the
17 complaints come locally is because we never
18 have enough appropriated money, which is the
19 annual money, to pay for what we have
20 committed to do. And that that happened all
21 the time. We'd say you'll have to put more in
22 because the President didn't put enough in.

1 And you all would come up to say add another
2 \$300 million to the President so we can move.

3 And actually, we're going to be
4 confronted with a problem of the budget of the
5 United States constraining appropriated
6 accounts and the Defense budget while the
7 Hanford project on a legitimate and bona fide
8 program of up, up, up in terms of its annual
9 needs.

10 And I would say to the Governor, I
11 believe it's absolutely imperative that people
12 like you continue to push hard on the
13 officials in the Executive Branch of
14 Government that they have made a commitment
15 and it isn't finished when they sign an
16 agreement with you. It's finished when they
17 give you the money that's implied or that is
18 agreed to.

19 Our problem is we see the
20 agreement but we don't have the money in
21 either the Defense or the non-Defense programs
22 to give you because they didn't put it in

1 their budget. And I hope you understand that
2 that's very important and critical, and I hope
3 you help us. Because we're going to have to
4 say something about it on how we pay for these
5 and what's the priority; should there be real
6 high priorities for the defense waste to
7 vitrified. And we're going to have to talk
8 about that in our report. But it's still
9 going to be a question of the Executive Branch
10 putting the money in. And I trust you
11 understand and that you would be helpful and
12 be one that would work hard for that with your
13 elected officials in Washington. Am I right
14 on that?

15 GOVERNOR GREGOIRE: Absolutely.

16 I've been committed. This issue, you know I
17 don't think there's another person in the
18 country that can say I negotiated the Tri-
19 Party Agreement as head of the Department of
20 Ecology, I enforced as the Attorney General
21 and now I'm trying to lead the way on it as
22 Governor.

1 I will tell you the frustration
2 that we've experienced. As you start up the
3 construction of a vit. plant that were initial
4 plants that were going to be greater, and then
5 it would ebb out into the future. So what we
6 said was let us find a spending level so that
7 there is sustainability at the federal level
8 and it isn't every year going up and down like
9 this, but a sustained level. And if we keep
10 that sustained level, whatever is not used in
11 any given out year we would hold and would use
12 it when it was appropriate. The problem was,
13 that was agreed and that was breached.

14 I'll tell you candidly why
15 Attorney General McKENNA and I went to court.
16 We went to court to say we need to have one
17 more thing in our tool chest, and that is a
18 consent decree filed in court so that if
19 there's a violation now of a milestone, rather
20 than simply going into court with the Tri-
21 Party Agreement and say a milestone's missed,
22 and go through the whole process, it is now we

1 are right at the courthouse steps with a
2 consent decree enforceable immediately by
3 going to court. That's why it was so hard
4 fought by myself and the Attorney General.
5 That's why there was a bit of reluctance, as
6 you might imagine, by the Secretary and the
7 Attorney General. Ultimately why I, again,
8 become positive is because they said this is
9 our duty and we have to live up to it.

10 So if it's at the courthouse
11 steps, a threat to us, we accept it, we're
12 going to get the job done.

13 MEMBER DOMENICI: Thank you.

14 Thank you, Mr. Chairman.

15 CHAIR HAMILTON: Vicky?

16 MEMBER BAILEY: Thank you,
17 Chairman.

18 Thank you, Governor. Thank you
19 for your time. Your voice resonates so well
20 on this issue, so I appreciate it.

21 Let me give you a little bit of my
22 background. I come from a policy background,

1 regulatory. Former State Commissioner, Utility
2 Regulatory Commission, former FERC
3 Commissioner and a former Assistant Secretary
4 at DOE. So I come to this issue more from a
5 policy perspective and the need to balance
6 interests; that's always what I'm presented
7 with. After I hear everything, how can I
8 balance my decision making and what os the
9 foundation for my decision making.

10 And I guess you speak of
11 addressing the history. And you speak of if
12 we stray from the science, if we stray from
13 the data and once we let politics enter.
14 Politics is in everything, be it a large P or
15 small P. But I guess I would ask because you
16 seem to be so articulate on this: What could
17 be the building blocks for this Commission to
18 come out with? You know, we obviously can
19 address the Nuclear Waste Policy Act, Congress
20 has to have -- we have to have the support of
21 Congress and the tenacity of Congress to maybe
22 move forward, as you say, to stop doing so

1 much planning and to actually commission to
2 move forward.

3 Is it a federal corporation? Is
4 it an independent something outside of DOE?
5 I think it kind of ties to what Jonathan was
6 asking you as well. But I just want to,
7 before you leave us, to hear from you what
8 could be some concrete things that policy
9 makers could hang their hat on and what are
10 some of the building blocks to this goal?

11 GOVERNOR GREGOIRE: Well trust me
12 as Governor, I'm acutely aware politics is in
13 everything. But having said that, when it
14 comes to something as threatening as what
15 we're going to do with the hottest high-level
16 waste in the country, when the people believe
17 that the decision was made based on politics,
18 they're done. You've lost them. They don't
19 have any trust in any decision that you're
20 going to make.

21 So, I mean my only suggestion to
22 you all is to make it very clear that, yes,

1 you're going to have your opinions and you're
2 going to have your judgment to make and so on,
3 but you will be driven by that which guides
4 you based on science, technology, the data,
5 the information and so on and be objective and
6 not allow politics, wherever possible, to
7 influence what you do. That's what people
8 want to hear. That's what they want to know
9 is happening.

10 Now, what are the respective
11 roles? As you so elegantly put it, Congress
12 plays a major role in the appropriation
13 process, but they're looking to the
14 Administration and they're asking what's the
15 Administration's done, have they scrubbed the
16 numbers, is it based on science, is it based
17 on fact, will the job get done, is this the
18 final number. And for far too long the number
19 has changed and changed and changed again. I
20 believe we now have a trajectory, we know what
21 we need to do, it's \$12.3 billion. And we
22 ought to live within our budget and we ought

1 to get it done on time.

2 I mean, I tell my Secretary of
3 Transportation all the time get out there and
4 get that project done on time on budget:
5 That's the message that has to be sent here.

6 We know enough. We have been
7 patient enough. So get it done on time, on
8 budget. Do it based on the science and the
9 technology. Always be transparent to the
10 public. Always let the public engage and let
11 them know what's going on, and let them
12 understand the challenges that we're having.
13 But engage with the public.

14 So, I think there's no one entity
15 here. It's EPA is going to stand up to their
16 charge. Our state and our Department of
17 Ecology have a great deal of responsibility
18 here. I do as Governor. My legislature does.
19 We have cooperated with legislation and
20 financial incentives and taxes. But Congress
21 has a responsibility, US DOE has a
22 responsibility, everyone has got to be at the

1 same table with the same partnership and
2 understanding. What the people here want to
3 hear is we are morally responsible to get that
4 job done. We accept that moral
5 responsibility. And we as a nation are not
6 going to turn our back on that community when
7 they stood up for us in World War II. But
8 we're going to do it in a way that is without
9 politics. We're going to do it in a way
10 that's based on science. We're going to do it
11 transparently. We're going to do it openly,
12 and we're going to work with everybody. And
13 if we make a mistake, we're going to say we
14 made a mistake and we're going to confront it.
15 That's the kind of relationship where I think
16 you build trust, you build capacity but
17 everybody has their respective roles they've
18 got to play it.

19 To this Commission if we're going
20 to have the trust of this Commission, I think
21 you are going to have to articulate what are
22 your kidding principles. And I hope among

1 them, I know what your charge is, but among
2 your guiding principles has got to be it's
3 based on science. You understand the need to
4 engage the public. You're absolutely there for
5 transparency. You know it's going to take a
6 partnership. Everybody has to step up to
7 their respective roles.

8 CHAIR HAMILTON: Okay. We have
9 Phil and then Al.

10 Phil?

11 MEMBER SHARP: Governor, thank you
12 for your extremely impressive remarks. And
13 also, I must say one of the very positive
14 experiences as a former representative is just
15 to note the depth of knowledge, not to mention
16 commitment, of the broad-base of government
17 officials and citizen leaders in this area on
18 these issues. It's very clearly something all
19 of you have been dealing with for years. And
20 it shows just in very positive ways.

21 My question is maybe fairly
22 simple. You mentioned transportation in that

1 process and I just wondered of the
2 transportation issues if there was any insight
3 you can give us on transportation issues,
4 which we will be looking at obviously?

5 GOVERNOR GREGOIRE: Well, there
6 have been times, of course, that we've worked
7 on taking our waste to New Mexico. Taking our
8 waste ultimately to Yucca. And every
9 transportation corridor and every state and
10 its citizens have raised questions and
11 concerns.

12 So in answering the question about
13 monitored retrievable storage, what I meant by
14 I understand the transportation concerns, is
15 that if we were to take our cleanup waste off-
16 site to a remote place for monitored
17 retrievable storage and then again from there
18 to a deep geologic repository, we are causing
19 ourselves some problems. Because I know the
20 concerns and the fears in the transportation
21 corridor when you're going to transport high-
22 level waste, even if its vitrified, even if

1 its glassified. And now. candidly, in a day
2 of domestic terrorism I'm sure the concerns
3 will be even more heightened.

4 So, I think we ought to be mindful
5 of that. And that's why I would do my best to
6 convince the people of the State of Washington
7 that while we're waiting for a deep geologic
8 repository we should consider and be a partner
9 in a monitored retrievable storage facility
10 here at the Hanford Site rather than on the
11 roads of America, initially. But again, I say
12 that with the understanding that it is
13 temporary and temporary is defined, and that
14 in fact we are moving forward on a deep
15 geologic repository.

16 CHAIR HAMILTON: Al?

17 MEMBER HAGEL: Thank you.

18 I have question to help us figure
19 out a dilemma here. My background is both
20 science and technology, but also policy
21 analysis. And to me, politics is not always
22 a dirty word. And to most people politics is

1 not always a dirty word. Politics is a dirty
2 word when people believe it was people had
3 either undue influence or decisions were based
4 on partisan politics. But politics is also the
5 way we resolve issues in a democracy, to some
6 extent. And we're seeing that here.

7 On the one hand there's a strong
8 plea for this should be resolved on the basis
9 of science and technology and data. On the
10 other hand, we're told that it's very
11 important that this not be imposed upon a
12 community, not be imposed upon a region, not
13 be imposed upon a state in parenthesis
14 regardless of what the science and technology
15 may say.

16 And so we're getting both pieces
17 of advice on the same time, which to some
18 extent can be interpreted base it on science
19 and technology unless that leads to putting it
20 here where we don't want it. And I'm talking
21 about this region, just in general.

22 So help me think this through.

1 What are the compromises that are considered
2 appropriate and what not? Because if we were
3 just to say it's based on science and
4 technology and just make sure you have a
5 process that everybody knows that you based it
6 on science and technology, we all know that
7 won't do it. That won't do it. So help me a
8 little bit.

9 GOVERNOR GREGOIRE: Okay. Let's
10 define politics for a moment. In my
11 administration we talk about Politics with a
12 capital P and politics with a small p. Okay.
13 I say there's no room for capital P Politics
14 in our policy decisions. I say you have
15 failed miserably if you don't have small P
16 politics in your thinking.

17 And the small p politics is if
18 we're going to develop an alternative to Yucca
19 for a deep geologic repository we, in this
20 instance the Federal Government, cannot arrive
21 at that site and say we're here to do this to
22 you and shut up and sit down. I mean, there's

1 a lot of work and a lot of trust that has to
2 be had there. Trust me if you would site
3 prisons, like I do, you don't just arrive in
4 a local area and say we're here with all of
5 our prisoners and this will be good for you,
6 you're going to really like it. Trust us.
7 That doesn't work.

8 So we do a lot of work with those
9 communities to assure them that they are going
10 to be safe. They are going to be secure. But
11 in fact it may very well provide them back to
12 your question, some economic stimulus, some
13 jobs and that that's good for their community
14 and that it can be vibrant community with that
15 prison there. I don't see this any
16 differently. And I'm not trying to be small-
17 minded about it, I don't see this any
18 differently.

19 So what I would say the tension
20 that you're referring to is when people hear
21 think its capital P Politics, no thank you.
22 When its small p politics, that makes good

1 sense. That's the right thing to do, public
2 policy in my policy in my opinion.

3 So, you can't just go out and
4 locate and say here's where it's going to be
5 even if it's based on criteria. You got to go
6 to work with those folks. You got to go to
7 work with those local elected officials. You
8 got to have hearings. You've got to make
9 people understand what's going on. So all of
10 that has to be a part of the process. But
11 people will resounding reject capital P
12 Politics if that's seen as the basis for a
13 decision. Is that fair?

14 MEMBER CARNESALE: Yes, what I
15 said, I have two meanings of politics.

16 GOVERNOR GREGOIRE: Right.

17 MEMBER CARNESALE: I wasn't smart
18 enough to think of capital P and small P.
19 Some might have.

20 CHAIR HAMILTON: Governor, we've
21 kept you a little over your allotted time.
22 We're very grateful to you for your comments

1 and for your responses to the questions.

2 I noted at the very end of your
3 statement you talked about a continued
4 partnership, and we will take that very
5 seriously. You and Washington have had an
6 enormous amount of experience with the topics
7 that we are looking into.

8 And we have valued very much our
9 opportunity to visit with the local people.
10 They have been excellent in their hospitality
11 and their helpfulness. You and your colleague
12 in state government have been likewise. But
13 we're still at the early stages of this
14 business and we're going to need a lot of help
15 down the road, so we'll be calling you.

16 Thank you very, very much.

17 GOVERNOR GREGOIRE: Well, again, I
18 thank you. And I can tell you I and my entire
19 administration, and I think I can also
20 probably talk for my congressional delegation
21 stand ready to help you. You have accepted a
22 significant responsibility. You've been called

1 to service. I thank you for that. And I'm
2 here to help you, and so is my administration
3 in anyway we can.

4 Thank you for allowing me to come.

5 CHAIR HAMILTON: Thank you very
6 much.

7 General Scowcroft will escort you
8 out, and I'll continue the business of our
9 Commission.

10 Thank you very much, Governor.

11 (Applause).

12 CHAIR HAMILTON: We'll recognize
13 Dick for just a moment for a statement on his
14 correction. Dick?

15 MEMBER MESERVE: Thank you.

16 I had indicated in my remarks that
17 the Transportation and Storage Subcommittee
18 would be meeting in Maine on August 11th. And
19 I'm sure people who will arrive in Wiscasset
20 on August 11th, they will have a wonderful
21 time but they will not have the opportunity to
22 interact with the Subcommittee because we are

1 in fact meeting on August 10th. And I
2 apologize for miscommunicating the date.

3 CHAIR HAMILTON: Okay. Thank you
4 for the correction.

5 Now we move to the public comment
6 and we'll open the floor to members of the
7 audience for any comments they wish to make.

8 We have 15 persons who want to
9 make a comment. We will allocate three
10 minutes to each one of them. I will designate
11 the first one and ask that Carl Holder begin
12 to take his position, if he would, at the
13 podium. And Gerald Woodcock will follow him.

14 Now the rules are three minutes.
15 That will be strictly enforced. And in order
16 to be helpful to you, keep your eye on the
17 clock here. It will go green. You'll see the
18 green light for two minutes and then a
19 flashing green light for 30 seconds. And then
20 30 seconds of yellow light. And at the end of
21 the yellow light, the red light comes on and,
22 of course, that means it's time to stop.

1 I'm sorry to be so insistent on
2 this, but we have to have the rules pretty
3 clear as we begin.

4 Mr. Holder, thank you very much
5 for coming. You may proceed.

6 MR. HOLDER: Thank you very much
7 to the Blue Ribbon Commission for being here.
8 I'm representing Columbia Basin Consulting
9 Group at this time.

10 I want to address my remarks first
11 to the DOE Secretary Chu wrote to Dr. Holdren,
12 Director of the President's Office of Science
13 and Technology Policy. He stated that the
14 closed fuel cycle cannot be implemented
15 without fast neutron spectrum. Research is
16 needed now to provide options for future
17 policymakers. Other nations are pursuing the
18 technology. If the United States does not
19 have a broad fast reactor research program, we
20 will have no opportunity to influence design
21 of these foreign reactors from a vital
22 national security perspective such as

1 proliferation resistance.

2 From a historical perspective, in
3 2003 Dr. Burton Richter, Nobel Laureate
4 Richter who was head of the Nuclear Energy
5 Research Advisory Committee, he wrote that we
6 again note the absence of good fast neutron
7 facilities in the United States. The final
8 demise of the FFTF is to be regretted and
9 limitations of foreign facility.

10 In a letter on July 6th to
11 Washington Governor Gregoire he talked about
12 the Global Nuclear Energy Partnership
13 Facilities would be the functional equivalent
14 to the FFTF.

15 In congressional testimony MIT's
16 Professor Neil Todreas on April 6th, 2006
17 stated that nuclear fuel because of the long
18 lead time needed for irradiation testing is
19 always the critical path in reactor
20 development. He said is the US FFTF now
21 unavailable? Is it irretrievably lost to us?
22 I support the need for a fast spectrum test

1 reactor as part of a robust R&D program.

2 Timing dictates that it be sodium cooled.

3 The U.S. Department of Energy in
4 May of 2006 published a spent nuclear fuel
5 recycling program plan. In there it states
6 that the advanced burner test reactor would
7 provide a fast neutron flux environment for
8 testing and qualifying fast reactor
9 transmutation fuels for a commercial advanced
10 burner reactor and eventually other advanced
11 reactor fuels in support of the Generation 4
12 program.

13 In 2007 in April, Columbia Basin
14 Consulting Group completed a siting study for
15 the Hanford Advanced Fuels Test and Research
16 Center. After that, Governor Gregoire sent a
17 support letter in support of a proposal that
18 we submitted, and I'll read: "The completed
19 scope of work that was proposed by CBCG was to
20 evaluate the reactivation of the Fast Flux
21 Test Facility and the Fuels Materials
22 Examination Facility for complex reactor

1 development."

2 It goes on to state the
3 reactivation of the Fast Flux Test Facility
4 and --

5 CHAIR HAMILTON: Mr. Holder, we'll
6 ask you that you wrap up quickly, please.

7 MR. HOLDER: The reactivation of
8 the Fast Flux Test Facility and the Fuels
9 Materials Examination Facility represents an
10 opportunity to accelerate a commercially
11 viable and sustainable closed fuel cycle by at
12 least a decade.

13 CHAIR HAMILTON: Thank you.

14 MR. HOLDER: Thank you very much.

15 CHAIR HAMILTON: Thank you, sir.

16 Gerald Woodcock is next. If
17 you'll come to the platform. Gary Troyer will
18 succeed him.

19 Thank you, Mr. Woodcock. We thank
20 you for coming.

21 MR. WOODCOCK: By the way, that's
22 with a C.

1 Good morning. My name is Gerald
2 Woodcock. I've lived and worked at Hanford for
3 several contractors for every 30 years. I'm
4 an MBA and have a fairly wide range of
5 professional and managerial positions during
6 my working career. I'm not retired from
7 Hanford and do consulting work and teach
8 people to fly airplanes.

9 I'm here representing the Eastern
10 Washington Section of the American Nuclear
11 Society. I'd like to make several brief but
12 extremely important points today.

13 First, Hanford and the surrounding
14 community contains about the greatest
15 aggregation of scientific, engineering and
16 administrative talent west of the Continental
17 Divide. Given this, it is either sheer
18 stupidity or political posturing, or both to
19 suggest that cleanup should be the only
20 mission at Hanford. Obviously, this huge
21 intellectual resource is quite capable of
22 walking and chewing gum at the same time.

1 Second, the facilities which are
2 still at our disposal are perfect for the task
3 of providing new fuel recycling technologies.
4 These are facilities which the taxpayer has
5 already paid for and which have either never
6 been used or still have most of their useful
7 life remaining.

8 Specifically, the Fast Flux Test
9 Facility was built in the 1970s, run for a
10 while in the 1980s, then was shutdown for
11 purely political reasons while it was doing
12 work for both us and other countries. The
13 FFTF still has right now as much as 30 years
14 or more of useful life in it. The cost to
15 build this facility was about \$1.2 billion. I
16 know, because I managed the group that
17 accounted for it. The cost to replace it
18 today could be well over four times that
19 number, given today's economic situation. Let
20 alone the moral considerations, this is not
21 something the Government should be abandoning.
22 On the contrary, its capability is unique in

1 the world, are perfectly suited for work on
2 new recycling technologies. Indeed, there is
3 no other capability anywhere else to match
4 what the FFTF can do.

5 The companion facility is the
6 Fuels and Materials Examination Facility.
7 This building has never even been commissioned
8 yet. Represents a taxpayer investment of over
9 \$750 million. In combination these two
10 facilities would provide pretty much all of
11 the physical infrastructure necessary to
12 develop completely acceptable nuclear fuel
13 recycling scheme.

14 Third and last: We recognize that
15 your charter from the Administration
16 specifically excludes the Yucca Mountain
17 option. I strongly urge you to push back on
18 that restriction.

19 The President once said the
20 decision was to be based on science not
21 politics. It's time to hold him to that
22 comment. The shutdown of Yucca Mountain was

1 predicated upon a political commitment the
2 President made to Senator Reid. It had
3 absolutely nothing to do with sound science,
4 engineering or economic considerations.

5 I suggest to you that this
6 Committee needs to tell the President that
7 that was a serious mistake. Your position in
8 doing so would be fully supported by the
9 recent Nuclear Regulatory Commission's
10 decision to reject the Administration's
11 request to withdraw the licensing application
12 for Yucca Mountain. The consequence to you,
13 the Commission members, of recommending Yucca
14 Mountain would, after all, be trivial. The
15 positive impact to the nation's nuclear
16 programs, on the other hand, could be
17 enormous.

18 Thank you.

19 CHAIR HAMILTON: Thank you very
20 much, Mr. Woodcock. We appreciate your
21 appearance.

22 And we'll ask Gary Troyer to come

1 forward.

2 MR. WOODCOCK: By the way, his
3 name is Troyer.

4 CHAIR HAMILTON: Troyer. I'm
5 sorry.

6 MR. TROYER: Just don't call me
7 late for supper.

8 Appreciate the opportunity to
9 speak to this Commission.

10 I'm a retired nuclear chemist
11 having spent 30 years or so at Hanford as well
12 as some time in big oil in a former company
13 that had a major effort in the Prudhoe Bay
14 experiments.

15 I'd like to support the GNEP and
16 the FCI programs with these kinds of thoughts.
17 Low cost energy brings improvements and
18 quality of life to everyone. We need to
19 provide every avenue of access for the six
20 criteria of successful energy systems:
21 Abundant, reliable, dispatchable, responsive
22 to need, compact and economical. All

1 conventional systems, especially nuclear, have
2 held up under all these criteria for decades.

3 Despite naysayers, nuclear energy
4 has had a remarkable performance record,
5 besting nearly all forces of these criteria
6 except perhaps hydroelectric, fleet capacity
7 factories are in excess in 90 percent and
8 product cost compares favorable with coal.

9 At one time nuclear energy growth
10 in the U.S. was common, but a mix of political
11 posturing on weapons proliferation, used fuel
12 disposal and fuel monitoring regarding safety
13 has put the U.S. 30 years behind the rest of
14 the world in advances. Our shutdown of
15 reprocessing to stalemate proliferation has
16 failed. The rest of the world has continued
17 development and use relegating the U.S. in a
18 catch-up mode with a 30 year gap.

19 As a nuclear scientist I saw the
20 FCI and the follow-on Global Nuclear Energy
21 Partnership programs as the cornerstone of an
22 energy policy gone lying latent for many

1 years. It included closed cycle fuel systems,
2 the direction of more fuels and the solution
3 to final minimum nuclear ash from recycling.
4 A smaller or similar permanent repository is
5 exemplified by Yucca Mountain could be finally
6 considered. More are not needed.

7 It is time to break out of this
8 malaise of action that we've seen in not
9 funding the FCI fully. It should be the
10 recommendation of the study group that the
11 U.S. reemphasize the move forward on programs
12 outlined the FCI and GNEP. The prime has
13 solutions for final nuclear waste, the
14 majority of which is a minor amount in
15 comparison to the huge advantage of modern
16 nuclear energy. It also provides utility in
17 domestically supplying industrial and medical
18 isotopes. On every energy front, the only long
19 term solution outside of nuclear would bring
20 about higher costs, co-efficiency,
21 nonreliability and reduced availability; all
22 major hits on the primary energy sources noted

1 above.

2 A de facto war on the poor. If it
3 does not play in this arena, the U.S. will
4 cease to be the world influencer.

5 Thank you.

6 CHAIR HAMILTON: Thank you very
7 much, Mr. Troyer.

8 And he'll be followed by Mr. Ed
9 Higbee and then Keith Larson.

10 Mr. Higbee.

11 MR. HIGBEE: Thank you,
12 Commissioners, for this opportunity. I am Ed
13 Higbee. I live on the east side of the Nevada
14 Test Site. Yucca Mountain is on the west
15 side. So it's a very large area.

16 But we've heard some people on the
17 ground here at Hanford, and I just want to
18 explain to you our worries and our feelings
19 living right next to this important area to
20 the United States of America, I think.

21 We had Mr. -- and I have to get
22 his name right here. Mr. Lask.

1 MEMBER LASH: Lash.

2 MR. HIGBEE Lash. Yes. He asked
3 the question what would it take for the local
4 officials to understand and work through this
5 very important problem that we face. I think
6 information. We need to come out with
7 information. We have the solid, good
8 information o the information.

9 In my area we talk about the Yucca
10 rail line and people say the Yucca rail line
11 is going to be three miles wide, there's not
12 going to be a person get anywhere near it. And
13 that goes through the valleys that I know and
14 that I live, and that scares people. There
15 needs to be information brought forth.

16 We live in a very depressed
17 economic area. And I think you know some of
18 the jobs. It needs to be taught to us what
19 jobs would be brought into the area because of
20 this. We don't know. Because everything is
21 just said hush-hush, no from our leading
22 officials in the State of Nevada. We don't

1 hear anything. We don't dare talk and say we
2 need to know some of this stuff, or it's like
3 we're saying bring it to us. So we get
4 ourselves in trouble.

5 We ask this Commission to help us
6 understand. Help us teach our people that if
7 this comes, there is benefit. And we are
8 patriots. We do love the United States of
9 America in our area.

10 I just want to say that there's no
11 growth in our area. When I graduated 35 years
12 ago from high school I was the top 13 of my
13 class. That's easy to say because there was
14 only 13. There was 50 in the high school.
15 There's only 60 now. There's no growth in
16 Pahranaagat Valley, where I live.

17 Where I live, I have seen nuclear
18 explosions. I have felt nuclear explosions.
19 And I've seen them raise up. I don' fear
20 nuclear radiation for the simple reason I was
21 at Fort Myers a year ago and I was taught and
22 trained by those people which helped me

1 understand this stuff can be transported well.

2 And I just thank you once again
3 for this opportunity to be here. Thank you.

4 CHAIR HAMILTON: Thank you very
5 much, Mr. Higbee.

6 Keith Larson is next. He'll be
7 followed by Suzanne Vandebosch.

8 Keith Larson. Thank you very much
9 for coming, Mr. Larson.

10 MR. LARSON: Yes, you bet.

11 Keith Larson, I'm the Mayor of the
12 Caliente, the smallest entity in the State of
13 Nevada. And you've probably heard of the
14 Caliente Corridor.

15 I was born, though, in Bremerton,
16 Washington. Lived over here in Prosser so
17 Hanford has always been a huge concern for me
18 and my relatives.

19 What I wanted to say about that is
20 I appreciated the comments from the Indian
21 Nation yesterday, the Wanapums, the Nex Perce,
22 Yakama and the Umatilla.

1 I graduated out of Tonasket,
2 Washington out off the Okanogan, so we're used
3 to the Okanogan Indians also.

4 I started with the railroad, Union
5 Pacific, in 1973 and then moved to Caliente in
6 '74. And so I got a 30 year history with the
7 railroad, so I know a little bit about
8 transportation also.

9 I was also the Mayor of Caliente
10 from 1976 to '85. I was there when we started
11 this whole process of the AULGs, the affected
12 units of local government. In fact, somebody
13 credited me with the naming of the JCCCIAC of
14 our country, which is the Joint City County
15 Impact Alleviation Committee. So I can get
16 pretty wordy.

17 But what I want to tell you is
18 that we've been living with this thing for
19 years. 1944 was when I was born, so plutonium
20 in Hanford was maybe just a year earlier than
21 that. So we have this knowledge about what's
22 going on. And we also have the knowledge of

1 the politics that are involved.

2 Well, I'm the little kid on the
3 block, the smallest.

4 I was reading in my Catholic
5 missal this morning and I'm reminded that
6 we're all neighbors, you know, and how we
7 relate to one another is really important.

8 We hear the big P, the little P; I
9 think I can relate to that. There is a
10 politics and it's love your neighbor. And if
11 the State of Washington isn't the neighbor for
12 all of us, you know and their particular
13 situation here at Hanford, we have to know
14 that that's very important.

15 Anyway, I just want to say that
16 the Caliente Corridor may be off the map,
17 we've been dealing with the MX Missile,
18 another project that never happened --

19 CHAIR HAMILTON: You'll have to
20 conclude.

21 MR. LARSON: Okay. Anyway, I'm
22 glad to speak to you. But I just want to say

1 one more thing. Is that we are interested in
2 doing what we have to do. Let us know.

3 And I appreciate your job as this
4 Commission and anything we can do to help you
5 with that, we'd love to do so.

6 CHAIR HAMILTON: Thank you very
7 much, Mr. Larson.

8 Suzanne Vandebosch please. Thank
9 you for coming. And you may proceed.

10 MS. VANDENBOSCH: I'm Suzanne
11 Vandebosch, co-author of Nuclear Waste
12 Stalemate-Political and Scientific
13 Controversies.

14 I appreciate the availability of
15 the transcripts. I can't make it to all of
16 your meetings. They've been very useful.

17 And I also wanted to say Pete
18 Domenici tried to make the 1987 Act that
19 picked Yucca Mountain a much better bill. He
20 made the point that substantive issues should
21 have gone through Committee, that you
22 shouldn't put substantive issues on the

1 Appropriations Bill.

2 Now I think we need redundancy in
3 connection with nuclear waste. You need on-
4 site storage; that's the default position
5 right now.

6 The casks are safe. There's a
7 problem with the spent fuel pools, but I
8 believe they're working on that.

9 We need interim storage because
10 it'll take a time before we get permanent
11 geological repositories. Now interim storage
12 is not legal at the present time. We have to
13 have a permanent repository first.

14 Now, I'm not really to capitulate
15 and the have the scientists capitulate to
16 politicians on the issue of blocking interim
17 storage. I don't think we ought to have --
18 the states ought to have the absolute veto.
19 But I am suggesting that we ought to require
20 more people to override the veto of the state.

21 At the present time if you have 31
22 states with nuclear reactors, you've got 31

1 votes to put it in the repository. They want
2 to get rid of the waste. But if you require
3 a stronger veto power, say like two-thirds,
4 then there'll be some representatives and
5 senators who don't have the dog in the fight,
6 and they may take into account the national
7 interest.

8 I'm not sure that would work. I
9 don't feel real strongly about it. But it's
10 just something I think you should think about.

11 CHAIR HAMILTON: Thank you very
12 much, Ms. Vandebosch.

13 And now Robert Vandebosch. And
14 he'll be followed by David Merrill.

15 MR. Vandebosch, you may proceed.
16 Thank you for coming.

17 MR. VANDENBOSCH: Thank you.

18 I would like to comment on the
19 relevance of Yucca Mountain to your task.

20 Even if Yucca Mountain eventually
21 fails on the basis of either political or
22 technical considerations, it is important that

1 this Commission be guided in its
2 recommendation by lessons learned from this
3 two decades long effort.

4 Secretary Chu has discouraged you
5 from considering Yucca Mountain emphasizing
6 that you are not a siting commission. I agree
7 that you should not be a siting commission.
8 I do think, though, that you should bear in
9 mind what the Appropriations Acts that
10 supported this Commission says about your
11 task. It says that you need to "consider all
12 alternatives for nuclear waste disposal."

13 Now, there's been some debate as
14 to how to interpret "all alternatives" in this
15 legislation. Does it mean to consider only
16 alternatives to Yucca Mountain, or
17 alternatives including Yucca Mountain?

18 The Atomic Safety and Licensing
19 Board of the Nuclear Regulatory Commission
20 recently weighed in on this question. The
21 Board order says that, "In appropriating funds
22 for the Blue Ribbon Commission, Congress

1 instructed the Commission to 'consider all
2 alternatives for nuclear waste disposal,'
3 necessarily including a geological repository
4 at Yucca Mountain," unquote from the Atomic
5 Licensing Board.

6 As has been mentioned before, the
7 Board also ruled that DOE lacked authority to
8 withdraw the application.

9 If this ruling by the Appeals
10 Board Safety and Licensing Board is sustained
11 by the full Nuclear Regulatory Commission and
12 the District of Columbia Court of Appeals,
13 then the evaluation of the application must
14 proceed. It says it will provide valuable
15 information on technical considerations
16 regarding repository performance. If on the
17 other hand the Department of Energy is allowed
18 to withdraw the license application by simply
19 declaring the site not workable, then what
20 assurance is there that a future repository
21 will not meet the same fate?

22 I am pleased that your Disposal

1 Subcommittee last week heard from some of the
2 political entity states, counties regarding
3 their experiences with Yucca Mountain. There
4 are a host of more technical issues that need
5 to be informed by the Yucca Mountain
6 experience.

7 How could the multi-attribute
8 utility analysis that lead to ranking of the
9 three geological repository finalists be
10 improved?

11 What is the relative importance of
12 engineered and geological barriers?

13 Shouldn't legislation distinguish
14 between what is the importance of the tectonic
15 environment in determining the safety of the
16 repository?

17 CHAIR HAMILTON: Mr. Vandebosch,
18 I'll ask you to conclude, if you would,
19 please?

20 MR. VANDENBOSCH: Yes.

21 To conclude, the Commission needs
22 to consider what went right and what went

1 wrong both technically and politically in the
2 Yucca Mountain saga if it is to recommend a
3 durable path for future policy. History
4 ignored is history repeated.

5 Thank you.

6 CHAIR HAMILTON: Thank you very
7 much, sir.

8 David Merrill is next. He'll be
9 followed by Gordon McCleary.

10 Mr. Merrill, thank you for coming.
11 You may proceed.

12 MR. MERRILL: As a chemist working
13 in the nuclear fuel manufacturing industry,
14 the answer to the question what should we do
15 with commercial nuclear reactor waste is
16 obvious to me. All those spent nuclear fuel
17 assemblies in the 103 power plants in the U.S.
18 should be reprocessed. Reprocessing would
19 separate the uranium and plutonium from the
20 used fuel, about 95 percent of the mass.
21 These portions would contain the fissionable
22 material useful in mixed oxide nuclear fuel

1 for use in nuclear power plants. The
2 remaining five percent would contain the
3 concentrate radioactive components in a much
4 more manageable size and would not contain the
5 fissionable material. This material could
6 further be processed to extract elements which
7 contain the radioactive isotopes with useful
8 medical and industrial function. The
9 remainder could be analyzed for their chemical
10 and isotopic content, vitrified into stable
11 glass logs with known properties including
12 known half lives, and then could be shipped to
13 the Yucca Mountain repository. Each log would
14 have a predictable heat generation profile
15 based on its isotope analysis. The heat is
16 generated at a rate based on the half life of
17 the isotopes it contained at the time it was
18 separated and will start producing more heat
19 at burst and eventually will cool.

20 These glass logs would first need
21 to be stored in a hot room for a few years,
22 then could be moved to the cooler rooms for

1 final storage after they reached the specified
2 rate of heat generation.

3 After having removed all
4 fissionable material and with the analysis of
5 the starting material, the predictability of
6 the decay rates should be very easy providing
7 very high confidence in the ability of Yucca
8 Mountain to maintain them in a safe status for
9 millennia to come.

10 I will defer to other like Dr.
11 Brady Hanson to discuss the reasons that Yucca
12 Mountain is the ideal storage location for
13 these glass logs relative to the Silicate
14 levels in any water that might eventual
15 trickle into the mountain.

16 Getting back to the reprocessing
17 of nuclear fuel, we should consider the
18 economics and what is going to drive
19 reprocessing. The older spent nuclear fuel
20 assemblies are not going to contain as much of
21 the industrial and medical useful isotopes as
22 freshly removed fuel will contain. And so the

1 economics of the reprocessing of the older
2 assemblies will likely not be profitable,
3 requiring some other funding source to get
4 these reprocessed.

5 The fuel value in most used
6 nuclear fuel is marginal for conversion to new
7 mixed oxide fuel, and it is the industrial and
8 medical isotopes that may provide additional
9 economic stimulus to make it potentially
10 profitable someday. On the other hand,
11 reprocessing to characterize the vitrify the
12 waste should be one of the objectives of
13 reprocessing nuclear fuel.

14 AREVA has been successfully
15 operating a nuclear fuel reprocessing center
16 in France for many years. The technology is
17 available, and you may have noticed AREVA has
18 a nuclear fuel manufacturing facility at the
19 north end of Richland, just across the street
20 from Hanford. Bringing this technology and
21 capability to the United States is very
22 possible with one exception. I believe the

1 United States made some agreement with foreign
2 countries a while ago, and in those agreements
3 called nonproliferation, stated that we would
4 not reprocess our nuclear material.

5 It is true that if we reprocess
6 our nuclear material we could extract the
7 plutonium and there is the potential to
8 convert that material into nuclear weapons.

9 In order to change the nonproliferation
10 agreement, I am sure we would need to maintain
11 a nuclear inventory management system
12 auditable by those foreign countries.

13 I believe AREVA can be an integral
14 resource to reprocessing nuclear fuel.

15 I agree that Yucca Mountain should
16 --

17 CHAIR HAMILTON: Mr. Merrill, I'll
18 ask you to conclude. Would you please?

19 MR. MERRILL: Okay. Lat
20 paragraph. I agree that Yucca Mountain should
21 not be used as a final repository for spent
22 nuclear fuel in its original zirconium

1 cladding. This form of waste would be much
2 too susceptible to corrosion and leaching.
3 The Yucca Mountain facility would however be
4 an ideal location to store the nuclear
5 vitrified waste from a nuclear reprocessing
6 facility.

7 Although the Commission is
8 directed to not consider Yucca Mountain for
9 storage of current nuclear waste, I believe it
10 is within your ability to recommend the use of
11 Yucca Mountain to store only characterized
12 vitrified waste after fissionable material has
13 been removed.

14 Thank you.

15 CHAIR HAMILTON: Thank you very
16 much, Mr. Merrill.

17 Mr. Gordon McCleary next. And
18 you'll be followed by B.C. Smith.

19 Mr. McCleary?

20 MR. McCLEARY: My name's Gordon
21 McCleary. I am a Vice President for
22 Plasterers and Cementmasons International

1 representing concrete finishers and plasters
2 throughout the United States and Canada.

3 Before taking that position, I am
4 a concrete finisher, born and raised in
5 eastern Washington and think it's important to
6 get Yucca Mountain back on line.

7 This community will stand up for
8 the law. The Nuclear Waste Policy Act passed
9 in 1982 led to the selection of the Yucca
10 Mountain, the high-level nuclear waste
11 repository for the United States.

12 If Yucca Mountain is not allowed
13 to proceed, Hanford could well become simply
14 by default become the repository for more than
15 70 percent of the nation's high-level waste.
16 And if this were to happen, it could simply
17 shut off any opportunities for our site as any
18 new nuclear plants or modular nuclear plants
19 to come on line.

20 And kind of echoing the Governor's
21 sentiments, this community and Hanford have
22 paid the ultimate price for the nuclear

1 industry today. We need to move off of the
2 paralysis analysis, move Yucca Mountain back
3 on line and move the cleanup of Hanford
4 forward.

5 Thank you.

6 CHAIR HAMILTON: Mr. McCleary, we
7 thank you very much.

8 And now B.C. Smith. He will be
9 followed by Tamara Spencer.

10 Mr. Smith, thank you for coming.
11 You may proceed.

12 MR. SMITH: Thank you,
13 Commissioners.

14 My name is B.C. Smith. I
15 represent the Central Washington Building and
16 Construction Trades Council. We represent 14
17 international union affiliates. We're your
18 construction workers on the Hanford Site.

19 It is our desire to see the
20 original plan of the waste storage go to Yucca
21 Mountain, as per the Nuclear Waste Policy Act
22 passed in 1982. The Building Trades Council

1 is very concerned that if the Yucca Mountain
2 storage site is not utilized, our local area
3 will continue to be the storage site and will
4 stop other future nuclear endeavors that our
5 community and citizens envision.

6 Currently the Council represents
7 over 2,000 building and construction workers
8 on the Hanford site who engage and support of
9 the cleanup process. The WTP project is now
10 collectively over 50 percent completed and any
11 reengineering of this plant would cause a
12 possible impact on over 1500 workers.

13 The economic impact to the Tri-
14 Cities and surrounding communities would be
15 substantial. In today's economy with
16 construction unemployment rate in Washington
17 State being over 35 percent, it is imperative
18 that we continue with the original path
19 forward to utilize the Yucca Mountain
20 repository.

21 Thanks for your consideration.

22 CHAIR HAMILTON: Thank you very

1 much, Mr. Smith.

2 Tamara Spencer is next. And she
3 will be followed by Steve Lijek.

4 Is Tamara Spencer here?

5 Apparently not.

6 Steve Lijek, is he here? If not,
7 Harold Heacock? Not here.

8 And Janet Johnson. Yes. Janet
9 Johnson will be the last speaker.

10 Thank you for coming, Ms. Johnson.
11 And you may proceed.

12 MR. JOHNSON: Thank you for the
13 opportunity.

14 I spent 25 years in nuclear
15 quality assurance, three and a half years with
16 NRC in Texas calling on AE and NSS companies
17 building nuclear plants. Also worked for
18 WPPSS, Niagara Mohawk, both as head of
19 construction and an operating plant.
20 Westinghouse, Hanford, Bechtel, Phoenix and
21 Sisson, et cetera. Lawrence Livermore
22 National Lab at Nevada Test Site for a long

1 time.

2 At any rate, I have lots of years
3 in nuclear. And I just think it's imperative
4 that we save Yucca Mountain. This is the most
5 ridiculous I ever heard with the President and
6 Harry Reid deciding kind of unilaterally or
7 bilaterally that we shouldn't have a nuclear
8 place to put our nuclear fuel. It's been
9 planned for so many years. It's impossible to
10 walk away from it. All the money, all the
11 time, all the hours of people working on it.
12 It's just inconceivable. We need it so badly.
13 We just can't those two people cause this
14 awful this to happen.

15 If there's no Yucca Mountain, then
16 we should not allow any other new nuclear
17 plants. And you notice suddenly there are
18 about 15 to 17 talking about new ones being
19 built. Well until we have a place to safely
20 store the nuclear waste, and I see nothing
21 wrong with the reprocessing, that was viewed
22 probably 30 years ago and decided against.

1 But it's worth another look, no question on
2 that.

3 At any rate, Yucca Mountain is
4 vital to the nuclear industry. It's vital
5 here. And keeping our river safe is vital
6 here, and all of this ties together. We need
7 a place to put nuclear wastes. We have one.
8 It's built. It's ready to go. Why did they
9 wait for 15 or 20 years suddenly to pull it
10 out? It's just unbelievable.

11 Actually, I don't know, but I'm a
12 Democrat. I voted for Obama. I think I
13 should be shot.

14 (Laughter).

15 MS. JOHNSON: Thank you very much.

16 CHAIR HAMILTON: Thank you, Mrs.
17 Johnson.

18 That's a ringing note on which to
19 conclude. This now concludes the Blue Ribbon
20 Commission on America's Nuclear Future
21 hearings at the Hanford Site. We thank all of
22 the participants for their cooperation. We've

1 had a very productive day and a half here.

2 And our proceedings certainly will
3 be useful to the Commission as we proceed.

4 The Commission now stands
5 adjourned.

6 (Whereupon, the Blue Ribbon
7 Commission hearing was adjourned at 12:12
8 p.m.)

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