

October 11, 2011

The Honorable Lee Hamilton, Co-Chairman
The Honorable Brent Scowcroft, Co-Chairman
Blue Ribbon Commission on America's Nuclear Future
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

RE: Public Meeting to Solicit Feedback on the Draft Commission Report - Boston, Massachusetts

Dear Chairman Hamilton and Chairman Scowcroft:

I am writing on behalf of the New England Council, the nation's oldest regional business organization, to provide comments on the July 29, 2011 draft report of the Blue Ribbon Commission on America's Nuclear Future (BRC) to Secretary of Energy Steven Chu. Please consider this submission for the public record.

The generation of nuclear power in New England has a decades-long history. While several New England states currently house active commercial reactors, our region is also home to shut-down commercial plants located in Rowe, Massachusetts; Wiscasset, Maine; and Haddam Neck, Connecticut. Until the mid 1990's, these sites provided New England residents with safe, reliable, and affordable power, but like other shuttered reactors around the nation, they now house the spent nuclear material the federal government was to take possession of more than 12 years ago as stated by the Nuclear Waste Policy Act (NWPA). As such, the costs associated with the storage of this material at these decommissioned sites and others across the country continue to accrue, as ratepayers continue to contribute to the Nuclear Waste Fund; a fund which holds an unspent balance of \$25 billion. In addition, because the government has not adhered to its responsibilities under the NWPA, legal rulings now make the American taxpayer liable for some \$2.2 billion in damages, with possibly more than \$16 billion accruing by the end of this decade, and another \$500 million each year thereafter.

The New England Council (the Council) has long supported the creation of a permanent nuclear waste repository, and has indicated on numerous occasions its support for the completion of such

a site at Yucca Mountain, located in Nye County, Nevada as the most sensible disposal location for high-level nuclear waste. Indeed, as the NWPA dictates, there is no current permanent storage alternative to Yucca Mountain. Although the Administration has taken steps to end the consideration of Yucca Mountain as a permanent repository site, there is no unanimity in Congress regarding the Administration's actions. In fact, House lawmakers have included language in the pending fiscal year 2012 Energy and Water Appropriations Act (H.R. 2354) that "rejects the Administration's plans to shut down the Yucca Mountain license application process and includes funds in the recommendation to continue the process." While these funding decisions have yet to be resolved, the sentiment is strong to continue work on Yucca Mountain that it may become the nation's premier spent nuclear fuel disposal site.

As the BRC draft report indicates, the deep geologic disposal of spent nuclear fuel is generally regarded as the "scientifically preferred" approach to our nation's long term needs. While the BRC report takes no position on moving forward on Yucca Mountain, it is currently the most logical deep geologic option available to be utilized in the United States. Any decision to forego the Yucca Mountain site would leave our nation without the permanent nuclear waste disposal solution mandated by the NWPA, and consequently without a federally promised process and timetable for removing spent nuclear fuel from the onsite storage facilities maintained by nuclear power providers. Any alternative to the current siting process would require, as the BRC correctly points out in its draft report, a legislative change to the NWPA. Given the years of congressional debate on this issue, such a change appears to be unlikely in the near future.

Nevertheless, the Council understands the need for and supports the concept of an interim storage facility for spent nuclear fuel, so long as priority is given to the spent nuclear fuel that has been collected and is currently being held at decommissioned reactor sites. Further, the Council believes the title to spent nuclear fuel must necessarily pass to the federal government when a permanent location for disposing of such spent fuel opens.

Regarding interim storage considerations, the Council supports the BRC's statement in its draft report that "the arguments in favor of consolidated storage are strongest for 'stranded' spent fuel from shutdown plant sites" and that "stranded fuel should be first in line for a transfer to a consolidated facility" to allow for quicker rehabilitation and beneficial development of those sites. The Council does recognize that, much like an alternative permanent repository other than Yucca Mountain, siting issues for an interim facility likely will limit options for moving ahead with such a facility.

The debate over spent nuclear fuel storage has been a dominate topic among policy makers for more than two decades, and there is concern that such discussions could go on for two more decades unless policy makers can come to an agreement on how this nation deals with such waste. Meanwhile, storage costs borne by ratepayers will continue to mount until the government meets its legal responsibility regarding spent nuclear fuel. It is the Council's hope that BRC's report will spark a new commitment to resolve longstanding issues on how best to deal with this nation's nuclear waste.

Thank you for providing us with the opportunity to comment on the draft report. If you have any questions, please do not hesitate to contact me.

Very truly yours,

David J. O'Donnell

David J. O'Donnell
Vice-President of Public Policy