SCHEDULED FOR ORAL ARGUMENT ON MARCH 22, 2011

NO. 10-1050, 10-1052, 10-1069, 10-1082 *Consolidated*

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10-1050

IN RE AIKEN COUNTY, Petitioner

No. 10-1052

ROBERT L. FERGUSON, *et al.*, Petitioners,

v.

BARACK OBAMA, President of the United States, *et al.*, Respondents.

No. 10-1069

STATE OF SOUTH CAROLINA, Petitioner,

v.

UNITED STATES DEPARTMENT OF ENERGY, *et al.*, Respondents.

No. 10-1082

STATE OF WASHINGTON, Petitioner,

v.

UNITED STATES DEPARTMENT OF ENERGY, *et al.*, Respondents.

On Petitions for Review and for Other Relief With Respect to Decisions of the President, the Secretary of Energy, the Deparment of Energy, and the Nuclear Regulatory Commission

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Addendum to Reply Brief of Petitioners, Aiken County, Robert L. Ferguson, William Lampson, Gary Petersen, State of South Carolina, State of Washington, and Intervenor-Petitioner, National Association of Regulatory Utility Commissioners

Thomas R. Gottshall
Alexander Shissias
S. Ross Shealy
Haynsworth Sinkler Boyd, P.A.
Post Office Box 11889
Columbia, SC 29211-1889

Attorneys for Aiken County

Barry M. Hartman
Christopher R. Nestor
Christopher R. Tate*
John Englert*
K&L Gates LLP
1601 K Street, N.W.
Washington, DC 20005-1600
*not admitted

Attorneys for Robert L. Ferguson, William Lampson and Gary Petersen

Alan Wilson*
Attorney General for the State of South Carolina
John W. McIntosh*
Robert D. Cook*
Leigh Childs Cantey*
Post Office Box 11549
Columbia, SC 29211
*not admitted

Attorneys for the State of South Carolina

William Henry Davidson, II
Kenneth Paul Woodington
Davidson & Lindemann, P.A.
1611 Devonshire Dr., 2nd Floor
Post Office Box 8568
Columbia, SC 29202-8568

Robert M. McKenna*
Attorney General
Andrew A. Fitz
Todd R. Bowers
State of Washington
Office of the Attorney General
Post Office Box 40117
Olympia, WA 98504-0117
*not admitted

Attorneys for the State of Washington

James Bradford Ramsay
Robin J. Lunt
National Assoc. of Regulatory Utility Commissioners
1101 Vermont Ave., N.W., Suite 200
Washington, DC 20005

Attorneys for Intervenor-Petitioner NARUC

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CONSTITUTION OF THE UNITED STATES OF AMERICA
ARTICLE II. EXECUTIVE POWER

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USCS Const. Art. II, § 3

Sec. 3. Recommendations to Congress--Convene and adjourn Congress--Receive ambassadors--Execute laws--Commission officers.

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

and its provisions incorporated into this subchapter and chapter 7 hereof.

§ 551. Definitions

For the purpose of this subchapter—

(1) "agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include—

(A) the Congress;

(B) the courts of the United States;

(C) the governments of the territories or possessions of the United States;

(D) the government of the District of Columbia;

or except as to the requirements of section 552 of this title—

(E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;

(F) courts martial and military commissions;

(G) military authority exercised in the field in time of war or in occupied territory; or

(H) functions conferred by sections 1738, 1739, 1743, and 1744 of title 12; chapter 2 of title 41; subchapter II of chapter 471 of title 49; or sections 1884, 1891–1902, and former section 1641(b)(2), of title 50, appendix;

(2) "person" includes an individual, partnership, corporation, association, or public or private organization other than an agency;

(3) "party" includes a person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in an agency proceeding, and a person or agency admitted by an agency as a party for limited purposes;

(4) "rule" means the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing;

(5) "rule making" means agency process for formulating, amending, or repealing a rule;

(6) "order" means the whole or a part of a final disposition, whether affirmative, negative, injunctive, or declaratory in form, of an agency in a matter other than rule making but including licensing;

(7) "adjudication" means agency process for the formulation of an order;

(8) "license" includes the whole or a part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission;

(9) "licensing" includes agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a license;

(10) "sanction" includes the whole or a part of an agency—

(A) prohibition, requirement, limitation, or other condition affecting the freedom of a person;

(B) withholding of relief;

(C) imposition of penalty or fine;

(D) destruction, taking, seizure, or withholding of property;

(E) assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees;

(F) requirement, revocation, or suspension of a license; or

(G) taking other compulsory or restrictive action;

(11) "relief" includes the whole or a part of an agency—

(A) grant of money, assistance, license, authority, exemption, exception, privilege, or remedy;

(B) recognition of a claim, right, immunity, privilege, exemption, or exception; or

(C) taking of other action on the application or petition of, and beneficial to, a person;

(12) "agency proceeding" means an agency process as defined by paragraphs (5), (7), and (9) of this section;

(13) "agency action" includes the whole or a part of an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act; and

(14) "ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports on any matter or proceeding covered by this subchapter.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 381; Pub. L. 94–409, § 4(b), Sept. 13, 1976, 90 Stat. 1247; Pub. L. 103–272, § 5(a), July 5, 1994, 108 Stat. 1373.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
(1)	5 U.S.C. 1001(a).	June 11, 1946, ch. 324, § 2(a), 60 Stat. 237. Aug. 8, 1946, ch. 870, § 302, 60 Stat. 918. Aug. 10, 1946, ch. 951, § 601, 60 Stat. 993. Mar. 31, 1947, ch. 30, § 6(a), 61 Stat. 37. June 30, 1947, ch. 163, § 210, 61 Stat. 201. Mar. 30, 1948, ch. 161, § 301, 62 Stat. 99.
(2)–(13)	5 U.S.C. 1001 (less (a)).	June 11, 1946, ch. 324, § 2 (less (a)), 60 Stat. 237.

In paragraph (1), the sentence "Nothing in this Act shall be construed to repeal delegations of authority as provided by law," is omitted as surplusage since there is nothing in the Act which could reasonably be so construed.

In paragraph (1)(G), the words "or naval" are omitted as included in "military".

In paragraph (1)(H), the words "functions which by law expire on the termination of present hostilities, within any fixed period thereafter, or before July 1, 1947" are omitted as executed. Reference to the "Selective Training and Service Act of 1940" is omitted as

that Act expired Mar. 31, 1947. Reference to the "Sugar Control Extension Act of 1947" is omitted as that Act expired on Mar. 31, 1948. References to the "Housing and Rent Act of 1947, as amended" and the "Veterans' Emergency Housing Act of 1946" have been consolidated as they are related. The reference to former section 1641(b)(2) of title 50, appendix, is retained notwithstanding its repeal by § 111(a)(1) of the Act of Sept. 21, 1961, Pub. L. 87–256, 75 Stat. 538, since § 111(c) of the Act provides that a reference in other Acts to a provision of law repealed by § 111(a) shall be considered to be a reference to the appropriate provisions of Pub. L. 87–256.

In paragraph (2), the words "of any character" are omitted as surplusage.

In paragraph (3), the words "and a person or agency admitted by an agency as a party for limited purposes" are substituted for "but nothing herein shall be construed to prevent an agency from admitting any person or agency as a party for limited purposes".

In paragraph (9), a comma is supplied between the words "limitation" and "amendment" to correct an editorial error of omission.

In paragraph (10)(C), the words "of any form" are omitted as surplusage.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CODIFICATION

Section 551 of former Title 5, Executive Departments and Government Officers and Employees, was transferred to section 2242 of Title 7, Agriculture.

AMENDMENTS

1994—Par. (1)(H). Pub. L. 103–272 substituted "subchapter II of chapter 471 of title 49; or sections" for "or sections 1622,".

1976—Par. (14). Pub. L. 94–409 added par. (14).

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–409 effective 180 days after Sept. 13, 1976, see section 6 of Pub. L. 94–409, set out as an Effective Date note under section 552b of this title.

STUDY AND REPORTS ON ADMINISTRATIVE SUBPOENAS

Pub. L. 106–544, § 7, Dec. 19, 2000, 114 Stat. 2719, provided that:

"(a) STUDY ON USE OF ADMINISTRATIVE SUBPOENAS.—Not later than December 31, 2001, the Attorney General, in consultation with the Secretary of the Treasury, shall complete a study on the use of administrative subpoena power by executive branch agencies or entities and shall report the findings to the Committees on the Judiciary of the Senate and the House of Representatives. Such report shall include—

"(1) a description of the sources of administrative subpoena power and the scope of such subpoena power within executive branch agencies;

"(2) a description of applicable subpoena enforcement mechanisms;

"(3) a description of any notification provisions and any other provisions relating to safeguarding privacy interests;

"(4) a description of the standards governing the issuance of administrative subpoenas; and

"(5) recommendations from the Attorney General regarding necessary steps to ensure that administrative subpoena power is used and enforced consistently and fairly by executive branch agencies.

"(b) REPORT ON FREQUENCY OF USE OF ADMINISTRATIVE SUBPOENAS.—

"(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury shall report in January of each year to the Committees on the Judiciary of the Senate and the House of Representatives on the number of administrative subpoenas issued by them under this section and the identity of the agency or component of the Department of Justice or the Department of the Treasury issuing the subpoena and imposing the charges.

"(2) EXPIRATION.—The reporting requirement of this subsection shall terminate in 3 years after the date of the enactment of this section [Dec. 19, 2000]."

§ 552. Public information; agency rules, opinions, orders, records, and proceedings

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public—

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying—

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register;

(C) administrative staff manuals and instructions to staff that affect a member of the public;

(D) copies of all records, regardless of form or format, which have been released to any person under paragraph (3) and which, because of the nature of their subject matter, the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records; and

(E) a general index of the records referred to under subparagraph (D);

unless the materials are promptly published and copies offered for sale. For records created on or

(D) the government of the District of Columbia;

(E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;

(F) courts martial and military commissions;

(G) military authority exercised in the field in time of war or in occupied territory; or

(H) functions conferred by sections 1738, 1739, 1743, and 1744 of title 12; chapter 2 of title 41; subchapter II of chapter 471 of title 49; or sections 1884, 1891–1902, and former section 1641(b)(2), of title 50, appendix; and

(2) "person", "rule", "order", "license", "sanction", "relief", and "agency action" have the meanings given them by section 551 of this title.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 392; Pub. L. 103–272, §5(a), July 5, 1994, 108 Stat. 1373.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
(a)	5 U.S.C. 1009 (introductory clause).	June 11, 1946, ch. 324, §10 (introductory clause), 60 Stat. 243.

In subsection (a), the words "This chapter applies, according to the provisions thereof," are added to avoid the necessity of repeating the introductory clause of former section 1009 in sections 702–706.

Subsection (b) is added on authority of section 2 of the Act of June 11, 1946, ch. 324, 60 Stat. 237, as amended, which is carried into section 551 of this title.

In subsection (b)(1)(G), the words "or naval" are omitted as included in "military".

In subsection (b)(1)(H), the words "functions which by law expire on the termination of present hostilities, within any fixed period thereafter, or before July 1, 1947" are omitted as executed. Reference to the "Selective Training and Service Act of 1940" is omitted as that Act expired on Mar. 31, 1947. Reference to the "Sugar Control Extension Act of 1947" is omitted as that Act expired on Mar. 31, 1948. References to the "Housing and Rent Act of 1947, as amended" and the "Veterans' Emergency Housing Act of 1946" have been consolidated as they are related. The reference to former section 1641(b)(2) of title 50, appendix, is retained notwithstanding its repeal by §111(a)(1) of the Act of Sept. 21, 1961, Pub. L. 87–256, 75 Stat. 538, since §111(c) of the Act provides that a reference in other Acts to a provision of law repealed by §111(a) shall be considered to be a reference to the appropriate provisions of Pub. L. 87–256.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

REFERENCES IN TEXT

Sections 1891–1902 of title 50, appendix, referred to in subsec. (b)(1)(H), were omitted from the Code as executed.

AMENDMENTS

1994—Subsec. (b)(1)(H). Pub. L. 103–272 substituted "subchapter II of chapter 471 of title 49; or sections" for "or sections 1622,".

§ 702. Right of review

A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof. An action in a court of the United States seeking relief other than money damages and stating a claim that an agency or an officer or employee thereof acted or failed to act in an official capacity or under color of legal authority shall not be dismissed nor relief therein be denied on the ground that it is against the United States or that the United States is an indispensable party. The United States may be named as a defendant in any such action, and a judgment or decree may be entered against the United States: *Provided*, That any mandatory or injunctive decree shall specify the Federal officer or officers (by name or by title), and their successors in office, personally responsible for compliance. Nothing herein (1) affects other limitations on judicial review or the power or duty of the court to dismiss any action or deny relief on any other appropriate legal or equitable ground; or (2) confers authority to grant relief if any other statute that grants consent to suit expressly or impliedly forbids the relief which is sought.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 392; Pub. L. 94–574, §1, Oct. 21, 1976, 90 Stat. 2721.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 1009(a).	June 11, 1946, ch. 324, §10(a), 60 Stat. 243.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1976—Pub. L. 94–574 removed the defense of sovereign immunity as a bar to judicial review of Federal administrative action otherwise subject to judicial review.

§ 703. Form and venue of proceeding

The form of proceeding for judicial review is the special statutory review proceeding relevant to the subject matter in a court specified by statute or, in the absence or inadequacy thereof, any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus, in a court of competent jurisdiction. If no special statutory review proceeding is applicable, the action for judicial review may be brought against the United States, the agency by its official title, or the appropriate officer. Except to the extent that prior, adequate, and exclusive opportunity for judicial review is provided by law, agency action is subject to judicial review in civil or criminal proceedings for judicial enforcement.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 392; Pub. L. 94–574, §1, Oct. 21, 1976, 90 Stat. 2721.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 1009(b).	June 11, 1946, ch. 324, §10(b), 60 Stat. 243.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1976—Pub. L. 94–574 provided that if no special statutory review proceeding is applicable, the action for judicial review may be brought against the United States, the agency by its official title, or the appropriate officer as defendant.

§ 704. Actions reviewable

Agency action made reviewable by statute and final agency action for which there is no other adequate remedy in a court are subject to judicial review. A preliminary, procedural, or intermediate agency action or ruling not directly reviewable is subject to review on the review of the final agency action. Except as otherwise expressly required by statute, agency action otherwise final is final for the purposes of this section whether or not there has been presented or determined an application for a declaratory order, for any form of reconsideration, or, unless the agency otherwise requires by rule and provides that the action meanwhile is inoperative, for an appeal to superior agency authority.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 392.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 1009(c).	June 11, 1946, ch. 324, §10(c), 60 Stat. 243.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface of this report.

§ 705. Relief pending review

When an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review. On such conditions as may be required and to the extent necessary to prevent irreparable injury, the reviewing court, including the court to which a case may be taken on appeal from or on application for certiorari or other writ to a reviewing court, may issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights pending conclusion of the review proceedings.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 393.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 1009(d).	June 11, 1946, ch. 324, §10(d), 60 Stat. 243.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface of this report.

§ 706. Scope of review

To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall—

(1) compel agency action unlawfully withheld or unreasonably delayed; and

(2) hold unlawful and set aside agency action, findings, and conclusions found to be—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(D) without observance of procedure required by law;

(E) unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or

(F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 393.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 1009(e).	June 11, 1946, ch. 324, §10(e), 60 Stat. 243.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface of this report.

ABBREVIATION OF RECORD

Pub. L. 85–791, Aug. 28, 1958, 72 Stat. 941, which authorized abbreviation of record on review or enforcement of orders of administrative agencies and review on the original papers, provided, in section 35 thereof, that: "This Act [see Tables for classification] shall not be construed to repeal or modify any provision of the Administrative Procedure Act [see Short Title note set out preceding section 551 of this title]."

CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

Sec.
801. Congressional review.
802. Congressional disapproval procedure.
803. Special rule on statutory, regulatory, and judicial deadlines.
804. Definitions.
805. Judicial review.
806. Applicability; severability.
807. Exemption for monetary policy.
808. Effective date of certain rules.

§ 801. Congressional review

(a)(1)(A) Before a rule can take effect, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule, including whether it is a major rule; and

(iii) the proposed effective date of the rule.

(B) On the date of the submission of the report under subparagraph (A), the Federal agency pro-

688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

Section 10156(c) of this title, referred to in par. (26), was in the original a reference to section 137(c) of Pub. L. 97–425, which is classified to section 10157(c) of this title, and has been translated as section 10156(c) of this title as the probable intent of Congress, in view of the Interim Storage Fund being established by section 10156(c) of this title.

AMENDMENTS

1987—Pars. (30) to (34). Pub. L. 100–202 and Pub. L. 100–203 amended section identically adding pars. (30) to (34).

SHORT TITLE OF 1987 AMENDMENT

Section 101(d) [title III] of Pub. L. 100–202 and section 5001 of title V of Pub. L. 100–203 provided that: "This subtitle [subtitle A (§§ 5001–5065) of title V, enacting sections 10162, 10163, 10164, 10165, 10166, 10167, 10168, 10169, 10172, 10172a, 10173, 10173a, 10173b, 10173c, 10174, 10174a, 10175, 10204, 10241, 10242, 10243, 10244, 10245, 10246, 10247, 10248, 10249, 10250, 10251, 10261, 10262, 10263, 10264, 10265, 10266, 10267, 10268, 10269, and 10270 of this title, amending this section and sections 10132, 10133, 10134, 10136, 10137, and 10138 of this title and enacting provisions set out as a note under section 5841 of this title] may be cited as the 'Nuclear Waste Policy Amendments Act of 1987'."

SHORT TITLE

Section 1 of Pub. L. 97–425 provided that: "This Act [enacting this chapter] may be cited as the 'Nuclear Waste Policy Act of 1982'."

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

NUCLEAR WASTE MANAGEMENT PLAN; REPORT

Pub. L. 102–486, title VIII, § 803, Oct. 24, 1992, 106 Stat. 2923, provided that:

"(a) PREPARATION AND SUBMISSION OF REPORT.—The Secretary of Energy, in consultation with the Nuclear Regulatory Commission and the Environmental Protection Agency, shall prepare and submit to the Congress a report on whether current programs and plans for management of nuclear waste as mandated by the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) are adequate for management of any additional volumes or categories of nuclear waste that might be generated by any new nuclear power plants that might be constructed and licensed after the date of the enactment of this Act [Oct. 24, 1992]. The Secretary shall prepare the report for submission to the President and the Congress within 1 year after the date of the enactment of this Act. The report shall examine any new relevant issues related to management of spent nuclear fuel and high-level radioactive waste that might be raised by the addition of new nuclear-generated electric capacity, including anticipated increased volumes of spent nuclear fuel or high-level radioactive waste, any need for additional interim storage capacity prior to final disposal, transportation of additional volumes of waste, and any need for additional repositories for deep geologic disposal.

"(b) OPPORTUNITY FOR PUBLIC COMMENT.—In preparation of the report required under subsection (a), the Secretary of Energy shall offer members of the public an opportunity to provide information and comment and shall solicit the views of the Nuclear Regulatory Commission, the Environmental Protection Agency, and other interested parties.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section."

§ 10102. Separability

If any provision of this chapter, or the application of such provision to any person or circumstance, is held invalid, the remainder of this chapter, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

(Pub. L. 97–425, § 3, Jan. 7, 1983, 96 Stat. 2205.)

§ 10103. Territories and possessions

Nothing in this chapter shall be deemed to repeal, modify, or amend the provisions of section 1491 of title 48.

(Pub. L. 97–425, § 4, Jan. 7, 1983, 96 Stat. 2205.)

§ 10104. Ocean disposal

Nothing in this chapter shall be deemed to affect the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.).

(Pub. L. 97–425, § 5, Jan. 7, 1983, 96 Stat. 2205.)

REFERENCES IN TEXT

The Marine Protection, Research, and Sanctuaries Act of 1972, referred to in text, is Pub. L. 92–532, Oct. 23, 1972, 86 Stat. 1052, as amended, which enacted chapters 32 (§ 1431 et seq.) and 32A (§ 1447 et seq.) of Title 16, Conservation, and chapters 27 (§ 1401 et seq.) and 41 (§ 2801 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1401 of Title 33 and Tables.

§ 10105. Limitation on spending authority

The authority under this chapter to incur indebtedness, or enter into contracts, obligating amounts to be expended by the Federal Government shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts.

(Pub. L. 97–425, § 6, Jan. 7, 1983, 96 Stat. 2205.)

§ 10106. Protection of classified national security information

Nothing in this chapter shall require the release or disclosure to any person or to the Commission of any classified national security information.

(Pub. L. 97–425, § 7, Jan. 7, 1983, 96 Stat. 2205.)

§ 10107. Applicability to atomic energy defense activities

(a) Atomic energy defense activities

Subject to the provisions of subsection (c) of this section, the provisions of this chapter shall not apply with respect to any atomic energy defense activity or to any facility used in connection with any such activity.

(b) Evaluation by President

(1) Not later than 2 years after January 7, 1983, the President shall evaluate the use of disposal capacity at one or more repositories to be developed under part A of subchapter I of this chapter for the disposal of high-level radioactive waste resulting from atomic energy defense activities. Such evaluation shall take into consideration factors relating to cost efficiency, health and

safety, regulation, transportation, public acceptability, and national security.

(2) Unless the President finds, after conducting the evaluation required in paragraph (1), that the development of a repository for the disposal of high-level radioactive waste resulting from atomic energy defense activities only is required, taking into account all of the factors described in such subsection, the Secretary shall proceed promptly with arrangement for the use of one or more of the repositories to be developed under part A of subchapter I of this chapter for the disposal of such waste. Such arrangements shall include the allocation of costs of developing, constructing, and operating this repository or repositories. The costs resulting from permanent disposal of high-level radioactive waste from atomic energy defense activities shall be paid by the Federal Government, into the special account established under section 10222 of this title.

(3) Any repository for the disposal of high-level radioactive waste resulting from atomic energy defense activities only shall (A) be subject to licensing under section 5842 of this title; and (B) comply with all requirements of the Commission for the siting, development, construction, and operation of a repository.

(c) Applicability to certain repositories

The provisions of this chapter shall apply with respect to any repository not used exclusively for the disposal of high-level radioactive waste or spent nuclear fuel resulting from atomic energy defense activities, research and development activities of the Secretary, or both.

(Pub. L. 97–425, §8, Jan. 7, 1983, 96 Stat. 2205.)

§ 10108. Applicability to transportation

Nothing in this chapter shall be construed to affect Federal, State, or local laws pertaining to the transportation of spent nuclear fuel or high-level radioactive waste.

(Pub. L. 97–425, §9, Jan. 7, 1983, 96 Stat. 2206.)

SUBCHAPTER I—DISPOSAL AND STORAGE OF HIGH-LEVEL RADIOACTIVE WASTE, SPENT NUCLEAR FUEL, AND LOW-LEVEL RADIOACTIVE WASTE

§ 10121. State and affected Indian tribe participation in development of proposed repositories for defense waste

(a) Notification to States and affected Indian tribes

Notwithstanding the provisions of section 10107 of this title, upon any decision by the Secretary or the President to develop a repository for the disposal of high-level radioactive waste or spent nuclear fuel resulting exclusively from atomic energy defense activities, research and development activities of the Secretary, or both, and before proceeding with any site-specific investigations with respect to such repository, the Secretary shall notify the Governor and legislature of the State in which such repository is proposed to be located, or the governing body of the affected Indian tribe on whose reservation such repository is proposed to be located, as the case may be, of such decision.

(b) Participation of States and affected Indian tribes

Following the receipt of any notification under subsection (a) of this section, the State or Indian tribe involved shall be entitled, with respect to the proposed repository involved, to rights of participation and consultation identical to those provided in sections 10135 through 10138 of this title, except that any financial assistance authorized to be provided to such State or affected Indian tribe under section 10136(c) or 10138(b) of this title shall be made from amounts appropriated to the Secretary for purposes of carrying out this section.

(Pub. L. 97–425, title I, §101, Jan. 7, 1983, 96 Stat. 2206.)

PART A—REPOSITORIES FOR DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL

§ 10131. Findings and purposes

(a) The Congress finds that—

(1) radioactive waste creates potential risks and requires safe and environmentally acceptable methods of disposal;

(2) a national problem has been created by the accumulation of (A) spent nuclear fuel from nuclear reactors; and (B) radioactive waste from (i) reprocessing of spent nuclear fuel; (ii) activities related to medical research, diagnosis, and treatment; and (iii) other sources;

(3) Federal efforts during the past 30 years to devise a permanent solution to the problems of civilian radioactive waste disposal have not been adequate;

(4) while the Federal Government has the responsibility to provide for the permanent disposal of high-level radioactive waste and such spent nuclear fuel as may be disposed of in order to protect the public health and safety and the environment, the costs of such disposal should be the responsibility of the generators and owners of such waste and spent fuel;

(5) the generators and owners of high-level radioactive waste and spent nuclear fuel have the primary responsibility to provide for, and the responsibility to pay the costs of, the interim storage of such waste and spent fuel until such waste and spent fuel is accepted by the Secretary of Energy in accordance with the provisions of this chapter;

(6) State and public participation in the planning and development of repositories is essential in order to promote public confidence in the safety of disposal of such waste and spent fuel; and

(7) high-level radioactive waste and spent nuclear fuel have become major subjects of public concern, and appropriate precautions must be taken to ensure that such waste and spent fuel do not adversely affect the public health and safety and the environment for this or future generations.

(b) The purposes of this part are—

(1) to establish a schedule for the siting, construction, and operation of repositories that will provide a reasonable assurance that the

amount each fiscal year equal to the amount such Indian tribe would receive were it authorized to tax site characterization activities at such site, and the development and operation of such repository, as such Indian tribe taxes the other commercial activities occurring on such reservation. Such grants shall continue until such time as all such activities, development, and operation are terminated at such site.

(5)[1] An affected Indian tribe may not receive any grant under paragraph (1) after the expiration of the 1-year period following—

(i) the date on which the Secretary notifies such Indian tribe of the termination of site characterization activities at the candidate site involved on the reservation of such Indian tribe;

(ii) the date on which such site is disapproved under section 10135 of this title;

(iii) the date on which the Commission disapproves an application for a construction authorization for a repository at such site;[2]

(iv) December 22, 1987;

whichever occurs first, unless there is another candidate site on the reservation of such Indian tribe that is approved under section 10132(c) of this title and with respect to which the actions described in clauses (i), (ii), and (iii) have not been taken.

(B) An affected Indian tribe may not receive any further assistance under paragraph (2) with respect to a site if repository construction activities at such site are terminated by the Secretary or if such activities are permanently enjoined by any court.

(C) At the end of the 2-year period beginning on the effective date of any license to receive and possess for a repository at a site on the reservation of an affected Indian tribe, no Federal funds shall be made available under paragraph (1) or (2) to such Indian tribe, except for—

(i) such funds as may be necessary to support activities of such Indian tribe related to any other repository where a license to receive and possess has not been in effect for more than 1 year; and

(ii) such funds as may be necessary to support activities of such Indian tribe pursuant to agreements or contracts for impact assistance entered into, under paragraph (2), by such Indian tribe with the Secretary during such 2-year period.

(6) Financial assistance authorized in this subsection shall be made out of amounts held in the Nuclear Waste Fund established in section 10222 of this title.

(Pub. L. 97–425, title I, § 118, Jan. 7, 1983, 96 Stat. 2225; Pub. L. 100–202, § 101(d) [title III, § 300], Dec. 22, 1987, 101 Stat. 1329–104, 1329–121; Pub. L. 100–203, title V, § 5033, Dec. 22, 1987, 101 Stat. 1330–243.)

AMENDMENTS

1987—Subsec. (b)(5)(iv). Pub. L. 100–202 and Pub. L. 100–203 amended par. (5) identically, adding cl. (iv).

[1] So in original. Probably should be designated "(5)(A)".

[2] So in original. Probably should be followed by "or".

§ 10139. Judicial review of agency actions

(a) Jurisdiction of United States courts of appeals

(1) Except for review in the Supreme Court of the United States, the United States courts of appeals shall have original and exclusive jurisdiction over any civil action—

(A) for review of any final decision or action of the Secretary, the President, or the Commission under this part;

(B) alleging the failure of the Secretary, the President, or the Commission to make any decision, or take any action, required under this part;

(C) challenging the constitutionality of any decision made, or action taken, under any provision of this part;

(D) for review of any environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this part, or as required under section 10155(c)(1) of this title, or alleging a failure to prepare such statement with respect to any such action;

(E) for review of any environmental assessment prepared under section 10132(b)(1) or 10155(c)(2) of this title; or

(F) for review of any research and development activity under subchapter II of this chapter.

(2) The venue of any proceeding under this section shall be in the judicial circuit in which the petitioner involved resides or has its principal office, or in the United States Court of Appeals for the District of Columbia.

(c)[1] Deadline for commencing action

A civil action for judicial review described under subsection (a)(1) of this section may be brought not later than the 180th day after the date of the decision or action or failure to act involved, as the case may be, except that if a party shows that he did not know of the decision or action complained of (or of the failure to act), and that a reasonable person acting under the circumstances would not have known, such party may bring a civil action not later than the 180th day after the date such party acquired actual or constructive knowledge of such decision, action, or failure to act.

(Pub. L. 97–425, title I, § 119, Jan. 7, 1983, 96 Stat. 2227.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (a)(1)(D), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§ 4321 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of this title and Tables.

§ 10140. Expedited authorizations

(a) Issuance of authorizations

(1) To the extent that the taking of any action related to the site characterization of a site or the construction or initial operation of a reposi-

[1] So in original. No subsec. (b) has been enacted.

tory under this part requires a certificate, right-of-way, permit, lease, or other authorization from a Federal agency or officer, such agency or officer shall issue or grant any such authorization at the earliest practicable date, to the extent permitted by the applicable provisions of law administered by such agency or officer. All actions of a Federal agency or officer with respect to consideration of applications or requests for the issuance or grant of any such authorization shall be expedited, and any such application or request shall take precedence over any similar applications or requests not related to such repositories.

(2) The provisions of paragraph (1) shall not apply to any certificate, right-of-way, permit, lease, or other authorization issued or granted by, or requested from, the Commission.

(b) Terms of authorizations

Any authorization issued or granted pursuant to subsection (a) of this section shall include such terms and conditions as may be required by law, and may include terms and conditions permitted by law.

(Pub. L. 97–425, title I, § 120, Jan. 7, 1983, 96 Stat. 2227.)

§ 10141. Certain standards and criteria

(a) Environmental Protection Agency standards

Not later than 1 year after January 7, 1983, the Administrator, pursuant to authority under other provisions of law, shall, by rule, promulgate generally applicable standards for protection of the general environment from offsite releases from radioactive material in repositories.

(b) Commission requirements and criteria

(1)(A) Not later than January 1, 1984, the Commission, pursuant to authority under other provisions of law, shall, by rule, promulgate technical requirements and criteria that it will apply, under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) and the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.), in approving or disapproving—

(i) applications for authorization to construct repositories;

(ii) applications for licenses to receive and possess spent nuclear fuel and high-level radioactive waste in such repositories; and

(iii) applications for authorization for closure and decommissioning of such repositories.

(B) Such criteria shall provide for the use of a system of multiple barriers in the design of the repository and shall include such restrictions on the retrievability of the solidified high-level radioactive waste and spent fuel emplaced in the repository as the Commission deems appropriate.

(C) Such requirements and criteria shall not be inconsistent with any comparable standards promulgated by the Administrator under subsection (a) of this section.

(2) For purposes of this chapter, nothing in this section shall be construed to prohibit the Commission from promulgating requirements and criteria under paragraph (1) before the Administrator promulgates standards under subsection (a) of this section. If the Administrator promulgates standards under subsection (a) of this section after requirements and criteria are promulgated by the Commission under paragraph (1), such requirements and criteria shall be revised by the Commission if necessary to comply with paragraph (1)(C).

(c) Environmental impact statement

The promulgation of standards or criteria in accordance with the provisions of this section shall not require the preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), or to require any environmental review under subparagraph (E) or (F) of section 102(2) of such Act.

(Pub. L. 97–425, title I, § 121, Jan. 7, 1983, 96 Stat. 2228.)

REFERENCES IN TEXT

The Atomic Energy Act of 1954, referred to in subsec. (b)(1)(A), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 921, and amended, which is classified generally to chapter 23 (§ 2011 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of this title and Tables.

The Energy Reorganization Act of 1974, referred to in subsec. (b)(1)(A), is Pub. L. 93–438, Oct. 11, 1974, 88 Stat. 1233, as amended, which is classified principally to chapter 73 (§ 5801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

NUCLEAR WASTE STORAGE AND DISPOSAL AT YUCCA MOUNTAIN SITE

Pub. L. 102–486, title VIII, § 801, Oct. 24, 1992, 106 Stat. 2921, provided that:

"(a) ENVIRONMENTAL PROTECTION AGENCY STANDARDS.—

"(1) PROMULGATION.—Notwithstanding the provisions of section 121(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10141(a)), section 161 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(b)), and any other authority of the Administrator of the Environmental Protection Agency to set generally applicable standards for the Yucca Mountain site, the Administrator shall, based upon and consistent with the findings and recommendations of the National Academy of Sciences, promulgate, by rule, public health and safety standards for protection of the public from releases from radioactive materials stored or disposed of in the repository at the Yucca Mountain site. Such standards shall prescribe the maximum annual effective dose equivalent to individual members of the public from releases to the accessible environment from radioactive materials stored or disposed of in the repository. The standards shall be promulgated not later than 1 year after the Administrator receives the findings and recommendations of the National Academy of Sciences under paragraph (2) and shall be the only such standards applicable to the Yucca Mountain site.

"(2) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Within 90 days after the date of the enactment of this Act [Oct. 24, 1992], the Administrator shall contract with the National Academy of Sciences to conduct a study to provide, by not later than December 31, 1993, findings and recommendations on reasonable standards for protection of the public health and safety, including—

"(A) whether a health-based standard based upon doses to individual members of the public from releases to the accessible environment (as that term is defined in the regulations contained in subpart B of part 191 of title 40, Code of Federal Regulations,

(2) If the Commission determines that any long-term maintenance or monitoring, or both, will be necessary at a site described in paragraph (1), the Commission shall ensure before termination of the license involved that the licensee has made available such bonding, surety, or other financial arrangements as may be necessary to ensure that any necessary long-term maintenance or monitoring needed for such site will be carried out by the person having title and custody for such site following license termination.

(b) Title and custody

(1) The Secretary shall have authority to assume title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request of the owner of such waste and land and following termination of the license issued by the Commission for such disposal, if the Commission determines that—

(A) the requirements of the Commission for site closure, decommissioning, and decontamination have been met by the licensee involved and that such licensee is in compliance with the provisions of subsection (a) of this section;

(B) such title and custody will be transferred to the Secretary without cost to the Federal Government; and

(C) Federal ownership and management of such site is necessary or desirable in order to protect the public health and safety, and the environment.

(2) If the Secretary assumes title and custody of any such waste and land under this subsection, the Secretary shall maintain such waste and land in a manner that will protect the public health and safety, and the environment.

(c) Special sites

If the low-level radioactive waste involved is the result of a licensed activity to recover zirconium, hafnium, and rare earths from source material, the Secretary, upon request of the owner of the site involved, shall assume title and custody of such waste and the land on which it is disposed when such site has been decontaminated and stabilized in accordance with the requirements established by the Commission and when such owner has made adequate financial arrangements approved by the Commission for the long-term maintenance and monitoring of such site.

(Pub. L. 97–425, title I, § 151, Jan. 7, 1983, 96 Stat. 2244.)

PART E—REDIRECTION OF NUCLEAR WASTE PROGRAM

§ 10172. Selection of Yucca Mountain site

(a) In general

(1) The Secretary shall provide for an orderly phase-out of site specific activities at all candidate sites other than the Yucca Mountain site.

(2) The Secretary shall terminate all site specific activities (other than reclamation activities) at all candidate sites, other than the Yucca Mountain site, within 90 days after December 22, 1987.

(b) Eligibility to enter into benefits agreement

Effective on December 22, 1987, the State of Nevada shall be eligible to enter into a benefits agreement with the Secretary under section 10173 of this title.

(Pub. L. 97–425, title I, § 160, as added Pub. L. 100–202, § 101(d) [title III, § 300], Dec. 22, 1987, 101 Stat. 1329–104, 1329–121; Pub. L. 100–203, title V, § 5011(a), Dec. 22, 1987, 101 Stat. 1330–227.)

CODIFICATION

Pub. L. 100–202 and Pub. L. 100–203 added identical sections.

§ 10172a. Siting a second repository

(a) Congressional action required

The Secretary may not conduct site-specific activities with respect to a second repository unless Congress has specifically authorized and appropriated funds for such activities.

(b) Report

The Secretary shall report to the President and to Congress on or after January 1, 2007, but not later than January 1, 2010, on the need for a second repository.

(c) Termination of granite research

Not later than 6 months after December 22, 1987, the Secretary shall phase out in an orderly manner funding for all research programs in existence on December 22, 1987, designed to evaluate the suitability of crystalline rock as a potential repository host medium.

(d) Additional siting criteria

In the event that the Secretary at any time after December 22, 1987, considers any sites in crystalline rock for characterization or selection as a repository, the Secretary shall consider (as a supplement to the siting guidelines under section 10132 of this title) such potentially disqualifying factors as—

(1) seasonal increases in population;

(2) proximity to public drinking water supplies, including those of metropolitan areas; and

(3) the impact that characterization or siting decisions would have on lands owned or placed in trust by the United States for Indian tribes.

(Pub. L. 97–425, title I, § 161, as added Pub. L. 100–202, § 101(d) [title III, § 300], Dec. 22, 1987, 101 Stat. 1329–104, 1329–121; Pub. L. 100–203, title V, § 5012, Dec. 22, 1987, 101 Stat. 1330–231.)

CODIFICATION

Pub. L. 100–202 and Pub. L. 100–203 added identical sections.

PART F—BENEFITS

§ 10173. Benefits agreements

(a) In general

(1) The Secretary may enter into a benefits agreement with the State of Nevada concerning a repository or with a State or an Indian tribe concerning a monitored retrievable storage facility for the acceptance of high-level radioactive waste or spent nuclear fuel in that State

a detailed statement for not so revising the mission plan.

(3) The Secretary, after reviewing any other comments made by such agencies and revising the mission plan to the extent that the Secretary may consider to be appropriate, shall submit the mission plan to the appropriate committees of the Congress not later than 17 months after January 7, 1983. The mission plan shall be used by the Secretary at the end of the first period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) following receipt of the mission plan by the Congress.

(Pub. L. 97–425, title III, §301, Jan. 7, 1983, 96 Stat. 2255.)

§ 10222. Nuclear Waste Fund

(a) Contracts

(1) In the performance of his functions under this chapter, the Secretary is authorized to enter into contracts with any person who generates or holds title to high-level radioactive waste, or spent nuclear fuel, of domestic origin for the acceptance of title, subsequent transportation, and disposal of such waste or spent fuel. Such contracts shall provide for payment to the Secretary of fees pursuant to paragraphs (2) and (3) sufficient to offset expenditures described in subsection (d) of this section.

(2) For electricity generated by a civilian nuclear power reactor and sold on or after the date 90 days after January 7, 1983, the fee under paragraph (1) shall be equal to 1.0 mil per kilowatt-hour.

(3) For spent nuclear fuel, or solidified high-level radioactive waste derived from spent nuclear fuel, which fuel was used to generate electricity in a civilian nuclear power reactor prior to the application of the fee under paragraph (2) to such reactor, the Secretary shall, not later than 90 days after January 7, 1983, establish a 1 time fee per kilogram of heavy metal in spent nuclear fuel, or in solidified high-level radioactive waste. Such fee shall be in an amount equivalent to an average charge of 1.0 mil per kilowatt-hour for electricity generated by such spent nuclear fuel, or such solidified high-level waste derived therefrom, to be collected from any person delivering such spent nuclear fuel or high-level waste, pursuant to section 10143 of this title, to the Federal Government. Such fee shall be paid to the Treasury of the United States and shall be deposited in the separate fund established by subsection (c) of this section.[1] In paying such a fee, the person delivering spent fuel, or solidified high-level radioactive wastes derived therefrom, to the Federal Government shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of such spent fuel, or the solidified high-level radioactive waste derived therefrom.

(4) Not later than 180 days after January 7, 1983, the Secretary shall establish procedures for the collection and payment of the fees established by paragraph (2) and paragraph (3). The Secretary shall annually review the amount of the fees established by paragraphs (2) and (3) above to evaluate whether collection of the fee will provide sufficient revenues to offset the costs as defined in subsection (d) of this section. In the event the Secretary determines that either insufficient or excess revenues are being collected, in order to recover the costs incurred by the Federal Government that are specified in subsection (d) of this section, the Secretary shall propose an adjustment to the fee to insure full cost recovery. The Secretary shall immediately transmit this proposal for such an adjustment to Congress. The adjusted fee proposed by the Secretary shall be effective after a period of 90 days of continuous session have elapsed following the receipt of such transmittal unless during such 90-day period either House of Congress adopts a resolution disapproving the Secretary's proposed adjustment in accordance with the procedures set forth for congressional review of an energy action under section 6421 of this title.

(5) Contracts entered into under this section shall provide that—

(A) following commencement of operation of a repository, the Secretary shall take title to the high-level radioactive waste or spent nuclear fuel involved as expeditiously as practicable upon the request of the generator or owner of such waste or spent fuel; and

(B) in return for the payment of fees established by this section, the Secretary, beginning not later than January 31, 1998, will dispose of the high-level radioactive waste or spent nuclear fuel involved as provided in this subchapter.[1]

(6) The Secretary shall establish in writing criteria setting forth the terms and conditions under which such disposal services shall be made available.

(b) Advance contracting requirement

(1)(A) The Commission shall not issue or renew a license to any person to use a utilization or production facility under the authority of section 2133 or 2134 of this title unless—

(i) such person has entered into a contract with the Secretary under this section; or

(ii) the Secretary affirms in writing that such person is actively and in good faith negotiating with the Secretary for a contract under this section.

(B) The Commission, as it deems necessary or appropriate, may require as a precondition to the issuance or renewal of a license under section 2133 or 2134 of this title that the applicant for such license shall have entered into an agreement with the Secretary for the disposal of high-level radioactive waste and spent nuclear fuel that may result from the use of such license.

(2) Except as provided in paragraph (1), no spent nuclear fuel or high-level radioactive waste generated or owned by any person (other than a department of the United States referred to in section 101 or 102 of title 5) may be disposed of by the Secretary in any repository constructed under this chapter unless the generator or owner of such spent fuel or waste has entered

[1] See References in Text note below.

into a contract with the Secretary under this section by not later than—

(A) June 30, 1983; or

(B) the date on which such generator or owner commences generation of, or takes title to, such spent fuel or waste;

whichever occurs later.

(3) The rights and duties of a party to a contract entered into under this section may be assignable with transfer of title to the spent nuclear fuel or high-level radioactive waste involved.

(4) No high-level radioactive waste or spent nuclear fuel generated or owned by any department of the United States referred to in section 101 or 102 of title 5 may be disposed of by the Secretary in any repository constructed under this chapter unless such department transfers to the Secretary, for deposit in the Nuclear Waste Fund, amounts equivalent to the fees that would be paid to the Secretary under the contracts referred to in this section if such waste or spent fuel were generated by any other person.

(c) Establishment of Nuclear Waste Fund

There hereby is established in the Treasury of the United States a separate fund, to be known as the Nuclear Waste Fund. The Waste Fund shall consist of—

(1) all receipts, proceeds, and recoveries realized by the Secretary under subsections (a), (b), and (e) of this section, which shall be deposited in the Waste Fund immediately upon their realization;

(2) any appropriations made by the Congress to the Waste Fund; and

(3) any unexpended balances available on January 7, 1983, for functions or activities necessary or incident to the disposal of civilian high-level radioactive waste or civilian spent nuclear fuel, which shall automatically be transferred to the Waste Fund on such date.

(d) Use of Waste Fund

The Secretary may make expenditures from the Waste Fund, subject to subsection (e) of this section, only for purposes of radioactive waste disposal activities under subchapters I and II of this chapter, including—

(1) the identification, development, licensing, construction, operation, decommissioning, and post-decommissioning maintenance and monitoring of any repository, monitored,[2] retrievable storage facility[3] or test and evaluation facility constructed under this chapter;

(2) the conducting of nongeneric research, development, and demonstration activities under this chapter;

(3) the administrative cost of the radioactive waste disposal program;

(4) any costs that may be incurred by the Secretary in connection with the transportation, treating, or packaging of spent nuclear fuel or high-level radioactive waste to be disposed of in a repository, to be stored in a monitored,[2] retrievable storage site[3] or to be used in a test and evaluation facility;

(5) the costs associated with acquisition, design, modification, replacement, operation, and construction of facilities at a repository site, a monitored,[2] retrievable storage site[3] or a test and evaluation facility site and necessary or incident to such repository, monitored,[2] retrievable storage facility[3] or test and evaluation facility; and

(6) the provision of assistance to States, units of general local government, and Indian tribes under sections 10136, 10138, and 10199 of this title.

No amount may be expended by the Secretary under this subchapter[4] for the construction or expansion of any facility unless such construction or expansion is expressly authorized by this or subsequent legislation. The Secretary hereby is authorized to construct one repository and one test and evaluation facility.

(e) Administration of Waste Fund

(1) The Secretary of the Treasury shall hold the Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Waste Fund during the preceding fiscal year.

(2) The Secretary shall submit the budget of the Waste Fund to the Office of Management and Budget triennially along with the budget of the Department of Energy submitted at such time in accordance with chapter 11 of title 31. The budget of the Waste Fund shall consist of the estimates made by the Secretary of expenditures from the Waste Fund and other relevant financial matters for the succeeding 3 fiscal years, and shall be included in the Budget of the United States Government. The Secretary may make expenditures from the Waste Fund, subject to appropriations which shall remain available until expended. Appropriations shall be subject to triennial authorization.

(3) If the Secretary determines that the Waste Fund contains at any time amounts in excess of current needs, the Secretary may request the Secretary of the Treasury to invest such amounts, or any portion of such amounts as the Secretary determines to be appropriate, in obligations of the United States—

(A) having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Waste Fund; and

(B) bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such investments, except that the interest rate on such investments shall not exceed the average interest rate applicable to existing borrowings.

(4) Receipts, proceeds, and recoveries realized by the Secretary under this section, and expenditures of amounts from the Waste Fund, shall be exempt from annual apportionment under the provisions of subchapter II of chapter 15 of title 31.

(5) If at any time the moneys available in the Waste Fund are insufficient to enable the Secretary to discharge his responsibilities under

[2] So in original. The comma probably should not appear.

[3] So in original. Probably should be followed by a comma.

[4] See References in Text note below.

this subchapter,[5] the Secretary shall issue to the Secretary of the Treasury obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be agreed to by the Secretary and the Secretary of the Treasury. The total of such obligations shall not exceed amounts provided in appropriation Acts. Redemption of such obligations shall be made by the Secretary from moneys available in the Waste Fund. Such obligations shall bear interest at a rate determined by the Secretary of the Treasury, which shall be not less than a rate determined by taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the obligations under this paragraph. The Secretary of the Treasury shall purchase any issued obligations, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, and the purposes for which securities may be issued under such Act[5] are extended to include any purchase of such obligations. The Secretary of the Treasury may at any time sell any of the obligations acquired by him under this paragraph. All redemptions, purchases, and sales by the Secretary of the Treasury of obligations under this paragraph shall be treated as public debt transactions of the United States.

(6) Any appropriations made available to the Waste Fund for any purpose described in subsection (d) of this section shall be repaid into the general fund of the Treasury, together with interest from the date of availability of the appropriations until the date of repayment. Such interest shall be paid on the cumulative amount of appropriations available to the Waste Fund, less the average undisbursed cash balance in the Waste Fund account during the fiscal year involved. The rate of such interest shall be determined by the Secretary of the Treasury taking into consideration the average market yield during the month preceding each fiscal year on outstanding marketable obligations of the United States of comparable maturity. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest.

(Pub. L. 97–425, title III, §302, Jan. 7, 1983, 96 Stat. 2257.)

REFERENCES IN TEXT

Subsection (c) of this section, referred to in subsec. (a)(3), was in the original "subsection (c) 126(b)" and was translated as subsection (c) of this section as the probable intent of Congress in view of the establishment of the Nuclear Waste Fund by subsec. (c) of this section and the absence of a section 126 in Pub. L. 97–425.

This subchapter, referred to in subsecs. (a)(5)(B), (d), and (e)(5), was in the original "this subtitle", and was translated as this subchapter to reflect the probable intent of Congress because title III of Pub. L. 97–425, which enacted this subchapter, does not contain subtitles.

Such Act, referred to in subsec. (e)(5), probably means chapter 31 of Title 31, Money and Finance.

[5] See References in Text note below.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (e)(1) of this section relating to annual report to Congress, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 4th item on page 143 of House Document No. 103–7.

§ 10223. Alternative means of financing

The Secretary shall undertake a study with respect to alternative approaches to managing the construction and operation of all civilian radioactive waste management facilities, including the feasibility of establishing a private corporation for such purposes. In conducting such study, the Secretary shall consult with the Director of the Office of Management and Budget, the Chairman of the Commission, and such other Federal agency representatives as may be appropriate. Such study shall be completed, and a report containing the results of such study shall be submitted to the Congress, within 1 year after January 7, 1983.

(Pub. L. 97–425, title III, §303, Jan. 7, 1983, 96 Stat. 2261.)

§ 10224. Office of Civilian Radioactive Waste Management

(a) Establishment

There hereby is established within the Department of Energy an Office of Civilian Radioactive Waste Management. The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate payable for level IV of the Executive Schedule under section 5315 of title 5.

(b) Functions of Director

The Director of the Office shall be responsible for carrying out the functions of the Secretary under this chapter, subject to the general supervision of the Secretary. The Director of the Office shall be directly responsible to the Secretary.

(c) Annual report to Congress

The Director of the Office shall annually prepare and submit to the Congress a comprehensive report on the activities and expenditures of the Office.

(d) Audit by GAO

If requested by either House of the Congress (or any committee thereof) or if considered necessary by the Comptroller General, the Government Accountability Office shall conduct an audit of the Office, in accord with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit a report on the results of each audit conducted under this section.

(Pub. L. 97–425, title III, §304, Jan. 7, 1983, 96 Stat. 2261; Pub. L. 104–66, title I, §1052(*l*), Dec. 21, 1995, 109 Stat. 719; Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814.)

(ii) The manner in which copies of the safety analysis, if any, may be obtained and examined; and

(iii) A finding that the application for the license or amendment complies with the requirements of the Act and this chapter.

(2) In the case of a finding under § 52.103(g) of this chapter:

(i) The manner in which copies of the safety analysis, if any, may be obtained and examined; and

(ii) A finding that the prescribed inspections, tests, and analyses have been performed, the prescribed acceptance criteria have been met, and that the license complies with the requirements of the Act and this chapter.

(c) The Director of Nuclear Material Safety and Safeguards will also cause to be published in the FEDERAL REGISTER notice of, and will inform the State, local, and Tribal officials specified in § 2.104(e) of any action with respect to an application for construction authorization for a high-level radioactive waste repository at a geologic repository operations area, a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to parts 60 or 63 of this chapter, or an amendment to such license for which a notice of proposed action has been previously published.

(d) The Director of Nuclear Material Safety and Safeguards will also cause to be published in the FEDERAL REGISTER notice of, and will inform the State and local officials or tribal governing body specified in § 2.104(e) of any licensing action with respect to a license to receive radioactive waste from other persons for disposal under part 61 of this chapter or the amendment of such a license for which a notice of proposed action has been previously published.

[37 FR 15131, July 28, 1972, as amended at 38 FR 9586, Apr. 18, 1973; 46 FR 13978, Feb. 25, 1981; 47 FR 57478, Dec. 27, 1982; 66 FR 55787, Nov. 2, 2001; 69 FR 2235, Jan. 14, 2004; 72 FR 49473, Aug. 28, 2007; 73 FR 5716, Jan. 31, 2008]

§ 2.107 Withdrawal of application.

(a) The Commission may permit an applicant to withdraw an application prior to the issuance of a notice of hearing on such terms and conditions as it may prescribe, or may, on receiving a request for withdrawal of an application, deny the application or dismiss it with prejudice. If the application is withdrawn prior to issuance of a notice of hearing, the Commission shall dismiss the proceeding. Withdrawal of an application after the issuance of a notice of hearing shall be on such terms as the presiding officer may prescribe.

(b) The withdrawal of an application does not authorize the removal of any document from the files of the Commission.

(c) The Director, Office of Nuclear Reactor Regulation, Director, Office of New Reactors, or Director, Office of Nuclear Material Safety and Safeguards, as appropriate, will cause to be published in the FEDERAL REGISTER a notice of the withdrawal of an application if notice of receipt of the application has been previously published.

[27 FR 377, Jan. 13, 1962, as amended at 28 FR 10152, Sept. 17, 1963; 69 FR 2236, Jan. 14, 2004; 73 FR 5716, Jan. 31, 2008]

§ 2.108 Denial of application for failure to supply information.

(a) The Director, Office of Nuclear Reactor Regulation, Director, Office of New Reactors, or Director, Office of Nuclear Material Safety and Safeguards, as appropriate, may deny an application if an applicant fails to respond to a request for additional information within thirty (30) days from the date of the request, or within such other time as may be specified.

(b) The Director, Office of Nuclear Reactor Regulation, Director, Office of New Reactors, or Director, Office of Nuclear Material Safety and Safeguards, as appropriate, will cause to be published in the FEDERAL REGISTER a notice of denial when notice of receipt of the application has previously been published, but notice of hearing has not yet been published. The notice of denial will provide that, within thirty (30) days after the date of publication in the FEDERAL REGISTER.

(1) The applicant may demand a hearing, and

(2) Any person whose interest may be affected by the proceeding may file a petition for leave to intervene.

comments received during public review of the draft EIS, as provided at 40 CFR 1503.4. In addition to the requirements at 40 CFR 1502.9(b), a DOE final EIS may include any Statement of Findings required by 10 CFR part 1022, "Compliance with Floodplain and Wetland Environmental Review Requirements," or a Statement of Findings may be issued separately.

(d) DOE shall use appropriate means to publicize the availability of draft and final EISs and the time and place for public hearings on a draft EIS. The methods chosen should focus on reaching persons who may be interested in or affected by the proposal and may include the methods listed in 40 CFR 1506.6(b)(3).

[57 FR 15144, Apr. 24, 1992, as amended at 68 FR 51432, Aug. 27, 2003]

§ 1021.314 Supplemental environmental impact statements.

(a) DOE shall prepare a supplemental EIS if there are substantial changes to the proposal or significant new circumstances or information relevant to environmental concerns, as discussed in 40 CFR 1502.9(c)(1).

(b) DOE may supplement a draft EIS or final EIS at any time, to further the purposes of NEPA, in accordance with 40 CFR 1502.9(c)(2).

(c) When it is unclear whether or not an EIS supplement is required, DOE shall prepare a Supplement Analysis.

(1) The Supplement Analysis shall discuss the circumstances that are pertinent to deciding whether to prepare a supplemental EIS, pursuant to 40 CFR 1502.9(c).

(2) The Supplement Analysis shall contain sufficient information for DOE to determine whether:

(i) An existing EIS should be supplemented;

(ii) A new EIS should be prepared; or

(iii) No further NEPA documentation is required.

(3) DOE shall make the determination and the related Supplement Analysis available to the public for information. Copies of the determination and Supplement Analysis shall be provided upon written request. DOE shall make copies available for inspection in the appropriate DOE public reading room(s) or other appropriate location(s) for a reasonable time.

(d) DOE shall prepare, circulate, and file a supplement to a draft or final EIS in the same manner as any other draft and final EISs, except that scoping is optional for a supplement. If DOE decides to take action on a proposal covered by a supplemental EIS, DOE shall prepare a ROD in accordance with the provisions of § 1021.315 of this part.

(e) When applicable, DOE will incorporate an EIS supplement, or the determination and supporting Supplement Analysis made under paragraph (c) of this section, into any related formal administrative record on the action that is the subject of the EIS supplement or determination (40 CFR 1502.9(c)(3)).

§ 1021.315 Records of decision.

(a) No decision may be made on a proposal covered by an EIS during a 30-day "waiting period" following completion of the final EIS, except as provided at 40 CFR 1506.1 and 1506.10(b) and § 1021.211 of this part. The 30-day period starts when the EPA Notice of Availability for the final EIS is published in the FEDERAL REGISTER.

(b) If DOE decides to take action on a proposal covered by an EIS, a ROD shall be prepared as provided at 40 CFR 1505.2 (except as provided at 40 CFR 1506.1 and § 1021.211 of this part).

(c) DOE RODs shall be published in the FEDERAL REGISTER and made available to the public as specified in 40 CFR 1506.6, except as provided in 40 CFR 1507.3(c) and § 1021.340 of this part.

(d) No action shall be taken until the decision has been made public. DOE may implement the decision before the ROD is published in the FEDERAL REGISTER if the ROD has been signed and the decision and the availability of the ROD have been made public by other means (e.g., press release, announcement in local media).

(e) DOE may revise a ROD at any time, so long as the revised decision is adequately supported by an existing EIS. A revised ROD is subject to the provisions of paragraphs (b), (c), and (d) of this section.

[57 FR 15144, Apr. 24, 1992, as amended at 61 FR 36239, July 9 1996]

§ 1505.2 Record of decision in cases requiring environmental impact statements.

At the time of its decision (§ 1506.10) or, if appropriate, its recommendation to Congress, each agency shall prepare a concise public record of decision. The record, which may be integrated into any other record prepared by the agency, including that required by OMB Circular A–95 (Revised), part I, sections 6(c) and (d), and part II, section 5(b)(4), shall:

(a) State what the decision was.

(b) Identify all alternatives considered by the agency in reaching its decision, specifying the alternative or alternatives which were considered to be environmentally preferable. An agency may discuss preferences among alternatives based on relevant factors including economic and technical considerations and agency statutory missions. An agency shall identify and discuss all such factors including any essential considerations of national policy which were balanced by the agency in making its decision and state how those considerations entered into its decision.

(c) State whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not. A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation.

§ 1505.3 Implementing the decision.

Agencies may provide for monitoring to assure that their decisions are carried out and should do so in important cases. Mitigation (§ 1505.2(c)) and other conditions established in the environmental impact statement or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency. The lead agency shall:

(a) Include appropriate conditions in grants, permits or other approvals.

(b) Condition funding of actions on mitigation.

(c) Upon request, inform cooperating or commenting agencies on progress in carrying out mitigation measures which they have proposed and which were adopted by the agency making the decision.

(d) Upon request, make available to the public the results of relevant monitoring.

PART 1506—OTHER REQUIREMENTS OF NEPA

Sec.

1506.1 Limitations on actions during NEPA process.
1506.2 Elimination of duplication with State and local procedures.
1506.3 Adoption.
1506.4 Combining documents.
1506.5 Agency responsibility.
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1506.7 Further guidance.
1506.8 Proposals for legislation.
1506.9 Filing requirements.
1506.10 Timing of agency action.
1506.11 Emergencies.
1506.12 Effective date.

AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 *et seq.*), sec. 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and E.O. 11514 (Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977).

SOURCE: 43 FR 56000, Nov. 29, 1978, unless otherwise noted.

§ 1506.1 Limitations on actions during NEPA process.

(a) Until an agency issues a record of decision as provided in § 1505.2 (except as provided in paragraph (c) of this section), no action concerning the proposal shall be taken which would:

(1) Have an adverse environmental impact; or

(2) Limit the choice of reasonable alternatives.

(b) If any agency is considering an application from a non-Federal entity, and is aware that the applicant is about to take an action within the agency's jurisdiction that would meet either of the criteria in paragraph (a) of this section, then the agency shall promptly notify the applicant that the agency will take appropriate action to insure that the objectives and procedures of NEPA are achieved.

(c) While work on a required program environmental impact statement is in progress and the action is not covered by an existing program statement,

RCW 90.03.010
Appropriation of water rights — Existing rights preserved.

The power of the state to regulate and control the waters within the state shall be exercised as hereinafter in this chapter provided. Subject to existing rights all waters within the state belong to the public, and any right thereto, or to the use thereof, shall be hereafter acquired only by appropriation for a beneficial use and in the manner provided and not otherwise; and, as between appropriations, the first in time shall be the first in right. Nothing contained in this chapter shall be construed to lessen, enlarge, or modify the existing rights of any riparian owner, or any existing right acquired by appropriation, or otherwise. They shall, however, be subject to condemnation as provided in RCW 90.03.040, and the amount and priority thereof may be determined by the procedure set out in RCW 90.03.110 through 90.03.240.

[1917 c 117 § 1; RRS § 7351. Prior: 1891 p 127 § 1. Formerly RCW 90.04.020.]

DOE'S REVISED SCHEDULE FOR YUCCA MOUNTAIN

HEARING

BEFORE THE

SUBCOMMITTEE ON ENERGY AND AIR QUALITY

OF THE

COMMITTEE ON ENERGY AND COMMERCE
HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

JULY 19, 2006

Serial No. 109-118

Printed for the use of the Committee on Energy and Commerce

Available via the World Wide Web: http://www.access.gpo.gov/congress/house

U.S. GOVERNMENT PRINTING OFFICE

30-416PDF WASHINGTON : 2006

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DOE'S REVISED SCHEDULE FOR YUCCA MOUNTAIN

THURSDAY, JULY 19, 2006

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
SUBCOMMITTEE ON ENERGY AND AIR QUALITY,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:00 p.m., in Room 2322 of the Rayburn House Office Building, the Hon. Ralph M. Hall [Chairman] presiding.

Members present: Representatives Hall, Norwood, Shimkus, Wilson, Radanovich, Bono, Otter, Murphy, Barton (ex officio); Boucher, Wynn, Allen, Gonzalez, and Dingell (ex officio).

Staff Present: David McCarthy, Chief Counsel for Energy and Environment; Elizabeth Stack, Policy Coordinator; Annie Caputo, Professional Staff Member; Peter Kielty, Legislative Clerk; Sue Sheridan, Minority Senior Counsel; and Alec Gerlach, Minority Research Assistant.

MR. HALL. Okay. I thank everyone. We will come to order.

I might announce first that we are expecting a vote any time, and I am not sure how many votes we will have, anywhere from one to three maybe. But we will vote as quickly as we can and get back to where we were so we don't waste as much time or, for the attorneys in the crowd, that doesn't run your hours up too much. I have been asked to do that by the folks that you work for. We are going to get you in and out of here just as quick as we can.

The main ones are here, Mr. Rick Boucher, who is the leading gentleman from the great State of Virginia.

I will make an opening statement, and probably by the time I finish my opening statement the buzzer will go off, and we will start voting.

Mr. Sproat, we are very happy to have you, and the subcommittee will come to order, and I want to welcome you. I had a chance to visit with you. I know of you. As Director of the DOE Office of Civilian Radioactive Waste Management, you have a big job in front of you.

I was just talking to one of the young men that worked for me back in 1983 when we started working on this legislation, trying to put it together. I was so naive then that I thought we had to hurry up and get it together, get it printed up and get it voted on where we could get it behind us. And here it is 2006, and we are still working on it.

But I have read your background and some of your opening statement, and you are about as straightforward as anybody I have come across yet. You have a huge job, and we really wish you well.

Without objection, the subcommittee will proceed pursuant to committee rule 4(e) which allows members the opportunity to defer opening statements for extra questioning time; and the Chair will recognize himself for an opening statement.

First, I want to thank Ranking Member Rich Boucher--Rick Boucher. I know your name, Rick. And Chairman Barton is usually here and, if he is not here, he will be here; and when he is here, we will open up and let him ask his questions where he can be underway with his major duties as Chairman of the Energy and Commerce Committee.

But I want to thank you, Mr. Boucher, Chairman Barton, and Ranking Member Dingell of the full committee for their help in setting up this hearing.

Yucca Mountain is a necessary solution for how to dispose of our Nation's nuclear waste. We have known that a long time. As I have said before, we can't allow this program to falter any more. We owe it to our children and to our grandchildren to live up to the commitment to build a safe and secure repository. It is my sincere hope that this new schedule is the last time that Yucca Mountain gets delayed.

I am a strong supporter of nuclear energy, and I am anxious to see new plants get built for that to happen. The public needs confidence that DOE will build the repository and meet their obligation to dispose of spent fuel. Otherwise, the lack of process at Yucca Mountain will jeopardize new plant construction; and we need that.

Today's hearing is an opportunity for us to examine the revised schedule for Yucca Mountain. I have noticed that there is no funding profile accompanying this schedule. It is difficult to assess this new schedule without knowing what resources are necessary to accomplish it. So, Mr. Sproat, I would like for you to provide that funding profile to the committee as soon as you possibly can.

I encourage my colleagues to use this hearing to gain a better understanding of the issues before us in preparation of possible legislative action, and I remind all members of the opportunity to ask questions for the record. They will be answered and sent to you. And, Mr. Sproat, I ask you to respond as quickly as possible to the questions; and I look forward to working with you and listening to your testimony today.

I recognize Mr. Boucher.

[Prepared Statement of the Hon. Ralph Hall follows:]

PREPARED STATEMENT OF THE HON. RALPH HALL, CHAIRMAN, SUBCOMMITTEE ON ENERGY AND AIR QUALITY

The Subcommittee will come to order. I would like to welcome Mr. Ward Sproat, Director of DOE's Office of Civilian Radioactive Waste Management, to this Committee. Without objection, the Subcommittee will proceed pursuant to Committee Rule 4(e), which allows Members the opportunity to defer opening statements for extra questioning time.

The Chair recognizes himself for an opening statement. First, I want to thank Ranking Member Rick Boucher, and Chairman Barton and Ranking Member Dingell of the Full Committee for their help is setting up this hearing.

Yucca Mountain is a necessary solution for how to dispose of our nation's nuclear waste. As I've said before, we can't allow this program to falter. We owe it to our children and grandchildren to live up to the commitment to build a safe and secure repository. It is my **sincere hope** that this new schedule is the last time that Yucca Mountain gets delayed.

I am a strong supporter of nuclear energy and I'm anxious to see new plants get built. For that to happen, the public needs confidence that DOE will build the repository and meet their obligation to dispose of the spent fuel. Otherwise, the lack of progress at Yucca Mountain could jeopardize new plant construction.

Today's hearing is an opportunity for us to examine the revised schedule for Yucca Mountain. I've noticed that there is no funding profile accompanying this schedule. It's difficult to assess this new schedule without knowing what resources are necessary to accomplish it. I'd like you to provide that funding profile to the Committee as soon as possible.

I encourage my colleagues to use this hearing to gain a better understanding of the issue before us in preparation for possible legislative action. I remind all Members of the opportunity to ask questions for the record following the hearing. I have asked the committee staff to help pull together those questions that come in quickly. Mr. Sproat, I ask you to please respond to questions as soon as you can. I look forward to working with you, and listening to your testimony today.

MR. BOUCHER. Well, thank you very much, Chairman Hall. I appreciate your work with our side of the aisle as together we made preparations for this hearing, and I appreciate your scheduling the hearing today.

The subject of the Yucca Mountain nuclear waste repository is a matter of great concern to many stakeholders, including the electricity consumers who are each year financing the Nuclear Waste Fund. As a follow-up to our March hearing, it is appropriate that we learn today about the Department of Energy's recent review of the program and the revised schedule for development of the repository.

I would note, Mr. Chairman, and I think you would agree, that there is a bipartisan commitment on this committee to move the Yucca Mountain project forward as rapidly as is possible.

In March, we were told that the Department was undertaking a review of the design of the repository and was unable to provide any updated estimates of when the license application would be filed or when the depository might open and start receiving waste.

Since that time, the Department has concluded its review and prepared a revised schedule for the submission of a license application to the Nuclear Regulatory Commission and subsequent construction and opening of the facility. The announcement of a revised schedule is highly significant, and we welcome a presentation of it today.

In 2002, Yucca Mountain was certified as the site for the Nation's repository of spent nuclear fuel. But the project has experienced numerous delays. The Nuclear Waste Act set the original goal of 1998 for opening the repository, and by missing that date the Department of Energy was found to be in breach of its original obligations.

More recently, the Department had hoped to file a license of application with the NRC by 2004 and begin accepting waste in 2010. The target for the application was missed, and the Department now sees 2017 as the earliest date for opening of the facility.

In addition, the long standing matter of funding for the Yucca Mountain project continues to be of concern, while the balance in the Nuclear Waste Fund is currently approximately $19 billion and annual appropriations for the Yucca Mountain project represent only a fraction of the amount that is annually contributed by the ratepayers. This year, for example, the Administration has proposed $156 million for civilian nuclear waste disposal, but $750 million in ratepayer contributions will enter the Nuclear Waste Fund this year. These moneys are not walled off in the budget and protected and are therefore being spent for other purposes.

Over the past several years, a number of legislative proposals to address the funding mechanism and provide protection for the monies entering the Nuclear Waste Fund have been proposed and debated and approved in this committee. However, given the objections of other committees, no resolution has been reached on this matter.

An issue of long standing concern is the funding mechanism, and I look forward to hearing from Mr. Sproat today regarding the funding system which will be required in order to meet the revised schedule and any comments that he may have regarding the adequacies or inadequacies of the existing funding system. Funding is a central focus of this committee's work with regard to Yucca Mountain. I know it is central concern of yourself, also, Mr. Sproat.

With those comments, let me say that I very much look forward to your testimony; and, Chairman Hall, thank you again for convening today's hearing.

MR. HALL. Thank you.

Recognize the gentleman from Illinois, Vice Chair of this committee, Mr. Shimkus.

MR. SHIMKUS. I will yield for my 8 minutes. But there is a formal statement I have to make based upon the Director's presence and his daughter in the room. I just have to formally say, "Beat Navy," and I yield back.

MR. HALL. With those instructions, we have read the background of our witness and you are the only witness that has been asked to come here today.

I didn't see my friend from Texas, Mr. Gonzalez.

MR. GONZALEZ. I will waive opening. Thank you.

MR. HALL. Thank you for doing that.

Now as I was saying before I was interrupted, we recognize you for your opening statement.

Mr. Dingell just showed up. The Ranking Member is worth waiting for. I recognize you for an opening statement.

MR. DINGELL. Mr. Chairman, thank you for your courtesy; and thank you for holding this hearing. I believe it is timely, and it provides the committee an opportunity to hear and the Department of Energy a chance to honor the commitment it made to the subcommittee in March. I am encouraged and I find it an encouraging sign for DOE to meet the deadline it predicted for setting forth its revised Yucca Mountain program. I hope this trend will continue.

As the Department acknowledged in March testimony, there has been speculation about whether or not we still need Yucca Mountain--I agree with DOE; the answer is yes--and the trust that it can demonstrate today that this long-delayed program can be put on a sound footing. For several reasons, the program now stands at a critical juncture. I would observe that that is not new and it has been going on for more than a little while.

First, as has often been noted, if we were to retain the nuclear option in this country, DOE must demonstrate that it can fulfill its statutory obligation to file a solid license application to the Nuclear Regulatory Commission, the NRC, within a credible timeframe.

Second, the Federal government has a moral duty to use the millions of dollars that ratepayers have contributed to the Nuclear Waste Fund as Congress intended. Thus, the funds should not be diverted to more speculative alternatives.

As you know, the U.S. Treasury is and likely will continue paying out billions of dollars--and I repeat--billions of dollars for breaching its contracts with the utilities, an indefensible situation. A change in the use of the Fund during the appropriations process could undermine the remaining confidence that States, regulatories, and industry may have that Yucca Mountain will ever open; and we will send a disturbing signal

to communities around the nuclear plants who bear the burden of on-site storage.

Finally, I am mindful that the Department set up legislation in April which our Chairman has introduced by request. At the subcommittee's last Yucca Mountain hearing, I indicated that absence of clear understanding of the Department's recent revamping of the program as scheduled for filing an application with NRC and the revised cost applications. It would be impossible for Congress to assess whether or not new legislation is needed.

My impression is that there is plenty of room for DOE to do things while the Congress weighs these developments, starting with the information in today's testimony.

I am a strong supporter of the Nuclear Waste Policy Act, but I am open to considering the need for changes. The Department's legislative proposal, however, does not appear to directly affect the NRC application process; and the Department would be ill-advised to carry--rather, to tarry in completing this task. As we have seen, destined failure to file an application tends to create a vacuum into which all manner of strange ideas might take root and blossom.

In summary, the ratepayers have paid into the fund for so many years, utilities have counted on Yucca Mountain, and the potential investors in the nuclear industry need a clear signal that DOE can put this program right. I look forward to the testimony of our witnesses, and I thank my colleagues for their attention, and I thank you, Mr. Chairman, for this hearing. Thank you.

MR. HALL. Mr. Chairman, we thank you.

Recognize the gentlelady from New Mexico, Ms. Wilson, for opening statement.

MS. WILSON. I will pass.

MR. HALL. The Chair recognizes Tom Allen, the gentleman from Maine, for opening statement.

MR. ALLEN. Thank you, Mr. Chairman, for holding this hearing and for the bipartisan way in which you and Chairman Barton have dealt with the Yucca Mountain issue.

Mr. Sproat, I am glad you are here today and that you have met your Department's commitment to give us revised timetables for submitting a license application for Yucca Mountain as well as a revised timetable for construction and opening of the repository.

I applaud your commitment to the Yucca Mountain Program and to a reform of the Office of Civilian Radioactive Waste Management. There is clearly much work to do. Even with your timetable, the Yucca Mountain license application will be 6 years late and the opening of the

repository will be at best 19 years beyond the deadlines set by the Nuclear Waste Policy Act.

I am troubled by several parts of your prepared testimony.

First, I question the value of making further assessments of the draft license application. If these assessments make the application significantly stronger, then there is value to them. But they must not delay the time table for filing the license application itself. The overriding goal has to be to file the application on time.

Second, I am concerned about the Department's failure to meet its contractual obligations to take possession of the spent nuclear fuel at nuclear power plants.

In Maine, we have no active nuclear power plants, but we do have spent nuclear fuel. Maine ratepayers have paid and continue to pay millions of dollars into the Nuclear Waste Trust Fund, ostensibly to provide funding for Yucca Mountain. These payments continue, even though Maine consumers no longer use nuclear power to generate their electricity.

As taxpayers, Mainers are paying into the Department of Justice's judgment fund which will be used to cover the enormous damages the utilities will inevitably be entitled to because of the Department's breach of contract. In effect, Maine taxpayers will be reimbursing Maine ratepayers and utilities with hundreds of millions of dollars in a financial shell game that will do nothing to achieve the ultimate goal: the transfer of Maine's nuclear waste to Yucca Mountain.

In your prepared testimony you acknowledge the need for a portfolio of legal and financial solutions to address these problems and indicate that you intend to work with Congress on these issues. I would like more specifics as we go forward.

Finally, I am a little surprised that your timetable does not include revised budget estimates. We need that information to make informed policy judgments, and I hope that that information will soon be forthcoming.

And the bottom line, Mr. Sproat, is that I am pleased to have you here and look forward to your testimony.

MR. HALL. Thank you.

The Chair recognizes the Chairman of Energy and Commerce, Mr. Barton.

CHAIRMAN BARTON. Thank you, Mr. Chairman, Ranking Member Boucher, for having this hearing.

I feel very strongly about this issue, and I remain committed to caring out our Nation's nuclear energy policy and building a repository at Yucca Mountain. It is a critical step of that policy.

Today, we have before us the long-awaited, much-anticipated new schedule for Yucca Mountain. In 1982, Congress directed DOE to begin operating the repository by January 31st, 1998. So even as we are holding this hearing, we are already over 8 years late.

The revised schedule projects filing the license application in June of 2008, the commencement of operation in 2017, 11 years from today. If that happens, it is only going to be 19 years late.

There are those that hope and believe that late means never. Frustration over these continued delays prompts questions on whether Congress should just give up on Yucca Mountain and look for other options.

I am frustrated by lack of progress at Yucca, but I am not giving up, because I am not aware of any credible alternative to permanent disposal in a deep geologic repository. Interim storage and reprocessing are attracting discussion today, but they don't eliminate the need for repository for final disposal. I am not convinced that interim storage or reprocessing could be implemented any sooner than a faithful effort to finish Yucca Mountain.

Future generations may develop technology that provides more sophisticated solutions to the problem, and I hope that they do, but it is our job today to complete the one facility that remains necessary in any fuel cycle currently imagined. We in Congress have an obligation to finish what we started in 1982.

I think it is ironic that today, 2006, I am Chairman of the Energy and Commerce Committee. In 1982, I was a White House Fellow with the Department of Energy; and I was on one of the briefing teams that then briefed then Secretary of Energy James B. Edwards on the first proposal about Yucca Mountain back in 1982.

We owe it to everybody in this country who is getting electricity generated by nuclear power and who has already paid for the disposal because of their past contributions and who are paying for it today at the rate of over a billion dollars a year to build and maintain Yucca Mountain on the most feasible timeline possible.

Again, that deadline was supposed to have been 8 years ago in 1998. There are a lot of reasons and excuses to explain why progress on the repository has been so slow, but there is no better time than the present to be exploring what actions are necessary to begin operations as soon as possible.

Mr. Sproat, I met you in my office not too many days ago. I respect your resolve, I respect your energy, I respect your enthusiasm, your commitment to achieving progress on the repository license. As I told you then and I am telling you now, you have got your work cut out for you. But I really hope that you can succeed; and, if at all possible, I am

going to do everything I can as Chairman of this committee to help you succeed while so many other efforts have failed in the past. I look forward to hearing your testimony today.

[Prepared Statement of the Hon. Joe Barton follows:]

PREPARED STATEMENT OF THE HON. JOE BARTON, CHAIRMAN, COMMITTEE ON ENERGY AND COMMERCE

Thank you, Chairman Hall and Ranking Member Boucher for having this hearing. As you know, I feel very strongly about this issue and remain committed to carrying out our nation's nuclear energy policy and building a repository at Yucca Mountain is a critical step.

Today we have before us the long-awaited, much-anticipated new schedule for Yucca Mountain. In 1982, Congress directed DOE to begin operating the repository by January 31, 1998, so we're nearly eight years late today.

The revised schedule projects filing the license application in June of 2008 and commencement of operations in 2017. It will be 19 years late, and there are some who hope and believe that late means never. The frustration over these continuing delays prompts questions on whether Congress should give up on Yucca Mountain and look for other options.

I am frustrated by the lack of progress at Yucca Mountain, but I'm not giving up. I am not aware of any credible alternative to permanent disposal in a deep geologic repository. Interim storage and reprocessing are attracting discussion, but they don't eliminate the need for a repository for final disposal. And I am not convinced that interim storage or reprocessing could be implemented sooner that a faithful effort to finish Yucca Mountain. Future generations may develop technologies that provide more sophisticated solutions to this problem, and I hope they do. But it's our job to complete the one facility that remains necessary in any fuel cycle currently imagined.

We in Congress have an obligation to finish what we started in 1982. We owe it to the many states that are now storing the nuclear waste and spent fuel destined for disposal at Yucca Mountain. We owe it to all those electricity ratepayers who have paid for disposal. And we owe it to all the taxpayers who are paying approximately a billion dollars a year because of DOE's failure to meet the 1998 deadline.

There is a mountain of reasons and excuses to explain why progress on the repository has slow. But there is no better time than the present to begin exploring what actions may be necessary to begin operations as soon as possible.

Mr. Sproat, I respect your resolve and commitment to achieving progress on the repository license. You have your work cut out for you, but I really hope you can succeed where so many others have not. I look forward to hearing your testimony.

MR. HALL. The Chair recognizes the gentlelady from California, Ms. Bono, for opening statement if she likes.

MS. BONO. Thank you for holding this hearing, and I will waive.

MR. HALL. Mr. Murphy, do you have an opening statement?

MR. MURPHY. I will waive.

[Additional statements submitted for the record follows:]

PREPARED STATEMENT OF THE HON. CHARLIE NORWOOD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Mr. Chairman,

Thank you for holding this hearing on Yucca Mountain, which is not only important to our nuclear industry, but also to our overall energy security, diversity and reliability.

The nuclear energy industry is doing its job. It provides clean, cheap, reliable power for about 20% of our electricity needs. One uranium pellet smaller than my thumb equals about 17,000 cubic feet of natural gas, nearly one ton of coal, or 149 gallons of gas. And it does this without any harmful emissions. The industry's safety record is impeccable for both plants and also waste transportation and storage. In a time of rising energy costs, expanding nuclear power should be a no brainer. The Energy Policy Act included good policy to help expand nuclear power, and industry is prepared to do so. But as is the case with most good ideas, one simple thing stands in the way.

In order to move forward, in order to meet the growing need for power, the federal government is going to need to live up to its commitment on waste disposal. Yucca Mountain--after decades of study, after billions of dollars, after years of court battles--needs to be operational. Most people here today refer to that concept as "waste confidence." But we have been around this block a number of times with no resolution.

Frankly, instead of waste confidence what we still lack is Administration confidence. I have been on this panel as long as I have been in Congress and this debate seems to continue endlessly. But we can't afford to give up, because this piece of the puzzle is critical to our nation. Yucca Mountain must open because our power needs aren't going to go away. China and India aren't going to stop aggressively pursuing fossil fuels like oil and gas, keeping their costs high. And leaving the current waste in place all around the nation in temporary sites isn't safe in the long term.

Just as Congress shouldn't ignore its promises to veterans, or its promises to retirees, it cannot ignore its promise in this area now. We need a schedule and need to stick to it.

I believe Mr. Sproat can do this job, and I continue to have faith that this Administration wants to do this work. I look forward to hearing about how the Department is going to take action, not another timeframe for another study to see what the timeframe ought to be to start work.

Thank you and I yield back my time.

PREPARED STATEMENT OF THE HON. EDWARD J. MARKEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. Chairman, thank you for calling this afternoon's hearing.

Today we will hear the latest estimates from the Department of Energy regarding its schedule for moving forward to seek a license from the Nuclear Regulatory Commission to store all of the nation's high-level radioactive nuclear waste in Yucca Mountain.

The nuclear waste program has been one of the longest running jokes in Washington for the last thirty years. The Department of Energy and its predecessor agencies started out studying more than 30 potential sites back in the 1970s. After passage of the 1982 Nuclear Waste Policy Act, the search was narrowed to a dozen potential sites for two permanent waste repositories--9 potential sites for the first repository and 12 sites in 7 states for the second. One repository was to be West of the Mississippi and the other East of the Mississippi. In 1986, DOE (for political reasons) dropped the search for the second repository, nominated 5 sites as suitable for the first repository, and (again for political reasons) focused on 3 potential sites in the West for actual site characterization. In 1987, Congress (again for political reasons) put the second repository on permanent hold and further limited the search for the first repository down to a single site: Yucca Mountain, Nevada.

That decision was not based on science. It was based on politics, on the fact that the Congressional delegations from the other states previously under consideration were able to use their political muscle pass the Nuclear Queen of Spades on over to the State of Nevada. The Department of Energy was then left with a fool's errand: come up with a post-hoc technical and scientific rationalization for a policy that was based entirely on politics. It is an unenviable task.

While the testimony we will hear today expresses optimism that a license application can be submitted to the NRC by September 2008 and that the repository itself can begin receiving waste by March 2017, there is good reason to doubt that the Department will be able to meet these objectives. Consider some of the problems that have come to light about this program over the course of the last two years:

- In 2004, the Court threw out EPA's first Radiation Protection Standards because they were not strong enough to protect the public from radiation exposure, and they failed to follow recommendations of the National Academy of Sciences.
- In 2005, EPA responded to this Court decision by issuing draft new standards for the Yucca Mountain site which are wholly inadequate, do not meet the law's requirements, and do not protect the public healthy and safety. In fact, unless EPA substantially revises its proposal, the Yucca Mountain site will have the least protective public health radiation standard in the whole world.
- Also in 2005, numerous scientific and quality assurance problems, transportation problems, corrosion of casks, effectiveness of materials, and many other issues caused DOE to suspend work on the surface facilities and the Nuclear Regulatory Commission to issue a stop order on the containers.
- In 2006, the NRC issued a report that found Bechtel, the main contractor at Yucca Mountain, had failed to accurately measure and estimate the amount of corrosion likely in the casks DOE wants to use to store the nuclear waste. Because of this problem, the Department issued a stop work order on cask research.

Even some of the biggest boosters of the nuclear industry in the Congress now appear to doubt that Yucca Mountain will ever be licensed. Over the last few months, pro-nuclear majorities on the Appropriations Committees in both the House and Senate have shifted funding into nuclear reprocessing and above-ground interim storage of nuclear waste – actions which appear to be driven by a conviction that Yucca Mountain is dead. In fact, the Appropriators over in the Senate have proposed to essentially rewrite the Nuclear Waste Policy Act to set up regional above ground "interim" waste dumps all around the country. I look forward to hearing the Department's views on this proposal, and its impact of both the funding for and the administration of the high-level nuclear waste program.

I would suggest that if Yucca Mountain is dying or dead, it is because ultimately the scientific and technical realities at the site can no longer be ignored, and because ultimately politics cannot trump science when it comes to finding a solution to the problem of safely storing all of the nation's most deadly nuclear wastes.

MR. HALL. All right. We will pick up again.

To start off, thank you for everything. We recognize you prepared written testimony. We ask you to summarize as much as you can. You were kind enough and thoughtful enough to give us your opening statement.

STATEMENT OF THE HONORABLE EDWARD F. SPROAT III, DIRECTOR, OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT, U.S. DEPARTMENT OF ENERGY

MR. SPROAT. Thank you very much for the hearing here today.

I heard the frustration and the statements from all of the members. Believe me, not only do I fully understand it and appreciate it, but I share it. One of the reasons that I took this position and accepted the President's offer to be nominated and take this position is because I share not only that frustration but a firm conviction that nuclear energy needs to be a strategic option in our energy portfolio going forward. This project and the issue of disposal of high level nuclear waste and spent fuel has to move forward now in order to make that a reality, and that is why I took this job.

I hope in my discussions with you today that that commitment on my part will come through to you in talking a little bit about what I plan to do and how I plan to bring my experience and my expertise that I have gained in the private sector in the nuclear industry over the years into this project to move it forward smartly in the time that I am in this job, and that is my commitment to you.

Let me say that it has been about 5 years since I have been in front of this subcommittee. When I was here last, I was Vice President of a generation of international projects at Exelon Generation. I came here and I talked about the PBMR. I spent a year in South Africa as Chief Operating Officer of the Pebble Bed Modular Reactor project in South Africa, and I am happy to say that South Africans are moving forward.

After that, I started to do some work on the NGNP Next Generation Nuclear Plant project. But when I stepped back and took a look at what needs to happen now, my feeling was I could best serve the country by getting involved with this project and try to get the Yucca Mountain project unstuck; and that is why I am here.

As you know, Deputy Secretary Sell was here on March 15th and committed to you that we would come here this summer and make a commitment to a schedule for Yucca, and that is why I am here today.

I know you have had a chance to read it so I am not going to go through all of the testimony, but I would like to talk about where I am going to take or try to take this program and my organization with my four strategic objectives.

Number one is get a docketable license application into the NRC no later than Monday, June 30th, 2008. I know the date, and I am not planning on working that weekend. We are going to have a very tight, very driven schedule to drive that.

Mr. Allen, I understand your concern about the assessment and whether or not that would impact that date. I am telling you today that assessment will not impact that date. That assessment is being done so I can fully understand what the gaps are between what I need to have to submit a docketable, credible license application versus what I have sitting on the shelf right now--which I don't know what I have sitting on the shelf right now, having only been there for 4 weeks, but that is what that assessment is about. We have enough time in 23 and a half months to close those gaps and put in a good license application, and that is why we are doing it.

But let me talk about more than just the date. Just getting a license application in on that date is not a measure of success. It has got to be a license application that the NRC will accept and docket, and it has got to be an application that will ultimately lead to receiving a license to build and operate Yucca Mountain. I have five criteria I mentioned in my testimony that that application needs to meet before I am willing to sign it off and send it to the NRC, and my entire office knows what these five criteria are.

We have to have a design that meets the regulatory requirements, we have to have an application that is written that clearly reflects that design, the data upon which the design is based needs to be based on quality assured data; the application needs to address all of the issues that the NRC is looking for, and the people who are writing this need to stand up and be held accountable and willing to sign off and say their part of the application is correct and they are willing to stand behind it. So that is really important.

The one other thing I would say about the application is that I know there are going to be people who are going to say now we have seen their schedule, we think it is overly aggressive, and it shows that they are not committed to safety and quality. And what I will tell you is, based on my experience in the private sector and in the organizations I have been in, the issue of safety, quality, and schedule discipline are not mutually exclusive. I unequivocally believe that, and my office is going to believe that if they don't so far, and that safety and quality are not going to be things that we are going to pass up, but we are not going to bypass schedule discipline either on getting this application in.

The schedule I have attached to the testimony talked about best-achievable date. I wanted to be very clear on what that means. It is predicated on that the legislative package that the Administration sent up to the Hill back in the spring gets passed by the Congress; and I would respectfully request that the Congress look at that legislation, debate it, engage us in dialogue and take it up this year. Because issues that are fundamentally required to allow me and the project to meet this schedule

are tied up with the corrective actions, if you will, that we have requested in that legislation, particularly access to the waste fund revenues and receipts, land withdrawal in Nevada, and certain other key issues that are listed in there; and I can talk about that later. So I would like to reiterate the importance of that legislation in allowing me to meet those dates that are in that schedule.

Of the three other strategic objectives, the second one has to do with the organization itself, the organization now that I am heading up. In order to be seen as a credible NRC licensee, there are certain skills, competencies, behaviors, and culture that that organization needs to have; and I am just in the early stages in my assessment of where that currently stands. I can tell you that it is not where it needs to be. But I can also tell you that I can get it a long way in getting to where it needs to be in the time I am going to be in this position, and I certainly intend to do that.

The third strategic objective is around the issue that several of you brought up already about how do we get the issue of the mounting government liability off of top dead center around the delays associated with Yucca Mountain and the failure of the Department to perform per the standard contract.

As some of you may know, I was the person who was the lead negotiator for PECO Energy in negotiating the settlement for the DOE for the Peach Bottom spent fuel contract. We were the first settlement with the Government on the failure to perform on the spent fuel contract.

So I understand the agreement, I understand the contract, and I understand what we can do, and that is one of the tools in the portfolio of solutions I was talking about as a way of moving forward to minimize government liability.

The fourth and final strategic objective is around transportation. We can get this thing moving. We can get it licensed. We can get it built. But if we can't get the fuel there, we haven't accomplished anything. The whole issue of transportation has been underfunded and not enough attention paid to it; and my commitment to you is it is going to get a lot more attention real fast, with a very heavy emphasis on local involvement in the planning of the transportation routes and understanding the energy procedures and processes that need to go into transporting high-level waste and spent nuclear fuel to the repository.

So, in summation, I am very happy to be here, I understand the challenge that sits in front of me, and I am excited about going to make it happen.

Mr. Chairman, that concludes my remarks.

MR. HALL. Thank you.

[The prepared statement of Hon. Edward F. Sproat III follows:]

PREPARED STATEMENT OF THE HON. EDWARD F. SPROAT III, DIRECTOR, OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT, U.S. DEPARTMENT OF ENERGY

Mr. Chairman and Members of the Committee, I appreciate the invitation to appear before the Committee to discuss the current status of the Yucca Mountain Project and my plans over the next two and one-half years.

It has been more than five years since I last appeared before this Committee as a vice president of Exelon Generation and testified about the Pebble Bed Modular Reactor (PBMR) project in South Africa. During 2002 I was in South Africa as the Chief Operating Officer of PBMR assisting the South Africans in determining the feasibility of commercializing that technology. I am pleased to report that the South African government has decided to proceed with demonstration and commercialization of the PBMR.

More recently, I was involved with forming a consortium to compete for the Next Generation Nuclear Plant project to demonstrate the cogeneration of electricity and hydrogen from the PBMR. While that technology and demonstration project holds much promise, I see a more urgent near-term need for this Nation's energy security; that is to move the issue of the disposition of spent nuclear fuel and high-level radioactive waste forward with a sense of urgency. It is for that reason that I accepted President George W. Bush's appointment to serve as the Director of the Office of Civilian Radioactive Waste Management (OCRWM).

I have now been in my new position as Director for about five weeks. During this period I have been conducting a thorough assessment of the Yucca Mountain Project, and that assessment has not yet been completed. I continue to gather data on functional areas of the Project to determine the performance gaps between the current state and the levels of performance that will be necessary for the successful execution of this Project.

In order to expedite this assessment process, I have instructed my Office to issue Requests for Proposals for independent assessments of the draft License Application, the Quality Assurance programs and their implementation by DOE and its major contractor, and of the engineering processes and procedures being utilized by DOE and its major contractor. While I am not yet prepared to give you a full report of my assessment, I can tell you that there are a number of very good people working on this Project who can form the nucleus of a high-quality team needed to successfully design, license, build and operate the Yucca Mountain repository and the waste acceptance and transportation systems. I also can tell you that there are a number of process and organizational issues which must be addressed, all of which are correctable.

There are four strategic objectives that I intend to pursue and implement during my tenure as Director. Let me explain these objectives and why they are important.

My first objective is to submit a high-quality and docketable license application to the Nuclear Regulatory Commission (NRC) no later than Monday, June 30, 2008.

This objective is my first priority and will receive my full management attention. Success in meeting this objective is not measured only by the calendar, but also by the quality and completeness of the application. Before I will allow the application to be submitted, I must be satisfied that:

1. There is a repository design which meets the licensing requirements;
2. The application accurately reflects the design;
3. The data which are used to justify the design in the application are accurate and were generated in compliance with Quality Assurance requirements;
4. The application adequately addresses all of the guidance of the *Yucca Mountain Review Plan* (NUREG 1804); and

5. The writers of the application have attested to the accuracy and completeness of their sections.

I am certain there will be those who will question how these criteria can be met with such an aggressive schedule. I can tell you unequivocally that the concepts of safety, quality and schedule discipline are not mutually exclusive. This concept is demonstrated by world class nuclear organizations on a daily basis and I intend to hold my organization and its contractors to the same standards.

With a license application submittal on June 30, 2008, the best-achievable schedule for Yucca Mountain would lead to receipt of a license to begin to receive and possess spent nuclear fuel and high-level radioactive waste at Yucca Mountain in 2017. Attached is a more detailed set of schedule milestones for your information.

Let me define what I mean by "best-achievable schedule." The schedule after the Department submits the License Application is predicated on 1) appropriations consistent with the Administration's requests and passage of our proposed legislation entitled the "Nuclear Fuel Management Disposal Act"; and 2) an NRC construction authorization decision that is consistent with the timelines contained in the Nuclear Waste Policy Act. There are a number of uncertainties currently beyond the control of the Department that have the potential to significantly delay the opening date for the repository and cannot be accurately predicted. The most important is the ability of the Department to have access to the Nuclear Waste Fund to support the cash flows needed to implement the Project. I respectfully ask Congress to pass the Administration's proposed legislation to address this issue; access to the Fund is key to moving the Project forward.

Other factors that have the potential to delay the Project include: 1) the length and outcome of any derivative litigation, 2) Congressional approval of the permanent withdrawal of the lands needed for the operational area of the repository, and 3) obtaining any necessary Federal or state authorizations or permits for the repository and the transportation system. The Administration's proposed legislation addresses most of these uncertainties and will go a long way in reducing schedule risk and the cost uncertainties of the Yucca Mountain Project while still fully protecting public and worker health and safety.

My second objective is to design, staff, and train the OCRWM organization such that it has the skills and culture needed to design, license, and manage the construction and operation of the Yucca Mountain Project with safety, quality, and cost effectiveness.

I am still in the process of assessing the current state of my organization and the skill gaps that may exist compared to what is needed to meet this objective. I do know that additional skills and competencies are required to enhance the current organization and that attracting and retaining individuals with these skills will be a major challenge. I have been encouraged, however, by the Department's Office of Human Capital Management and its help in meeting this challenge.

My third objective is to address the Federal Government's mounting liability associated with unmet contractual obligations to move spent fuel from nuclear plant sites.

What seems to have been lost in the Yucca Mountain debate over the last several years is that the U.S. Government has legally binding contracts with all owners of nuclear power plants to take possession of and remove their spent fuel. There are two major implications of the Government's inability to perform per the contract requirements: 1) the financial liability borne by America's taxpayers for non-performance of the contract continues to grow every year, and 2) the ability of this country to depend on nuclear energy as a strategic energy option for the long term is in jeopardy because spent fuel continues to accumulate at existing plants. There is no one solution to these problems. It will require a portfolio of legal and financial solutions to address these problems; but it can be done, and I intend to work with the Congress and the contract holders to try to break this impasse.

My fourth objective is to develop and begin implementation of a comprehensive national spent fuel transportation plan that accommodates state, local and tribal concerns and input to the greatest extent practicable.

I believe that the planning of the transportation system for the country's spent nuclear fuel and high-level radioactive waste has been underfunded and not given the attention and resources that it demands. The recent National Research Council's report on spent fuel transportation concluded that, while there are no technical barriers to the safe transportation of spent nuclear fuel, there are a number of social and institutional challenges that must be addressed before large-scale shipments commence. I agree with this conclusion and I intend to put into place processes which maximize the ability of the public to understand the risks and mitigating safety precautions, and to influence as appropriate the selection of transportation routes in their areas. Some work has already been done in this area with local planning groups, but much more needs to be done at an accelerated pace.

In summary, these four strategic objectives will form the basis of planning and resource allocation during my tenure. I believe that these areas must be addressed today to move forward on the issue of final disposal of spent nuclear fuel and to prepare the Project for long-term success in meeting the mandated direction of the Nuclear Waste Policy Act. I will do my best to make this a reality.

Attachment

Yucca Mountain Repository Schedule

Milestone	**Date**
Design for License Application Complete	30 November 2007
Licensing Support Network Certification	21 December 2007
Supplemental Environmental Impact Statement (EIS) Issued	30 May 2008
Final License Application Verifications Complete	30 May 2008
Final Rail Alignment EIS Issued	30 June 2008
License Application Submittal	30 June 2008
License Application Docketed by NRC	30 September 2008

Best-Achievable Repository Construction Schedule

Start Nevada Rail Construction	5 October 2009
Construction Authorization	30 September 2011
Receive and Possess License Application Submittal to NRC	29 March 2013
Rail Access In-Service	30 June 2014
Construction Complete for Initial Operations	30 March 2016
Start up and Pre-Op Testing Complete	31 December 2016
Begin Receipt	31 March 2017

The schedule above is based on factors within the control of DOE, appropriations consistent with optimum Project execution, issuance of an NRC Construction Authorization consistent with the three year period specified in the Nuclear Waste Policy Act, and the timely issuance by the NRC of a Receive and Possess license. This schedule also is dependent on the timely issuance of all necessary other authorizations and permits, the absence of litigation related delays and the enactment of pending legislation proposed by the Administration.

MR. HALL. Mr. Boucher and I have agreed to recognize the Chairman of Energy and Commerce first and the ranking Democrat, Mr. Dingell, next for questions.

The Chair recognizes Mr. Barton.

CHAIRMAN BARTON. You caught me right before I was walking out the door. I have got a hearing on global warming downstairs that has been going on all morning and probably going on all afternoon, so I appreciate it.

You talked about your legislative package. The problem I have with trying to move it is--I have told you in my office--it doesn't seem to have a high prospect of being moved in the Senate. So what is the Administration's plan if Mr. Dingell and I decided that we could move either the Administration's proposal or some version of that on a bipartisan basis through the House that we could get a reciprocal action in the other body?

MR. SPROAT. Well, being a political neophyte on the Hill, I may not know all of the typical ways of working these kinds of issues up here, but what I will tell you is that what I find very encouraging is that the appropriations language in both the House and the Senate bills fully recognizes the issue of the importance of moving spent nuclear fuel forward, and the fact that there seems to be at least the consensus that the issue is important enough that it needs to be addressed in both houses is extremely encouraging to me.

What is also obvious, reading both the appropriation languages, is that there is not a clear consensus on exactly what should be done to move it forward. And my commitment to you, Mr. Chairman, is that if I am given the opportunity I would like to play a role in trying to facilitate that discussion between the two organizations. Because I have some ideas, the Department has ideas, clearly you do, and clearly the Senate does. I think we have a unique opportunity here over the next 4 or 5 months to actually make something happen if we can get the right people in the room at the same time to talk about it.

CHAIRMAN BARTON. What happens to your plan if we don't move the legislative package? What is Plan B in terms of meeting that deadline of having the licensing application to the NRC by June of 2008?

MR. SPROAT. Based on the funding levels that are being proposed in both houses for the coming year, I expect no impact whatsoever in terms of funding impact on being able to submit that license application by 2008.

Now having said that, the other key issue is the remaining impact on the remaining program in terms of the long-term certainty of the funding stream, how long the project will take to build, which directly impacts the cash flows on an annual basis in the total cost of the project and it

also impacts the ability to predict what the liabilities are associated with predicting when we can actually move spent fuel.

So not having that legislation clearly impacts the ability to predict with any kind of certainty how this project will move forward. But in the very short term, over the next 12 months it really won't have an impact.

CHAIRMAN BARTON. Does moving forward with the Administration's proposal on GNEP impact the Yucca Mountain schedule and emphasis?

MR. SPROAT. It absolutely will not. Personally, I believe GNEP is important. Closing the fuel cycle is important for the future of this country, and we are going to have to do it. When it is going to occur and how long it is going to take, I think there are a lot of diverse points about that, and I am not going to speculate.

But what is clear is that, number one, regardless of what happens with GNEP, there are waste forms and spent fuel forms that we currently have responsibility for to dispose that can't be recycled. They have to go to repository. They have to go to disposal.

As for the commercial spent nuclear fuel, whatever gets recycled through GNEP eventually will be a different waste form that comes out of the tail end of that process; and when we have that better defined, which may be sometime in the future, we will be able to design a waste package to handle that, qualify that waste package to put in the repository and submit a license application of the NRC to get permission to put that waste form in the repository at that point in time.

CHAIRMAN BARTON. Do we have the Administration's support and promise that they will not support any diversion of funds from the Nuclear Waste Fund that is supposed to go for Yucca to the GNEP program?

MR. SPROAT. Yes, sir.

CHAIRMAN BARTON. Okay. Mr. Chairman, I yield back.

MR. HALL. I thank the Chairman.

I see the President has just issued a veto rejecting the bill to expand Federal research on stem cells obtained from embryos. And they reset the time for the next vote, Mr. Chairman, about 3:30. Then an hour from then they are going to take up the veto message and debate it and then have some votes at 5:00, so we will be interrupted from time to time here.

Mr. Dingell, the Chair recognizes you for as much time as you take, sir.

MR. DINGELL. Mr. Chairman, you are most courteous. Thank you. I will try and stay within my time limit here.

First, for my information alone, would you please submit to me, not for the record, but submit to me a statement of all of the problems that

you anticipate with regard to completing your scheduled construction and completion of the Yucca Mountain facility? I might want to put it in the record, but I don't intend to tip over any garbage cans and inform people who might be out to delay or to stop the project from having you essentially be advising them on what they may do to slow the process.

MR. SPROAT. Just so I understand, what you are asking for is really a risk assessment of what are the key risks that I see to moving the project forward from where it is today to repository opening.

MR. DINGELL. Yes.

MR. SPROAT. Yes, sir.

MR. DINGELL. Now, with regard to the licensing schedule, if the Administration bill is not enacted, can DOE still submit an application to the NRC by 2008?

MR. SPROAT. Yes, sir.

MR. DINGELL. You can?

MR. SPROAT. Assuming that--obviously, appropriations for fiscal years 2008 and 2009 will have some impact on that; and, obviously, I can't without access to the waste fund because I wouldn't have that legislation. I am at the will of the Congress in terms of what appropriations I would get legislated in that fiscal year 2008 which would cover that last part.

MR. DINGELL. Do you feel an enactment of the legislation bill is necessary to meet the best achievable goal of opening Yucca Mountain in 2017?

MR. SPROAT. Yes, sir. I will give you one example.

MR. DINGELL. Will you tell us why?

MR. SPROAT. One specific example--and I am not an attorney, and I don't pretend to understand this. But, for example, we have requested the Congressional authority which we need for land withdrawal. Right now, the Yucca Mountain site is on the Nevada test site which is owned by the U.S. Government. But we need to be able to withdraw that land from public use on a permanent basis so we can assure the NRC that we will have control of that site, both access and future activities on it. Right now, we don't have that--we can't give them that assurance, so that one issue just by itself--

MR. DINGELL. Is that regulatory or statutory action?

MR. SPROAT. I believe that is statutory, as I understand it; and that is one example.

MR. DINGELL. I would suggest if that be the case you get legislation up here as soon as possible.

MR. SPROAT. That is actually in that legislative package that we sent up earlier this year, sir.

MR. DINGELL. Now with regard to DOE's liability of breach of contract with the utilities, your testimony lists a number of concerns related to DOE's inability to meet its contractual obligation to be accepting waste. You stated at page 6 there is no single solution. But then you go on to say, "It will require a portfolio of legal and financial solutions to address these problems," close quote, and that you will, quote, "work with the Congress and the contract holder to try and break this impasse."

Can you tell us exactly what is this impasse?

MR. SPROAT. Well, impasse is my term that I use because, as I said, I started working on this issue when I was with PECO Energy back in 2000 or 2001. The impasse is that we still have the vast majority of the commercial nuclear plant license holders who have contracts with the DOE that we are basically in litigation with, and the potential liability to the taxpayer is continuing to mount. We are making very slow progress in terms of moving that issue off of where it has been stuck.

What I learned from my involvement in this issue back when I negotiated the PECO settlement was that there is no one solution. In other words, one fix doesn't--the industry is--

MR. DINGELL. I was going to say you have got a lot of problems.

MR. SPROAT. There are the issues with the shut-down plants, for example. They are out of the business. They want to get rid of the fuel and get rid of the liability. There are other companies that are planning to stay in the nuclear industry for a long period of time, and they are in it for the long haul, and then there are others who are still trying to figure out what is an appropriate settlement for them.

So the quick answer is there is a portfolio of I think legal settlement and possibly technology issues that can possibly help here, but there is no one quick fix that fixes all of this, I don't believe.

MR. DINGELL. Now I think you are telling us that we should expect a second legislative proposal in addition to that which you set up in April of 2006, is that correct?

MR. SPROAT. I wouldn't say that yet. I don't know if I need any additional legislation. It is certainly a possibility. But what I would like to say is I would like to have an opportunity to have more dialogue and negotiations on this with all of the interested stakeholders first.

MR. DINGELL. Now you had mentioned the impasse and the contract holders. How do you propose to work with the contract holders on this matter?

MR. SPROAT. I am still--having only been here for 4 weeks, I really haven't laid out a full plan about that yet.

MR. DINGELL. But you are going to have to do that?

MR. SPROAT. I am going to have to do that. No doubt about that.

MR. DINGELL. I am not going to expect any miracles from you today. Tomorrow, yes, but not today.

Over many years, DOE provided this committee with summaries of projected spending for Yucca Mountain which outlined future budget needs. While some past summaries have indicated that DOE may need to tap the corpus of the Nuclear Waste Fund to open Yucca Mountain, others have suggested that the program could be squeezed by using only annual contributions to the fund.

Now, questions. Now that you have established revised timetables for filing a license application and for opening repository, can you tell me whether or not DOE will need to tap the corpus of the fund between now and the time the repository opens?

MR. SPROAT. No, I can't, but let me clarify that. There is no doubt in my mind that during the life of this project--assuming we get an authorization to construct and a license to operate, there is no doubt in my mind we will have to tap the corpus of the fund during that time period. In terms of do I need it to build it, my best answer is--right now is I don't know, because I haven't had the time to take a look at the projected cash flows and challenge them from a management perspective. Yet to say this is the right set of cash flows through the construction period and can I meet those cash flows with receipts and interest or do I need corpus, I just can't answer that question yet, sir.

MR. DINGELL. All right. Will you provide the committee with the best updated version of the projected program costs you can give us?

MR. SPROAT. Yes, I will.

[The information follows:]

We are currently in the process of re-calculating the cash flows for the Yucca Mountain Program based on the CD-1 recently approved scope. We anticipate having the revised cash flows available to provide to the Committee by the end of CY 2006.

MR. DINGELL. Mr. Chairman, I have got other good questions, but I am loathe to consume the time of the committee. I don't want to cause problems here.

MR. HALL. The Chair thinks it is worthwhile to grant you another 5 minutes.

MR. DINGELL. Then I'll wait. Thank you, Mr.--

MR. HALL. No. Go ahead now while you are on a run.

MR. DINGELL. I understand that your tenure at DOE has been brief, but I am concerned that your plan to issue new requests for proposals for independent assessments of the repository program could lead to further delays. How do these new studies square with your goal of filing the license application with NRC by 2008? How will you avoid getting

bogged down in new reviews? NRC is not known for the blinding speed with which it processes its business.

MR. SPROAT. Very good question, sir.

As I stated in my opening statement, the issue for me is not necessarily by itself getting an application in no matter what it says or no matter what its quality by that date. I have to have the quality and the completeness by that date. And the only way I can assure myself that I have addressed the issues that need to be addressed by this program--by my program by the time that application goes in is I need to do some additional independent assessments around pieces of this program that I have concerns about, and those concerns are based on what is available in the public record that I was able to read and study up on while I was awaiting confirmation.

It is very clear this program has had a poor history of quality assurance implementation and issues. So I think it is extremely important that I get in a set of outside independent eyes of very qualified people to take a look at the programs at DOE, its primary contractor, and the key national labs to tell me either how good or how bad those programs are so I can get them fixed before that application goes in.

MR. DINGELL. Now I applaud this, but how are you sure this is not going to slow the project down?

MR. SPROAT. I won't let it.

MR. DINGELL. Then let us pray.

Given the existence of a Nuclear Waste Technical Review Board, why are new assessments initiated through requests for proposals necessary? Could involvement by the Board save time?

MR. SPROAT. No, it won't. The Board has a very specific set of expertise that is geared to look at the science and the probabilistic risk of the repository. These issues that I am doing, these independent assessments on are more of a programmatic nature; and the Board doesn't have the right skill mix to do them adequately, in my opinion.

MR. DINGELL. Now I observe here and I concur with your statement on page 4 that it is critical for DOE to have access to the Nuclear Waste Fund to support cash flows to implement the project. I agree with that. I have no particular objection to the legislative reclassification to which you refer, which was included in the Administration's proposed bill. However, I believe this is only a partial solution since it addresses only future rate payers' contributions to the fund.

Now the question. I reluctantly voted against past legislation that did not safeguard the existing corpus of the waste fund. Why does DOE not support this clearly needed reform?

MR. SPROAT. I am sorry. Doesn't support which?

MR. DINGELL. People are raiding this fund left and right. It is being spent for all matters and purposes inconsistent with that which Congress established the fund for. It would appear to me that a responsible and needed reform to this matter would be to say to these other people they need to keep their cotton-picking hands off of it and break their knuckles every time they reach so you can see to it that the fund is spent for the purposes for which the Congress set it up.

MR. SPROAT. I am from a State that has the second-most amount of spent nuclear fuel in the country, and I personally have contributed a lot of money into that Nuclear Waste Fund, and Mr. Shimkus--

MR. DINGELL. There is a whole bunch of people that have.

MR. SPROAT. And Mr. Shimkus is from a State that has the most spent nuclear waste in the country. We are all on the same page that that fund needs to be used for the purpose for which it was intended.

MR. DINGELL. But there are lots of light-fingered folks who are putting their hands in the till and taking that out for other purposes. How are we and why are we not going to insist that that fund be protected instead of dissipated for purposes inconsistent with what the Congress set it up for?

MR. SPROAT. I think that is a very legitimate question, and I am not well versed enough on the budget process and the budgetary procedures and laws around that. I guess all I can commit to you is that I understand exactly what your position is, and with the legislative package we put up here we think it is a good start in moving in that direction and--

MR. DINGELL. Start but not a finish.

MR. SPROAT. Maybe not.

MR. DINGELL. And I am troubled because, again, good-hearted folk are spending this thing for all manners of other purposes. It starts with OMB, the President's Office, it goes on down through the Appropriations Committee and the Budget Committees; and nobody can stop these rascals from doing it. We set the trust fund up so there would be money to address these problems; and, lo and behold, they are using it for different purposes so it is not available.

MR. SPROAT. In terms of--I can't speak for how the accounting in government works, but in terms of disbursements from the fund, it is very clear it can only be used for Yucca Mountain. And there are--at least I am not aware of other programs that are actively taking withdrawals out of the fund for other programs. I don't believe that is the case.

MR. DINGELL. We will send you information in that regard.

Mr. Chairman, I thank you for your courtesy.

MR. HALL. Thank you, sir. We always allow the Chairman and Ranking Member all of the necessary time that they can take because of their schedule.

At this time, I have just a question or so to ask you.

The total system life-cycle cost estimate has not been updated since 2001. Now that DOE has a revised schedule, if I missed it--you may have already said it--but when do you plan to issue a revised estimate?

MR. SPROAT. I understand, sir. We are currently working on that. I would expect that to be probably early fall timeframe, and we will have that ready for examination.

MR. HALL. Will the current one mil per kilowatt hour charge be adequate to fund that?

MR. SPROAT. Based on everything I have seen so far--and let me couch this by saying I haven't done a detailed review, but based on my preliminary discussions with the staff, there is no indication that that needs to change.

MR. HALL. The previous DOE testimony before the committee indicated that DOE estimates that liability costs may reach approximately $500 million per year plus another $500 million per year for continued storage of defense waste. What can DOE do to mitigate these costs to the American taxpayer?

MR. SPROAT. Well, clearly, by my third strategic objective that I outlined, I clearly understand the importance of moving this issue forward. Our protection right now--just to give you the numbers that I have in front of me--that if we were to open the repository in early 2017, the total liability we are projecting at that point in time is about $7 billion--billion with a "b" total.

I think there are things we can probably do both in terms of settlement with people as well as maybe some other things that we may not have legal authority to do right now to help drive that down. Clearly, the other things we can do, assuming we get the funding and the other issues in our legislative package that we have asked for, that upon which our best achievable schedule is predicated, assuming we can get those, I think you know there may be an opportunity to further compress the construction schedule but I am not really ready to commit to that today yet.

MR. HALL. I am going to try to be around to hold you to that 2017 deal. George Burns said he didn't buy green bananas.

All right. Who is next here? Ranking Member Boucher, the Chair recognizes you for 5 minutes.

MR. BOUCHER. Thank you, Chairman Hall. I am totally confident that you will be around in 2017 in order to bless the opening of this

project, and I notice that you normally do buy green bananas. So thank you for recognizing me.

Mr. Sproat, I am very impressed with your confidence and with your determination. I applaud your analytical approach and the determination that you exhibited in your statement here today; and I certainly wish you well with what, as Chairman Barton indicated, will be a very difficult task. I realize you have been here 4 weeks so, obviously, you didn't totally complete the schedule on your own, and I am sure it was well in the process of formulation at the time you arrived.

Let me ask if you are totally comfortable with the schedule. Do you believe this represents a realistic timeframe for moving forward?

MR. SPROAT. Yes, sir, it does. I would not have brought it up here if I didn't believe that. And if you will notice the timeframe of the license applications submittal which is 23 and a half months off now, I still plan to be here by that date. I know that if I miss that date I am probably going to get hauled up here and have to explain it, and I don't intend to go through that.

MR. BOUCHER. Mr. Dingell has propounded many of the questions, I also noted, about budgeting, but let me just extend a couple of those.

Referencing the budget that you will need in order to complete the preparation and submission of the license to the Nuclear Regulatory Commission, I believe $156 million has been requested for fiscal year 2007. Do you believe that amount is adequate for that year and what amount do you think will be necessary for fiscal year 2008 to let you complete this work successfully?

MR. SPROAT. That is a very good question, and I am really not prepared to answer. I would have to say that I know that in the total budget that I have available to me in fiscal year 2007 and what we would hopefully anticipate in fiscal year 2008 there should be more than sufficient funds in there to complete those submissions.

In terms of the allocation of the funds within the budget, in terms of license applications versus other activities, I am very clear my first priority is the license application preparation, in getting it done; and if I need some relief from Congress in terms of moving some funds around in my budget to allow that to happen, I intend to come back and ask for it.

MR. BOUCHER. Then in the fall you are going to present further budgetary information and we will have an opportunity to question you more carefully with that.

MR. SPROAT. Yes, sir.

MR. BOUCHER. Let me ask, as you prepare for that appearance here, to give some attention to a very key question which Mr. Dingell propounded, and let me emphasize this, and that is the point at which you

are going to need to start dipping into the Nuclear Waste Fund and have monies available to you that exceed the annual $750 million dollars that ratepayers are contributing into the fund.

I frankly find it hard to imagine that you will not need that corpus. Over the approximately 10 years that separate now from your projected opening date only about $10 billion would come into the fund. Add another 10 percent in interest and if you can get that these days and that gives you maybe $11 billion. I can't believe you could actually build this facility and do the other work and engage in the settlements that you are going to have to address for $10 billion.

MR. SPROAT. That is a very good point; and, as I said before, I am not quite ready to defend the cash flows yet.

However, let me say there is a piece on the other side of that equation, having come from the private sector on large projects like this where I believe there is a limit to what a project can effectively spend and manage on an annual basis. This project has the potential, if it is not appropriately managed and led, to spend a lot of money and not accomplish a lot.

So as I take a look at the cash flows on this project during the construction years, because we are going to be building a rail line and be building the repository and then whatever other capital investments we need to do in order to get the fuel from wherever it is on that rail line to the mountain, you are right. It is not beyond the realm of credibility that we are going to need more than $800 million a year.

But, at the same time, I have got to make sure I put in place the management processes with the right people to be able to effectively manage a project that can handle cash flows that large or larger; and I will tell you right now I don't think we are there yet.

MR. BOUCHER. And we are also not there in terms of protecting these monies from intrusion from other sources, including the $19 billion that currently resides in the fund which is available for expenditure. And, in fact, I would differ with your statement earlier. That money, in fact, has been expended; and walling off that amount, just having a decision by the Congress to say we are going to protect $19 billion, we are going to put it aside and make it available to finish this program is, in my personal view, of the utmost importance. As you are preparing your future budgetary projections to us, bear in mind that that money is not guaranteed. It is not assured, given the current legal structure.

A couple of other questions. Are we going to need some kind of interim storage between now and 2017? That is still a long time. That is 10 years for waste to continue to pile up at reactor sites. What are we going to do with it?

MR. SPROAT. Let me try to answer the question this way. We currently have a lot of interim storage. We have interim storage at 126 sites. Mr. Shimkus has a lot of interim storage in his State. I licensed one of our plants, and we've got a lot in Pennsylvania, and a lot of the people in this room have interim storage. So it is not a question of interim storage.

It is a question of, number one, how do we reduce and minimize taxpayer liability associated with contract nonperformance by DOE. And, number two, it is about how do we provide waste confidence for the new wave of nuclear plants that are being considered now. This is a real issue for the people who want to build new plants.

So that those are two key issues that further additional interim storage and in my term what I call centralized interim storage is a potential legitimate solution.

Now, having said that, again coming back to looking at both the House appropriations bill and the Senate appropriations bill, there seems to be a recognition on both sides that we wanted to do something with this, but there is not a clear consensus on exactly what. I think that there are some opportunities to work there, but I would say that knowing what it takes to license a centralized interim storage facility in terms of citing whatever litigation that comes with it, the licensing process and the construction process, if we are able to get the legislative package that we have sent up to the Hill passed on Yucca Mountain and we are able to get Yucca Mountain opened up in the 2017 timeframe, I don't think centralized interim storage is going to buy very much, I really don't.

MR. BOUCHER. So if we actually meet the 2017 schedule, that diminishes the need for interim?

MR. SPROAT. Yes, sir.

MR. BOUCHER. Given your expertise, I am compelled to ask this question. I had followed a little bit the Pebble Bed exercise in South Africa. We heard a lot about it for a while in the early phase, and then we didn't hear very much. At the time, probably 4 years ago, when this was a topical subject, some of the electric utilities in the U.S. were saying this might be the new model for going forward here in the U.S. as well.

MR. SPROAT. That was me saying that.

MR. BOUCHER. I thought I heard your name. So what happened to it? Did it pan out as you had expected? Does it add to safety? Does it add to efficiency? Is it lower cost than conventional technology? Is it possibly a model for going forward here in the U.S.?

MR. SPROAT. Well, what happened to it was I went down to South Africa for a year to run the joint venture down there, and I went down because I was asked by the South African--by the board of directors to

come down to get the project to the point where the investors could make an informed decision about cost, design, schedule, commercialization strategy. And basically I did that, and I finished that responsibility in the end of 2002.

What has happened since that time, the South African Government has taken that body of work that we produced and made a decision at the Presidential level that the project is going forward in South Africa as a national strategic project. They have ramped the project up quite a bit from where I have left from a budget and a personnel standpoint, and they are planning on building a demonstration PBMR outside of Cape Town and to break ground on it sometime I think late next year is the latest schedule I have seen.

So it is moving forward, and if they are successful in demonstrating it, part of their overall strategy is to get that license certified here in the U.S. with the NRC so that it could be another option for U.S. utilities who might decide they want a smaller modular reactor as opposed to a big megareactor.

MR. BOUCHER. That would potentially add to safety, to efficiency, to reduce cost?

MR. SPROAT. Yes, it would.

MR. BOUCHER. Thank you.

MR. HALL. Thank you very much, Mr. Boucher. Because we have only one witness, and we have run over a little on the questions, and the Chair at this time recognizes Mr. Shimkus, the gentleman from Illinois -- his name has been taken not in vain, but referred to several times. I give you s3 extra minutes, and recognize you for 8 minutes.

MR. SHIMKUS. Whoo hoo. Thanks, Mr. Chairman. Thanks for being here, and, of course, we have had a lot of work on a lot of issues for a long time, and I am pleased to see you in your current position. And just in the line of--with my friend Mr. Boucher, we are also working on coal liquid applications, which South Africa--and actually the Government paid, invested, took the risk over decades.

MR. SPROAT. Yes.

MR. SHIMKUS. And now they are sitting in the catbird seat as the world is trying to find coal liquid technologies, and maybe that is the same thing with this eventually, and we don't operate that way. Maybe we should. We may do the science here, but we definitely--it is just not in our nature to take on a major risky project. So I have to applaud them for their foresight. Hopefully it will pay off like the coal-to-liquid technology is paying off in South Africa now.

MR. SPROAT. I hope so.

MR. SHIMKUS. There is no bigger issue facing this country than opening Yucca Mountain. It just sends a signal of our desire to be

independent to the market. It will address the waste, it will lower risk, and we look like fools up here.

I will be honest with you, I was teaching high school, and Yucca Mountain was one of the case studies in the book. I remember--and I mentioned this in the hearings, and, you have got this American Indian, this horse sitting on top of Yucca Mountain, and the case study was seizing of land for this repository. And we operated on old textbooks, and this was 1986.

So we just have to--I mean, I think what you hear from Members is, we applaud a schedule. There is some reticence to believing it.

MR. SPROAT. I understand that.

MR. SHIMKUS. And it is justifiable.

MR. SPROAT. I understand that.

MR. SHIMKUS. But let us know what we can do, and ask for assistance, and help hold us accountable to meet these standards, because you have a lot of support here, and in this new environment of the desire to really be diversified in electricity generation, that is my position, and have a lot of competing generators out there, living up to our responsibilities and our requirements under law, we need to be there as a partner to make sure that this happens.

Do you believe the Department has the scientific information, a sufficient breadth and depth, to support a high-quality and defensible license application?

MR. SPROAT. I think it certainly has the base of that. I don't know yet whether or not it has all that it needs.

MR. SHIMKUS. And that is why you are doing that?

MR. SPROAT. One of the reasons I am doing that assessment. It is another reason why I spent several hours with the NWTRB members just this past week to take a look at their latest annual report to Congress of what their key technical issues are that they see, and my intent is to take those issues and incorporate them into my science program this year to make sure that I am focusing the organization on gathering information and doing analysis that will help address the NWTRB's issues that they told us they still have concerns about.

MR. SHIMKUS. As you do this assessment, that will probably help give you some guidelines as to what you plan to do; if there are some gaps, how you will address those.

MR. SPROAT. Exactly.

MR. SHIMKUS. I think also what Members would appreciate, that if in this assessment, in these shortfalls, you see where we can be engaged, then you, through the Department, should be up here--

MR. SPROAT. Yes, sir.

MR. SHIMKUS.--as quick as possible. There will be continued finger-pointing if we do not meet schedules.

MR. SPROAT. I understand.

MR. SHIMKUS. Many of us don't want to be on the end of that. We want to say we have done all we can.

MR. SPROAT. Believe me, I have no doubt that if we don't meet the schedule, the finger-pointing will be right at me.

MR. SHIMKUS. That is that old one this way, five, four this way.

One of the worst ideas that has come out of the Senate is Domenici-Reid and these 33 interim storage sites. Doesn't that make your work additionally more complicated?

And it is okay to bash the Senate while you are over here. You just have to be careful when you go back over there.

MR. SPROAT. I am going to see Senator Domenici tomorrow afternoon. I don't think it makes my job more difficult. And I want to go back to what I said in the beginning. I really am encouraged, the fact that both the House and the Senate have this issue on the table, that this recognition by both houses that this is an important issue that needs to move forward, and I view that as an opportunity more than a threat. And I would like to have more discussion with both houses around that because, quite frankly, I have got some experiences in terms of licensing interim storage and hopefully can inject some reality into the process and into the thinking so that hopefully we can come to some kind of consensus that hopefully make some sense.

MR. SHIMKUS. We are already talking about Yucca Mountain, and we already know we are way behind there. There is already debate in the Department on the second repository. Then you are addressing 33 interim sites. I know our colleague, now Governor of Maine, is already starting to raise some issues.

MR. SPROAT. Yes.

MR. SHIMKUS. I can see 33 other Governors raising some issue. I can see transportation debates, politicization of this issue. We just can't--I am on record. That is the stupidest record I ever heard of, and we need not go there, and if I see Senator Domenici, I will tell him. I am sure he will tell me what--

MR. SPROAT. Let me just talk about the second repository just for a second because that is a very good point. In our legislation package that we sent up, one of the things that we asked for was relief on the administrative limit of 70,000 metric tons of uranium to put in the mountain. That was strictly an administrative limit that was put in the law. Technically the mountain can hold a lot more than that, probably close to double. And what we are asking for is relief from that 70,000 metric ton limit and allow the NRC to make a determination as to what

the maximum licensable limit of storage in the mountain is, based on the actual mountain configuration.

If we get that, I think it is extremely defendable to say that it is unlikely we are going to need a second repository any time in our respective lifetimes. If we don't get that relief, if we don't get that legislation, I am going to have to come back to the Congress sometime while I am in this office and say, we need a second repository.

MR. SHIMKUS. My last question. You understand because you have been in the private sector, the corporate culture. And talk about the corporate culture of the NRC--a DOE site that is going to be regulated by the NRC, and what are we doing in preparation of that?

MR. SPROAT. Well, my second strategic objective I talked about was about getting the organization, the OCRWM organization, and DOE ready to become a credible NRC licensee, and it is all about culture. It is all about understanding safety, quality, integrity, continuous improvement, teamwork. And I am very clear--I was very heavily involved in leading a corporate culture change initiative at the old PECO Energy, Philadelphia Electric, when we changed it from a nuclear organization that had to shut down a plant because operators were found sleeping to being the premier nuclear operator in the country. And we engineered that turnaround of that culture change there, and we then did it for Philadelphia Electric, PECO Energy, across the entire corporation, and that let us become the organization that formed the basis of Exelon with the merger with ConEd.

So I know what it looks like, I know how to do it, and I intend to go make major steps in moving us forward in the next 2, 2-1/2 years while I am here.

MR. SHIMKUS. Thank you, Mr. Chairman. I will end, and I will just end on thanking you. And based upon the success of you and your wife raising a young lady to attend the United States Naval Academy, I am going to say all good things. And the success there bodes well for the success of this. And I yield back

MR. SPROAT. Thank you very much.

MR. HALL. Thank you.

Recognize Mr. Wynn from the State of Maryland.

MR. WYNN. Thank you, Mr. Chairman.

Thank you, Mr. Sproat.

Maybe about four questions. First of all, what is the advantage of putting the fund off budget?

MR. SPROAT. Well, I am certainly not the right person to ask in terms of trying to explain the Federal budget process here, because I just don't understand it. But the reason we are asking for it is because we believe that by giving us the right to receive the annual receipts being

paid by the utilities into the Nuclear Waste Fund and giving us access to those funds directly to allow us to spend them in the years they are received, it eliminates that funding uncertainty that we have right now that up until now has had some impact on the program--

MR. WYNN. Feel certain about whether you will get the appropriations?

MR. SPROAT. I am sorry?

MR. WYNN. Is there uncertainty about whether you will get the appropriation?

MR. SPROAT. Yes, sir. It is an uncertainty on whether we will get the appropriations, and particularly given the fact that based on the current--as I understand, and I may be wrong, but as I understand the current legislative requirements around budgets and the Federal--and the Federal deficit, that where I would go from spending around a half a billion dollars a year now to ramping up maybe during peak construction of maybe more than a billion a year, under the current process that would be very difficult for the House and the Senate and OMB to mark appropriately. And it is probably more than I understand about the process.

MR. WYNN. Okay. What happens to the funds that have already been paid? Are they set aside for you, or are they subject again to appropriation?

MR. SPROAT. They are--

MR. WYNN. I am trying to find out where this money is and get a handle on it.

MR. SPROAT. There is a national trust fund that the Government has called the Nuclear Waste Fund, and it is accumulating interest. It is certainly intended to be used strictly for disposal of high-level nuclear waste material.

MR. WYNN. Do you have authority over that fund?

MR. SPROAT. No, I don't.

MR. WYNN. Who has authority over that fund?

MR. SPROAT. Basically the Congress.

MR. WYNN. So it is up to us. You don't want that uncertainty?

MR. SPROAT. Yes.

MR. WYNN. That is fair.

The other question I wanted to ask, there has been some suggestion that reprocessing might preclude the need for Yucca. Do you agree or disagree with that?

MR. SPROAT. I totally disagree with that. It is very clear, no matter what we do with reprocessing, there are other waste forms, high-level waste from the weapons program and other spent nuclear fuel, probably

spent naval nuclear fuel, that can't be reprocessed and needs to go right into disposal.

MR. WYNN. Okay. Thank you.

Another question I have is a note that you say on about 30 June, 2008, you believe you will have the final EIS rail alignment, EIS issue. Have you considered the potential litigation around the EIS in calculating this schedule? I know with road construction, I have seen delays as much as 10, 15, even 20 years just in terms of litigation over EIS.

MR. SPROAT. Yes. That is a very good question. And let me just be clear, that milestone that I put there indicates when we want and need to have that EIS issued. What is not factored into that schedule that I gave you is litigation that may occur, and we all have our own opinions of will it occur and how long will it take. We have not factored in contingency around litigation on that schedule on any of the milestones.

MR. WYNN. Is there any way to get around that problem, because it seems to me that that could add another 10 years potentially to this issue, to the schedule.

MR. SPROAT. I am not sure. I am not sure.

MR. WYNN. And I guess the last question I have is, now, as a result of the suit by the utilities, DOE has some liability.

MR. SPROAT. Yes.

MR. WYNN. And it is my understanding that the Federal Judgment Fund is the only source you can tap into; is that correct?

MR. SPROAT. That is correct.

MR. WYNN. Is the Federal Judgment Fund sufficient?

MR. SPROAT. That is administered by the Department of Justice, and I just don't know what the funding mechanisms or budget mechanisms are for that, sir. I just don't know.

MR. WYNN. Two questions. One, do you know the amount of the liability, of DOE's liability?

MR. SPROAT. From what I believe as of today--and there are going to be differences between what the industry might say the liability is versus what we would calculate--

MR. WYNN. Ballpark.

MR. SPROAT. But right now we believe the liability is probably in the neighborhood of about $3 billion, and by 2017 we believe it would be up to about $7 billion.

MR. WYNN. Seven billion dollars.

MR. SPROAT. Yes.

MR. WYNN. Is it fair to say the Federal Judgment Fund doesn't have that kind of money?

MR. SPROAT. I don't know. I just don't know.

MR. WYNN. If, in fact, the Federal Judgment Fund doesn't have this kind of money, you are suggesting that there is a legislative fix to cover this liability. Do you have any suggestions for us as to how we might do this? Are we basically saying the taxpayers are going to have to fork over the money for the liability in addition to the money they paid as ratepayers into the fund?

MR. SPROAT. If everything stays the same as it is now, the answer is yes, the ratepayers--I am sorry, the taxpayers need to fund that additional liability. That is why on my third strategic objective of trying to move this issue forward to trying to reduce that liability in some way or through a portfolio of solutions, I think that is really important. How successful we can be in the next 2, 3 years to do that, I just don't know yet.

MR. WYNN. Are there any settlement discussions with regard to perhaps utilities being willing to accept less?

MR. SPROAT. There are settlement discussions going on, yes, and I was the first, when I was with PECO Energy, I negotiated the first settlement with the Department on that.

MR. WYNN. Is it possible that we could be kept abreast of developments in the settlements, kind of either briefing us or--

MR. SPROAT. I would be more than happy to do that, absolutely.

MR. WYNN. Thank you.

Thank you, Mr. Chairman. I have no further questions.

MR. HALL. Chair recognizes the gentleman from Pennsylvania, Dr. Murphy.

MR. MURPHY. Thank you, Mr. Chairman. And thank you for being here as well.

A couple questions I have, and I would like to follow up a little bit on some of these liability issues, but in general the cost. How much have we spent so far on all of the studies, and how much do we anticipate we will spend on everything involved with Yucca Mountain, the land, the preparation, the transportation, all these legal issues, et cetera. What have we spent, and what are we going to continue to need before we even move anything in there?

MR. SPROAT. I had to get some help from the side. My understanding is that in terms of the Yucca Mountain project itself and the site characterization, about $5 billion, with a B, and the total program expenditures for all aspects of spent nuclear fuel disposal in Yucca Mountain and everything, probably about $8 billion total.

MR. MURPHY. And then the liability issues are on top of that?

MR. SPROAT. The liability issues are on top of that, yes, sir.

MR. MURPHY. Now, this is being paid for by the utilities and folks who have the spent nuclear fuel and pass on to the ratepayers. Will all that be enough?

MR. SPROAT. As of right now, based on the numbers that I have seen, again, which I haven't had an opportunity to challenge and scrub, but based on everything I have seen so far, we believe the waste fund and its projected accumulated assets will be adequate to fund the entire project and its operation, assuming we get access to it in the corpus at the appropriate time.

MR. MURPHY. And that leads to my next question then, because representing companies like Westinghouse Electric in my district, which we are waiting to start building several nuclear reactors, and, of course, there is a lot of steps-- Yucca Mountain is one of the steps in the process of approval. I am just trying to get a sense if the pieces are fitting together here in terms of the timeframe for Yucca Mountain, being able to move spent nuclear fuel there, and having the approvals for these new plants. As everything is moving together, it is like a chain being pushed up a hill. Are things moving together in sequence appropriately there?

MR. SPROAT. There are things that have to happen that still, in my opinion, need some close attention. One is the whole issue about waste confidence, as I talked about a little bit earlier. The NRC needs to make a finding with these new license applications that there is a high confidence level that spent fuel will be disposed of, and at least we will have a way to dispose of it by 2025, a reasonable assurance of that. So waste confidence is clearly an issue.

Secondly, the standard spent fuel contracts that the existing plants have written--I am sorry, have signed between the existing licensees and the Department of Energy will not be adequate for the new plants. And we, my organization, needs to put together a new standard contract and negotiate those with the new licensees.

MR. MURPHY. And you will be able to give us ongoing reports of these things? Can you give us quarterly reports on the progress of all those issues there?

MR. SPROAT. Yes, sir.

MR. MURPHY. Another area is the radiation standard that is currently under revision and likely to be finalized by the EPA later this year. Are you confident we can meet that?

MR. SPROAT. Based on what I have been told, the draft standard that has been proposed and put out there in draft form we can meet. I need to see what the final version looks like and what it says before I am able to say in terms of going forward, yes, we absolutely can do it, but based on the draft, the answer is yes.

MR. MURPHY. And you will again provide the committee with your updates on that?

MR. SPROAT. Yes.

MR. MURPHY. How about another issue here, too, because the liabilities also affect public confidence, and whenever there are some problems with regard to scientific studies done, it leaves us to be concerned. What is being done with regard to the USGS e-mails and failures of scientists to properly document water and filtration?

MR. SPROAT. My understanding, as I have done a little research into this, very little in the short time I have been here. I think the Department has done all of the right things in order to address this. They have done investigations, talking to the people involved to understand exactly what was going on back in the--this timeframe was back in the late 1990s, I believe. So, I mean, this didn't happen in the last 2 years or so. This is back in the late 1990s and specifically had to do with the work that was being done on predicting how water from rainfall would infiltrate through the mountain to the repository itself.

What they did besides understanding what the e-mails meant and what the people who wrote them meant is they brought in some outside expertise to take a look at the model that those people did, that infiltration model, and benchmarked it against other work that other people have done that are not related to Yucca Mountain and had them take a look at it and say, is that model giving us reasonable results? And the answer was, yes, it is. It is giving us results that are consistent with these other independent models.

In addition to that, we have commissioned a separate independent group of scientists to put together another independent infiltration model to make sure that their model comes up and gives us basically the same, consistent answers with the original model. So from somebody who is in the nuclear industry who has been very heavily involved with nuclear licensing and nuclear quality issues over my career, they have taken the right approach, and when all this is done, the issue should be well behind us.

MR. MURPHY. Thank you.

Mr. Chairman, I know I am out of time. Can I ask one more question?

MR. HALL. Of course.

MR. MURPHY. It has to do with, I guess, a general sense of where we stand here with United States standards and storage of spent nuclear fuel compared with other countries, but also as it relates to existing laws and regulations about transportation and trying to anticipate other concerns that may come up in the future. But where would you gauge us

and our standards when we are moving forward compared with other nations who are also dealing with this?

MR. SPROAT. My sense is we are close to the front. I would say that the Scandinavian countries have done a lot of work in terms of geological repositories, and they have made some decisions in terms of their licensing regime and their approach that certainly have some appeal to us. If we are not equal with them, we are pretty darn close. For other countries, we are probably ahead.

MR. MURPHY. I thank you very much, and I appreciate your candor on this and look forward to seeing some of those quarterly reports on the progress.

Thank you, Mr. Chairman.

MR. HALL. Thank you.

Chair recognizes Mr. Butch Otter, Idaho.

MR. OTTER. Thank you Mr. Chairman.

Thank you very much for being here today.

MR. SPROAT. You are welcome.

MR. OTTER. I think Mr. Shimkus said it best. There is probably no issue that is of greater importance to us in the United States, especially in the area of energy, because the way we treat our waste today is going to be dependent on the success of a lot of the licensees that are coming along now and asking for new licenses for nuclear waste.

MR. SPROAT. Absolutely.

MR. OTTER. I have got a couple questions. Are you familiar with the 1995 Idaho settlement agreement?

MR. SPROAT. I am aware it exists. I am aware there is a timetable to remove high-level waste and spent fuel, both naval and other, from INL and get it to the repository by, I think, starting in 2025, with a date by which it is supposed to all be removed, and that is about as far as my knowledge scope goes.

MR. OTTER. The date is not too long after that, about 7 or 8 years.

Is there anything in the Domenici-Reid proposal that would in any way infringe upon or reverse anything in that Idaho--

MR. SPROAT. Not that I am aware of.

MR. OTTER. Under their proposal, it is suggested in there that there are certain requirements to be considered in an interim site or a regional site. Because of the nature of Idaho's nuclear waste and how long it has been there, would Idaho be considered as a regional or interim site?

MR. SPROAT. If I understand--I have read the appropriations language which contains this, and there were certain aspects of it I don't fully understand. I haven't had the opportunity to talk to Senator Domenici about it to get to clarifying it, but if I understand it correctly, it certainly tries to encourage the concept of regionalization, consolidation

on a per-region basis. And I believe it is intended to direct the Department to try and reach agreements with certain host States as to whether or not they would be willing to host a regionalized consolidation interim storage site.

Whether or not Idaho would be an appropriate place for that, I just don't know. And I would hate to speculate on that because I just don't know. All I can say is I can see some challenges in trying to make that happen.

MR. OTTER. Can I be fairly comfortable in assuming that if, with your knowledge, although it may be not as deep as we would hope--I would hope that I had knowledge of it--that the Department won't do anything to try to amend that agreement or change that agreement?

MR. SPROAT. I certainly have no intent or plans to amend that agreement. I am working very clearly to a schedule that says I have commitments not only to the State of Idaho, but to the U.S. Navy and a number of other people to get this stuff moving and get it in a repository for disposal, and I intend to do that.

MR. OTTER. If the timelines don't work out, and having been in business for a long time before I came to this place, this isn't what I am used to in business at this place. If you were up against a timeline, let's say the Idaho timeline, on the removal of the waste, would an interim site be considered adequate, removal of the waste from Idaho to an interim site instead of to Yucca Mountain?

MR. SPROAT. I just can't answer that question, sir. I just don't know. I don't know what the right answer to that is. I can certainly take that question for the record and get back to you, but I just can't answer it now.

[The information follows:]

The Idaho Settlement Agreement of 1995 requires the DOE to ". . . remove all spent fuel, including naval spent fuel and Three Mile Island spent fuel from Idaho by January 1, 2035." (Section C.1) Further "DOE shall treat all high-level waste currently at INEL so that it is ready to be moved out of Idaho for disposal by a target date of 2035." (Section C-3)

If Yucca Mountain were not available to meet the requirements to complete the removal of spent nuclear fuel from Idaho by 2035, to fulfill its commitment the Department could evaluate the potential to move the material to another site outside the State of Idaho.

MR. OTTER. I see.

In an answer to one of the previous questions, I think it was Mr. Rush or Mr. Wynn, you said that there were 70 million tons--

MR. SPROAT. Seventy thousand metric ton limit.

MR. OTTER. Seventy thousand metric tons. Pardon me.

MR. SPROAT. Seventy thousand metric ton limit on the mountain.

MR. OTTER. I have got 70,000 metric tons and 126 sites. How many of those would be candidates for reprocessing?

MR. SPROAT. I prefer to get back to you on that. I don't know.

[The information follows:]

Potentially almost all commercial spent fuel could be reprocessed if recycling technologies and processes were successfully developed and commercially deployed in the U.S., however, economics will dictate the desirability of recycling older fuel which is currently in interim storage.

MR. OTTER. Where I am headed with that is if we do get into reprocessing, I think Mr. Wynn's question was an appropriate one, because if we do get into reprocessing, and we are not varying on 97 percent potential fuel, it could be that Yucca Mountain would be large enough. Now, your answer to him was a rejection of that notion because you said no, because we still have military waste, we still have naval waste, we still have these other wastes.

And so it would be, I think, an appropriate question to ask is, well, then, how much of that 70,000 metric tons, how much space would that take up? If you are asking to enlarge it, how much more space is going to be available? And then how much is not going to be needed out of these 126 sites if we do successfully establish reprocessing?

MR. SPROAT. Sure. Well, where we stand right now, I am obligated under the Nuclear Waste Policy Act to come back to the Congress in the next 3 years, I believe, 3, 3-1/2 years, with a recommendation and an analysis of the need for a second repository and an analysis of do we need one. And I would say that if I don't get that 70,000 metric ton limit removed through the legislation that we have sent up to the Hill, I probably can't--given the uncertainties of the timeframes associated with closing the fuel cycle and how long it is going to take to start recycling that fuel, I would probably still have to come back and say I am going to need a second repository.

MR. OTTER. Plus the fact that I am told there is something like 30 license requests in right now for new plants, and so plus if we are not going to reprocess, someday we are going to be facing that waste.

MR. SPROAT. Absolutely. Absolutely.

MR. OTTER. Mr. Chairman, I would ask unanimous consent that members of the committee who are here and who are not here be allowed to, by way of perhaps a letter to the Director, make additional inquiries, some of them on secondary questions that I would have, and then later, on receiving those replies, make them part of the record, this official record.

MR. HALL. Without objection, I think we made that statement initially at the beginning and have asked for a timely return of those questions.

MR. SPROAT. Certainly.

MR. OTTER. Thank you.

MR. HALL. Mr. Otter, do you yield back?

The Chair recognizes the gentleman from Georgia, Dr. Roland.

MR. NORWOOD. Gee, I really appreciate that.

MR. HALL. Dr. Norwood from Georgia.

MR. NORWOOD. Dr. Roland would love to be here questioning this, I tell you.

Mr. Sproat, welcome.

MR. SPROAT. Thank you.

MR. NORWOOD. I am curious how you felt when you were told you were going to come testify before this committee since you had been on the job for 4 weeks. What were your feelings like about that?

MR. SPROAT. Actually, believe it or not, I welcome the opportunity, because I took this job because I have a very strong opinion about its need for the country, and I am committed to making it better. And any opportunity I get to get in front of a group like this and talk about it and talk about what I intend to do, I enjoy that opportunity.

MR. NORWOOD. Well, I associate myself a lot with John Shimkus on this. There is not much more important than us getting this repository open. I can tell you what my feelings were. I wasn't sure if I was in a nightmare or this was something special we were having. I can't remember how many of these hearings that we have had in the last 12 years where the Director sat there and assured us of this and that and this, and nothing has happened.

MR. SPROAT. Yep.

MR. NORWOOD. I find it unbelievable that since 1982, when we first decided to have a repository, and now 23 years later and saying, oh, well, just 11 more years. You come from the private sector. How are your feelings about that?

MR. SPROAT. Well, clearly, number one, as I said when I opened up, I share the committee's frustration with this. I absolutely do. That is one of the reasons why I decided to put myself through this process to come here and try and make this happen.

I would say that--obviously, I can't speak intelligently all the time about why we got ourselves to where we are. Clearly, number one, I think it was a lot harder than people thought it was going to be is one part. And secondly, I think, quite frankly, this project, to move it forward, to get an NRC license and to build this, requires skill sets of the

person running the--of the program that may be a little different than the person--than the people who have been here in the past.

MR. NORWOOD. Took us 23 years to figure that out, huh? It doesn't say a lot for DOE, if you want to know the truth.

MR. SPROAT. I can't answer that.

MR. NORWOOD. Last time I was at Yucca Mountain was 1995, 1996, and they had dug some pretty good holes in that mountain then. All I can remember out of that whole trip was everybody was running around painting signs saying don't run over the turtles, and that is the way we were spending most of our dollars and research about the turtles. The good thing about this to me is I think you might actually get something done.

MR. SPROAT. I plan to.

MR. NORWOOD. And I am all for you, and as Mr. Shimkus said, we want help. This is not just embarrassing, which it is. It is costing this country a great deal of money, and it is interfering, in my mind, greatly with our energy policies. In my part of the world, Georgia and South Carolina, where Savannah River Site is, I mean, we are trying to get in position to build three more reactors down there now, one at SRS and two with Southern Company. But we need the Department of Energy to actually do something, and if it takes 30 years to open up that mountain, I have got great concerns even with a man like yourself who is used to getting stuff done. You hadn't been over there long enough to see all the traps. I mean, you have got bureaucrats around every corner digging a hole, hoping you fall in it so we can't get this done.

MR. SPROAT. Believe me, sir, I am going in to this with my eyes wide open.

MR. NORWOOD. Well, you have friends on this committee who are not scared and who would be willing to help you, but we want to see you actually make this happen, and my question is, my gosh, is it going to take until, what did you say, 2017?

MR. SPROAT. Yes, sir.

MR. NORWOOD. Is it really going to take that long after all this time?

MR. SPROAT. Well, let me say this about that. I do believe it is going to take--to get the quality application in to meet my standards to the NRC, I believe it is going to take me pretty close to that 2008 timeframe. After that, if I haven't had enough time yet, but in terms of the construction process and can we shrink once we get that license to build, can we shrink the construction timeframe, I bet we can, but I just haven't had enough time to really go through the designs and challenge the planners yet around that.

MR. NORWOOD. I have given up on this every other year, thinking, well, it will never happen, don't waste your time on this. What have they been doing for construction in 23 years? They were digging as hard as they could dig in 1995. What are we trying to build yet?

MR. SPROAT. They haven't been building anything. It has been mainly a program to gather data about the geology of the mountain and to put together a license application that they think the NRC--would meet the NRC's needs of 2004.

MR. NORWOOD. Mr. Sproat, now, we won't tell anybody. You really think it takes 23 years to gather data on the geology?

MR. SPROAT. No, sir.

MR. NORWOOD. I don't either. I think somebody is playing games. I hope you can get around them best you can.

One last question, Mr. Chairman. I hope we have made it clear, we are for you, and we are with you.

MR. SPROAT. Yes, sir.

MR. NORWOOD. As the Director of Radioactive Waste, does MOX fuel come under your bailiwick?

MR. SPROAT. No, it does not.

MR. NORWOOD. If you want that mountain to be filled up overnight, all we have got to do is listen to the Chairman of the Appropriations Subcommittee for Energy and Water that wants to liquify all of our nuclear waste in this country, and we will fill your mountain up so fast that you won't know what to do. You know what liquification is of nuclear fuels--nuclear waste, I mean?

MR. SPROAT. Quite frankly, I have not heard of that concept.

MR. NORWOOD. Well, I want you to be interested in it a little bit because there are alternatives. We have tried very hard to put a MOX fuel plan up to reprocess this so that 90 percent of this waste we can burn up in reactors and only send you 10 percent, and there are folks trying to stop that and want to turn it into glass logs. They are as big as that table over there, and it will fill your mountain up real quick. So I hope you will look at that enough to know it is going to affect where you are going to be down the road a little bit.

MR. SPROAT. Yes, sir.

MR. NORWOOD. Hopefully. And believe me, we on this side don't depend on the Senate very often, but hopefully the Senate is going to put the money in this MOX fuel thing so we can actually send you 10 percent of all that waste and not 100 percent of it.

Good luck. I admire you taking this on. I hope you can do it.

MR. SPROAT. Thank you.

MR. NORWOOD. Thank you, Mr. Chairman.

MR. HALL. Dr. Norwood.

MR. NORWOOD. Yes, sir.

MR. HALL. We thank you.

And Dr. Roland is another dentist, and we put him in charge of the turtles.

MR. NORWOOD. I will tell Dr. Roland you asked about him.

MR. HALL. I have one other question, just one last question I want to get in the record. What else can be done to accelerate the schedule and begin receiving spent fuel at Yucca Mountain?

MR. SPROAT. I think, Mr. Chairman, that my best answer to that right now is I need to complete the assessment of the program that I am currently doing and understand and really push and challenge the organization to compress the schedules that they have given me as I have walked in the door, and it is going to take me a little while to do that. I need to make sure they have got a good, credible design first and then really push them on compressing that, both the design schedules as well as the construction schedules.

And then, quite frankly, the other thing is the key critical path goes through the NRC licensing process, and working with the NRC management so that we end up with a 3-year licensing process and not a 10-year licensing process is really important.

MR. HALL. My last question: Can you think of anything we can do legislatively up here that will support a guy with a program that you have laid out, that I respect and Dr. Norwood respects? And you don't have an unfriendly committee in front of you here. We are for you.

MR. SPROAT. I would say--I would just requestfully--I am sorry, respectfully request that the committee give serious consideration to the legislative package we have already sent up, and as part of my assessment with the program here over the next 3 to 6 months, if I need something else, you will hear from me.

MR. HALL. Mr. Boucher, other questions?

MR. BOUCHER. No.

MR. HALL. We thank you for your time, preparation, your background and your service to this country.

We are adjourned.

[Whereupon, at 3:41 p.m., the committee was adjourned.]

RESPONSE FOR THE RECORD OF THE HON. EDWARD F. SPROAT III, DIRECTOR, OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT, U.S. DEPARTMENT OF ENERGY

QUESTIONS FROM REPRESENTATIVE HALL

Yucca Mountain

Q1. Previous DOE testimony before this Committee indicated that liability costs may reach approximately $500 million per year plus another $500 million per year for continued storage of defense waste. What can DOE do to mitigate these costs to the American taxpayer?

A1. The surest way for the Department to mitigate liability is to open the Yucca Mountain repository. The Department recently announced a schedule for commencing operation of the Yucca Mountain repository by 2017. This schedule is premised on a number of factors including adequate funding, issuance of a Nuclear Regulatory Commission (NRC) construction authorization consistent with the three year period specified in the Nuclear Waste Policy Act, the timely issuance of a license amendment to receive and possess, the timely issuance of all other necessary authorizations and permits, the absence of litigation related delays and the enactment of pending legislation proposed by the Administration.

Q2. I understand that the DOE is currently paying damages to 3 contract holders under negotiated settlements or court awards. When do you expect to begin paying damages to the other contract holders?

A2. The Department of Justice has entered into settlement agreements with three contract holders and pays settlement amounts from the Judgment Fund pursuant to those agreements. Money damages awarded by a court also would be paid from the Judgment Fund. The government cannot predict whether or when additional settlement agreements with contract holders will be completed or when payments pursuant to those agreements would begin. Similarly, the Department cannot predict if or when courts will enter damage awards in those pending cases that are tried to judgment.

QUESTIONS FROM CHAIRMAN BARTON

Yucca Mountain

Q1. Can DOE implement interim storage faster that [*sic*] Yucca Mountain can be finished?

A1. The Department recently announced a schedule for commencing operations of the Yucca Mountain repository by 2017. Assuming the elimination of the constraints imposed by the Nuclear Waste Policy Act on interim storage, the Department does not believe that off-site interim storage could be deployed appreciably sooner than 2017.

Q2. What are the biggest barriers to docketing the Yucca Mountain license? What will you do to address them? Can anything be done legislatively to resolve them?

A2. The Department recently announced a schedule for docketing the Yucca Mountain license application by the end of 2008. In order to meet this schedule, the Department must complete work on (1) an updated Total System Performance Analysis (TSPA) that takes into account a number of developments including an Environmental Protection Agency (EPA) standards for the post-10,000 year period and replacement of the U.S. Geological Survey (USGS) infiltration model, and (2) completion of surface facility designs to incorporate the clean-canistered approach. This schedule is not dependent on the passage of new legislation, but is dependent on adequate funding and the absence of litigation related delay. In addition, timely finalization of the rulemaking on the EPA standards is essential since completion of the license application is dependent on knowing how that rulemaking will address the uncertainties that become increasingly large in post-10,000 year period.

Q3. Licensing Yucca Mountain will be a significant first of a kind undertaking. Are there ways to improve the NRC licensing process that could improve the chances of success, consistent with protecting public health and the environment?

A3. The Administration has included provisions in its legislation to streamline the Nuclear Regulatory Commission (NRC) licensing process and improve the Projects's chances of success, consistent with protecting public health and the environment. We are evaluating whether or not there are other potential improvements in the current NRC processes which could further promote this effort. The Department strongly encourages Congress to pass the Administration's Yucca Mountain bill.

Q4. What else can be done to accelerate the schedule and begin receiving spent fuel at Yucca Mountain sooner? Could anything be done legislatively?

A4. Maintaining or accelerating the announced schedule depends to a large extent on adequate funding for construction of the repository, development and procurement of canister, and construction of the Nevada rail line. We are evaluating whether there are legislative actions in addition to those in the Administration's Yucca Mountain bill that would assist in accelerating the opening of the Yucca Mountain repository.

Q5. The Yucca Mountain EIS says that the repository should be kept open for monitoring and potential retrieval of the waste for a period of 50-300 years. Will the design allow for retrieval of spent fuel for reprocessing if the technology is successfully developed? How might this period be utilized to improve the effectiveness of the repository over time?

A5. The Yucca Mountain design will allow for the retrieval of spent nuclear fuel while the repository is open. The NRC requirement to maintain a minimum monitoring period of 50 years is to ensure that the system has performed as

expected and that waste could be retrieved, if required. The Department is currently designing repository subsurface systems to last up to 300 years to allow future generations more flexibility in taking steps to improve the efficiency of the repository and in defining when the repository should be sealed and ultimately closed. While the design would permit the retrieval of spent fuel for recycling, the Department has no current plans to emplace spent fuel in the repository with the intent to retrieve it for recycling. Recycling technology most likely will be deployed to deal with spent fuel on an ongoing basis rather than with legacy spent fuel generated prior to the deployment of recycling technology.

Q6. Being regulated by the NRC requires a workforce with a unique skill set, including strict adherence to procedures and quality assurance. Since DOE has never been regulated by the NRC, how do you plan to adapt the workforce culture to enable it to succeed under NRC scrutiny both as the license applicant for Yucca Mountain and ultimately, as the repository operator? Is there any additional authority you need to meet this workforce challenge?

A6. The Department currently holds two NRC licenses for spent fuel storage facilities at the Idaho National Laboratory and can apply that knowledge to Yucca Mountain. The Yucca Mountain Program is in the process of developing a nuclear culture and following prescribed NRC procedures, requirements and regulations which are necessary to become an NRC licensee. The NRC will only issue a license to construct a repository or operate facilities if the Department demonstrates that NRC requirements are being met. The Department will be conducting a skills management evaluation to identify future requirements for Federal and contractor staff skills and competencies, and is confident that its workforce will meet all NRC requirements as a licensee. The Department is not seeking any additional authority to meet these workforce requirements at this time.

Q7. Currently there are plans to build 4 new reactors in Texas and additional plants may be built in the future. There are two significant conditions that license applicants must meet related to spent fuel. First, license applicants must meet the requirements of the waste confidence rule. That will be possible if DOE maintains the 2017 schedule and Congress raises the capacity limit on Yucca Mountain to allow room for spent fuel from new plants. Secondly, under the Nuclear Waste Policy [*sic*] license applicants must sign standard contracts with DOE for spent fuel disposal. Considering that DOE is in the midst of litigation over the vast majority of the existing contracts, does DOE intend to sign new contracts with license applicants?

A7. Yes. The Department intends to enter into contractual arrangements with license applicants that will meet the requirements of the Nuclear Waste Policy Act and support the issuance of licenses to construct and operate new reactors.

Q7a. Will DOE need any additional legislative authority?

A7a. No. The Nuclear Waste Policy Act already authorizes the Secretary to enter into contracts for the disposal of spent nuclear fuel and high-level radioactive

waste from civilian nuclear power reactors. The Department does not require and is not seeking any additional legislative authority.

Q7b. When will DOE begin negotiations with companies interested in building new plants?

A7b. The Department expects to announce its plans in the near future. The Department is committed to undertaking a course of action that does not delay companies from applying for and receiving licenses to construct and operate new reactors.

Q7c. In what ways do you think new contracts might differ from the current generation of contracts?

A7c. The Department has started, but not completed its evaluation of the current Standard Contracts between utilities and the Government to review which provisions may need modification.

Q8. Please provide the Committee with a quarterly report on the Departments [sic] progress toward meeting the various program milestones that are necessary to submit the license application by June 30, 2008.

A8. The Department will provide the Committee a quarterly report on the Department's progress toward meeting Program milestones to submit the license application by June 30, 2008. Attached for the record is a list of the anticipated milestones to license application submittal.

Attachment

Yucca Mountain Repository Schedule

Milestone	**Date**
Design for License Application Complete	30 November 2007
Licensing Support Network Certification	21 December 2007
Supplemental Environmental Impact Statement (EIS) Issued	30 May 2008
Final License Application Verifications Complete	30 May 2008
Final Rail Alignment EIS Issued	30 June 2008
License Application Submittal	30 June 2008
License Application Docketed by NRC	30 September 2008

The schedule above is based on factors within the control of DOE, appropriations consistent with optimum Project execution, issuance of an NRC Construction Authorization consistent with the three year period specified in the Nuclear Waste Policy Act, and the timely issuance by the NRC of a Receive and Possess license. This schedule also is dependent on the timely issuance of all necessary other authorizations and permits, the absence of litigation related delays and the enactment of pending legislation proposed by the Administration.

Q9. Can Yucca Mountain meet the radiation standard that is currently under revision and likely to be finalized by EPA late this year?

A9. The Department believes it can meet the EPA radiation protection standards in the draft rule issued last year. Any revisions to the draft rule would need to be evaluated. While the Department is confident the repository will provide adequate protection up to and beyond the point of peak dose, increasing the compliance period by a hundred fold greatly increases the uncertainties associated with modeling performance and most likely will prolong the licensing process.

Q10. What is being done with regard to the USGS emails and the failure of their scientists to properly document their water infiltration studies? How long will it take to resolve that issue?

A10. The infiltration estimates produced by USGS are corroborated by independent data from around the United States. Still, we recognize that it is essential that the technical basis for the Yucca Mountain repository meet DOE's quality assurance requirements and be without the appearance of question or qualification; therefore, the modeling work performed by the USGS employees who exchanged the emails will be replaced and supplemented, as necessary, and supporting documentation will be reviewed and verified. We have tasked Sandia National Laboratories to review the existing infiltration model and prepare a new model. This new model and the results will be used as part of the technical basis for the license application.

After Sandia completes this task, the models and results will be independently checked by experts outside the Department to ensure the technical soundness and quality assurance traceability, which are required for the license application.

Q11. The "Clean Canister Approach," using one canister design for transportation and disposal, sounds a lot like the old Multi-Purpose Canister proposal that failed. What makes the clean canister approach any more likely to succeed?

A11. The previous multi-purpose canister (MPC) did not fail, but was cancelled for budgetary and political reasons as noted in an extensive report in 1997 by the Electrical Power Research Institute. Based on the scientific and technical information now available, the Department believes it can successfully develop and incorporate a canister approach that can support transport, aging, and disposal requirements for the overall waste management system.

Q11a. How will DOE handle spent fuel that has already been packaged in transportable canisters, especially at decommissioned plants where handling facilities no longer exist?

A11a. The Department expects most such spent fuel to be repackaged in the new canisters at reactor sites. There will be some capability, however, to repackage such spent fuel at the Yucca Mountain repository. While the Department will work with utilities to facilitate the transfer of spent fuel, the Department does

not believe it is obligated under the Standard Contract to accept spent fuel packaged in transportable canisters. The issue of the Department's acceptance of those systems is currently a matter in litigation.

Q12. What is the status of the Defense contribution for the cost of disposing of defense waste and spent fuel in the repository? Is the government on schedule to meet its financial obligation to the project?

A12. The Defense contribution for the disposal of the defense waste is approximately $15 billion of the total life cycle cost of the Program. The Government contribution is on schedule to meet its financial obligation to the Project.

QUESTIONS REPRESENTATIVE ROGERS

Yucca Mountain

Q1. Last November, the Department announced an initiative to develop a multi-purpose canister that could be loaded at reactor sites, transported, and disposed at Yucca Mountain thus eliminating the need for repackaging and multiple handling of used fuel. These canisters were called TADs – for transportation, aging, and disposal. Does the Department remain committed to the TAD initiative? How is this initiative progressing? How does the development of this canister support the licensing of Yucca Mountain?

A1. The Department has adopted a canister-based approach for the repository and is currently re-designing the surface facilities to reflect this new initiative. Industry has responded positively to this new approach. The Department intends to contract with private industry for the development of the TAD systems. We plan to release a performance specification for the TAD system in November of this year and anticipate that conceptual designs of TAD canisters will be available early next year. The Department recently released its schedule to submit the license application to the Nuclear Regulatory Commission (NRC) in June of 2008. This schedule is premised on the ability to use more efficient and simpler surface facilities because of the canister-based approach.

Q2. I understand the Department will be making a Critical Design Decision soon regarding the redesign of the repository surface facility (consistent with the simplified approach [sic] in provided by the TAD initiative), what is the status of this decision?

A2. The Department's internal Critical Decision to adopt the canister-based approach was made in July of this year.

Q3. The Yucca Mountain Environmental Impact Statement says that Yucca Mountain should be kept open for monitoring and potential retrieval of the waste for a period of 50-300 years. Do you see this period providing an opportunity to improve the effectiveness of the repository over time?

A3. Yes. The NRC requirement to maintain a minimum monitoring period of 50 years is to ensure that the system has performed as expected. The Department, however, is currently designing the underground tunnels to last up to 300 years, which will allow future generations more flexibility in taking steps to improve the efficiency of the repository and in defining when the repository should be sealed and closed. The ability to keep the repository open for 300 years will permit the emergence of new technologies that might improve the long-term performance of the repository.

Q4. Transportation of spent fuel is an area that has obvious challenges. In Michigan, one of the concerns has been barging of spent fuel on the Great Lakes. While the Department has stated a preference for rail in shipping spent fuel to Yucca Mountain, the Environmental Impact Statement does contemplate barging spent fuel on the Great Lakes. What are the Department's plans for moving forward and addressing local or regional concerns so that they can be put aside as obstacles to moving the Yucca Mountain project forward?

A4. Any decision to use barge transport would be made only after thorough consultations with stakeholders, including State, Tribal, local and utility representatives. DOE will work with the appropriate State Regional Groups as part of its transportation planning and mode selection process.

QUESTIONS FROM REPRESENTATIVE OTTER

Q1. I understand that the first facility that will be in operation at Yucca Mountain is the initial fuel handling facility. Will both Navy and DOE Spent Nuclear Fuel from Idaho be received at this facility as soon as it opens?

A1. Currently we are evaluating surface facility designs and no final decisions have been made with regard to those facilities. As a general matter, our planning assumption is that, subject to construction sequencing and assuming the capability to transport spent nuclear fuel to the repository site, that commercial, Naval and DOE spent nuclear fuel will be able to begin to be accepted at the site at the time the repository opens, or shortly thereafter. The Department's recently announced Best-Achievable Repository Construction Schedule estimates that the Department would begin receipt in March 2017.

Q2. Are there any Research and development needs that must be addressed before deploying the Transport, Aging, and Disposal (TAD) canister, if so what is the schedule for addressing these needs?

A2. No, the Department does not believe that any research and development needs must be addressed before deploying the Transport, Aging, and Disposal (TAD) canister.

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DOE/CF-039
Volume 5

U.S. DEPARTMENT OF
ENERGY

FY 2010 Congressional Budget Request

Environmental Management

Defense Nuclear Waste Disposal
Nuclear Waste Disposal

Office of Chief Financial Officer
May 2009

Volume 5

Attachment

Volume 5

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The Department of Energy's Congressional Budget justification is available on the Office of Chief Financial Officer, Office of Budget homepage at http://www.cfo.doe.gov/crorg/cf30.htm.

For the latest details on the Department of Energy's implementation of the Recovery Act, please visit: http://www.energy.gov/recovery

Nuclear Waste Disposal

Preface

OCRWM receives funds through two separate appropriation accounts, the Nuclear Waste Disposal and Defense Nuclear Waste Disposal appropriations. The overview narrative and detailed justification for the entire program, as supported by both accounts, is presented in the Nuclear Waste Disposal section of this budget request.

The FY 2010 budget request of $197 million for OCRWM implements the Administration's decision to terminate the Yucca Mountain program while developing nuclear waste disposal alternatives. All funding for development of the Yucca Mountain facility would be eliminated, such as further land acquisition, transportation access, and additional engineering. The budget request includes the minimal funding needed to explore alternatives for nuclear waste disposal through OCRWM and to continue participation in the Nuclear Regulatory Commission (NRC) license application (LA) process, consistent with the provisions of the Nuclear Waste Policy Act. The Administration intends to convene a "blue-ribbon" panel of experts to evaluate alternative approaches for meeting the federal responsibility to manage and ultimately dispose of spent nuclear fuel and high-level radioactive waste from both commercial and defense activities. The panel will provide the opportunity for a meaningful dialogue on how best to address this challenging issue and will provide recommendations that will form the basis for working with Congress to revise the statutory framework for managing and disposing of spent nuclear fuel and high-level radioactive waste.

The OCRWM FY 2010 budget request is dedicated solely to supporting to the NRC LA process. Prior year activities that supported both the LA and other OCRWM activities have been scaled back to include only those elements specific to the LA and are, therefore, no longer included as distinct budget elements. The Program Direction budget has been restructured to support the LA activities. Finally, Project Support activities are limited to those required by law, regulation, or order for the operation of a federal program or essential to a full and fair license process.

Mission

The mission of OCRWM is to manage and dispose of spent nuclear fuel (SNF) and high-level radioactive waste (HLW) in a manner that protects public health, safety, and the environment; enhances national and energy security; and merits public confidence.

Benefits

OCRWM is critical to enhancing the national and economic security goals of the nation, and the Nuclear Waste Policy Act of 1982, as amended, mandates its activities. The safe management of spent nuclear fuel and high-level radioactive waste must protect the health, safety and environment of the United States. This increases credibility and public confidence in nuclear safety and security, and it allows nuclear energy to remain a significant contributor to the country's energy needs. The OCRWM program is also responsible for demonstrating progress in the cleanup of U.S. defense sites consistent with the mission of the DOE Office of Environmental Management as well as international nonproliferation goals, thereby supporting national security objectives, along with Department of Energy strategic goals.

The Nation's commercial and defense SNF and HLW must be safely and permanently isolated to minimize the risk to human health and the environment. Effective management of these materials will ensure that our country enjoys a diverse source of energy options, remains competitive in the global economy, maintains national security, supports cleanup of weapons sites, continues operation of the U.S. Navy's nuclear-powered vessels, and advances our international non-proliferation goals. Ultimately, the success of the program ensures the safe and secure management of SNF and HLW currently located at more than 120 above ground sites within 75 miles of over 160 million Americans, and nearly every major waterway.

License Application and Defense

The Nuclear Waste Policy Act (NWPA) of 1982 made the Department of Energy (DOE) responsible for the permanent disposal of U.S. spent nuclear fuel and high-level nuclear waste. Following nine site recommendations, siting guidelines, and environmental assessments over several years, the 1987 NWPA amendments mandated one site for characterization. With the adoption of P.L. 107-200 in July of 2002, Yucca Mountain became the designated site for the national repository.

The Department is following the process and schedule outlined in the NWPA, as amended, to support the licensing review process underway by the U.S. Nuclear Regulatory Commission (NRC). On June 3, 2008, consistent with section 114(b) of the NWPA, the Department submitted a license application to the NRC. The NRC docketed the application on September 8, 2008 (73 Fed. Reg. 53284), and issued the Notice of Hearing and Opportunity to Petition for Leave to Intervene on the license application on October 22, 2008 (73 Fed. Reg. 63029). NRC's applicable regulations establish a detailed schedule for the conduct of the hearing process, including for the filing of petitions to intervene, discovery, summary disposition motions, the evidentiary hearing, proposed findings, appeals and a final decision by the Commission on the application. Section 114(d) of the NWPA requires NRC to issue a final decision approving or disapproving the issuance of construction authorization for the repository within three years; provided that, NRC may delay this deadline by an additional year pursuant to the procedures set forth in section 114(e) of the NWPA.

As stated in the preface, OCRWM's budget request for FY 2010 provides support for the NRC licensing process, and does not include any funding for any activities not directly related to supporting the NRC licensing process or required by law, regulation or order for the operation of a federal program or those being essential to a full and fair license process.

During FY 2010, the NRC staff will continue their review of the LA and will continue to submit to the DOE Requests for Additional Information (RAIs) resulting from their review. Additionally, the Atomic Safety and Licensing Board (ASLB) will continue the LA hearing process. Responding to questions from NRC and participating in the NRC licensing proceeding will require DOE effort in the following areas:

- Undertake additional preclosure and post-closure analytical activities, as required, to respond to potentially multiple rounds of highly technical, detailed NRC RAIs;
- Provide technical, scientific, and legal support for court challenges;
- Maintain and update the LA and supporting documents as issues resulting from contentions are resolved and RAIs are responded to;
- Ensure effective LA configuration control and consistency with supporting documents;
- Assist NRC in its review and acceptance of the Supplemental Environmental Impact Statement (SEIS) providing additional groundwater analysis;

- Preparation and review of depositions;
- Preparation of DOE witnesses and testimony for ASLB hearings;
- Addressing discovery, including derivative discovery;
- Preparation and response to interrogatories, and;
- Support for motions and other legal actions.

This effort will require sufficient technical, scientific, licensing, and legal resources, as appropriate for particular tasks, to ensure a full and fair license process.

Repository Design
Repository design activities will be conducted only to provide support for RAIs or contention responses or resolutions, documents, or information updates that affect the LA references or require notification to the NRC of changes in LA content, and to correct conditions that have a potential impact on the LA. All Repository design activities not directly in support of the NRC licensing process will be suspended in FY 2010.

Transportation
All transportation system development activities will be suspended in FY 2010.

Program Direction and Management
OCRWM federal staff will manage and perform critical LA support functions in the face of a reduction of more than 2,000 contractor staff in FY 2008 and FY 2009. Many of the functions currently performed by contractor support will now be absorbed into the work by federal staff. Federal staff are funded from the program direction subaccount. Federal employees will perform technical work representing the Department as the license applicant before the NRC, in meetings with the NRC staff, and the public licensing hearings. In addition, federal staff will provide support to the Department of Justice in litigation related to the NWPA. Federal employees will perform mandatory activities required to comply with Federal laws, including the NWPA, DOE Orders, and other government regulations. In FY 2010, federal employees will manage and operate the Yucca Mountain Site, performing only those activities at the site to continue to meet all applicable safety, security, and other regulatory requirements, in order to facilitate ongoing performance confirmation scientific data collections that directly support the NRC licensing process.

The requested funding will be used in part to reimburse the costs of DOE contractor contributions to defined-benefit (DB) pension plans as required by the Employee Retirement Income Security Act (ERISA), as amended by the Pension Protection Act of 2006 (PPA), and consistent with Departmental direction. The PPA amended ERISA to require accelerated funding of DB pension plans so that the plans become 100% funded in 2011. Most contractors that manage and operate DOE's laboratories, weapons plants, and execute environmental clean-up projects at various government owned sites and facilities are contractually required to assume sponsorship of any existing contractor DB pension plans for incumbent employees who work and retire from these sites and facilities. Increased contributions began to be required for some of these DB pension plans as a result of the downturn in investment values in FY 2009. Whether additional funding will be needed in future years will depend on the funded status of the plans based on plan investment portfolios managed by the contractors as sponsors of the DB pension plans.

Statement of Steven Chu
Secretary, U.S. Department of Energy
Before the
Senate Committee on Appropriations
Subcommittee on Energy and Water Development, and Related Agencies

FY 2010 Appropriations Hearing
May 19, 2009

Chairman Dorgan, Ranking Member Bennett, members of the Committee, I am pleased to be before you today to present President Obama's fiscal year 2010 budget request for the Department of Energy.

The President's 2010 Budget seeks to usher in a new era of responsibility – an era in which we invest to create new jobs and lift our economy out of recession, while laying a new foundation for our long-term growth and prosperity.

The FY 2010 budget request of $26.4 billion provides the next critical investment in a multi-year effort to address the interconnected challenges of economic uncertainty, U.S. dependence on oil, and the threat of a changing climate by transforming the way our nation produces and consumes energy. Meeting these challenges will require both swift action in the near-term and a sustained commitment for the long term to build a new economy powered by clean, reliable, affordable and secure energy. We will also train the next generation of a technical workforce and the scientific researchers needed to maintain the United States' preeminent position in science and technology. At its core, this budget request emphasizes science, discovery, and innovation to support the key missions of the Department.

I want to note at the outset that in developing the FY 2010 request the Department considered that the $38.7 billion of American Recovery and Reinvestment Act of 2009 (Recovery Act) funding received by the Department allows for the acceleration of a number of important commitments. The Recovery Act makes investments in energy conservation and renewable energy sources ($16.8 billion), environmental management ($6 billion), loan guarantees for renewable energy and electric power transmission projects ($6 billion), grid modernization ($4.5 billion), carbon capture and sequestration ($3.4 billion), basic scientific research ($1.6 billion), and the establishment of the Advanced Research Projects Agency - Energy (ARPA-E) ($400 million). These investments will help jumpstart the economy, save and create jobs, and serve as a down payment on addressing fundamental energy challenges, while reducing carbon emissions and U.S. dependence on oil.

INVESTING IN SCIENCE TO ACHIEVE TRANSFORMATIONAL DISCOVERIES

The FY 2010 budget request supports our strategic framework by:

- Investing in science to achieve transformational discoveries;
- Fostering the revolution in energy supply and demand while positioning the United States to lead on global climate change policy;
- Increasing American economic competitiveness;
- Maintaining the nuclear deterrent, reducing the risk of nuclear proliferation, and advancing nuclear legacy cleanup; and
- Improving the management of the Department.

The President has committed to doubling federal investment in basic research over ten years. The Department will support this commitment by investing in basic and applied research, creating new incentives for private innovation, and promoting breakthroughs in energy. Our nation's ability to sustain a growing economy and a rising standard of living for all Americans depends on continued advances in science and technology. Scientific and technological discovery and innovation are the major engines of increasing productivity and are indispensable to ensuring economic growth, job creation, and rising incomes for American families in the technologically-driven 21st century.

As Secretary, one of my top priorities is to amplify the fundamental research undertaken by the Office of Science with novel approaches to solving the nation's energy problems. While the Department has made important contributions over the years, despite almost three decades of effort, we are still confronted by the fundamental problems of energy security and environmental degradation from our energy use. That is why I am proposing new approaches to solving the energy question. Specifically, this budget request includes three initiatives designed to cover the spectrum of basic to applied science to maximize our chances of energy breakthroughs. The FY 2010 budget will launch eight Energy Innovation Hubs, while the Energy Frontier Research Centers (EFRCs) and ARPA-E were launched last month.

Let me briefly explain the differences and why I believe launching these Hubs is so important.

EFRCs are small-scale collaborations (predominantly at universities) that focus on overcoming known hurdles in basic science that block energy breakthroughs – not on developing energy technologies themselves.

ARPA-E is a highly entrepreneurial funding model that explores potentially revolutionary technologies that are too risky for industry to fund.

The proposed Energy Innovation Hubs will take a very different approach – they will be multi-disciplinary, highly collaborative teams ideally working under one roof to

solve priority technology challenges, such as artificial photosynthesis (creating fuels from sunlight).

A few years ago, I changed the course of my scientific work to focus on solving our energy and climate challenges. I did so because of the great national and global urgency of this issue – but also because, as a scientist, I remain optimistic that science can offer us better solutions than we can imagine today. But those solutions won't come easily; they will only come if we harness the creativity and ingenuity and intellectual horsepower of our best scientists in the right way.

Having dedicated the last several years of my work to solving the energy challenge, I'm convinced that launching Energy Innovation Hubs is a critical next step in this effort. Bringing together the best scientists from different disciplines in collaborative efforts is our best hope of achieving priority goals such as making solar energy cost competitive with fossil fuels, or developing new building designs that use dramatically less energy, or developing an economical battery that will take your car 300 miles without recharging.

These are the breakthroughs we need – and the Energy Innovation Hubs will help us achieve them. I saw the power of truly collaborative science like this firsthand during my time at Bell Laboratories. I believe that to solve the energy problem, the Department of Energy must strive to be the modern version of Bell Labs in energy research, and that is what these Hubs will do. They will essentially be little "Bell Lablets."

The scientific collaboration the Hubs will foster will be unique and indispensible, and must be backed by a meaningful and sustained investment. These investments will pay for themselves many times over, ensuring American leadership and American competitiveness when it comes to the green energy jobs of tomorrow.

The following is additional information about the three initiatives:

- **Energy Innovation Hubs**
  In FY 2010 the Department proposes to fund eight multi-disciplinary Energy Innovation Hubs, at a total of $280 million. Modeled after the Department's Bioenergy Research Centers, the work of the Hubs will span from basic research to engineering development to commercialization and a hand-off to industry. Each Hub will be funded at $25 million per year, with one-time additional start-up funding of $10 million in the first year for renovation, equipment and instrumentation.

  The Hubs will support cross-disciplinary research and development focused on the barriers to transforming energy technologies into commercially deployable materials, devices, and systems. They will advance highly promising areas of energy science and technology from their early stages of research to the point that the risk level will be low enough for industry to deploy them into the marketplace. While the intent is to provide a funding stream that is more dependable than the standard funding mechanisms, renewal after 5 years will not be automatic. To

receive renewed funding, Hubs will be expected to be delivering exceptional scientific progress.

The research Hubs will explore the following topics: Solar Electricity; Fuels from Sunlight; Batteries and Energy Storage; Carbon Capture and Storage; Grid Materials, Devices, and Systems; Energy Efficient Building Systems Design; Extreme Materials; and Modeling and Simulation.

- **Energy Frontier Research Centers**
  In FY 2010 the Department of Energy will continue to support Energy Frontier Research Centers (EFRC). Currently there are 46 EFRCs, funded at $2 to $5 million per year. These centers enlist the talents and skills of the very best scientists and engineers to address current fundamental scientific roadblocks to clean energy and energy security. Roughly one-third of the centers are supported by Recovery Act funding. These centers, involving almost 1,800 researchers and students from universities, national labs, industry, and non-profit organizations from 36 states and the District of Columbia, address the full range of energy research challenges in renewable and low-carbon energy, energy efficiency, energy storage, and cross-cutting science. EFRC researchers take advantage of new capabilities in nanotechnology, light sources that are a million times brighter than the sun, supercomputers, and other advanced instrumentation, much of it developed in collaboration with the Department of Energy's Office of Science.

- **Advanced Research Projects Agency- Energy (ARPA-E)**
  ARPA-E is a new Department of Energy organization modeled after the Defense Advanced Research Projects Agency, created during the Eisenhower administration in response to Sputnik. The Recovery Act provided $400 million and the FY 2010 budget requests $10 million for ARPA-E. The purpose of ARPA-E is to advance high-risk, high-reward energy research projects that can yield revolutionary changes in how we produce, distribute, and use energy. It will ensure that the United States maintains a technological lead in developing and deploying advanced energy technologies.

  ARPA-E seeks out the best ideas and assembles teams that can move quickly to help bring the idea to market, and funds this work through grants that range between $500,000 and $10 million. Most projects will be funded with seed money that sunsets after three years. Research teams are expected to either make exceptionally rapid progress or bring their technology to the point the private sector can pick it up within that time.

These initiatives will be augmented with a broad educational effort that cuts across DOE program offices to inspire students and workers to pursue careers in science, engineering, and entrepreneurship specifically related to clean energy. This education effort will help to develop the scientific and technical expertise to sustain the new energy economy and increase American competitiveness.

- **RE-ENERGYSE (REgaining our ENERGY Science and Engineering Edge)** As part of President Obama's recent address before the National Academy of Sciences on reinvigorating scientific research and innovation in the United States, the President announced a joint education initiative between the National Science Foundation and the Department of Energy to "inspire tens of thousands American students to pursue careers in science, engineering and entrepreneurship related to clean energy."

  As part of this initiative, the Department will launch a comprehensive K-20+ science and engineering initiative, funded at $115 million in FY 2010, to educate thousands of students at all levels in the fields contributing to the fundamental understanding of energy science and engineering systems. This initiative, which complements the Department's other education efforts, will provide graduate research fellowships in scientific and technical fields that advance the Department's energy mission; provide training grants to universities that establish multidisciplinary research and education programs related to clean energy; support universities that dramatically expand energy-related research opportunities for undergraduates; build partnerships between community colleges and different segments of the clean tech industry to develop customized curriculum for "green collar" jobs; and increase public awareness, particularly among young people, about the role that science and technology can play in responsible environmental stewardship.

Office of Science

The FY 2010 budget requests $4.9 billion for the **Office of Science**, a $184 million increase over FY 2009. In general, the 2010 request will focus on breakthrough science while developing and nurturing science and engineering talent. It will also increase funding for climate science and continue America's role in international science and energy experiments. The budget also invests in the next generation of America's scientists by expanding graduate fellowship programs in critical energy-related fields. This funding builds upon the $1.6 billion provided in the Recovery Act for basic science programs at the Department of Energy.

The Office of Science supports investigators from more than 300 academic institutions and from all of the DOE laboratories. The FY 2010 budget request will support about 25,000 Ph.D.s, graduate students, undergraduates, engineers, and technicians. Approximately 24,000 researchers from universities, national laboratories, industry, and international partners are expected to use the Office of Science's scientific user facilities. The FY 2010 request supports the President's plan to increase federal investment in the sciences and train students and researchers in critical fields, to invest in areas critical to our clean energy future, and to make the U.S. a leader on climate change.

Two of the Department's eight Energy Innovation Hubs are requested in the Office of Science in FY 2010 ($70 million). These Hubs will bring together teams of

experts from multiple disciplines to focus on two grand challenges in energy: the creation of fuels directly from sunlight without the use of plants or microbes and advanced methods of electrical energy storage.

The Office of Science supports a diverse number of research programs including:

- High-Energy Physics ($819 million)
- Nuclear Physics ($552 million)
- Biological and Environmental Research ($604 million)
- Basic Energy Sciences ($1.7 billion)
- Advanced Scientific Computing Research ($409 million)
- Fusion Energy Sciences ($421 million)

FOSTERING THE REVOLUTION IN ENERGY SUPPLY AND DEMAND WHILE POSITIONING THE UNITED STATES TO LEAD ON GLOBAL CLIMATE CHANGE POLICY

U.S. dependence on oil is a national security challenge. Furthermore, the United States has a responsibility to curb carbon emissions to mitigate the effects of global climate change. The FY 2010 budget request will expand the use of low-carbon and renewable energy sources and efficiency, and support the Smart Grid. Deploying these technologies will position the United States to lead on global climate change policy.

Energy Efficiency and Renewables

Achieving these goals requires changes to both the demand and supply of energy. DOE is addressing both by improving the nation's energy efficiency to reduce energy demand and by investing in technologies and approaches to transform energy supply and transmission. The FY 2010 budget request of $2.3 billion for the **Office of Energy Efficiency and Renewable Energy** (EERE) will transform the nation's energy infrastructure by investing in a variety of renewable sources of electricity generation and deploying technologies to reduce our dependence on oil and decrease energy use in homes, transportation, and industry. These sources of energy will reduce the production of GHG emissions and usher in a revitalized economy built on the next generation of domestic production. Investments in efficiency R&D, grants to States and weatherization assistance will have immediately tangible benefits by reducing energy use, lowering energy bills, and reducing GHG emissions and helping to create jobs across the country.

This budget request for EERE provides a diverse portfolio of solutions to our energy and environmental challenges. This starts with improving energy efficiency, which can be one of the cheapest, cleanest means of reducing greenhouse gas emissions. The budget includes significant increases in several programs in support of the President's efforts to promote energy efficiency, including these increases:

- Building Technology program— $238 million (+$98 million or 69 percent)
- Vehicle Technology program— $333 million (+$60 million or 22 percent); and

The budget continues the shift to clean and renewable energy, including these increases:

- Solar Energy program— $320 million (+$145 million, or 82 percent);
- Wind Energy program— $75 million (+$20 million, or 36 percent); and
- Geothermal program— $50 million (+$6 million or 14 percent.)

The budget also has funding for:

- Fuel Cells Technology ($68.2 million)
- Biomass and Biorefinery Systems R&D ($235 million)
- Water Power ($30 million)
- Industrial Technologies ($100 million)
- FEMP ($32.3 million)
- Weatherization ($220 million)
- State Energy Program Grants ($75 million)

Electricity Transmission and Reliability

The nation's ability to meet the growing demand for reliable electricity is challenged by an aging electricity transmission and distribution system and by vulnerabilities in the U.S. energy supply chain. Despite increasing demand, the U.S. has experienced a long period of underinvestment in power transmission and infrastructure maintenance. The majority of the power delivery system was built on technology developed in the 1960s, 70s and 80s and is limited by the speed with which it can respond to disturbances. This limitation increases the vulnerability of the power system to outages that can spread quickly and have regional effects. Deploying the next generation of clean energy sources will require modernization of U.S. energy infrastructure which will rely on digital network controls and transmission, distribution and storage breakthroughs.

The proposed FY 2010 **Office of Electricity Delivery and Energy Reliability** budget provides $208 million, an increase of 52 percent over FY 2009, and builds on the "smart grid" investments and other activities to modernize and secure the electric grid provided by $4.5 billion of Recovery Act funds, supporting the following areas:

- Clean energy transmission and reliability ($42 million)
- Smart grid research and development ($67 million)
- Energy storage ($15 million)
- Cyber security for energy delivery systems ($50 million)
- Permitting, siting and analysis ($6.4 million)
- Infrastructure security and energy restoration ($6.2 million)

Fossil Energy

The FY 2010 budget request of $882 million for the **Office of Fossil Energy (FE)** will help ensure that the United States can utilize traditional domestic energy resources in

a clean and affordable manner. The United States has 25 percent of the world's coal reserves, and fossil fuels currently supply 86 percent of the nation's energy. Low-carbon emissions coal plants and production of methane (natural gas) from gas hydrates will help allow fossil fuels to be used as abundant and low-carbon emitting energy resources. In direct support of the Department of Energy's Energy Security mission, $229 million of the $882 million has been requested to provide operations, maintenance and repair funding for a Strategic Petroleum Reserve program that is environmentally responsible and fully responsive to the needs of the nation and the public, protecting against potential disruptions in foreign and domestic petroleum supplies.

The Department is committed to advancing Carbon Capture and Storage (CCS) technologies in order to promote cleaner and efficient use of fossil fuels. The $3.4 billion in Recovery Act funds, combined with $222 million requested in FY 2010 for CCS research and development, is the keystone of the Department's clean coal research program which seeks to establish the capability of producing electricity from coal with dramatically reduced atmospheric emissions of carbon dioxide.

In FY 2010, the Energy Innovation Hub for CCS will focus on enabling fundamental advances and discovery of novel and revolutionary capture/separation approaches to dramatically reduce the energy penalty and cost associated with CO_2 capture.

The FY 2010 budget request for FE funds the following areas:

- Coal ($403.9 million) including $179.9 million for carbon sequestration
- Fossil energy research and development ($617.6 million)
- Naval Petroleum and Oil Shale Reserves ($23.6 million)
- Strategic Petroleum Reserve ($229.1 million)
- Northeast Home Heating Oil Reserve ($11.3 million)

Nuclear Energy

The $845 million budget request for the **Office of Nuclear Energy (NE)** recognizes that nuclear energy is a fundamental component of the energy mix which currently supplies approximately 20 percent of the nation's electricity and over 70 percent of low carbon emitting electricity.

In order to research and develop nuclear energy technologies that could help meet non-proliferation and climate goals, and to maintain the national nuclear technology infrastructure, the FY 2010 budget request for NE funds the following areas:

- Nuclear Power 2010 ($20 million)
- Generation IV ($191 million)
- Fuel Cycle Research and Development Program ($192 million)
- Radiological Facilities Management ($77 million)
- Idaho Facilities Management ($203 million)

Loan Guarantee Program

In FY 2010, the DOE will continue to accelerate the availability of loans for innovative technologies through the Loan Guarantee Program, while ensuring taxpayer interests are protected. The Department requests $43.0 million in funding in FY 2010 to operate the Office and support personnel and associated costs. This request will be offset by collections authorized under Title XVII of the Energy Policy Act of 2005 (EPACT 2005). Additionally, the FY 2010 budget provides $20 million for administrative costs to help enable the **Advanced Technology Vehicle Manufacturing Loan Program** to support up to $25 billion in loans to automobile and automobile part manufacturers for re-equipping, expanding, or establishing manufacturing facilities to produce advanced technology vehicles or qualified components.

MAINTAINING THE NUCLEAR DETERRENT, REDUCING THE RISK OF NUCLEAR PROLIFERATION, AND ADVANCING NUCLEAR LEGACY CLEAN-UP

Nuclear Security

The National Nuclear Security Administration (NNSA) continues significant efforts to meet administration and secretarial priorities, leveraging science to promote national security. The FY 2010 President's budget request is $9.9 billion, which is $815 million more than the FY 2009 request, to meet defense and homeland security-related objectives.

The United States continues a fundamental shift in national security strategy to address the realities of the 21st century. The FY 2004-directed reductions to the U.S. nuclear weapons stockpile were completed in 2007, five years early. Today's nuclear weapons stockpile is now the size envisioned for 2012, and by 2012 it will be almost 15 percent less than that -- a total that is just 25 percent of what it was at the end of the Cold War. Consistent with the Administration's Nuclear Posture Review, the Department of Energy has created a vision for a revitalized nuclear weapons complex that is significantly more agile and responsive, and will allow further reductions in the nuclear stockpile by providing an industrial hedge against geopolitical or technical problems.

The FY 2010 budget request for NNSA funds the following areas:

- Weapons Activities ($6.4 billion)
- Defense Nuclear Nonproliferation ($2.14 billion)
- Naval Reactors ($1.0 billion): $175 million increase from FY 2009
- Office of the Administrator ($420.8 million)

Environmental Management

The federal government has the dual responsibilities of addressing the nuclear weapons production legacy of our past and providing the necessary environmental infrastructure for today that will ensure a clean, safe and healthy environment for future generations. To deliver on the Department's obligations stemming from 50 years of nuclear research and weapons production during the Cold War, the **Office of Environmental Management (EM)** continues to focus its resources on those activities that will yield the greatest risk reductions, with safety as the utmost priority. To achieve a balance of risk reduction and environmental cleanup, the FY 2010 request of $5.8 billion, a decrease of 3 percent from FY 2009, builds upon the $6 billion in Recovery Act funding. These investments are already having an impact. Fifty skilled new workers recently reported to work at the Savannah River Site.

This request supports the following activities, in priority order:

- Essential activities to maintain a safe and secure posture in the EM complex
- Radioactive tank waste stabilization, treatment, and disposal
- Spent nuclear fuel storage, receipt and disposition
- Special nuclear material consolidation, processing, and disposition
- High priority groundwater remediation
- Transuranic and mixed/low level waste disposition
- Soil and groundwater remediation
- Excess facilities deactivation & decommissioning

In developing the FY 2010 budget for its environmental cleanup efforts, the Department will focus on achieving the greatest risk reduction, while also incorporating regulatory compliance commitments and best business practices, to maximize cleanup progress. In FY 2010, EM is aggressively pursuing the consolidation and disposition of surplus plutonium and other special nuclear materials to enhance national security and to minimize the storage risks and costs associated with these materials. In addition, EM continues to make significant progress on the construction and operation of waste treatment and immobilization facilities across the complex. The budget continues shipments of remote-handled transuranic waste to the Waste Isolation Pilot Plant.

The FY 2010 budget request for EM funds the following activities:

- Non-Defense Environmental Management ($238 million)
- Defense Environmental Management ($5.5 billion)
- UED&D Fund ($559 million)

Yucca Mountain

The FY 2010 budget request of $197 million for OCRWM implements the Administration's decision to terminate the Yucca Mountain program while developing nuclear waste disposal alternatives. All funding for development of the Yucca Mountain facility would be eliminated, such as further land acquisition, transportation access, and additional engineering. The budget request includes the minimal funding needed to

explore alternatives for nuclear waste disposal through OCRWM and to continue participation in the Nuclear Regulatory Commission (NRC) license application process, consistent with the provisions of the Nuclear Waste Policy Act. The Administration intends to convene a "blue-ribbon" panel of experts to evaluate alternative approaches for meeting the federal responsibility to manage and ultimately dispose of spent nuclear fuel and high-level radioactive waste from both commercial and defense activities. The panel will provide the opportunity for a meaningful dialogue on how best to address this challenging issue and will provide recommendations for managing and disposing of spent nuclear fuel and high-level radioactive waste.

IMPROVING THE MANAGEMENT OF THE DEPARTMENT

As Secretary, I am making a concerted effort to improve management throughout the Department. The Department is committed to strengthening its management to implement the $26.4 billion FY 2010 request and $38.7 billion of Recovery Act funds. The Department has developed strong oversight strategies for Recovery Act implementation, including upfront risk assessments and building specific risk management plans, upgrading process controls, establishing personal risk assurance accountabilities, and expanding outreach, training, and coordination between Headquarters and field offices. The Recovery Act, however, is only one aspect of a much larger effort to improve the Department's management.

As part of President Obama's commitment to fiscal discipline, DOE will focus on using its resources responsibly, transparently, and effectively by identifying potential savings throughout the agency. The FY 2010 budget request of $182.3 million for Departmental Administration, along with resources in individual program offices, will continue the improvement in key functional areas such as human, financial, project, and information technology management. These efforts will instill management excellence and encourage the most efficient use of the Department's resources.

The Office of the Chief Information Officer (CIO) will receive $104.5 million, $33.4 million of which will go to cybersecurity and secure communications, $9.4 million to the corporate management information program, and $23.6 million for energy information technology services.

The Office of the Chief Financial Officer will continue its effort in FY 2010 to build and improve its integrated business management system, iMANAGE, with the deployment of budget execution and formulation modules such as iBUDGET. To accomplish this and other goals, the CFO's office will receive $66 million in the FY 2010 budget. A significant portion of the increase is to assume costs previously carried by the CIO for accounting systems operations.

The Office of Management ($88.4 million) and the Office of Human Capital Management ($29.5 million) will help ensure effective and efficient management principles permeate from top to bottom at the Department of Energy. The Department has been making steady progress in improving project management and developed an

action plan with concrete steps and scheduled milestones to successfully address the root causes of the major challenges to planning and managing Department projects. The action plan identifies eight measures that, when fulfilled, will result in significant, measurable, and sustainable improvements in the Department's contract and project management performance and culture. Primary actions include: strengthened front-end planning, optimized staffing, improved risk management, better alignment of funding profiles and cost baselines, strengthened cost estimating capability, improved acquisition strategies and plans, improved oversight, and stricter adherence to project management requirements.

The Department's human capital management efforts are focused on an integrated approach that ensures human capital programs and policies are linked to the Department's missions, strategies, and strategic goals, while providing for continuous improvement in efficiency and effectiveness. The Department is revising its human capital management strategic plan to address future organizational needs, workforce size, skill gaps, performance management systems and diversity. To accomplish this goal, the Department will continue to implement strategies to attract, motivate and retain a highly skilled and diverse workforce to meet the future needs of the nation in such vital areas as scientific discovery and innovation.

CONCLUSION

It is my firm belief that the short-term impact of the Recovery Act combined with the new approaches and long-term vision in President Obama's FY 2010 budget, will lay the groundwork necessary for creating the new green economy. Both President Obama and I look forward to working with the 111th Congress to make this vision a reality.

I appreciate the opportunity to appear before you to present the FY 2010 budget proposal for the Department of Energy. I will be happy to take any questions that the Chairman and members of the Committee may have at this time.

Public Law 111–85
111th Congress

An Act

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Oct. 28, 2009
[H.R. 3183]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

Energy and Water Development and Related Agencies Appropriations Act, 2010.

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $160,000,000, to remain available until expended.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for

that appears under the heading "Congressionally Directed Science Projects" in the joint explanatory statement accompanying the conference report on this Act.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended (the "NWPA"), $98,400,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 2.54 percent shall be provided to the Office of the Attorney General of the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the NWPA: *Provided further*, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the NWPA, 0.51 percent shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of the NWPA: *Provided further*, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 4.57 percent shall be provided to affected units of local government, as defined in the NWPA, to conduct appropriate activities and participate in licensing activities under Section 116(c) of the NWPA: *Provided further*, That of the amounts provided to affected units of local government, 7.5 percent of the funds provided for the affected units of local government shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada affected units of local government: *Provided further*, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 0.25 percent shall be provided to the affected federally-recognized Indian tribes, as defined in the NWPA, solely for expenditures, other than salaries and expenses of tribal employees, to conduct appropriate activities and participate in licensing activities under section 118(b) of the NWPA: *Provided further*, That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department shall have no monitoring, auditing or other oversight rights or responsibilities over amounts provided to affected units of local government: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Office of the Attorney General by direct payment and to units of local government by direct payment: *Provided further*, That 4.57 percent of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities shall be provided to Nye County, Nevada, as payment equal to taxes under section 116(c)(3) of the NWPA: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Office of the Attorney General of the State of Nevada, each affected federally-recognized Indian tribe, and each of the affected units of local government shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the NWPA and this Act: *Provided further*, That failure to provide such

Nevada.
Nevada.
California.
Nevada.
Native Americans.
Nevada.
Nevada.
Deadline.
Nevada.
Certification.
Penalty.

certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the NWPA, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: *Provided further*, That of the funds made available in this Act for Nuclear Waste Disposal, $5,000,000 shall be provided to create a Blue Ribbon Commission to consider all alternatives for nuclear waste disposal: *Provided further*, That no funds provided in this Act or any previous Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy, or to withhold payment of any such funds. Lobbying.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided,*, That for necessary administrative expenses to carry out this Loan Guarantee program, $43,000,000 is appropriated, to remain available until expended: *Provided further*, That $43,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2010 appropriations from the general fund estimated at not more than $0: *Provided further*, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $20,000,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, $288,684,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions

table that appears under the heading "Congressionally Directed Defense Environmental Cleanup Projects" in the joint explanatory statement accompanying the conference report on this Act.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 12 passenger motor vehicles for replacement only, $847,468,000, to remain available until expended: *Provided*, That of the amount appropriated in this paragraph, $3,000,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Other Defense Activities Projects" in the joint explanatory statement accompanying the conference report on this Act.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $98,400,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Leaburg Fish Sorter, the Okanogan Basin Locally Adapted Steelhead Supplementation Program, and the Crystal Springs Hatchery Facilities, and, in addition, for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2010, no new direct loan obligations may be made.

Loans.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $7,638,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $7,638,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more

BCB SC Budget and Control Board

DIVISION OF GENERAL SERVICES

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1200 Senate St, Ste 460
Wade Hampton Bldg
Columbia, SC 29201
(803) 734-6062
FAX: (803) 737-0592

Real Property Services - Real Property Inventory

Real Property Services, on behalf of the Budget and Control Board, is directed to identify all state-owned properties, whether titled in the name of the State or an agency or department, and all agencies and departments of state government are, upon request, to provide to Real Property Services all documents related to the title acquisition of the real properties that are occupied or used by the agency or titled in the name of the agency. Accordingly, Real Property Services maintains an inventory of all state properties, except for those properties titled to agencies and departments specifically exempted from the standard titling of state-owned real property and reporting requirements. The information contained in the inventory database is provided by the agencies and institutions that control and/or operate the properties as required by SC Code §1-11-58.

Utilization Categories:

- Fully Utilized - The property is currently in use and will continue to be in use for the foreseeable future.
- Partially Utilized - The property is not fully utilized at this time, but is being used by the agency.
- Surplus - The property is not being used and has no planned use for the next three years.
- Held - The property is not fully utilized, but is being held for future requirement.

(NOTE: This is not a list of state properties available for sale. For information on state properties currently available for sale, please visit the Real Property Sales link.)

REAL PROPERTY INVENTORY REPORT (PDF file)

Select Agency Name | Any

And / Or County | Any Search

Select a county and/or an agency.

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B&CB

BCB Information Services

Updated: 11.01.2010 | Site Comments?

SC.GOV

ADD464

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Auto: Deeded To: Agency Code: Agency Name: Tax Map Nnumber: Current Use:

Location/Address: City: Notes: Projected Use:

County: County Code: Acreage: Deed Reference: Plat Reference:

Easement: Deed Date: Record Date:

Utilization: Amount Paid: Current Value:

1465	F03-STATE OF SOUTH CAROLINA	E24	ADJUTANT GENERAL	00-052-001-067	ARMORY		
	365 BETTIS ACADEMY RD	GRANITEVILLE	NATIONAL GUARD (WARRENVILLE ARMORY)		ARMORY		
		AIKEN 02			10.584	456-489	
						07/14/72	
					F	$1.00	$68,796.00
1466	H12-CLEMSON UNIVERSITY	H12	CLEMSON UNIVERSITY	00-196-001-008	PROGRAM/ACADEMIC		
	HWY #154	AIKEN	MULT. PARCELS - CAMP LONG		PROGRAM/ACADEMIC		
		AIKEN 02			403	65-223	
						06/04/34	10/9/1935
					F	$1.00	
1474	F07-STATE OF SOUTH CAROLINA	H29	UNIVERSITY OF SOUTH CAROLINA-AIKEN CAMPUS	087-15-01-002	PROGRAM/ACADEMIC		
	471 UNIVERSITY PARKWAY	AIKEN	STUDENT ACTIVITIES CENTER		PROGRAM/ACADEMIC		
		AIKEN 02			1.476	531-241	
						03/09/76	
					F	$1.00	$10,644,265.00
1468	H29-UNIVERSITY OF SOUTH CAROLINA TRUSTEES	H29	UNIVERSITY OF SOUTH CAROLINA-AIKEN CAMPUS	087-15-01-010	SUPPORT SERVICES/STORAGE/MAINTENANCE		
	471 UNIVERSITY PARKWAY	AIKEN	SUPPLY & MAINTENANCE BUILDING		SUPPORT SERVICES/STORAGE/MAINTENANCE		
		AIKEN 02			0.54	673-279	
						03/18/80	
					F	$1.00	$911,739.00
1469	H29-UNIVERSITY OF SOUTH CAROLINA	H29	UNIVERSITY OF SOUTH CAROLINA-AIKEN CAMPUS	087-15-01-001	ATHLETIC/RECREATIONAL		
	471 UNIVERSITY PARKWAY	AIKEN	SOFTBALL ANCILLARY BUILDING (CONCESSIONS/RESTROOMS)		ATHLETIC/RECREATIONAL		
		AIKEN 02			0.394	673-279	
						03/18/80	
					F	$1.00	$142,354.00

*UTILIZATION CLASSIFICATION LEGEND: F=fully utilized; P=partially utilized; S=surplus; H=held for future use.

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Auto:	Deeded To:		Agency Code:	Agency Name:	Tax Map Nnumber:	Current Use:		
	Location/Address:	City:		Notes:		Projected Use:		
		County:	County Code:			Acreage:	Deed Reference:	Plat Reference:
						Easement:	Deed Date:	Record Date:
						Utilization:	Amount Paid:	Current Value:

1470	H29-UNIVERSITY OF SOUTH CAROLINA	H29	UNIVERSITY OF SOUTH CAROLINA-AIKEN CAMPUS	087-15-01-009	PROGRAM/ACADEMIC		
	471 UNIVERSITY PARKWAY AIKEN		ETHERREDGE CENTER FOR FINE & PERFORMING ARTS		PROGRAM/ACADEMIC		
	AIKEN	02			2.7	830-37	
						05/23/84	
					F	$1.00	$11,379,786.00
1471	H29-UNIVERSITY OF SOUTH CAROLINA	H29	UNIVERSITY OF SOUTH CAROLINA-AIKEN CAMPUS	087-15-01-003	PROGRAM/ACADEMIC		
	471 UNIVERSITY PARKWAY AIKEN		PENLAND CLASSROOM/ADMIN BUILDING		PROGRAM/ACADEMIC		
	AIKEN	02			0.912	830-43	
						05/23/84	
					F	$1.00	$11,471,257.00
1472	H29-UNIVERSITY OF SOUTH CAROLINA	H29	UNIVERSITY OF SOUTH CAROLINA-AIKEN CAMPUS	087-15-01-004	PROGRAM/ACADEMIC		
	471 UNIVERSITY PARKWAY AIKEN		GREGG-GRANITEVILLE LIBRARY		PROGRAM/ACADEMIC		
	AIKEN	02			0.61	830-40	
						05/23/84	
					F	$1.00	$8,595,307.00
1473	H29-THE BOARD OF TRUSTEES OF THE UNIVERSITY OF SOUT	H29	UNIVERSITY OF SOUTH CAROLINA-AIKEN CAMPUS	087-15-01-007	PROGRAM/ACADEMIC		
	471 UNIVERSITY PARKWAY AIKEN		HUMANITIES & SOCIAL SCIENCES BUILDING		PROGRAM/ACADEMIC		
	AIKEN	02			0.5534	549-731	
						01/25/77	
					F	$1.00	$7,892,335.00
3267	H29-AIKEN COUNTY HIGHER EDUCATION COMMISSION	H29	UNIVERSITY OF SOUTH CAROLINA-AIKEN CAMPUS	087-15-01-008	PROGRAM/ACADEMIC		
	471 UNIVERSITY PARKWAY		SCIENCES BUILDING		PROGRAM/ACADEMIC		
	AIKEN	02			62.1		
					F		$19,323,810.00

*UTILIZATION CLASSIFICATION LEGEND: F=fully utilized; P=partially utilized; S=surplus; H=held for future use.

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Auto: Deeded To: Agency Code: Agency Name: Tax Map Nnumber: Current Use:

Location/Address: City: Notes: Projected Use:

County: County Code: Acreage: Deed Reference: Plat Reference:

Easement: Deed Date: Record Date:

Utilization: Amount Paid: Current Value:

3264	H29-AIKEN COUNTY HIGHER EDUCATION COMMISSION	H29	UNIVERSITY OF SOUTH CAROLINA-AIKEN CAMPUS	087-15-01-008	STUDENT HOUSING		
	471 UNIVERSITY PARKWAY		PACER CROSSINGS		STUDENT HOUSING		
	AIKEN	02			62.1		
					F		$15,996,786.00
3271	H29-AIKEN COUNTY HIGHER EDUCATION COMMISSION	H29	UNIVERSITY OF SOUTH CAROLINA-AIKEN CAMPUS	087-15-01-008	PROGRAM/ACADEMIC		
	471 UNIVERSITY PARKWAY		BUSINESS & EDUCATION CENTER		PROGRAM/ACADEMIC		
	AIKEN	02					
					F		$19,645,740.00
2963	H29-UNIVERSITY OF SOUTH CAROLINA	H29	UNIVERSITY OF SOUTH CAROLINA-AIKEN CAMPUS	087-15-01-012	STUDENT HOUSING		
	471 UNIVERSITY PARKWAY	AIKEN	PACER COMMONS		STUDENT HOUSING		
	AIKEN	02			11.6295	RB4055-1632	51-118
						03/30/2006	
					F	$12,700,000.00	$12,819,138.00
2674	H29-UNIVERSITY OF SOUTH CAROLINA	H29	UNIVERSITY OF SOUTH CAROLINA-AIKEN CAMPUS	087-15-01-006	STUDENT HOUSING		
	471 UNIVERSITY PARKWAY	AIKEN	PACER DOWNS APARTMENTS		STUDENT HOUSING		
	AIKEN	02			8.5	D1891-P135	
						06/24/1999	
					F	$4,500,000.00	$6,037,444.00
3272	H29-AIKEN COUNTY HIGHER EDUCATION COMMISSION	H29	UNIVERSITY OF SOUTH CAROLINA-AIKEN CAMPUS	087-15-01-008	PROGRAM/ACADEMIC		
	471 UNIVERSITY PARKWAY		ALAN B MILLER NURSING BUILDING		PROGRAM/ACADEMIC		
	AIKEN	02					
					F		$3,447,007.00

*UTILIZATION CLASSIFICATION LEGEND: F=fully utilized; P=partially utilized; S=surplus; H=held for future use.

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Auto:	Deeded To:		Agency Code:	Agency Name:	Tax Map Nnumber:	Current Use:		
	Location/Address:	City:		Notes:		Projected Use:		
		County:	County Code:			Acreage:	Deed Reference:	Plat Reference:
						Easement:	Deed Date:	Record Date:
						Utilization:	Amount Paid:	Current Value:

3270	H29-AIKEN COUNTY HIGHER EDUCATION COMMISSION	H29	UNIVERSITY OF SOUTH CAROLINA-AIKEN CAMPUS	087-15-01-008	PROGRAM/ACADEMIC		
	471 UNIVERSITY PARKWAY		RUTH PATRICK SCIENCE EDUCATION CENTER		PROGRAM/ACADEMIC		
	AIKEN	02					
					F		$8,294,053.00
3261	H29-AIKEN COUNTY HIGHER EDUCATION COMMISSION	H29	UNIVERSITY OF SOUTH CAROLINA-AIKEN CAMPUS	087-14-02-001	ATHLETIC/RECREATIONAL		
	471 UNIVERSITY PARKWAY		SOCCER		ATHLETIC/RECREATIONAL		
	AIKEN	02			16.04		
					F		$403,034.00
3268	H29-AIKEN COUNTY HIGHER EDUCATION COMMISSION	H29	UNIVERSITY OF SOUTH CAROLINA-AIKEN CAMPUS	087-15-01-005	CHILDCARE FACILITY		
	471 UNIVERSITY PARKWAY		CHILDREN'S CENTER		CHILDCARE FACILITY		
	AIKEN	02			13.96		
					F		$705,371.00
3269	H29-AIKEN COUNTY HIGHER EDUCATION COMMISSION	H29	UNIVERSITY OF SOUTH CAROLINA-AIKEN CAMPUS	087-15-01-008	OFFICE/ADMINISTRATION		
	471 UNIVERSITY PARKWAY		PICKENS-SALLEY HOUSE		OFFICE/ADMINISTRATION		
	AIKEN	02					
					F		$721,440.00
3262	H29-AIKEN COUNTY HIGHER EDUCATION COMMISSION	H29	UNIVERSITY OF SOUTH CAROLINA-AIKEN CAMPUS	087-14-01-001	ATHLETIC/RECREATIONAL		
	375 ROBERT BELL PARKWAY		CONVOCATION CENTER		ATHLETIC/RECREATIONAL		
	AIKEN	02			260.53		
					F		$20,333,412.00

*UTILIZATION CLASSIFICATION LEGEND: F=fully utilized; P=partially utilized; S=surplus; H=held for future use.

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Auto:	Deeded To:		Agency Code:	Agency Name:	Tax Map Nnumber:	Current Use:		
	Location/Address:	City:		Notes:		Projected Use:		
		County:	County Code:			Acreage:	Deed Reference:	Plat Reference:
						Easement:	Deed Date:	Record Date:
						Utilization:	Amount Paid:	Current Value:
3265	H29-AIKEN COUNTY HIGHER EDUCATION COMMISSION		H29	UNVERISITY OF SOUTH CAROLINA-AIKEN CAMPUS	087-15-01-008	ATHLETIC/RECREATIONAL		
	471 UNIVERSITY PARKWAY			TENNIS TRAILER		ATHLETIC/RECREATIONAL		
		AIKEN	02					
						F		$85,924.00
3266	H29-AIKEN COUNTY HIGHER EDUCATION COMMISSION		H29	UNIVERSITY OF SOUTH CAROLINA-AIKEN CAMPUS	087-15-01-008	PROGRAM/ACADEMIC		
	471 UNIVERSITY PARKWAY			MCGRATH SENIORNET LEARNING CENTER		PROGRAM/ACADEMIC		
		AIKEN	02					
						F		$85,924.00
3263	H29-AIKEN COUNTY HIGHER EDUCATION COMMISSION		H29	UNIVERSITY OF SOUTH CAROLINA-AIKEN CAMPUS	087-14-01-001	ATHLETIC/RECREATIONAL		
	375 ROBERT BELL PARKWAY			ROBERTO HERNANDEZ STADIUM		ATHLETIC/RECREATIONAL		
		AIKEN	02					
						F		$1,562,326.00
1475	H63-STATE EDUCATION FINANCE COMMISSION		H63	EDUCATION DEPARTMENT	00-153-001-013	SHOP		
	AIKEN SCHOOL BUS SHOP - EASTSIDE OF US #1	AIKEN		SERVICE/MAINTANCE FACILITY		SHOP		
		AIKEN	02			8.615	231-175	
							11/18/1960	
						F	$6,000.00	$6,099.00
1476	H73-SC VOCATIONAL REHABILITATION DEPARTMENT		H73	VOCATIONAL REHABILITATION	120-15-01-007	OFFICE/TRAINING		
	YORK ST	AIKEN		AREA OFFICE & TRAINING CENTER		OFFICE/TRAINING		
		AIKEN	02			5.64	1268-38	25-170-2
							8/22/91	
						F	$90,000.00	$493,500.00

*UTILIZATION CLASSIFICATION LEGEND: F=fully utilized; P=partially utilized; S=surplus; H=held for future use.

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Auto: Deeded To: Agency Code: Agency Name: Tax Map Nnumber: Current Use:

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Easement: Deed Date: Record Date:

Utilization: Amount Paid: Current Value:

1477	H73-SC VOCATIONAL REHABILITATION AGENCY	H73	VOCATIONAL REHABILITATION	120-14-03-001	OFFICE/TRAINING		
	YORK ST	AIKEN	AREA OFFICE & TRAINING CENTER		OFFICE/TRAINING		
		AIKEN 02			7.31	509-5	201-165
						11/07/74	
					F	$55,000.00	$638,750.00
1539	F03-STATE OF SOUTH CAROLINA	J12	MENTAL HEALTH DEPARTMENT	00-104-01-170	MAIN CENTER		
	1135 GREGG HWY, AIKEN SC 29801	AIKEN	AIKEN-BARNWELL MENTAL HEALTH CENTER		MAIN CENTER		
		AIKEN 02			16.47	1228-114	
						03/10/1995	
					F	$164,700.00	$500,000.00
2030	F03-STATE OF SOUTH CAROLINA	J16	DEPARTMENT OF DISABILITIES & SPECIAL NEEDS	00-154-01-006	RESIDENCE		
	101 & 103 DUPONT DR	AIKEN	TWO BUILDINGS ARE LOCATED ON THIS PROPERTY		RESIDENCE		
		AIKEN 02			1.6	1150-255	565-22
						01/29/1990	
					F	$17,425.00	
2031	J16-SC DEPARTMENT OF MENTAL RETARDATION	J16	DEPARTMENT OF DISABILITIES & SPECIAL NEEDS	30-041-06-011	RESIDENCE		
	625 & 629 CHESTERFIELD ST (SANDERS/RUDNICK)	AIKEN	TWO BUILDINGS ARE LOCATED ON THIS PROPERTY		RESIDENCE		
		AIKEN 02			2	765-83	13-232
						11/19/1982	
					F	$20,000.00	
2597	P12-SC STATE COMMISSION OF FORESTRY	P12	FORESTRY COMMISSION		COMMUNICATION SITE		
	SILVERTON TOWER	AIKEN	AGENCY REPEATER		COMMUNICATION SITE		
		AIKEN 02			0.167	125-45	
						03/08/1951	
					F	$1.00	$500.00

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ADD470

Case: 10-1050 Document: 1288485 Filed: 01/18/2011 Page: 106

Auto: Deeded To: Agency Code: Agency Name: Tax Map Nnumber: Current Use:

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Easement: Deed Date: Record Date:

Utilization: Amount Paid: Current Value:

1483	P12-SC STATE COMMISSION OF FORESTRY	P12	FORESTRY COMMISSION	076-14-05-003	TOWER SITE		
	SILVERTON TOWER, SC 125/ATOMIC RD	AIKEN	SOLD 4.18 AC TO GE&GS 10/06/09		TOWER SITE		
		AIKEN 02			7.12	65-206	
						02/26/1934	
					S	$5.00	$22,000.00
1489	P12-SC STATE COMMISSION OF FORESTRY	P12	FORESTRY COMMISSION	00-230-001-003	TOWER SITE		
	OAKWOOD TOWER, HWY #78	AIKEN	WORK CENTER/STANDBY STATION		WORK CENTER		
		AIKEN 02			8.3	65-161	
						10/21/1933	
					F	$1.00	$16,600.00
2595	P12-SC STATE COMMISSION OF FORESTRY	P12	FORESTRY COMMISSION		COMMUNICATION SITE		
	SILVERTON TOWER	AIKEN	AGENCY REPEATER		COMMUNICATION SITE		
		AIKEN 02			1.05	66-19	14-490
						08/28/1934	
					F	$1.00	$1,200.00
2596	P12-SC STATE COMMISSION OF FORESTRY	P12	FORESTRY COMMISSION		COMMUNICATION SITE		
	SILVERTON TOWER	AIKEN	AGENCY REPEATER		COMMUNICATION SITE		
		AIKEN 02			0.808	125-46	34-203
						03/08/1951	
					F	$1.00	$1,000.00
1491	P12-SC STATE COMMISSION OF FORESTRY	P12	FORESTRY COMMISSION	077-001-001	TIMBER PRODUCTION		
	GRANITEVILLE TOWER, HWY #149	GRANITEVILLE			SURPLUS		
		AIKEN 02			14.8	65-28	
						11/01/1933	
					S	$1.00	$30,000.00

*UTILIZATION CLASSIFICATION LEGEND: F=fully utilized; P=partially utilized; S=surplus; H=held for future use.

ADD471

Case: 10-1050 Document: 1288485 Filed: 01/18/2011 Page: 107

Auto: Deeded To: Agency Code: Agency Name: Tax Map Nnumber: Current Use:

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County: County Code: Acreage: Deed Reference: Plat Reference:

Easement: Deed Date: Record Date:

Utilization: Amount Paid: Current Value:

2422	P24-SC DEPARTMENT OF NATURAL RESOURCES	P24	DEPARTMENT OF NATURAL RESOURCES	00-129-01-010	HERITAGE PRESERVE		
	HENDERSON HP - GUNTER TRACT	AIKEN	HERITAGE PRES ADDITION		HERITAGE PRESERVE		
		AIKEN 02			168.58	1918-347	
						09/29/1999	
					F	$466,000.00	
1492	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	00-213-01-071	HERITAGE PRESERVE		
	WINDMILL HIGH POND	MONETTA			HERITAGE PRESERVE		
		AIKEN 02			30.11	1273-144	
						07/12/1991	
					F	$18,066.00	
1493	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	00-003-001-018	HERITAGE PRESERVE		
	SAVANNAH RIVER BLUFFS	AIKEN			HERITAGE PRESERVE		
		AIKEN 02			35.66	903-23	
						10/24/1985	
					F	$292,306.00	
1494	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	00-003-001-026	HERITAGE PRESERVE		
	SAVANNAH RIVER BLUFFS	AIKEN			HERITAGE PRESERVE		
		AIKEN 02			48.18	903-23	
						10/24/1985	
					F	$0.00	
1523	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	00-129-01-017	HERITAGE PRESERVE		
	HENDERSON HP (HWY 1467)	RIDGECREST			HERITAGE PRESERVE		
		AIKEN 02			197.5	1434-178	
						12/18/1993	
					F	$5.00	

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ADD472

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Auto: Deeded To: Agency Code: Agency Name: Tax Map Nnumber: Current Use:

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County: County Code: Acreage: Deed Reference: Plat Reference:

Easement: Deed Date: Record Date:

Utilization: Amount Paid: Current Value:

1876	P24-SC DEPARTMENT OF NATURAL RESOURCES	P24	DEPARTMENT OF NATURAL RESOURCES	00-337-01-007	HERITAGE PRESERVE		
	GOPHER TORTOISE	AIKEN			HERITAGE PRESERVE		
		AIKEN	02		182.782	1560-15	34-68
						08/29/1995	
					F	$116,980.48	
1877	P24-SC DEPARTMENT OF NATURAL RESOURCES	P24	DEPARTMENT OF NATURAL RESOURCES	00-320-01-003	HERITAGE PRESERVE		
	GOPHER TORTOISE HP ADDN	AIKEN			HERITAGE PERSERVE		
		AIKEN	02		492.817	1738-268	
						12/29/1997	
					F	$277,456.00	
2423	P24-DEPARTMENT OF NATURAL RESOURCES	P24	DEPARTMENT OF NATURAL RESOURCES	00-320-01-005	HERITAGE PRESERVE		
	BORDER OF GOPHER TORTOISE PRES	WINDSOR	ADDITION TO GOPHER TORTOISE PRES		HERITAGE PRESERVE		
		AIKEN	02		426.338	1918-182	
						09/28/1999	
					F	$468,972.00	
2431	P24-DEPARTMENT OF NATURAL RESOURCES	P24	DEPARTMENT OF NATURAL RESOURCES	00-336-02-003	HERITAGE PRESERVE		
	GOPHER TORTOISE - HURT TRACT	AIKEN	ADDITION TO GOPHER TORTOISE PRESERVE		HERITAGE PRESERVE		
		AIKEN	02		110.079	1831-164	38-184
						12/04/1998	
					F	$53,498.00	
2924	F03-STATE OF SOUTH CAROLINA	P24	DEPARTMENT OF NATURAL RESOURCES	00-089-02-028	WELL SITE		
	S/S OF HWY 125	AIKEN	SC WATER RESOURCES COMMISSION		WELL SITE		
		AIKEN	02		1,2	1350-326	28-56-2
						06/03/1992	
					F	$5,000.00	

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ADD473

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Auto: Deeded To: Agency Code: Agency Name: Tax Map Nnumber: Current Use:

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Easement: Deed Date: Record Date:

Utilization: Amount Paid: Current Value:

2925	F03-STATE OF SOUTH CAROLINA	P24	DEPARTMENT OF NATURAL RESOURCES	00-111-01-060	WELL SITE		
	GRAYMARE HOLLOW ROAD	NEW ELLENTON	SC WATER RESOURCES COMMISSION		WELL SITE		
		AIKEN 02			0.23	975-184	468-251
						03/05/1987	
					F	$2,500.00	
2883	F03- STATE OF SOUTH CAROLINA	P24	DEPARTMENT OF NATURAL RESOURCES	256-00-08-005	HERITAGE PRESERVE		
	WINDSOR ROAD EAST	AIKEN	TO PROTECT THE "GOPHER TORTOISE"		HERITAGE PRESERVE		
		AIKEN 02			97.326	RB4004-524	50/111
						06/14/2005	
					F	$145,854.00	
3122	P24-DEPARTMENT OF NATURAL RESOURCES	P24	DEPARTMENT OF NATURAL RESOURCES	268-00-03-003	HERITAGE PRESERVE		
	OAK RIDGE CLUB DRIVE	WILLISTON	GOPHER TORTOISE HERITAGE PRESERVE		HERITAGE PRESERVE		
		AIKEN 02			129.71	RB4177-1242	PL52-858
						12/11/2007	12/12/2007
					F		
1878	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	00-098.0-01-002	HERITAGE PRESERVE		
	BEAR BRANCH	AIKEN			HERITAGE PRESERVE		
		AIKEN 02			172.25	1695-339	BF LANDRUM TRAC
						07/03/1997	
					F	$146,412.50	
2631	P24-SC DEPARTMENT OF NATURAL RESOURCES	P24	DEPARTMENT OF NATURAL RESOURCES	00-129-01-138	HERITAGE PRESERVE		
	OUTING CLUB RD	AIKEN	HENDERSON HP ADDN		HERITAGE PRESERVE		
		AIKEN 02			3.08	2049-147	43-231
						12/27/2000	
					F		

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ADD474

Case: 10-1050 Document: 1288485 Filed: 01/18/2011 Page: 110

Auto: Deeded To: Agency Code: Agency Name: Tax Map Nnumber: Current Use:

Location/Address: City: Notes: Projected Use:

County: County Code: Acreage: Deed Reference: Plat Reference:

Easement: Deed Date: Record Date:

Utilization: Amount Paid: Current Value:

2632	P24-SC DEPARTMENT OF NATURAL RESOURCES	P24	DEPARTMENT OF NATURAL RESOURCES	00-129-01-082	HERITAGE PRESERVE		
	OUTING CLUB RD	AIKEN	HENDERSON HP ADDN		HERITAGE PRESERVE		
		AIKEN 02			3.8	2048-141	43-231
						12/21/2000	
					F	$56,892.00	
2633	P24-SC DEPARTMENT OF NATURAL RESOURCES	P24	DEPARTMENT OF NATURAL RESOURCES	00-129-01-005	HERITAGE PRESERVE		
	OUTING CLUB RD	AIKEN	HENDERSON HP ADDN		HERITAGE PRESERVE		
		AIKEN 02			29.39	2048-141	43-231
						12/21/2000	
					F	$56,892.00	
2634	P24-SC DEPARTMENT OF NATURAL RESOURCES	P24	DEPARTMENT OF NATURAL RESOURCES	00-129-01-135	HERITAGE PRESERVE		
	OUTING CLUB RD	AIKEN	HENDERSON HP ADDN		HERITAGE PRESERVE		
		AIKEN 02			14.22	2048-141	43-231
						12/21/2000	
					F	$56,892.00	
2706	P24-SC DEPARTMENT OF NATURAL RESOURCES	P24	DEPARTMENT OF NATURAL RESOURCES	00-129-0-01-078	HERITAGE PRESERVE		
	HERITAGE PRESERVE (3 MILES NW OF AIKEN) HENDERSON	AIKEN	HERITAGE PRESERVE		HERITAGE PRESERVE		
		AIKEN 02			8.86	2266-142	46-71-2
						12/16/2002	
					F		
1484	P12-SC FORESTRY COMMISSION	P28	PARKS RECREATION & TOURISM	N/A-02-009	STATE PARK		
	AIKEN STATE PARK - 1145 STATE PARK RD	AIKEN			STATE PARK		
		AIKEN 02			136	66-26	
						09/05/1934	
					F	$500.00	$272,000.00

*UTILIZATION CLASSIFICATION LEGEND: F=fully utilized; P=partially utilized; S=surplus; H=held for future use.

ADD475

Case: 10-1050 Document: 1288485 Filed: 01/18/2011 Page: 111

Auto: Deeded To: Agency Code: Agency Name: Tax Map Nnumber: Current Use:

Location/Address: City: Notes: Projected Use:

County: County Code: Acreage: Deed Reference: Plat Reference:

Easement: Deed Date: Record Date:

Utilization: Amount Paid: Current Value:

1485	P12-SC FORESTRY COMMISSION	P28	PARKS RECREATION & TOURISM	N/A-02-010	STATE PARK		
	AIKEN STATE PARK - 1145 STATE PARK RD	AIKEN			STATE PARK		
		AIKEN 02			66	66-27	
						09/05/1934	
					F	$132,000.00	$264.00
1486	P12-SC FORESTRY COMMISSION	P28	PARKS RECREATION & TOURISM	N/A-02-011	STATE PARK		
	AIKEN STATE PARK - 1145 STATE PARK RD	AIKEN			STATE PARK		
		AIKEN 02			205	180-242	
						07/21/1954	
					F	$2,000.00	$410,000.00
1487	P12-SC FORESTRY COMMISSION	P28	PARKS RECREATION & TOURISM	00297-002-001	STATE PARK		
	AIKEN STATE PARK - 1145 STATE PARK RD	AIKEN			STATE PARK		
		AIKEN 02			237	66-58	
						10/05/1934	
					F	$1,450.00	$475,000.00
1488	P12-SC FORESTRY COMMISSION	P28	PARKS RECREATION & TOURISM	00-297-002-001	STATE PARK		
	AIKEN STATE PARK - 1145 STATE PARK RD	AIKEN			STATE PARK		
		AIKEN 02			428.5	66-33	
						09/07/1934	
					F	$2,100.00	$857,000.00
1496	P28-SC DEPT OF PARKS RECREATION & TOURISM	P28	PARKS RECREATION & TOURISM	00-062-001-054 & 00-062-001-56 & 00-062-001-007	STATE PARK		
	RED CLIFF STATE PARK - HWY 125 & HWY 278	AIKEN	COUNTY SHOWS 349.13 + 3 ACRES		STATE PARK		
		AIKEN 02			352.13	486-405	
						03/28/1973	
					F	$510,000.00	$704,250.00

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Auto: Deeded To: Agency Code: Agency Name: Tax Map Nnumber: Current Use:

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County: County Code: Acreage: Deed Reference: Plat Reference:

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1506	P40-SAVANNAH VALLEY AUTHORITY	P32	DEPARTMENT OF COMMERCE	N/A-01-005	RUSSELL PROJECT		
	INTERSECTION OF HWY 72 & HWY 81	MAGNOLIA & CALHOUN FALLS	PROPERTY IS HELD FOR THE LAKESIDE A RUSSELL PROJECT		RUSSELL PROJECT		
		ABBEVILLE 02			834.89	169-437	
						12/18/90	
					F	$642,687.35	$628,335.00
1500	U12-THE SOUTH CAROLINA DEPARTMENT OF HIGHWAYS & PU	R40	DEPARTMENT OF MOTOR VEHICLES	00-203-01-007	SCDMV		
	AIRCO BLVD & US 78	AIKEN	VACANT PROPERTY		SCDMV		
		AIKEN 02			5	1345-236	669-326
						09/17/1992	
					S	$75,000.00	
2170	U12-SC HIGHWAY DEPARTMENT	R40	DEPARTMENT OF MOTOR VEHICLES		SCDMV		
	US HWY 78 & SC HWY 215 (RICHLAND AVE)	AIKEN	DMV		SCDMV		
		AIKEN 02			1.4	494-49	
						01/31/1974	
					F	$6,666.66	
2171	U12-SOUTH CAROLINA DEPARTMENT OF HIGHWAYS & PUBLIC	R40	DEPARTMENT OF MOTOR VEHICLES	00-01.5-01-023	SCDMV		
	ASCAUGA LAKE RD	NORTH AUGUSTA	DMV (LOCATED NEAR BELLVEDERE)		SCDMV		
		AIKEN 02			2.816	931-1	
						05/20/1986	
					F	$84,000.00	
2973	R40-DEPARTMENT OF MOTOR VEHICLES	R40	DEPARTMENT OF MOTOR VEHICLES	121-12-08-005			
	S/S US HWY # 78 & HWY 215	AIKEN	INCL: PARCEL 2 & 3 TMS - 00-015-01-023, 00-203-01-007				
		AIKEN 02			9.4		
						10/4/2006	
					F		

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1501	R60-STATE OF SC EMPLOYMENT SECURITY COMMISSION	R60	EMPLOYMENT SECURITY COMMISSION	00-155-01-052	ADMIN OFFICE		
	RICHLAND AVE	AIKEN			ADMIN OFFICE		
		AIKEN	02		2.3	998-290	
						08/11/1987	
					F	$50,000.00	$709,542.00
1498	U12-DEPARTMENT OF TRANSPORTATION	U12	DEPARTMENT OF TRANSPORTATION	00-039-003-020	SECTION SHED		
	SC HWY 125 & BEECH ISLAND AVE	BEECH ISLAND	BEECH ISLAND SECTION SHED		SECTION SHED		
		AIKEN	02		7	1004-140	489-247
						09/18/1987	
					F	$35,000.00	$439,404.00
1582	U12-SC DEPARTMENT OF TRANSPORTATION	U12	DEPARTMENT OF TRANSPORTATION	00-130-01-021	MAINTENANCE COMPLEX		
	1931 UNIVERSITY PARKWAY (US HWY 118)	AIKEN			MATENANCE COMPLEX		
		AIKEN	02		21.8	38-5	
						12/16/1996	
					F	$198,000.00	$4,306,471.00
2172	U12-DEPARTMENT OF TRANSPORTATION	U12	DEPARTMENT OF TRANSPORTATION	357-01-207	SECTION SHED		
	WASHINGTON RD	WAGENER	WAGNER SECTION SHED		SECTION SHED		
		AIKEN	02		21.45	946-6	
						07/17/1986	
					F	$1.00	$358,242.00
3044	U12-DEPARTMENT OF TRANSPORTATION	U12	DEPARTMENT OF TRANSPORTATION	0014-01-002	SECTION SHED		
	US HWY #25	NORTH AUGUSTA	OLD N AUGUSTA/SWEETWATER SECTION SHED - PER AGREEMENT, DEEDED FROM DPS 4/3/06		SECTION SHED		
		AIKEN	02		1.07	4081-1747	
						04/03/2006	8/8/2006
					F		

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2181	U12-DEPARTMENT OF TRANSPORTATION		U12	DEPARTMENT OF TRANSPORTATION	87-04-03-019	MAINTENANCE COMPLEX		
	462 S MAIN ST	BAMBERG		MAINTENANCE SHOP		MAINTENANCE COMPLEX		
		BAMBERG	05			2.109	T-589	
							10/17/1931	
						F	$500.00	$1,400,000.00
2182	U12-DEPARTMENT OF TRANSPORTATION		U12	DEPARTMENT OF TRANSPORTATION	87-04-03-019	MAINTENANCE COMPLEX		
	462 S MAIN ST	BAMBERG		MAINTENANCE SHOP		MAINTENANCE COMPLEX		
		BAMBERG	05			2.961	6-353	
							08/30/1950	
						F	$1,150.00	
712	F03-STATE OF SOUTH CAROLINA		E24	ADJUTANT GENERAL	072-12-04-003	ARMORY		
	2501 MARBORO AVE	BARNWELL		NATIONAL GUARD		ARMORY		
		BARNWELL	06			5	10-U-145	
							12/16/48	
						F	$1,040.00	$32,500.00
2064	F03- STATE OF SOUTH CAROLINA		F03	BUDGET & CONTROL BOARD-OFFICE OF GENERAL SERVICES	037-01-00-001	OTHER - INDUSTRIAL		
	NORTH OF SNELLING CITY LIMITS	SNELLING		CHEM NUCLEAR DUMP -		OTHER - INDUSTRIAL		
		BARNWELL	06			18.5	14H-421	
							11/02/1973	
						F	$0.00	
2065	F03- STATE OF SOUTH CAROLINA		F03	BUDGET & CONTROL BOARD-OFFICE OF GENERAL SERVICES	037-01-00-001	OTHER - INDUSTRIAL		
	NORTH OF SNELLING CITY LIMITS	SNELLING		CHEM NUCLEAR DUMP -		OTHER - INDUSTRIAL		
		BARNWELL	06			208.0632	15C-45	
							04/06/1976	
						F	$0.00	

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716	H12-THE CLEMSON AGRICULTURE COLLEGE OF SC	H12	CLEMSON UNIVERSITY	086-00-00-013	PROGRAM/ACADEMIC		
	US #78	BLACKVILLE			PROGRAM/ACADEMIC		
		BARNWELL	06		1296	10-V-316	A-45
						12/15/49	
					F	$4,500.00	
717	H12-THE CLEMSON AGRICULTURE COLLEGE OF SC	H12	CLEMSON UNIVERSITY	086-00-00-013	PROGRAM/ACADEMIC		
	3 MILES WEST OF BLACKVILLE ON US #78	BLACKVILLE			PROGRAM/ACADEMIC		
		BARNWELL	06		1058.4	11-I-221	C-78
						08/28/52	
					F	$47,000.00	
2935	H12-CLEMSON UNIVERSIITY	H12	CLEMSON UNIVERSITY	86-00-00-014			
	HWY 78	BLACKVILLE	SHRUB BRANCH CHURCH				
		BARNWELL	06		0.115	300-54	SLIDE 214/9-A
						11/27/1995	
					F		
2727	H59-DENMARK TECHNICAL COLLEGE	H59	DENMARK TECHNICAL COLLEGE	072-09-04-004	PROGRAM/ACADEMIC		
	2030 ELLINGTON RD	BARNNWELL	PROVIDE ACADEMIC SUPPORT FOR THE BARNWELL POPULATION, BUSINESS AND INDUSTRY		PROGRAM/ACADEMIC		
		BARNWELL	06		4.01	588-272	B-3-9-B
						06/03/2003	
					F	$300,000.00	$500,000.00
709	H63-STATE EDUCATION FINANCE COMMISSION	H63	EDUCATION DEPARTMENT	123-05-00-001	SHOP		
	BLACKVILLE SCHOOL BUS SHOP - COUNTRY CLUB RD	BLACKVILLE	SERVICE/MAINTANCE FACILITY		SHOP		
		BARNWELL	06		6	11L-150	
						09/30/1963	
					F	$1,050.00	$1,232.00

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Case: 10-1050 Document: 1288485 Filed: 01/18/2011 Page: 116

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2397	H67-SC EDUCATIONAL TELEVISION COMMISSION	H67	EDUCATIONAL TELEVISION COMMISSION	057-00-00-049	TRANSMITTING FACILITY		
	123 ED CORTEZ LANE	BARNWELL	TRANSMITTER SITE - WEBA		TRANSMITTING FACILITY		
		BARNWELL 06			26.67	130-119	
						12/06/1966	
					P	$5,334.00	$80,010.00
2728	J12-SC DEPARTMENT OF MENTAL HEALTH	J12	MENTAL HEALTH DEPARTMENT	72-11-06-008	POLLY BEST CLINIC		
	916 REYNOLDS RD, BARNWELL SC 29812	BARNWELL	AIKEN- BARNWELL MENTAL HEALTH CENTER		POLLY BEST CLINIC		
		BARNWELL 06			0.77	611-55	B-8-9-A
						09/17/2003	
					F	$105,000.00	$15,000.00
3158	K05-DEPARTMENT OF PUBLIC SAFETY	K05	DEPARTMENT OF PUBLIC SAFETY		OFFICE		
	1270 MAIN STREET	BARNWELL	DMV & HIGHWAY PATROL (26%)		OFFICE		
		BARNWELL 06			0.987		
					F		
715	P12-SC STATE COMMISSION OF FORESTRY	P12	FORESTRY COMMISSION	086-00-00-009	TIMBER PRODUCTION		
	ELKO TOWER, S/S US #78	ELKO			TIMBER PRODUCTION		
		BARNWELL 06			10	10C-251	A-100
						01/08/1936	
					S	$1.00	$20,000.00
722	P12-SC STATE COMMISSION OF FORESTRY	P12	FORESTRY COMMISSION	092-00-00-008	OFFICE COMPLEX		
	BARNWELL TOWER, S/S SC HWY #64	BARNWELL	OFFICE COMPLEX/CO. RECYCLE CENTER		OFFICE COMPLEX		
		BARNWELL 06			10	10C-206	
						08/15/1935	
					F	$1.00	$20,000.00

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ADD481

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747	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	072-10-06-036	FISH HATCHERY		
	FISH HATCHERY	BARNWELL			FISH HATCHERY		
		BARNWELL	06		14.91	11-C-524	
						11/30/1952	
					F	$1.00	
748	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	072-09-04-014	STATE LAKE		
	LAKE EDGAR BROWN - LAKE RD	BARNWELL			STATE LAKE		
		BARNWELL	06		19.72	12-J-206	
						04/25/1960	
					F	$1.00	
749	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	072-09-06-006	STATE LAKE		
	LAKE EDGAR BROWN - LAKE RD	BARNWELL			STATE LAKE		
		BARNWELL	06		0.02	12-J-208	
						09/02/1960	
					F	$1.00	
735	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	072-07-037-14	STATE LAKE		
	LAKE EDGAR BROWN - LAKE RD	BARNWELL			STATE LAKE		
		BARNWELL	06		0.3	12-J-210	
						08/14/1960	
					F	$1.00	
736	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	072-07-038	STATE LAKE		
	LAKE EDGAR BROWN - LAKE RD	BARNWELL			STATE LAKE		
		BARNWELL	06		2.3	12-J-211	
						04/26/1960	
					F	$1.00	

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738	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	072-07-040	STATE LAKE		
	LAKE EDGAR BROWN - LAKE RD	BARNWELL			STATE LAKE		
		BARNWELL	06		1.4	12-J-209	
						04/28/1967	
					F	$1.00	
750	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	072-08-01-014	STATE LAKE		
	LAKE EDGAR BROWN - LAKE RD	BARNWELL			STATE LAKE		
		BARNWELL	06		6.4	12-J-200	
						05/10/1960	
					F	$1.00	
751	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	072-08-01-006	STATE LAKE		
	LAKE EDGAR BROWN - LAKE RD	BARNWELL			STATE LAKE		
		BARNWELL	06		3.3	12-J-214	
						06/06/1960	
					F	$1.00	
752	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	072-07-01-002	STATE LAKE		
	LAKE EDGAR BROWN - LAKE RD	BARNWELL			STATE LAKE		
		BARNWELL	06		46.9	12-P-10	
						12/07/1961	
					F	$1.00	
705	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	072-00-00-005	STATE LAKE		
	LAKE EDGAR BROWN - LAKE RD	BARNWELL			STATE LAKE		
		BARNWELL	06		18.4	12-N-107	
						08/31/1961	
					F	$1.00	

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706	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	071-00-00-022	STATE LAKE		
	LAKE EDGAR BROWN - WEST OF S-6-41	BARNWELL			STATE LAKE		
		BARNWELL	06		28.7	12-J-15	
						08/05/1960	
					F	$1.00	
700	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	071-00-00-023	STATE LAKE		
	LAKE EDGAR BROWN - LAKE RD	BARNWELL			STATE LAKE		
		BARNWELL	06		81.9	12-K-95	I-231
						03/09/1961	
					F	$10.00	
701	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	071-04-01-003	STATE LAKE		
	LAKE EDGAR BROWN - LAKE RD	BARNWELL			STATE LAKE		
		BARNWELL	06		2.4	12-J-205	
						04/18/1960	
					F	$1.00	
702	P24-WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	071-04-01-004	STATE LAKE		
	LAKE EDGAR BROWN - LAKE RD	BARNWELL			STATE LAKE		
		BARNWELL	06		1	12-I-15	
						11/22/1967	
					F	$1,000.00	
704	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	072-00-00-004	STATE LAKE		
	LAKE EDGAR BROWN - LAKE RD	BARNWELL			STATE LAKE		
		BARNWELL	06		37.8	12-J-204	
						08/11/1960	
					F	$1.00	

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Auto:	Deeded To:		Agency Code:	Agency Name:	Tax Map Nnumber:	Current Use:		
	Location/Address:	City:		Notes:		Projected Use:		
		County:	County Code:			Acreage:	Deed Reference:	Plat Reference:
						Easement:	Deed Date:	Record Date:
						Utilization:	Amount Paid:	Current Value:

754	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	072-10-06-038	FISH HATCHERY		
	FISH HATCHERY - HWY #64	BARNWELL			FISH HATCHERY		
		BARNWELL	06		2	13-A-189	
						05/18/1969	
					F	$8,500.00	
755	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	072-10-06-041	FISH HATCHERY		
	FISH HATCHERY - HWY #64	BARNWELL			FISH HATCHERY		
		BARNWELL	06		0.25	13-0-1	
						08/01/1969	
					F	$12,000.00	
1888	F07-STATE OF SOUTH CAROLINA	P24	DEPARTMENT OF NATURAL RESOURCES		WELL SITE		
	TIMBER CO LAND	BARNWELL			WELL SITE		
		BARNWELL	06		1	78-99	2-C/95
						12/17/1987	
					F	$1,800.00	
1892	P24-SC WILDLIFE RES-DIVISION OF GAME	P24	DEPARTMENT OF NATURAL RESOURCES		STATE LAKE		
	LAKE EDGAR BROWN	BARNWELL			STATE LAKE		
		BARNWELL	06		0.6	12-J-201	
						08/15/1960	
					F	$1.00	
1893	P24-WILDLIFE AND MARINE RESOURCES DEPARTMENT-DIVISI	P24	DEPARTMENT OF NATURAL RESOURCES		STATE LAKE		
	LAKE EDGAR BROWN	BARNWELL			STATE LAKE		
		BARNWELL	06		0.1	12-J-207	
						08/05/1960	
					F	$1.00	

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2708	P24-SC WILDLIFE AND MARINE RESOURCES DEPARTMENT	P24	DEPARTMENT OF NATURAL RESOURCES	029-00-00-011	HERITAGE PRESERVE		
	HWY 78	BARNWELL	DITCH POND		HERITAGE PRESERVE		
		BARNWELL	06		180	562-77	297-5
						10/17/2002	
					F	$296,092.00	
1887	F03- STATE OF SOUTH CAROLINA	P24	DEPARTMENT OF NATURAL RESOURCES	094-00-00-012	WELL SITE		
	A SANDERS LAND	BARNWELL			WELL SITE		
		BARNWELL	06		1	58-0019	
						03/23/1987	
					F	$2,200.00	
1894	P24-WILDLIFE AND MARINE RESOURCES DEPARTMENT-DIVISI	P24	DEPARTMENT OF NATURAL RESOURCES		STATE LAKE		
	LAKE EDGAR BROWN	BARNWELL			STATE LAKE		
		BARNWELL	06		0.06	12-J-201	
						08/15/1960	
					F	$1.00	
1895	P24-SC WILDLIFE RES-DIVISION OF GAME	P24	DEPARTMENT OF NATURAL RESOURCES		STATE LAKE		
	LAKE EDGAR BROWN	BARNWELL			STATE LAKE		
		BARNWELL	06		0.31	12-J-202	
						08/30/1960	
					F	$1.00	
1896	P24-WILDLIFE RES-DIVISION OF GAME	P24	DEPARTMENT OF NATURAL RESOURCES		STATE LAKE		
	LAKE EDGAR BROWN	BARNWELL			STATE LAKE		
		BARNWELL	06		3.6	12-J-212	
						09/06/1960	
					F	$1.00	

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1897	P24-SC WILDLIFE RES-DIVISION OF GAME	P24	DEPARTMENT OF NATURAL RESOURCES		STATE LAKE			
	LAKE EDGAR BROWN	BARNWELL			STATE LAKE			
		BARNWELL	06		8.5	12-J-213		
						10/07/1960		
					F	$1.00		
1898	P24-WILDLIFE AND MARINE RESOURCES DEPARTMENT-DIVISI	P24	DEPARTMENT OF NATURAL RESOURCES		STATE LAKE			
	LAKE EDGAR BROWN	BARNWELL			STATE LAKE			
		BARNWELL	06		6.8	12-P-11		
						12/06/1961		
					F	$1.00		
2606	P24-SC DEPARTMENT OF NATURAL RESOURCES	P24	DEPARTMENT OF NATURAL RESOURCES	51-00-00-086	HERITAGE PRESERVE			
	LONG BRANCH BAY	BARNWELL	HERITAGE PRESERVE		HERITAGE PRESERVE			
		BARNWELL	06		50.9	452-336		
						12/30/1999		
					F			
1782	P12-SC STATE COMMISSION OF FORESTRY	P28	PARKS RECREATION & TOURISM	106-00-00-004	STATE PARK			
	BARNWELL STATE PARK	BLACKVILLE			STATE PARK			
		BARNWELL	06		31.35			
						07/17/1970		
					F	$219.45	$37,600.00	
1779	P12-SC STATE COMMISSION OF FORESTRY	P28	PARKS RECREATION & TOURISM	106-00-00-004	STATE PARK			
	BARNWELL STATE PARK - SC HWY #9	BLACKVILLE			STATE PARK			
		BARNWELL	06		167.94	12A-264		
						07/17/1937		
					F	$1,679.40	$201,500.00	

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ADD487

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Location/Address: City: Notes: Projected Use:

County: County Code: Acreage: Deed Reference: Plat Reference:

Easement: Deed Date: Record Date:

Utilization: Amount Paid: Current Value:

1780	P12-SC STATE COMMISSION OF FORESTRY	P28	PARKS RECREATION & TOURISM	106-00-00-004	STATE PARK			
	BARNWELL STATE PARK	BLACKVILLE			STATE PARK			
		BARNWELL	06		43.3			
						07/08/1955		
					F	$6,000.00	$52,000.00	
1781	P12-SC STATE COMMISSION OF FORESTRY	P28	PARKS RECREATION & TOURISM	106-00-00-004	STATE PARK			
	BARNWELL STATE PARK	BLACKVILLE			STATE PARK			
		BARNWELL	06		4.6			
						07/09/1955		
					F	$1,000.00	$5,500.00	
707	P12-SC STATE COMMISSION OF FORESTRY	P28	PARKS RECREATION & TOURISM	106-00-00-004 106-07-00-001	STATE PARK			
	BARNWELL STATE PARK - HWY #9	BLACKVILLE			STATE PARK			
		BARNWELL	06		6.57	12A-264		
						09/07/1957		
					F	$7,800.00	$600.00	
708	P12-SC STATE COMMISSION OF FORESTRY	P28	PARKS RECREATION & TOURISM	106-00-00-004 106-07-00-001	STATE PARK			
	BARNWELL STATE PARK - HWY #9	BLACKVILLE			STATE PARK			
		BARNWELL	06		52.9	10E-118		
						07/17/1937		
					F	$793.50	$63,400.00	
732	P28-SC DEPT OF PARKS RECREATION AND TOURISM	P28	PARKS RECREATION & TOURISM	106-00-00-002	STATE PARK			
	BARNWELL STATE PARK - HWY #3	BLACKVILLE			STATE PARK			
		BARNWELL	06		4.38	13R-6		
						09/04/1970		
					F	$3,500.00	$5,250.00	

*UTILIZATION CLASSIFICATION LEGEND: F=fully utilized; P=partially utilized; S=surplus; H=held for future use.

ADD488

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Auto: Deeded To: Agency Code: Agency Name: Tax Map Nnumber: Current Use:

Location/Address: City: Notes: Projected Use:

County: County Code: Acreage: Deed Reference: Plat Reference:

Easement: Deed Date: Record Date:

Utilization: Amount Paid: Current Value:

724	R60-STATE OF SC EMPLOYMENT SECURITY COMMISSION	R60	EMPLOYMENT SECURITY COMMISSION	072-09-10-024	ADMIN OFFICE		
	2214 WALL ST	BARNWELL			ADMIN OFFICE		
		BARNWELL 06			1.43	16M-121	
						11/17/1988	
					F	$100,000.00	$263,262.00
728	U12-DEPARTMENT OF TRANSPORTATION	U12	DEPARTMENT OF TRANSPORTATION	TN-78-6-128	BORROW PIT		
	HWY #37	BARNWELL	RIGHT OF WAY (NOT SURPLUS PER KATHRYN COPELAND 9/16/10)		BORROW PIT		
		BARNWELL 06			1	749-124	
						04/03/2006	8/24/2006
					H	$110.00	
713	U12-DEPARTMENT OF TRANSPORTATION	U12	DEPARTMENT OF TRANSPORTATION	073-10-01-026	MAINTENANCE COMPLEX		
	2000 FULLER ST	BARNWELL	MAINTENANCE SHOP		MAINTENANCE COMPLEX		
		BARNWELL 06			2.83	749-124	
						04/03/2006	8/24/2006
					F	$10,000.00	
2185	U12-DEPARTMENT OF TRANSPORTATION	U12	DEPARTMENT OF TRANSPORTATION	073-10-01-026	MAINTENANCE COMPLEX		
	2000 FULLER ST	BARNWELL	MAINTENANCE SHOP		MAINTENANCE COMPLEX		
		BARNWELL 06			3.27	749-124	
						04/03/2006	8/24/2006
					F	$725.00	$940,889.00
2942	F03-STATE OF SOUTH CAROLINA	F03	BUDGET & CONTROL BOARD	0018-0162-0000-030			
	VUE POINT CIRCLE	ST. HELENA ISLAND	LOT 7 (ST. HELENA ISLAND)				
		BEAUFORT 07				235-282	235-284
						03/11/1976	3/11/1976
					F	$1.00	

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