Maine Center for Disease Control and Prevention
An Office of the Department of Health and Human Services
Paul R. LePage, Governor Mary C. Mayhew, Commissioner

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April 22, 2011

To: Honorable Mr. Kevin L. Raye, President of the Senate
Honorable Mr. Robert W. Nutting, Speaker of the House

Subject: State Nuclear Safety Inspector Office's January through March 2011 Monthly Reports to the Maine Legislature

As part of the State's long standing oversight of Maine Yankee's nuclear activities, legislation was enacted in the second regular session of the 123rd and signed by Governor John Baldacci requiring that the State Nuclear Safety Inspector prepare a monthly report on the oversight activities performed at the Maine Yankee Independent Spent Fuel Storage Installation facility located in Wiscasset, Maine.

Enclosed please find the Inspector's January through March 2011 monthly activities reports. The submission of these reports was temporarily delayed due to other competing work. Future reports will be submitted in a timely manner as they were consistently provided on a monthly basis prior to this recent departure. The major highlights for the reports locally are: Maine Yankee submitted its fifth and final Radiological Groundwater Monitoring Report, the preliminary working draft of the Confirmatory Summary Report detailing the State's decommissioning findings is complete and under review, and Maine Yankee's 2010 Decommissioning Funding Assurance Status Report shows a gain of $2.4 million over last year for a fund balance of $98.1 million and a decrease in projected costs of $9.7 million for a total of $110.2 million out to 2023.

The national highlights for the first quarter include:

January

- The U.S. Court of Appeals set March 22nd for litigation over the Yucca Mountain Project.

February

- The states of Connecticut, New York, and Vermont file a lawsuit with the U.S. Court of Appeals for the DC Circuit against the Nuclear Regulatory Commission's (NRC) Waste Confidence and Temporary Storage Rules for spent nuclear fuel.
- Other environmental groups, like the Natural Resources Defense Council, follow the states' lead and file suit over the same NRC rules.
- The Department of Energy (DOE) issues a draft Environmental Impact Statement for the disposal of Greater-Than-Class C (GTCC) low-level radioactive waste. The nuclear industry has always operated under the pretext that GTCC is a form of high-level waste that will also be buried at Yucca Mountain. The fact that DOE is signaling this waste stream as a form of low-level waste is disturbing as Maine Yankee has four concrete casks with GTCC wastes from the cut-up of the reactor internals at their storage installation in Wiscasset.

March

- The National Association of Regulatory Utility Commissioners and the Nuclear Energy Institute and 16 of its member utilities across the country filed lawsuits in the DC Circuit Court of Appeals to suspend the surcharge on ratepayers.
- The Blue Ribbon Commission on America's Nuclear Future publishes its first report emphasizing the seven key themes from all the public meetings it has held throughout the continental U.S and abroad. They include governance, fees, siting, reactor and fuel technologies, transportation, storage, and disposal.
- The U.S. Court of Appeals hears oral arguments over the Yucca Mountain Project.
- The congressional interchange between the House Committees on Energy and Commerce, and Science, Space and Technology, with the Nuclear Regulatory Commission's Chairman, Dr. Jaczko, and Energy Secretary Chu on the Administration's termination of Yucca Mountain results in an investigation into the halting of the Yucca Mountain Program.
- Five of the nine counties in Nevada support the Yucca Mountain Project, especially Nye County in which Yucca Mountain is located.

Please note that the reports will not feature the glossary and the historical addendum as in previous years. However, both the glossary and the addendum are available on the Radiation Control Program's website at http://www.maineradiationcontrol.org under the nuclear safety link. Should you have questions about the reports' contents, please feel free to contact me at 207-287-6721, or e-mail me at pat.dostie@maine.gov.

Patrick J. Dostie
State Nuclear Safety Inspector

Enclosures

cc: Ms. Vonna Ordaz, U.S. Nuclear Regulatory Commission
Ms. Nancy McNamara, U.S. Nuclear Regulatory Commission, Region I
Mr. James Connell, Site Vice President, Maine Yankee
Ms. Mary Mayhew, Commissioner, Department of Health and Human Services
Ms. Jennifer Duddy, Senior Director of Legislative and Public Relations, Depart. of Health and Human Services
Dr. Sheila Pinette, Director, Maine Center for Disease Control and Prevention
Senior Policy Advisor, Governor's Office
Mr. James Brooks, Acting Commissioner, Department of Environmental Protection
Mr. Richard Davies, Maine Public Advocate
Lt. Christopher Grotton, Special Services Unit, Maine State Police
Ms. Nancy Beardsley, Director, Division of Environmental Health
Mr. Jay Hyland, PE, Manager, Radiation Control Program

State Nuclear Safety Inspector Office

January 2011 Monthly Report to the Legislature

Introduction

As part of the Department of Health and Human Services' responsibility under Title 22, Maine Revised Statutes Annotated (MRSA) §666 (2), as enacted under Public Law, Chapter 539 in the second regular session of the 123rd Legislature, the foregoing is the monthly report from the State Nuclear Safety Inspector.

The State Inspector's individual activities for the past month are highlighted under certain broad categories, as illustrated below. Since some activities are periodic and on-going, there may be some months when very little will be reported under that category. It is recommended for reviewers to examine previous reports to ensure connectivity with the information presented as it would be cumbersome to continuously repeat prior information in every report. Past reports are available from the Radiation Control Program's web site at the following link: www.maineradiationcontrol.org and by clicking on the nuclear safety link in the left hand margin.

Commencing with the January 2010 report the glossary and the historical perspective addendum are no longer included in the report. Instead, this information is available at the Radiation Control Program's website noted above. In some situations the footnotes may include some basic information and may redirect the reviewer to the website.

Independent Spent Fuel Storage Installation (ISFSI)

During January the general status of the ISFSI was normal. However, there were three snowstorms that required the implementation of additional measures that were terminated after the snowstorms. There were no instances of spurious alarms due to environmental conditions.

There were no fire or security related impairments in January. There were, however, 30 security events logged for the month. Twenty-eight of the log entries were for transient environmental issues. The other two dealt with equipment failures which were repaired the same day.

There were 11 condition reports[1] (CR) for the month of January and they are described below.

- 1st CR: Documented a missed source leak test. The test was satisfactorily performed the day after discovery.
- 2nd CR: Documented previous cask inspection observations in order to track the observations through the facility's formal CR process.
- 3rd CR: Was written to document a door closer leaking fluid.
- 4th CR: Documented equipment damage during snow removal. The damaged equipment was replaced the same day.
- 5th CR: Involved an equipment malfunction. The defective equipment was replaced the same day.
- 6th CR: Documented the intermittent operation of a door lock. The lock was repaired.
- 7th CR: Documented the minor damage to a pull box cover locking bar on a man-cover during snow removal. The bar was removed, repaired and returned to the man-cover.
- 8th CR: Was written to track observations associated with a condition report trend evaluation.

[1] A condition report is a report that promptly alerts management to potential conditions that may be adverse to *quality or safety*. For more information, refer to the glossary on the Radiation Program's website.

9th *CR: Documented* the use of an out of revision procedure attachment. The attachment was updated.
10th CR: Was written to track observations associated with a review of the Training and Qualification Plan.
11th CR: Was written to track observations associated with a review of the Preventative Maintenance Program.

Other ISFSI Related Activities

1. On January 14th the Nuclear Regulatory Commission (NRC) issued a letter to Maine Yankee stating that they had accepted Maine Yankee's response to their August 2nd letter on the applicability of the revised security rule to the ISFSI. The NRC Staff will perform a detailed evaluation of Maine Yankee's response.

2. On January 24th Maine Yankee submitted to the Nuclear Regulatory Commission revision 23 of its Defueled Safety Analysis Report (DSAR). The revision also fulfills the biennial update for the DSAR and includes the recent reconfiguration of the security fencing on the east side of the Security and Operations Building.

Environmental

On January 31st the State received the fourth quarter results from the field replacement of the thermoluminescent dosimeters[2] (TLDs) around the ISFSI and Bailey Cove. The results from the quarterly TLD change out continued to illustrate, but not as pronounced as it was during the previous quarters, the three distinct exposure groups: elevated, slightly elevated and normal. The high stations identified were G, K, and M and averaged 29.3 milliRoentgens[3] (mR). G and K are explainable due to their proximity to the storage casks. However, M is not near the casks and has usually been in the normal group, except that it was in the slightly elevated group last quarter. Although Station M is near an asphalt road which normally has a higher radiation background, it does not explain why this past quarter this station read higher. The field notes indicate that there appeared to be water or moisture inside the seal pouch. If so, the reading should have been lower. This is the second consecutive quarter where the elevated TLD group had three stations as compared to the historical two.

The moderately high group station is usually comprised of four stations. This quarter, however, there is only one TLD for that group and it is L with an average of 26.8 mR. The remaining stations, A, B, C, D, E, F, H, I, and J averaged 23.9 mR. Normally, stations E and F are in the slightly elevated group. It was observed that this time both stations had one element in one TLD that was excluded from the results due to a higher than expected reading. When this happens the dosimetry company that reads the TLDs will employ a statistical test to see if the data point is an outlier. If it is, it will be rejected and not included in their report.

Upon closer examination of the affected TLDs for station E and F, station E's element readings were 23, 24, 24, 26, and 27 with an outlier reading of 34.7. Likewise, station F's element readings were 23, 24, 24, 25, and 25 with an outlier reading of 29.6. In performing the statistical test for each outlier, the data was rejected up to the 95% confidence level, but it was not at the 99% confidence interval. That means the probability of rejecting a valid number is between 1 and 5%. Therefore, the State accepted the outlier data and the TLD averages increased from 24.8 to 26.5 for station E, and from 25.0 to 25.2 for station F. This raised station E to the slightly elevated group, but station F remained in the normal group.

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[2] Thermoluminescent Dosimeters (TLD) are very small, passive radiation monitors requiring laboratory analysis. For more information, refer to the glossary on the Radiation Program's website.

[3] A milliRoentgen (mR) is a measurement of radiation. For a further explanation, refer to the glossary on the Radiation Program's website.

The Bailey Cove TLDs averaged 25.0 mR and ranged from 20 to 32 mR, which is comparable to the normally expected background radiation levels. As observed with the ISFSI TLDs, the Bailey Cove TLDs also had some higher values with the lower values due to their proximity to the water's edge.

In comparison the normal expected quarterly background radiation levels on the coast of Maine range from 15 to 30 mR. The background levels are highly dependent upon seasonal fluctuations in Radon, tidal effects, and local geology. The control TLDs that are stored at the State's Radiation Control Program in Augusta averaged about 26.7 mR.

All the fourth quarter TLD results were lower when compared to the previous quarter's results. That is to be expected as there are seasonal fluctuations in the radiation background due to frozen conditions and snow cover, which primarily impedes the out gassing of natural radioactive Radon gas in the soils.

For informational purposes Figure 1 on page 4 illustrates the locations of the State's 13 TLD locations in the vicinity of the ISFSI. The State's locations are identified by letters with the three highest locations being stations G, K, and M.

Maine Yankee Decommissioning

The preliminary draft of the Confirmatory Summary Report detailing the State's involvement and independent findings is about 75% completed.

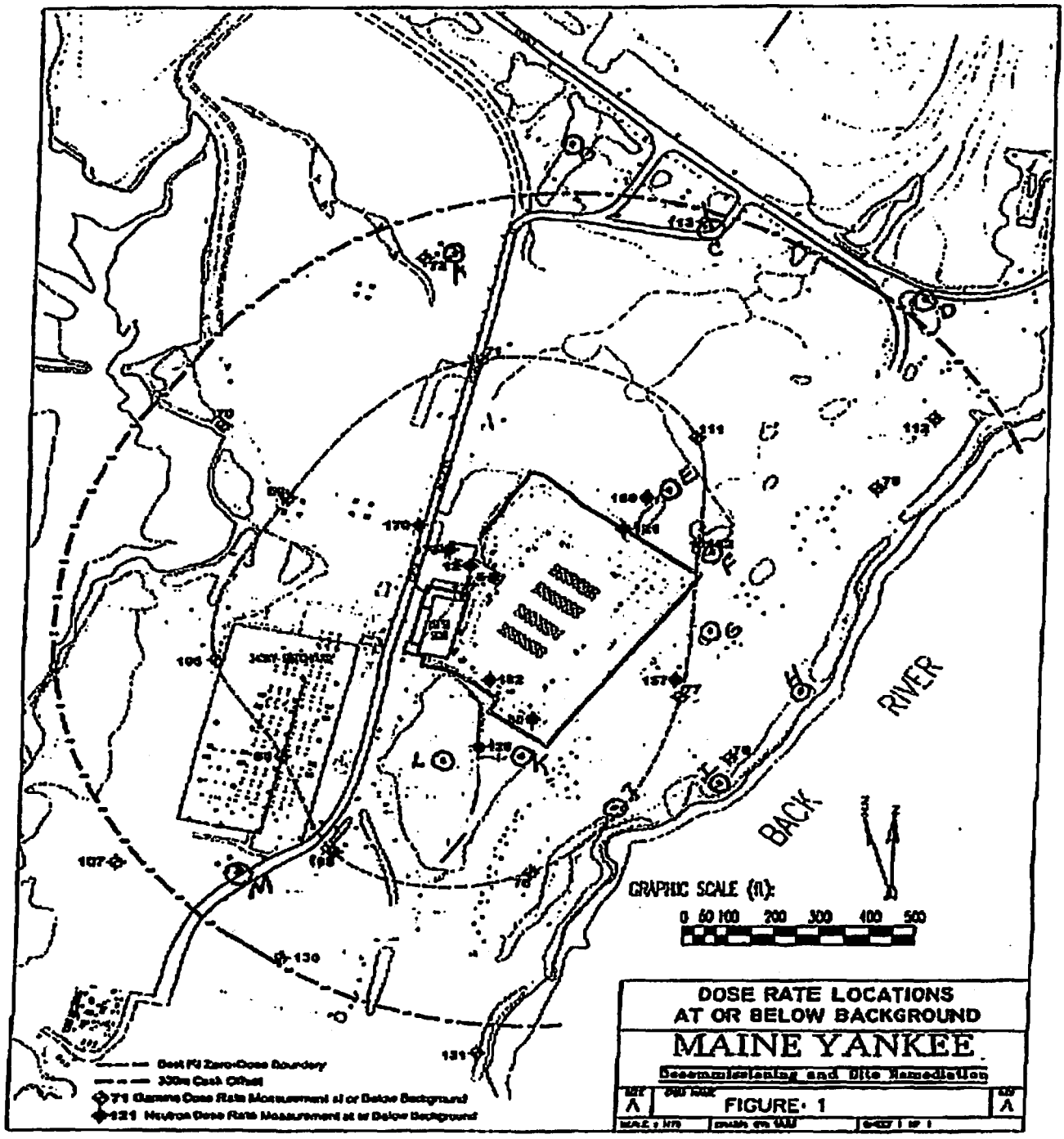
Groundwater Monitoring Program

Although it was expected that the groundwater data would be reviewed in its entirety, only some portions were reviewed. The hard-to detects[4] (HTDs) and Transuranic[5] (TRUs) analyses were reviewed to ensure that the required analyses were performed. Initially, it appeared that one of the transuranic analyses for Plutonium-241 may have been overlooked. Upon closer scrutiny Maine Yankee found that the analysis was performed and notified the State. A cursory review of the results indicated that eleven of the fourteen wells had some HTDs, principally Nickel-63 and Strontium-90. The highest well, MW-502, had a calculated radiological dose[6] of 1.2 mrem. None of the wells exceeded the state's decommissioning dose standard of 4 mrem from groundwater sources.

A more detailed data review was deferred due to other competing priorities that included the State Inspector's annual accounting report to the Legislature's Joint Standing Committee on Utilities and Energy on all the funds received and disbursed from the Interim Spent Fuel Storage Facility Oversight Fund. Other priorities included the Inspector's submission of his past, present, and future activities reports to the Manager of the Radiation Control Program for inclusion into the Manager's annual report to the joint standing committee of the Legislature having jurisdiction over utilities and energy. A more detailed assessment of the groundwater data will be performed when the fifth and final Groundwater Report is published by Maine Yankee.

[4] Hard-To-Detects refers to those radioactive elements that emit certain types of radiation, such as alpha or beta particles, which may require special chemical separation techniques and/or special instrumentation to detect their presence.
[5] Transuranic is a term used to describe those elements that are heavier than Uranium such as Neptunium, Plutonium, Americium, etc.
[6] Dose denotes the quantity of radiation or energy absorbed by the human body and mrem denotes a special unit of that dose. For more information, refer to the glossary on the Radiation Program's website.

Figure 1



Other Newsworthy Items

1. On January 3rd the federal government filed with the U.S. Court of Appeals for the District of Columbia Circuit its response and an addendum to the petitioners' (Aiken County, South Carolina, the states of Washington and South Carolina, the three business leaders from the Tri-City area near Hanford, Washington, and the National Association of Regulatory Utility Commissioners)

mandamus petitions and petitions for review and injunctive relief. The respondents opposed the mandamus and the injunctive relief petitions on the basis that the petitioners have available remedies and have not demonstrated irreparable harm in the absence of an injunction. This is part of the Court's expedited briefing schedule in preparation for the March 22nd oral arguments on the Yucca Mountain license application.

2. On January 3rd the State of Nevada filed with the U.S. Court of Appeals for the District of Columbia Circuit its response brief opposing the petitions filed by Aiken County, South Carolina, the states of Washington and South Carolina, the three business leaders from the Tri-City area near Hanford, Washington, and the National Association of Regulatory Utility Commissioners. Nevada maintains that the Nuclear Waste Policy Act does not contain language that would prevent the Department of Energy to withdraw its license application to construct a repository at Yucca Mountain.

3. On January 4th the Nuclear Waste Strategy Coalition sent a letter to Energy Secretary Chu requesting when the Department of Energy will issue their financial and budget report that illustrates how the Nuclear Waste Fund fees are being administered. A copy of their letter is attached.

4. On January 5th the Nuclear Waste Strategy Coalition held its bi-monthly conference call to provide an update to the ad hoc group of state utility regulators, state attorneys general, electric utilities and associate members on the Nuclear Regulatory Commission's status on the Yucca license application and its Safety Evaluation Report, Volume 3 on Yucca Mountain, the U.S. Court of Appeals cases on the Yucca Mountain license proceedings and the Nuclear Waste Fund fee, congressional budget activities, the Blue Ribbon Commission meetings, and the utility lawsuits against the Department of Energy.

5. On January 6th-7th the Blue Ribbon Commission on America's Nuclear Future toured the Savannah River Site nuclear complex and held a meeting in Augusta, Georgia to hear from state and local officials and the public on how the nation's high-level waste should be managed. State and local officials included the mayors of Augusta and Waynesboro, Georgia, U.S. Senator Lindsey Graham from South Carolina, representatives of U.S. Senators Jim DeMint of South Carolina, Johnny Isakson and Saxby Chambliss of Georgia, and staff of the U.S. House of Representatives John Barrow and Paul Broun of Georgia. In addition, two panels were convened, one for environmental perspectives and the second for economic and other considerations. A copy of the agenda is attached.

6. On January 7th Aiken County, South Carolina, the states of Washington and South Carolina, the three business leaders from the Tri-City area near Hanford, Washington, and the National Association of Regulatory Utility Commissioners filed with the U.S. Court of Appeals for the District of Columbia Circuit its motion to calendar oral arguments that were initially held in abeyance pending the Nuclear Regulatory Commission's decision to either uphold or overrule its own Atomic Safety and Licensing Board's June 29th ruling denying the Department of Energy's request to withdraw its Yucca Mountain license application.

7. On January 10th the U.S. Court of Appeals for the District of Columbia Circuit set March 22nd as the date to hear oral arguments on the Yucca Mountain Project. A copy of the Court order is attached.

8. On January 12th the Nevada Commission on Nuclear Projects issued their 2010 Report and Recommendations. Besides highlighting actions of the Nuclear Regulatory Commission, the Department of Energy and the Blue Ribbon Commission, the report lists the key lessons learned from the Yucca Project, lessons for siting future facilities, implications for Nevada and recommendations going forward. A copy of the summary is attached.

9. On January 12th the Sustainable Fuel Cycle Task Force issued a Science Panel Statement on nuclear waste management and scientific integrity. The statement questions the Administration's actions in light of the President's March 9, 2009 memorandum clearly expressing the need for preservation and promotion of scientific integrity and furthered by Dr. John Holdren's December 17, 2010 memorandum on scientific integrity. The statement was forwarded to Nuclear Regulatory Commission officials. A copy of the statement is attached.

10. On January 12th the U.S. Nuclear Waste Technical Review Board (NWTRB) issued a news release that it will hold a February 16th meeting in Las Vegas, Nevada to consider technical lessons learned from developing a geologic repository for used nuclear fuel and high-level waste. The NWTRB was formed by Congress when the Nuclear Waste Policy Act was amended in 1987 to independently oversee the Department of Energy's repository activities and provide expert advice to Congress and the Energy Secretary. A copy of the news release is attached.

11. On January 13th the State of Nevada filed with the U.S. Court of Appeals for the District of Columbia corrections to its January 3rd response brief on the petitions seeking relief from decisions made by the President, the Secretary of Energy, the Department of Energy, and the Nuclear Regulatory Commission. The errata involved numbering the pages for the cases, statutes, and authorities cited by the State of Nevada.

12. On January 18th Aiken County, South Carolina, the states of Washington and South Carolina, the three business leaders from the Tri-City area near Hanford, Washington, and the National Association of Regulatory Utility Commissioners filed with the U.S. Court of Appeals for the District of Columbia Circuit their reply brief highlighting the Department of Energy's dismantling of the Yucca Mountain Project, the Nuclear Regulatory Commission's (NRC) termination of their review of the Yucca Mountain license application, and the NRC's inaction on the License Application Withdrawal since their earlier June 18, 2010 filing. In addition, the petitioners also filed their addendum on their reply brief in anticipation of the March 22nd oral arguments on their petitions for relief from decisions made by the President of the United States, the Secretary of Energy, the Department of Energy, and the Nuclear Regulatory Commission on the Yucca Mountain license application.

13. On January 18th the House of Representatives Committee on Energy and Commerce issued their key issues report that they plan to address in the 112th Congress. The page containing their agenda on "Nuclear Oversight & Investigations" is attached.

14. On January 19th the Nuclear Waste Strategy Coalition held its second bi-monthly conference call to provide an update on the Nuclear Regulatory Commission's and the U.S. Court of Appeals statuses on the Yucca Mountain license application, the Nuclear Waste Fund fee litigation, and congressional activities relative to FY 2011 Appropriations Continuing Resolution.

15. On January 20th the State of Nevada filed with the Nuclear Regulatory Commission's Atomic Safety and Licensing Board its motion for reconsideration of the Board's rejection of a previous contention that was dismissed by the Board. Nevada argues that the Board's recent December 2010 Order on Phase I legal issues resurrects the initial legal basis which the Board had earlier decided as moot or irrelevant. The safety contention deals with the erosion of Yucca Mountain to the point that the repository is exposed within 500,000 years after the repository's closure.

16. On January 21st the State of Nevada filed with the Nuclear Regulatory Commission's Atomic Safety and Licensing Board its four safety contentions against the Department of Energy's license

application to construct a used nuclear fuel repository at Yucca Mountain. The first Nevada safety issue dealt with the DOE's ability to exclude deviations from repository design or errors. The remaining three safety issues involved the assumption of the complete and total failure of the drip shields.

17. On January 21st the Department of Energy (DOE) filed with the Nuclear Regulatory Commission's Atomic Safety and Licensing Board its statement of additional views as per the Board's December 14th Order. The DOE argues that four Nevada safety issues should be dismissed. DOE admitted that it could not exclude deviations from repository design or errors and corrected this deficiency before submitting its license application. Therefore, Nevada's point is moot and should be dismissed. The remaining three safety issues rest on the drip shields as being the only barrier for the entire repository. Since the repository design is based on a multi-barrier system, DOE contends that the safety issues have been adequately addressed and Nevada's contentions should be dismissed.

18. On January 21st the Nuclear Energy Institute filed with the Nuclear Regulatory Commission's Atomic Safety and Licensing Board declaring its right to respond to any motions relative to its Phase I safety contention on excessive conservatism employed in the post-closure nuclear criticality analysis for Yucca Mountain.

19. On January 21st the Department of Energy (DOE) filed with the Nuclear Regulatory Commission's Atomic Safety and Licensing Board its motion to renew the temporary suspension of the Yucca Mountain license proceedings. DOE's filing also included its joint report with all the intervenors as to their position on DOE's motion to renew the temporary suspension. Eureka County, Nevada and the Nuclear Energy Institute supported DOE's relief motion. Clark and Lincoln Counties, Nevada, Inyo County, California, the State of Nevada, the Nuclear Regulatory Commission Staff, the Joint Timbisha Shoshone Tribe, and the Native Community Action Council did not oppose DOE's motion. Aiken County, South Carolina, the states of Washington and South Carolina, the California Energy Commission, the National Association of Regulatory Utility Commissioners, Nye and White Pine Counties, Nevada, and Prairie Island Indian Community took no position but rather reserved their right to respond once DOE files its motion.

20. On January 21st the Nuclear Regulatory Commission (NRC) Staff filed with the NRC's Atomic Safety and Licensing Board its opposition to the four safety contentions from Nevada and one safety contention from the Nuclear Energy Institute. The Staff was requesting that all five safety contentions be dismissed.

21. On January 26th-28th the Blue Ribbon Commission on America's Nuclear Future toured the Waste Isolation Pilot Plant (WIPP) disposal complex and held meetings in Carlsbad and Albuquerque, New Mexico. The Carlsbad meeting on the 27th featured three panels with overviews on WIPP's background and history critique, WIPP's transportation topics such as operations, issues and local impacts, and lessons learned from the WIPP siting. The meeting on the 28th in Albuquerque included two panels, one on state, local and tribal perspectives, and the other on the National Transuranic Program. The nation's defense-related transuranic radioactive waste is disposed at the WIPP facility. Copies of both agenda are attached.

22. On January 28th Aiken County, South Carolina filed with the Nuclear Regulatory Commission's Atomic Safety and Licensing Board its response to the Department of Energy's (DOE) motion to renew the temporary suspension of the Yucca Mountain licensing Proceedings. Aiken County considered the DOE motion a delay tactic and requested the Board to deny their motion.

23. On January 31st the Department of Energy (DOE) filed with the Nuclear Regulatory Commission's Atomic Safety and Licensing Board its opposition to the State of Nevada's motion for reconsideration of the Board's earlier rejection of its safety issue on the effects of erosion increasing radiological exposures after 10,000 years based on erosion effects 500,000 years after the waste is emplaced. DOE opposes Nevada's reconsideration and contends the Board earlier dismissal was proper.

24. On January 31st the Nuclear Regulatory Commission Staff filed with the Nuclear Regulatory Commission's Atomic Safety and Licensing Board its opposition to the State of Nevada's motion for reconsideration of the Board's earlier rejection of its safety issue on the effects of erosion increasing radiological exposures after 10,000 years based on erosion effects 500,000 years after the waste is emplaced. The Staff opposes Nevada's reconsideration on the grounds that it is untimely and does not demonstrate compelling circumstances.

Other Related Topics:

1. On December 28th the Nuclear Regulatory Commission issued its report on its December 1st inspection of Maine Yankee's ISFSI facility. Based on interviews and reviews of selected procedures and records, the inspection evaluated the facility's programs such as radiation protection, fire protection, emergency preparedness, surveillance, environmental monitoring, training and quality assurance. There were no findings. The 2011 inspection will address the ISFSI security program.

NWSC
Nuclear Waste Strategy Coalition

January 4, 2011

Letter sent by facsimile

The Honorable Steven Chu
Secretary of Energy
United States Department of Energy
Washington, D.C. 20585-1000

Dear Mr. Secretary:

The members Nuclear Waste Strategy Coalition (NWSC) are disappointed that while the Department of Energy (DOE) has cut off all funds and dismantled the nuclear waste disposal program, the Administration's policy is to continue collecting approximately $758 million in fees paid into the Nuclear Waste Fund (NWF) by the nation's ratepayers.

Since 1983, ratepayers from 41 states have paid more than $35 billion, including interest, into the NWF, which Congress established for the development of a permanent repository and the removal of spent nuclear fuel and high-level radioactive waste from decommissioned and nuclear plant sites.

The DOE concluded in its October 2010 NWF fee adequacy review, that it found no evidence the charge of 1/10-cent per kilowatt hour should be altered or postponed as required by the 1982 Nuclear Waste Policy Act, as amended.

The NWSC still holds the DOE accountable to issue on a regular basis a financial and budget report showing how the amount of NWF fees collected are being administered. The last summary of the Program Financial and Budget Information Report was issued on January 31, 2010. Therefore, we will like to know when will the DOE plans to issue the next report accounting for the NWF income and disbursements.

The NWSC is an ad hoc group of state utility regulators, state attorneys general, electric utilities and associate members representing 47 member/affiliate organizations in 31 states, committed to reforming and adequately funding the U.S. civilian high-level nuclear waste transportation, storage, and disposal program.

Respectfully yours,

David Wright
Commissioner, South Carolina Public Service Commission and
Chairman, Nuclear Waste Strategy Coalition

C: The President of the United States
The Honorable Pete Lyons, DOE/Assistant Secretary for Nuclear Energy Nominee

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Blue Ribbon Commission on America's Nuclear Future
January 7, 2011 Meeting

August Marriott Riverwalk
Augusta, GA

DRAFT Agenda
Rev. 12/20/10

Friday Jan 7

8:00 a.m.	DOE Designated Federal Official	Tim Frazier
	Opening remarks by Commission co-chairs, members	Co-Chairman Hamilton, Co-Chairman Scowcroft, Commissioners
8:10 a.m.	Official Greeting and Statement	Deke Copehaver, Mayor Augusta, GA.
8:20 a.m.	Southern Nuclear Operating Company	James Miller
8:45 a.m.	Mayor of Waynesboro, GA	George Deloach
9:00 a.m.	Labor Relations Plant Site Coordinator	Shawn Merrick
9:15 a.m.	SC Governor	(Gov. Mark Sanford – TBD)
9:30 a.m.	GA Governor	(Gov. Sonny Perdue – TBD)
9:45 a.m.	SC Senator	(Sen. Lindsey Graham – TBD)
9:50 a.m.	SC Senator	(Sen. Jim DeMint – TBD)
9:55 a.m.	GA Senator	(Sen. Johnny Isakson – TBD)
10:00 a.m.	GA Senator	(Sen. Saxby Chambliss – TBD)
10:05 a.m.	SC Congressman	(Rep. James Clyburn – TBD)
10:10 a.m.	SC Congressman	(Rep. Joe Wilson – TBD)
10:15 a.m.	SC Congressman	(Rep. Jeff Duncan – TBD)
10:20 a.m.	GA Congressman	(Rep. John Barrow – TBD)

10:25 a.m.	GA Congressman	(Rep. Paul Broun – TBD)
10:30 a.m.	SC Attorney General	Henry McMaster
10:40 a.m.	BREAK	
10:55 a.m.	Panel One – Environmental Perspectives	Friends of the Earth (Tom Clements), Women's Action for New Directions (Dianne Valentin) SRS Citizens's Advisory Board (Manuel Bettencourt), Citizens for Nuclear Technology Awareness (Clint Wolfe), Blue Ridge Environmental Defense League (Charles Utley)
12:10 p.m.	Lunch	
1:00 p.m.	SC Gov. elect	(Nikki Haley – TBD)
1:15 p.m.	GA Gov. elect	(Nathan Deal – TBD)
1:25 p.m.	Savannah River Site Superfund Job Training Initiative (SRS-SuperJTI)	Brendolyn Jenkins
1:35 pm	Governor's Nuclear Advisory Council	Karen Patterson
1:45 p.m.	Panel Two – Economic/Other Considerations	Aiken County Council Chairman (Ronnie Young), Community Reuse Organization (David Jameson), CSRA Chambers of Commerce (Brian Tucker), Economic Development Organizations (Danny Black), Aiken Technical College (Dr. Susan Winsor)
2:50 p.m.	Public Comment Period	
3:50 p.m.	Adjourn Meeting	

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10-1050 **September Term 2010**

DOE-Yucca Mtn
NRC-63-001

Filed On: January 10, 2011 [1287046]

In re: Aiken County,

Petitioner

Consolidated with 10-1052, 10-1069, 10-1082

ORDER

It is **ORDERED**, on the court's own motion, that this case be scheduled for oral argument on March 22, 2011, at 9:30 A.M., before Chief Judge Sentelle and Circuit Judges Brown and Kavanaugh.

The time and date of oral argument will not change absent further order of the Court.

A separate order will be issued regarding the allocation of time for argument.

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Cheri W. Carter
Deputy Clerk

The following forms and notices are available on the Court's website:

Memorandum to Counsel Concerning Cases Set for Oral Argument (Form 71)

2010 REPORT AND RECOMMENDATIONS OF THE NEVADA COMMISSION ON NUCLEAR PROJECTS

A SUMMARY OF KEY POINTS

Prepared by the Nevada Agency for Nuclear Projects

January 2011

2010 Report of the Nevada Commission On Nuclear Projects: Summary of Key Points

"The continuing uncertainty that permeates the Yucca Mountain program is especially troubling for the State of Nevada .... Nevada now finds itself in a legal and procedural limbo. It will likely be well into 2011 or beyond before developments in the licensing, legal and political arenas will have been sufficiently sorted out to know whether Yucca Mountain is to go forward in licensing or is to be terminated, as DOE proposes. ... [T]he Governor and Legislature must remain vigilant and be prepared to continue aggressive opposition to Yucca Mountain until its fate is ultimately determined."

Richard H. Bryan, Chairman
Nevada Commission on Nuclear Projects

Overview

- While the Commission is cautiously optimistic that the Yucca Mountain project will ultimately be terminated for good, the fate of the program remains uncertain as the NRC and the federal courts struggle with the legal issues surrounding DOE's proposed withdrawal of the license application and as the Blue Ribbon Commission on America's Nuclear Future looks for workable alternative solutions to the eternally vexing problem of spent nuclear fuel and high-level radioactive waste.

NRC Licensing

- DOE submitted a license application (LA) for authorization to construct a Yucca Mountain repository in June 2008.
- Nevada challenged the application and submitted 235 challenges or contentions addressing serious deficiencies in the LA, ranging from flaws in the overall performance assessment model and calculations to specific geotechnical issues, such as the potential for renewed volcanic activity at the Yucca Mountain site, corrosion of the waste disposal packages, the implications of DOE's proposed use of drip shields to shelter waste packages from water in the tunnels, and other key site suitability issues.
- The NRC licensing board (known as the Construction Authorization Board or CAB) eventually accepted 224 of Nevada's challenges for adjudication in the proceeding.
- In all, 296 contentions were accepted by the CAB from all parties in the proceeding. This represents the largest, most complex, and most contested licensing proceeding in NRC's history.
- Just as the discovery phase of the proceeding was about to begin in February 2010, DOE filed a motion with the CAB to withdraw its application, announcing that it intended to terminate the Yucca Mountain program.

- DOE's announcement and motion prompted a reaction by pro-Yucca interests.
- The states of Washington and South Carolina (states where DOE defense waste is currently being stored) and several other entities (a South Carolina county, the Nuclear Energy Institute, the National Association of Regulatory Utility Commissioners, and three individuals in Washington State) immediately petitioned the CAB for admission to the licensing proceeding for the purpose of opposing the withdrawal motion. They also filed suit in the DC Circuit Court of Appeals to stop DOE from terminating the program.
- On June 29, 2010, the CAB issued a ruling denying DOE's motion to withdraw the license application.
- Nevada and several other parties immediately appealed the decision to the full Nuclear Regulatory Commission.
- As of the date of this report, NRC had not acted on the appeal.
- The Circuit Court of Appeals and the NRC may both direct the licensing process to continue.
- Ultimately, Congress will make the final decision on whether or not to go forward and fund the Yucca Mountain project.

DOE Actions to Terminate the Yucca Program

- Despite the decision of the NRC licensing board denying DOE's motion to withdraw the Yucca Mountain license application, DOE is moving ahead with actions indicative of terminating the program.
- As of October 1, 2010, the Office of Civilian Radioactive Waste Management (OCRWM), the organization within DOE responsible for the Yucca Mountain program, has been formally disbanded, with responsibility for waste disposal activities transferred to DOE's Office of Nuclear Energy.
- Decisions regarding alternative approaches for managing waste were delegated to the newly-established Blue Ribbon Commission on America's Nuclear Future, which was established by Presidential Order in January 2010.

The Blue Ribbon Commission on America's Nuclear Future

- The BRC has 15 members appointed by the President and representing a wide range of expertise and diverse backgrounds.
- It is co-chaired by two well-respected individuals, former congressman and vice chair of the 9/11 Commission, Lee Hamilton and former National Security Advisor, Brent Scowcroft.
- The BRC is charged with conducting a comprehensive review of policies for managing the back end of the nuclear fuel cycle, including alternatives for the storage, processing, and disposal of civilian and defense spent nuclear fuel, high-level waste, and materials derived from nuclear activities.
- The Commission is specifically directed NOT to consider Yucca Mountain as an alternative because the Energy Secretary has determined the Yucca Mountain project to be unworkable.
- The BRC is scheduled to issue a draft report in June 2011 and a final report in January, 2012.

- The Nevada Agency for Nuclear Projects is providing input into the Commission's process by making available information regarding lessons learned from the failed Yucca Mountain program.

Nuclear Waste Transportation

- The Nevada Commission on Nuclear Projects found that, despite years of effort and extensive input from Nevada, state regional groups, and a wide range of stakeholder groups, organizations and entities, DOE has made scant progress in addressing, much less resolving, key transportation issues.
- Nuclear waste transportation remains a major concern and a key driver of impacts that would be associated with any future processing, storage, and disposal facilities regardless of where such facilities might be located.
- Each year, DOE does ship more than one thousand loads of *low level* nuclear waste to the Nevada National Security Site (formerly the Nevada Test Site) for burial.

Key Lessons Learned from the Failed Yucca Mountain Program

- While Yucca Mountain failed for many reasons, a critical element was unquestionably the forced nature of the siting process.
- In 1987, when Congress directed that Yucca Mountain be the only site to be studied, DOE used that directive as the basis for pushing ahead with the project even when the data showed serious flaws in the site and in the face of strong and determined opposition from the state.
- If DOE had been required to obtain the State's informed consent to continue with the project, Yucca Mountain would have been disqualified years earlier (saving billions of dollars and years of effort) and DOE would have had to move on to identify a truly suitable location.
- Underlying everything was the fact that Yucca Mountain was a scientifically bad site from the beginning, with fast groundwater pathways, an oxidizing and corrosive subsurface environment, unacceptably high level potential for escaping radioactive gasses, recent volcanism, high levels of seismicity, and other serious flaws.
- The U.S. Department of Energy was probably the wrong entity to implement the federal high-level radioactive waste program and placing the program within DOE may have doomed it from the start.
- The very character of DOE, with its culture of secrecy, its 'we know best' decision-making, its schedule-driven approach, and its historical inability to work in a cooperative manner with states and communities, made it the worst possible entity to implement a program that required the level of sophistication needed to effectuate the difficult compromises embodied in the Act.
- Because of the heavy-handed manner in which DOE has implemented the Yucca Mountain program and the history of instability in leadership, mismanagement, faulty science and data irregularities, and a host of other serious problems over the years, it would be next to

impossible for a similar siting program implemented by DOE to obtain the level of trust and confidence necessary for a successful program.

Lessons for Future Nuclear Facilities Siting

- A successful facility siting program must be fully voluntary and must obtain the fully informed consent of the host state, tribe (if applicable) and local community.
- Any future siting effort must be based on and motivated by irrefutably sound science.
- A scientifically credible repository siting effort must have as its foundation objective and rigorous criteria against which the geotechnical suitability of a site would be evaluated.
- The criteria must be established in advance of the siting effort and not structured so as to apply only to specific sites. The application of the criteria to candidate sites must be objective and above reproach, and criteria cannot be changed based on conditions found when studying or characterizing various sites.

Findings and Implications for Nevada

- The Commission finds that the decision by the Secretary of Energy to terminate the Yucca Mountain program and withdraw the license application was appropriate, necessary, and more than justified by the weight of evidence indicating that the Yucca Mountain site is unsafe and unsuitable for a high-level radioactive waste repository.
- It is by no means a certainty that DOE will be able to obtain a license to construct a repository at Yucca Mountain. In fact, given the nature and seriousness of the contentions filed, a rejection of DOE's application by the NRC licensing board had to be considered a strong possibility.
- The shift away from the narrow focus on geologic disposal and Yucca Mountain to forward-looking technologies like dry storage, reprocessing and transmutation may, in the long run, be extremely beneficial for the nation and for the nuclear power industry.
- Politics continue to be a preeminent factor in the Yucca Mountain program.
- It is possible that, based on actions by the courts and the outcome of the 2010 elections, decisions could be made resurrecting the Yucca Mountain program and restarting the licensing proceeding. Such a possibility would require intensive efforts by the State of Nevada to quickly and substantially ramp up efforts to again challenge the Yucca Mountain license application before the NRC.
- If, however, the decision to terminate the project is sustained, much work on the part of the State of Nevada would be required to oversee the shut down and decommissioning of the site and to oversee and participate in the work of the Blue Ribbon Commission to assure Nevada's interests are protected with respect to future waste management alternatives that might be identified.

Recommendations of the Commission

- *The Governor and the Legislature must continue to reject any proposal to negotiate for benefits in exchange for agreeing to the Yucca Mountain project or that would have Nevada consider reprocessing and/or interim storage facilities at the site.*
    - There are insurmountable problems with any calls for negotiation. First among them is the fact that the same geotechnical, transportation, environmental, and economic risk factors that made Yucca Mountain unsafe and unsuitable as a repository site also make it unsafe and unacceptable for other nuclear facilities. Second, there are no financial or other benefits to be had. The State does not own the waste, the land or the transportation routes proposed for this project.

- *The Nevada Agency for Nuclear Projects continues to be vital to the State's ability to oversee the Yucca Mountain program and assure that Nevada's interests are protected with respect to the activities and subsequent recommendations of the Blue Ribbon Commission on America's Nuclear Future.*
    - The Agency has developed information and expertise regarding the program that is unique and not available anywhere within or without state government. While the Nevada Attorney General is responsible for overseeing the legal aspects of the State's licensing efforts, it is crucial that the Agency continue to have the resources to provide the technical and policy support indispensible to a successful licensing intervention.
    - The effort on the part of the Agency to effectively provide technical, scientific, and policy support in the NRC licensing proceeding is and will continue to be critical for protecting Nevada's interests and successfully opposing DOE's license application.
    - The Agency, through massive restructuring, has reduced its general fund budget by more than 65% since 2009.

Sustainable Fuel Cycle
TASK FORCE
www.sustainablefuelcycle.com

January 12, 2011

Sustainable Fuel Cycle Task Force
Science Panel

Nuclear Waste Management and Scientific Integrity

As the federal government moves into 2011 in a continuing resolution, actions taken by the Administration have brought to a standstill all work related to solving the United States' program of high-level radioactive waste and spent nuclear fuel disposal. No viable alternative solution has been brought forward, let alone authorized by Congress, as a replacement for their directive of July 23, 2002, in Public Law 107-200, approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste policy Act of 1982. There is no scientific reason for this situation; in fact the scientific soundness of the selection of Yucca Mountain was well on its way to being independently confirmed when the Administration stopped the program. Credible scientific support for the project is found throughout the community of knowledgeable scientists and engineers.

On December 17, 2010, John P. Holdren, assistant to the President for Science and Technology and Director of the Office of Science and Technology Policy, issued an important memorandum on scientific integrity. The memorandum responded to a March 9, 2009 memorandum issued by President Obama articulating principles central to the preservation and promotion of scientific integrity. As Director of the Office of Science and Technology Policy, Dr. Holdren is responsible for ensuring the highest level of integrity in all aspects of the Executive Branches involved with scientific and technical processes.

There is conspicuous inconsistency between the intent of the Holdren memorandum and the Administration's actions in suspending activities related to the licensing of Yucca Mountain. To satisfy commitments made during the presidential campaign, the Secretary of Energy, without technical basis, and without consulting Congress, attempted to withdraw, with prejudice, the license application that Congress directed the Department of Energy to prepare and submit to the Nuclear Regulatory Commission. He also unilaterally ceased work on the Yucca Mountain project. More than six months have passed since the Nuclear Regulatory Commission's Atomic Safety and Licensing Board (Board) unanimously rejected the Department of Energy's Yucca Mountain project license application withdrawal request. During this time, the Commissioners' impasse in acting to affirm or overturn the Board decision has been accompanied by staff inaction in delivering the Safety Evaluation Report on post closure safety of Yucca Mountain. The failure of the Nuclear Regulatory Commission staff to publicly release their Safety Evaluation Report has been challenged by the Board; the staff response only indicates once again that the technical process is being held hostage to political desires, implemented by no less than the Chairman of the Nuclear Regulatory Commission himself.

A likely possible outcome of that Safety Evaluation Report, viewed in light that the NRC staff has stated that all requested information has been provided, is that the staff would agree that the safety of Yucca Mountain has been demonstrated to their satisfaction.

The Holdren memorandum notes that it is important that policymakers involve science and technology experts where appropriate and that the scientific and technological information processes relied upon in policymaking be of the highest integrity. There can be no doubt that by requiring the Department of Energy, in the Nuclear Waste Policy Act, to obtain a license from the Nuclear Regulatory Commission, Congress intended just that.

Failing to offer a technical rationale for ceasing work on the Yucca Mountain program, the Secretary of Energy has stated that there is a better way to deal with the wastes than disposal at Yucca Mountain. In passing the Nuclear Waste Policy Act, Congress found that a national problem had been created by the accumulation of spent nuclear fuel and radioactive waste from reprocessing. Importantly, it acknowledged that Federal efforts over 30 years to devise a permanent solution had not been adequate. Those 30 years were marked by false starts on disposal programs and continued rejection of storage alternatives. Every action that has been taken regarding the Yucca Mountain program since the Nuclear Waste Policy Act was passed in 1982 has been specifically requested by Congress. Further, at appropriate points since that time, Congress has been asked to make decisions about the Yucca Mountain repository. Each of these decisions resulted in further action being taken toward development of the repository.

Today, while the legislatively mandated license application sits in limbo, no technical authority has concluded either that Yucca Mountain is not suitable for a repository, or that the science supporting the license application is not sound. There are no published analyses, done in conformance with the applicable requirements and standards that show that the Yucca Mountain site would not meet the safety standards. Statements purporting that the Yucca Mountain site does not meet the safety standards are found to be either not supported by analyses that conform to the regulations, or are based on selected portions of outdated analyses that are not consistent with the current requirements. Moreover, presentations to the Blue Ribbon Commission, empanelled by the Secretary to articulate the "better way to deal with the wastes," have revealed nothing new. This is not surprising, as the country debated the merits of alternative means of disposal of the wastes more than once before embarking on the path forward legislated by the Nuclear Waste Policy Act. Even the reprocessing options being studied today do not lead to a complete solution. Evaluations have shown that legacy wastes likely will not be reprocessed and will require repository disposal. All known advanced technology options have some residual high level radioactive waste. High-level radioactive wastes have no disposal path other than a repository.

In their December 2010 report, *Evaluation of the Technical Basis for Extended Dry Storage and Transportation of Used Nuclear Fuel,* the U.S. Nuclear Waste Technical Review Board found that numerous important aspects of long term storage of spent nuclear fuel are not well understood. Little data are publicly available on the behavior of high-burn up fuel during dry storage and on its subsequent handling and transportation. No information is available on the behavior during dry storage of the more advanced materials now being used for fuel cladding and fabrication of fuel-assembly structural components. The fuel, the dry-storage system components (canister, cask, etc.), and the concrete foundation pad may all degrade during dry storage. Some degradation mechanisms may be active during the early years of dry storage, while different mechanisms may be active at the lower temperatures that would be expected during extended storage. Accurately predicting how the used fuel and canister temperatures will change over extended dry storage is important; however, little information was found on detailed thermal modeling during the period of extended dry storage. The physical state of the cladding when fuel is placed into dry storage is not currently well characterized. Cladding-degradation mechanisms, their interactions with each other, and the expected behavior of cladding after aging in extended dry storage are not well understood. Also not well understood are some of the conditions that affect these degradation mechanisms, such as predictions of the fuel temperatures over time and the amount of residual water present after drying. Corrosion mechanisms will cause degradation of the metal components of dry-storage systems during extended dry-storage periods.

The Holdren memorandum also requires agencies to develop a culture of scientific integrity, and strengthen the actual and perceived credibility of government research. What better way is there to demonstrate these principles than to let the process Congress intended to happen move forward? The Nuclear Regulatory Commission staff should be directed to issue the Safety Evaluation Report on post closure safety of Yucca Mountain. This would ensure that, as the Holdren memorandum directs, "data and research used to support policy decisions undergo independent peer review by qualified experts where feasible and appropriate and consistent with law." It would also facilitate the free flow of scientific and technological information, another tenet of the Holdren memorandum.

A way must be found to restart the Yucca Mountain licensing process. A congressionally directed solution is in place, and science, not politics should determine whether or not a license to construct a repository at Yucca Mountain is appropriate. As state governors and other state and local elected officials begin to understand fully that without a repository the wastes will remain where they are indefinitely in 36 states, a plan for storage in lieu of disposal is likely to falter as it has each time it has been proposed in the past. There is nothing to indicate that state opposition to repository development would not be expected if the country sought another repository site. There are, however, indications that local communities may be willing participants. In particular, Nye County, Nevada, has gone on record indicating its acceptance of the role assigned to it when Congress selected Yucca Mountain for repository development.

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The Science Panel of the Sustainable Fuel Cycle Task Force was created to provide independent science based perspectives on issues related to a sustainable nuclear fuel cycle, and offers its services as a source of scientific information about all waste management technical and licensing issues, including Yucca Mountain. If we can be of assistance, please do not hesitate to contact us.

Sincerely,
Science Panel

Isaac Winograd, Ph.D.

Wendell Weart, Ph.D.

Eugene H. Roseboom Jr., Ph.D.

Charles Fairhurst, Ph.D.

D. Warner North Ph.D.

CC: Commissioner Kristine L. Svinicki, U.S. Nuclear Regulatory Commission
Commissioner George Apostolakis, U.S. Nuclear Regulatory Commission
Commissioner William D. Magwood, IV, U.S. Nuclear Regulatory Commission
Commissioner William C. Ostendorff, U.S. Nuclear Regulatory Commission
R. William Borchardt, Executive Director of Operations, U.S. Nuclear Regulatory Commission
James Dyer, Chief Financial Officer, U.S. Nuclear Regulatory Commission

UNITED STATES
NUCLEAR WASTE TECHNICAL REVIEW BOARD
2300 Clarendon Boulevard, Suite 1300
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January 12, 2011
For Immediate Release

Karyn D. Severson
External Affairs

NWTRB to Continue Discussions of Technical Issues Related to High-Level Nuclear Waste Management Efforts to Date

The U.S. Nuclear Waste Technical Review Board will meet in Las Vegas, Nevada, on February 16, 2011, to continue its exploration of technical aspects of the U.S. Department of Energy's (DOE) activities related to managing and disposing of spent nuclear fuel and high-level radioactive waste. The Board will consider technical lessons that can be gained from DOE efforts to develop a permanent repository for spent fuel and high-level radioactive waste over the last two decades. The Board also will review current DOE activities related to implementation of the Nuclear Waste Policy Act.

The Board meeting will be held at the Marriott Suites Convention Center; 325 Convention Center Drive, Las Vegas, Nevada 89109; (Tel) 702-650-2000; (Fax) 702-650-9466. A block of rooms has been reserved at the hotel for meeting attendees. *To ensure receiving the meeting rate, reservations must be made by January 21, 2011.* To make reservations, go to http://www.marriott.com/hotels/travel/lasst-las-vegas-marriott/?toDate=2/18/11&groupCode=nucnuca&fromDate=2/14/11&app=resvlink or call 800-244-3364 or 702-650-2000.

A detailed agenda will be available on the Board's Web site at www.nwtrb.gov approximately one week before the meeting. The agenda also may be obtained by telephone request at that time. The meeting will be open to the public, and opportunities for public comment will be provided.

The meeting will begin at 8:30 a.m. in the Lake Mead/Red Rock Salon on the 17th floor of the Marriot Suites Convention Center. Time has been set aside at the end of the day for public comments. Those wanting to speak are encouraged to sign the "Public Comment Register" at the check-in table. A time limit may have to be set on individual remarks, but written comments of any length may be submitted for the record.

Transcripts of the meeting will be available on the Board's Web site, by e-mail, on computer disk, and on library-loan in paper form from Davonya Barnes of the Board's staff no later than March 21, 2011.

The Board was established as an independent federal agency to provide objective expert advice to Congress and the Secretary of Energy on technical issues and to review the technical validity of DOE activities related to implementing the Nuclear Waste Policy Act. Board members are experts in their fields and are appointed to the Board by the President from a list of candidates submitted by the National Academy of Sciences. The Board is required to report to Congress and the Secretary no fewer than two times each year. Board reports, correspondence, congressional testimony, and meeting transcripts and materials are posted on the Board's Web site: www.nwtrb.gov.

For information on the meeting agenda, contact Karyn Severson. For information on lodging or logistics, contact Linda Coultry; 2300 Clarendon Boulevard, Suite 1300; Arlington, VA 22201-3367; (tel) 703-235-4473; (fax) 703-235-4495.

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FRED UPTON
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HENRY A. WAXMAN
RANKING MEMBER

ONE HUNDRED TWELFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 Rayburn House Office Building
Washington, D.C. 20515
(202) 225-2927

Backgrounders

Key Issues before the

Committee on Energy and Commerce 112th Congress, First Session

January 18, 2011

Energy and Power Agenda

EPA Regulatory Chokehold: We believe it critical that the Obama Administration "stop" imposing its new global warming regulatory regime, which will undermine economic growth and U.S. competitiveness for no significant environmental benefits. For EPA's other multi-billion dollar Clean Air Act rules, we believe the agency has been regulating "too much too fast," without fully analyzing the feasibility and economic and job impacts of the new rules. Congress will be reasserting its oversight function to ensure sufficient analysis supports the proposed new rules, that the rulemaking process allows for open and full evaluation and information, and that the Administration is fully considering jobs and economic impacts in its decision-making. This oversight effort should be a deliberate, thoughtful, and probing process so that the Committee is satisfied that the agency has done its job. The stakes could not be higher; if the Obama Administration succeeds in imposing unaffordable and unworkable permitting and other rules through EPA, it will severely impede the domestic manufacturing and industrial growth necessary for this nation to create jobs and emerge strongly from a devastating recession.

Rising Gasoline Prices: Obama Administration policies are helping gasoline prices to rise and prices are expected to continue higher. Almost 67% of the price of gasoline is the price of oil; and yet, the Administration has consistently created one artificial burden after another to thwart the exploration and production of domestic energy resources. Further compounding the problem, the Administration's policies on refining make the manufacturing process of transportation fuels more expensive. Our oversight will illuminate the necessity of these resources for continued economic recovery and job creation. In the face of $4 gasoline, calls for increased supply will be stronger than ever. We will respond by promoting affordable, abundant, and secure sources of energy by preventing the Administration's regulatory overreach and expanding access in an environmentally responsible manner.

Renewable Electricity Mandates: Although governments have important roles to play in facilitating development of alternative energy, we oppose energy technology mandates that must be met regardless of cost. We will be exploring the electricity cost and reliability implications associated with federal government mandates for increased renewable electricity.

Nuclear Oversight & Investigations: China is building 25 nuclear plants, while the U.S. can't even process the permit for one, despite Obama Administration promises to "restart" nuclear in the United States. Nuclear power plant licensing remains bogged in federal review, existing facilities face costly new EPA regulations, and the Administration has shirked its legal obligations to develop a nuclear waste repository at the Yucca Mountain site by shutting down the project, developed at the cost of more than $10 billion. This is not only bad energy policy, but exposes US taxpayers to billions of dollars of new liability costs. The Committee intends to conduct thorough oversight to identify opportunities to reduce regulatory red tape and to ensure that the Administration adheres to its statutory obligations to continue Yucca Mountain development.

Waste in the Stimulus's Energy Programs: The Committee is committed to conducting oversight over the energy portions of the American Recovery and Reinvestment Act of 2009 (the "Stimulus"). Republicans have a host of questions regarding the efficacy of renewable technology and energy efficiency spending under the Stimulus, and until such questions regarding these programs are comprehensively answered, further Republican conference support for additional spending on such programs will not be forthcoming.

Blue Ribbon Commission on America's Nuclear Future
January 27, 2011 Meeting

Pecos River Conference Facility
711 Muscatel Ave.
Carlsbad, NM

Final Agenda

Thursday, January 27

8:30 a.m.	DOE Designated Federal Official	Tim Frazier
	Opening remarks by Commission co-chairs, members	Co-Chairman Hamilton Co-Chairman Scowcroft Commissioners
8:40 a.m.	Official Greetings and Statement	Dale Janway, Mayor of Carlsbad, New Mexico
8:45 a.m.	Office of U.S. Senator Tom Udall	Andrew Wallace
8:50 a.m.	Office of U.S. Representative Steve Pearce	Tim Keithly
8:55 a.m.	Perspectives on WIPP	New Mexico Governor Susana Martinez
9:25 a.m.	Panel 1: WIPP Background and History Critique	Former Manager Scientific Programs -WIPP (Wendell Weart), Consulting Geologist (Dennis Powers), Director WSCF Labs (Jim Conca), New Mexico Environment Department (Secretary Dave Martin & James Bearzi), Southwest Research and Information Center (Don Hancock)
11:00 a.m.	Perspectives on WIPP	New Mexico Attorney General Gary King

11:20 a.m.	N.M. State Senators	Carroll Leavell Vernon Asbill
11:30	Panel 2: WIPP Transportation: Operations, Issues & Local Impacts	DOE Carlsbad Field Office (Casey Gadbury), Coordinator of the New Mexico Radioactive Waste Consultation Task Force (Anne deLain Clark), Private Citizen (Margaret Carde), Los Alamos National Laboratory-Carlsbad (Dr. Ned Elkins)
12:30	Lunch	
1:15	Panel 3: Lessons learned from WIPP siting	Chief Scientist – WIPP (Roger Nelson), Former Representative (John Heaton), Former Mayor Carlsbad (Bob Forrest), Historian and Professor (Peter Galison)
2:30	Public Comments	
4:00	Meeting Adjourned	

Blue Ribbon Commission on America's Nuclear Future
January 28, 2011 Meeting

Hyatt Regency
Albuquerque, NM

Agenda

Friday, January 28th

8:30 a.m.	DOE Designated Federal Official	Tim Frazier
	Opening remarks by Commission co-chairs, members	Co-Chairman Hamilton Co-Chairman Scowcroft Commissioners
8:40 a.m.	Official Greetings and Statements	Mayor, Albuquerque, NM (Richard Berry)
8:45 a.m.	Office of U.S. Senator Jeff Bingaman	Patricia Dominguez
9:05 a.m.	Office of U.S. Senator Tom Udall	Andrew Wallace
9:20 a.m.	Office of U.S. Congressman Ben Ray Lujan	Patrick Duran
9:25 a.m.	DOE Environmental Management	Assistant Secretary Ines Triay
9:55 a.m.	Panel 1: State, Local and Tribal Perspective	Secretary of New Mexico Environment Department (Dave Martin), Environmental Evaluation Group (Bob Neill), Alliance for Nuclear Accountability (Susan Gordon), San Ildefonso Pueblo (Neil Webber)
11:15 a.m.	Break	
11:30 a.m.	Panel 2: National TRU Program	Western Governor's Association (Alex Schroeder) DOE-Carlsbad (Bill Mackie), Carlsbad Office of National TRU Program (J.R. Strobel)

12:15 p.m.	**Public Comment Period**
1:15 p.m.	**Adjourn meeting, hold brief media availability**