

**Statement of Catherine Haney
Director, Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Committee on Energy and Commerce
Subcommittee on Environment and the Economy
U.S. House of Representatives
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Good morning, Chairman Shimkus and Ranking Member Green. I am Catherine Haney, Director of the Office of Nuclear Safety and Safeguards at the U.S. Nuclear Regulatory Commission. I have held this position since May 10, 2010, serving as Deputy Office Director immediately prior to that. I am responsible for management and oversight of three program areas: fuel cycle safety and safeguards, spent fuel storage and transportation, and high level waste repository safety. I am here today to discuss agency activities regarding the NRC's regulatory oversight of the proposed Yucca Mountain high-level nuclear waste repository.

The Department of Energy submitted a license application in June 2008 to seek authorization to construct the geologic repository at Yucca Mountain. The NRC accepted the application for review in September 2008 and commenced a two-pronged review process: (1) the technical review of the license application by the NRC staff, and (2) the hearing process before the Atomic Safety and Licensing Board. The results of the staff's technical review are documented in a Safety Evaluation Report (SER). For the Yucca Mountain licensing review, the staff decided to produce the SER in five volumes.

Before I was appointed by the Commission to the position of Office Director in May 2010, the Department of Energy had filed a motion to withdraw the Yucca Mountain application before the Atomic Safety and Licensing Board. As a result, my predecessor had directed the staff to start planning for orderly closure as a contingency and for documenting the licensing review while we continued our development of the remaining volumes of the Safety Evaluation Report. At the

end of June 2010, the Licensing Board denied DOE's request to withdraw the license application; this decision of the Board has been under review by the Commission since early July 2010. The staff issued Volume 1 of the SER on schedule in August 2010. Over the course of the remainder of fiscal year 2010, my staff continued with the licensing review and the preparation of an orderly closure plan in case the Commission overturned the Board's June 2010 decision or the Congress enacted the appropriations requested by the President in the FY2011 budget.

For fiscal year 2011, the President's budget requested \$10 million for the close-out of the high level waste program and no funds from the Nuclear Waste Fund for the Department of Energy's high-level waste program. On October 1, 2010, while operating under a continuing resolution and consistent with direction from the Chairman, we began the process of transitioning to close-out of the Yucca Mountain program. Specifically, we began the process of documenting and preserving the staff's review, which included converting the remaining volumes of the draft Safety Evaluation Report into a Technical Evaluation Report (TER). The objective of the TER is to capture the knowledge gained during the last 30 years in preparing for and conducting the Yucca Mountain licensing review. This knowledge will be invaluable in future reviews of proposed repositories. When the TER is complete, we will publish it as a NUREG report in the knowledge management series. It is our belief that by thoroughly documenting the staff's technical review and preserving it as appropriate for publication and public use, the agency will be best positioned to respond to any future direction from the Commission, Congress or the courts. I believe this action was consistent with Commission policy, the general principles of appropriations law, and applicable guidance from the Office of Management and Budget and the Government Accountability Office on expenditure of funds under continuing resolutions. We have continued this work consistent with the 2011 appropriations bill ultimately signed into law this spring, which provided funding consistent with the President's original request.

In September 2010, my staff began to draft a memorandum to the Commission that would provide an update on the Yucca Mountain Program. The scope and purpose of the memorandum evolved over a number of weeks as external and agency internal factors, such as budget parameters, individual Commissioner and Commission actions, and inquiries from Congress extended the dialogue regarding the future of the Yucca Mountain program. On February 4th, I signed this memorandum that provided the information I felt needed to be conveyed to the Commission to keep the Commission fully and currently informed. That memorandum outlined with some specificity the various actions completed, underway, and planned. These included:

- Converting the remaining volumes of the SER into the TER that will document the staff's technical review activities and technical conclusions, but will contain no staff findings or regulatory compliance;
- Archiving the institutional, regulatory, and technical information amassed over nearly 3 decades of evaluation of Yucca Mountain and other potential sites for deep geologic disposal of spent fuel and high level waste;
- Redirecting the Center for Nuclear Waste Regulatory Analyses to focus its Yucca Mountain-related efforts on the preservation of knowledge and records management;
- Establishing priorities for action commensurate with available resources;
- Continuing to support the Office of General Counsel on adjudicatory hearing-related matters;
- Videotaping interviews with departing and other senior technical staff for knowledge capture and as a future training resource;

- Initiating discussions with the General Services Administration and other government agencies about preparatory activities to close and decommission the Las Vegas Hearing Facility infrastructure; and
- Keeping the Licensing Board informed of the status of the staff's application review activities.

Our efforts to thoroughly document and capture the knowledge from our Yucca Mountain activities continue, with a goal of completing these activities by the end of fiscal year 2011. No resources are requested for this activity in fiscal year 2012.

As we have been proceeding with the orderly closure of the Yucca Mountain regulatory program, we have also been implementing our strategy for integrated spent fuel management. Given the expected delay in the availability of a repository for high-level waste, the Nation will accumulate an increasing inventory of spent nuclear fuel. Consistent with NRC's mission of ensuring safety and security, the NRC's objective in this strategy is to develop the regulatory tools, analyses, and data needed to evaluate and support the safe and secure management of this increasing inventory. This necessarily includes the licensing, research, oversight, rulemaking, international, and other activities necessary to accomplish the agency's mission for a variety of waste management strategies that the Administration and the Congress may pursue. We are pursuing this strategy in collaboration with a broad array of external stakeholders.

This completes my prepared remarks. I would be happy to address any questions you might have.