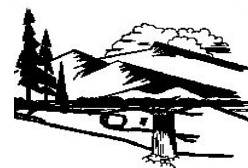




Matthew H. Mead, Governor

Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Todd Parfitt, Director

Department of Energy Interim Storage of Spent Nuclear Fuel Public Meeting Summary

On Wednesday, May 24, 2016, Wyoming Department of Environmental Quality (DEQ) representatives attended a Department of Energy (DOE) public meeting in Denver, Colorado. The purpose of this meeting was to discuss DOE's strategy to manage its spent nuclear fuel and high-level radioactive waste. DOE is considering a consent-based siting approach for finding both interim and permanent storage sites, and we were tasked with identifying details of the approach DOE will use and any economic incentives they may be offering.

During the meeting it was made clear that the consent-based siting approach is still in its infancy, and there is no concrete information available as the process has not yet been decided upon. The purpose of the meeting was simply for the DOE to hear from the public on how they think the consent-based approach should be conducted. They have planned nine public meetings in which they are taking public comments. The input from these nine meetings will be published in late 2016 and will be used to help DOE design the content-based process.

Currently, voluntary efforts to site a consolidated waste storage facility have emerged in Texas and New Mexico, where a private waste management company and a consortium of local governments, respectively, have indicated interest in developing such a facility.

Currently, there are 140,000 metric tons of spent nuclear fuel, all of which are stored on site at nuclear power plants. Additionally, there are 90 million gallons of high-level radioactive waste generated by reprocessing for nuclear defense activities being stored at DOE's Hanford and Idaho National Laboratory Sites. The Nuclear Waste Policy Act of 1982 (NWPA) set forth the nation's nuclear spent fuel and high-level radioactive waste management strategy by giving DOE the ability to establish a geological repository for the waste and begin taking this waste by 1998. DOE has failed to meet these objectives which has caused civil liabilities to the DOE and no clear path forward to establishing a geological repository. In an effort to regroup, DOE is mimicking France, Sweden, Finland, and Canada which are establishing geological repositories.

200 West 17th Street · Cheyenne, WY 82002 · <http://deq.wyoming.gov> · Fax (307)635-1784

ADMIN/OUTREACH
(307) 777-7937

ABANDONED MINES
(307) 777-6145

AIR QUALITY
(307) 777-7391

INDUSTRIAL SITING
(307) 777-7369

LAND QUALITY
(307) 777-7756

SOLID & HAZ. WASTE
(307) 777-7752

WATER QUALITY
(307) 777-7781

The Nuclear Waste Policy Act of 1982 (NWPA) set forth the nation's nuclear spent fuel and high-level radioactive waste management strategy by giving DOE the ability to establish a geological repository for the waste and begin taking this waste by 1998. DOE has failed to meet these objectives which has caused civil liabilities to the DOE and no clear path forward to establishing a geological repository. In an effort to regroup, DOE is mimicking France, Sweden, Finland, and Canada which are establishing geological repositories.

These countries have had more success in developing these sites due to their abilities to effectively engage the communities, consent-based siting, before they begin the siting process. DOE is moving forward this year to gather information, through public meetings and written comments, to determine the important aspects of a consent-based siting framework. Later this year DOE will publish these findings and begin developing a draft consent-based siting effort. This is an important process, and to understand the full complexity of the issue a brief history provided below.

Nuclear technologies have been used in the United States since the early 1940s for national defense, research and development, and electrical power generation. These activities have produced a large quantity of spent (or used) nuclear fuel and high-level radioactive waste. Efforts to find a long-term solution for managing spent nuclear fuel and high level radioactive waste date back to 1957, when the National Academy of Science recommended burying radioactive waste in geologic formations as the best permanent disposal option.

Congress endorsed this approach when they enabled the NWPA. The NWPA established procedures for evaluating and selecting sites for geological repositories and set a milestone of 1998 as the date the DOE would begin accepting spent nuclear fuel and high-level radioactive waste. By 1986 DOE had recommended three (3) sites for depositories, and in 1987 Congress amended the NWPA to focus solely on Yucca Mountain in Nevada. In addition to studying Yucca Mountain, the Nuclear Waste Fund was created that put one-tenth of a cent per kilowatt-hour charge on nuclear-generated electricity to be set aside to pay for disposal of the spent nuclear fuel. By 2014 the Nuclear Waste Fund had accumulated over \$40 billion dollars. Due to controversy, cost escalation, and legal challenges, formal DOE recommendation of the Yucca Mountain site to the President, the President's recommendation of Yucca Mountain to Congress, and subsequent congressional approval of the site were delayed until 2002, four years past the date DOE was supposed to be accepting waste. DOE submitted a license application to the NRC to construct Yucca Mountain in 2008. The State of Nevada strongly opposed each of these steps, and the selection of the Yucca Mountain site itself remained highly controversial. In 2009, with the timeline for opening a repository pushed back by two decades and no end to opposition in sight, DOE determined the geological repository at Yucca Mountain to be unworkable.

During the studies of Yucca Mountain, the DOE explored options to site and develop federally managed interim storage facilities pending availability of a disposal repository in order to meet the NWPA deadline. They created the United States Nuclear Waste Negotiator (USNWN) to find a host community that would take spent nuclear fuel in exchange for economic benefits. Fremont County, Wyoming, was one of these communities that initially sought consideration for interim monitored retrievable storage (MRS) in the Gas Hills Region. In 1992, Governor Mike Sullivan vetoed the process by sending his disapproval to locate the site in Wyoming to the NRC. The reasoning behind vetoing the proposal was:

- 1) There were no assurances that Yucca Mountain would be the final depository and the time frame of storage was uncertain;
- 2) At the time, there was no clear understanding of the safety and/or technology; and
- 3) It was uncertain how the site would handle shifts in public opinion in regards to the site.

The options for locating a temporary site ultimately failed in Wyoming, based on Governor Sullivan's concerns, and other sites nationwide failed due to their State concerns. In 1995 W.S. 35-11-1501 through 1507 were created to establish requirements for siting high-level radioactive waste storage facilities in Wyoming.

DOE's inability to meet the NWPA's objective of developing a geological repository and accepting spent nuclear fuel and high-level radioactive waste has led utility companies to seek compensation for the federal government's failure to meet its waste management obligations. As a result, the fees that fed into the NWPS were ceased until the DOE repository program is restarted or another waste program is developed. Additionally, through litigation, DOE assumed a \$20-billion-dollar liability of which \$4 billion dollars has been paid.

In 2010, in an effort to reanalyze the DOE's nuclear waste management, the Secretary of Energy (Steven Chu) established the Blue Ribbon Commission on America's Nuclear Future to recommend a new plan of action for the management and disposal of the nation's spent nuclear fuel and high-level waste. The Blue Ribbon Commission issued a final report in 2012 in which it recommended a consent-based approach to siting nuclear waste facilities, including consolidated interim storage and geological disposal sites. In 2015, DOE agreed to pursue a consent-based approach to siting facilities for interim storage, as well as disposal of defense and commercial waste.