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Congress of the United States
House of Representatives
Washington, DC 20515-0549

July 29, 2016

The Honorable Ernest Moniz
Secretary of the Department of Energy
1000 Independence Avenue SW
Washington, D.C. 20585

Dear Mr. Secretary:

I write to comment on the Department of Energy's (Department) consent-based siting process for nuclear waste storage and disposal facilities (Document No. 2015-32346) in order to highlight the value of but also the urgent need our nation has for the Department to develop and execute a national plan to store nuclear waste.

A 2011 Government Accountability Office report estimated over \$15 billion has already been spent toward the development of a nuclear waste repository.¹ The Department estimates an additional \$11 billion will be spent.² Yet the permanent designated site of Yucca Mountain, Nevada, is nowhere near opening while the nation maintains thousands of pounds of radioactive nuclear waste and spent nuclear fuel (SNF) scattered throughout the country.

The Nuclear Regulatory Commission (NRC) released the third volume of its *Safety Evaluation Report*, concluding the Department's license application to construct Yucca Mountain met the long-term nuclear waste repository regulatory and safety requirements, noting that Yucca Mountain would remain safe for one million years.³ I support continued research to create swift solutions for our nation's issue of nuclear waste, albeit the ultimate development of Yucca Mountain or interim consolidated storage facilities, and I urge the Department to take action now to fulfil its long overdue legal obligation.

¹ Mark Gaffigan, Natural Resources and Environment at the U.S. Accountability Office, "Nuclear Waste: Disposal Challenges and Lessons Learned from Yucca Mountain," Testimony Before the Subcommittee on Environment and the Economy, Committee on Energy and Commerce, U.S. House of Representatives, June 1, 2011, p. 2, <http://www.gao.gov/assets/130/126331.pdf>.

² Christopher A. Kouts, Office of Civilian Radioactive Waste Management, "Yucca Mountain Program Status Update," Presentation to Environmental Protection Agency Workshop on Energy and Environmental Sustainability in a Carbon Constrained Future, New York, NY, September 11, 2008, p. 9, http://www.epa.gov/region2/energyworkshop/workshop_presentations/session2/nuclear_session/panel1_nuclear_waste_disposal.pdf.

³ Nuclear Regulatory Commission, "Safety Evaluation Report Related to Disposal of High-Level Radioactive Wastes in a Geologic Repository at Yucca Mountain, Nevada: Repository Safety after Permanent Closure," Washington, D.C., October 2014, <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1949/v3/>.

My district is home to San Onofre Nuclear Generating Station (SONGS), which is positioned near an active earthquake fault line, alongside a hectic train rail line, sandwiched between the heavily trafficked I-5 Freeway and the Pacific Ocean, and borders the densely-populated Counties of Orange and San Diego.

SONGS recently began the initial stages of decommissioning, which are expected to be completed by 2033. 3.6 million pounds of SNF are currently maintained on site and are anticipated to be in dry-cask storage by mid-2019,⁴ ready for the Department to properly remove, transport, and dispose of the materials. Thus, it is particularly important to the residents of Southern California that the Department find a solution to store radioactive waste. I know many from our community surrounding SONGS are too commenting on this process at the Department's request; I ask the Department of Energy to pay special attention to their opinions and recommendations.

This region of over eight million people is greatly concerned about the future of nuclear waste. Unfortunate incidents, such as in 2011 at Fukushima Daiichi, Japan, when radioactive waste spilled into the Pacific Ocean, serve as reminders of potential destruction if the Department does not act.

Solutions such as interim consolidated storage could be an efficient option in securing SNF and ultimately behoove the overall process and handling capabilities to prepare the nation for permanent repository.^{5 6} Most notably, interim consolidated storage could save billions of taxpayer dollars since it costs almost as much to monitor nuclear waste at a single reactor site as it would be to monitor all of the waste in the country if it were located at one repository.⁷ Other major benefits of consolidated storage include the speed in which a site could be approved, licensed and constructed, and ultimately the safety in protecting populated communities.

Therefore, per the Department's request for public comment on the consent-based siting process, my remarks will specifically focus on interim consolidated storage and address the Department's questions regarding a fair process, participation in the process, and transportation.

ENSURING A FAIR PROCESS TO SELECT A SITE

With sixty-one nuclear power plants currently decommissioning or already decommissioned, and Yucca Mountain stalled indefinitely, the Department should carefully consider several factors pertaining to the process of fairly removing nuclear waste from these sites and active reactors, and placing them into interim storage. Evaluating the safety, health, and environmental concerns will impact the timeline, costs, and risks associated with the collection and transportation of radioactive waste but they are imperative components. As such, please consider the following recommendations:

⁵ Cliff Hamal, Julie Carey, Christopher Ring, "Spent Nuclear Fuel Management: How centralized interim storage can expand options and reduce costs," Navigant Economics, May 2011, p. 2,

https://curie.ornl.gov/system/files/documents/not%20yet%20assigned/centralized_interim_storage_of_snf.pdf.

⁶ U.S. Nuclear Regulatory Commission, "Power Reactors," June 2016, <http://www.nrc.gov/reactors/power.html>.

⁷ Cliff Hamal, Julie Carey, Christopher Ring, "Spent Nuclear Fuel Management: How centralized interim storage can expand options and reduce costs," Navigant Economics, May 2011, p. 13, https://curie.ornl.gov/system/files/documents/not%20yet%20assigned/centralized_interim_storage_of_snf.pdf.

- If nuclear waste becomes increasingly dangerous at its current storage site for reasons such as geological or environmental hazards, the life expectancy of the canisters is nearing the end, or other safety concerns expressed, then the Department should collect and transport the waste in order of the greatest to the least safety risk for the community.
- If the nuclear waste is already cooled to the proper temperature necessary for safe transportation, then the Department should collect and transport the waste based on the order of oldest to newest from the time the waste was placed into the canisters during the decommissioning process.
- If the nuclear waste is already stored in the proper type of cask deemed necessary for safe and secure transportation, then the Department should collect and transport the waste in order of oldest to newest within the decommissioning process.
- If the above criteria are equally met, then the Department should collect and transport the waste in order of geological proximity from closest to the farthest from the repository site per the designated route of shipping.

PROCESS INVOLVEMENT

Throughout the process of selecting an interim nuclear waste disposal site, the Department needs to consider the views of local residents and businesses, other private stakeholders, and government officials at the federal, state, and local levels. Each will undoubtedly provide different perspectives and priorities to contribute to a robust conversation.

What is unique and encouraging about the two proposed interim repository sites in Eddy and Lea Counties, New Mexico, and in Andrews County, Texas, is that the communities – from local city mayors to state governors – have already expressed their support for accepting the radioactive waste, of which my office has received copies. From west to east these three counties border each other, and are isolated from environmental concerns associated with storage on the coastlines, along severe active fault lines, or near dense populations. Additionally, both areas are familiar with the expectations and outcomes of storing nuclear waste because radioactive material is already stored near the prospective sites: low-level waste is contained in Andrews, Texas and high-level radioactive waste from the Department of Defense (DOD) is stored near the prospective site in New Mexico. If a community is offering to solve what the rest of the nation views as a problem, the Department should strongly take this into consideration.

The Department has the duty to maintain an open dialogue with local stakeholders by hosting community forums, asking for public comments and reviewing them carefully, and providing information and resources to those who live near a prospective site to ensure they are current. Government is better when it listens to the people. Local participation and engagement is invaluable for the Department to make informed and sensible decisions. I encourage the

Department to continue holding community-based forums near decommissioned sites and within the communities which have expressed interest in developing a nuclear repository site.

OTHER CONSIDERATIONS

Plans for interim storage of nuclear waste cannot begin without a destination. Local and state governments need to coordinate with the Department to determine the most suitable and logical destination, but also a reasonable plan for execution. Implementation should be in conjunction with local and federal emergency response units, all the while keeping the public aware of the process. Public confidence is essential for the success of these tasks because not only is the removal and transportation of commercial nuclear waste an obligation of the federal government, but it is necessary for long-term protection.

One of the most common concerns expressed regarding the storage of radioactive waste pertains to the transportation of hazardous materials. While the design, logistics, and safety components to coordinate secure transportation are complicated, and it is viewed as a major national security concern, proven technology exists to facilitate responsible nuclear waste transportation. The DOD nuclear program has been transporting millions of pounds of nuclear waste since the 1950's by using train rail lines, heavy haul trucks, and water barges to move the waste across state lines and around major cities throughout the country without incident.

In a report from September 2015, *Preliminary Evaluation of Removing Used Nuclear Fuel from Shutdown Sites*, the Department stated: thirteen "sites were found to have at least one off-site transportation mode option for removing their used nuclear fuel and GTCC low-level radioactive waste, and some sites have multiple options."⁸ This summary includes SONGS located in my district, citing direct rail and heavy haul trucks to barge to rail would be transportation mode options.

The Department should continue its partnership with the DOD, as well as with other federal entities, to emulate their expertise. These proven transportation technologies and safety strategies demonstrate the transference of nuclear materials can efficiently occur without adverse effects. In an hearing hosted by the House Subcommittee on the Environment and the Economy in October 2015, specifically regarding SNF transportation and logistics, it was noted that "in more than 70 years of nuclear materials transport[ed] in the U.S. and worldwide, no member of the public has ever been harmed from a radioactive release."⁹

ADDITIONAL COMMENTS

Residents, elected officials and city councils, businesses, and community organizations throughout California are informed and active on the need to safely remove and secure SNF. Over a dozen local Southern Californian cities and government officials have expressed their support of a bill currently before the U.S. House of Representatives: H.R. 3643, *the Interim*

⁸ "Preliminary Evaluation of Removing Used Nuclear Fuel from Shutdown Sites," Fuel Cycle Research and Development, September 30, 2015, p. v, https://curie.ornl.gov/system/files/documents/87/Shutdown_Sites_Report_Sept2015.pdf.

⁹ Robert Quinn, Vice President of Cask and Container Technology, U.S. House of Representatives Committee on the Energy and Commerce, Subcommittee on Environment and the Economy, October 2015, <https://energycommerce.house.gov/news-center/press-releases/subenvecon-examines-transportation-nuclear-material>.

Consolidated Storage Act, which authorizes interim consolidated storage facilities and prioritizes the transfer of nuclear waste from decommissioned sites. California Assemblyman Rocky Chavez, California State Senator Pat Bates, the San Diego Supervisors, San Diego Regional Chamber, and the California cities of Oceanside, Encinitas, Laguna Beach, San Clemente, Vista, Laguna Woods, Dana Point, Carlsbad, and San Louis Obispo have all passed resolutions or written letters in support of this federal bill, and to encourage the Department of Energy and the NRC to move forward with approving an interim repository site and issue the appropriate licenses.

Judicious examination of where to construct an interim nuclear waste repository site and of proposals on how to collect, transport, and securely store the radioactive waste is necessary and needed now. The country has been waiting for nearly three decades since Yucca Mountain, Nevada, was designated as the sole location for permanent repository. Removing the waste spread across the country will improve our national security, save Americans billions of dollars, and fulfil the federal government's obligation to safely store nuclear waste.

I appreciate the opportunity to comment on the siting process for interim nuclear waste storage and disposal facilities. Please contact Chelsea Cuellar in my Washington, D.C. Office at chelsea.cuellar@mail.house.gov or (202) 225-3906.

Sincerely,



Darrell Issa
Member of Congress