

Disposal Subcommittee – Addressing Comments on the Draft Reports

December 2, 2011



BLUE RIBBON COMMISSION
ON AMERICA'S NUCLEAR FUTURE

Process for Public Review and Comment

- Draft subcommittee report issued for public comment on June 1, 2011; comments received from NGOs, industry associations, state regional groups, states and tribes, local governments and private citizens
- BRC draft report issued for public comment July 29; thousands of comments received
- Also received comments from the regional public meetings held in Denver, Boston, Atlanta, Washington, DC and Minneapolis
- Many comments endorsed the overall strategy in the draft report; others offered specific changes or questioned specific findings and recommendations
- Comments reviewed and considered carefully



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Recurring Themes in Public Comment

- Widespread acceptance of the need for at least one geologic repository under any scenario
- Broad support for the concept of an independent federal entity to manage the nuclear waste program, to provide mission focus, continuity, and insulation from politics to the extent possible
- Equally broad support for the recommendation to provide assured access to the nuclear waste fee and fund for their intended purpose, including the near-term recommendations about the handling of the fee payments



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Recurring Themes in Public Comment (cont'd)

- Much encouragement to provide more details on the consent-based siting process, on topics including:
 - How to determine consent
 - The regulatory role of the state (specific request to amend the Atomic Energy Act so states can regulate radionuclides)
 - The nature of the agreement between the waste management org and the host state, and tribe
 - The point at which a potential host state /tribe can no longer opt-out of the process without cause
 - The amount of time that Congress should allow to attempt a consent-based process
 - The nature of the incentives to be provided to host governments



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Recurring Themes in Public Comment (cont'd)

- Better reflect the significant support for the Yucca Mountain project that currently exists in Nye County and other nearby counties
- Call for the completion of the NRC review of the Yucca Mountain license application
- Doubts expressed that the planned nuclear waste fee collections will be adequate to pay for commission recommendations - include cost estimates



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Recurring themes in Public Comment (cont'd)

- Explain more fully how public fear of radiation makes the waste management problem more difficult
- The use of words like “prompt” when discussing development of storage and disposal capacity leads to fears the process will put timeliness ahead of safety
- Include a notional schedule so people can understand how long the steps in the plan are likely to take



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Proposed Changes: Siting Process

- **More details on the consent-based siting process/The nature of the agreement between the waste management org and the host state, and tribe**
- A new approach is needed to site and develop nuclear waste facilities in the United States in the future. We believe siting processes for all such facilities are most likely to succeed if they are:
 - Adaptive
 - Staged
 - Consent-based
 - Transparent
 - Standards-and science-based
 - Governed by partnership arrangements or legally-enforceable agreements



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Proposed Changes: Siting Process (cont'd)

- **How to determine consent**
 - Believe this ultimately has to be answered by potential host governments
 - Can be measured by willingness of the state to enter into legally binding agreement
- **The regulatory role of the state (specific request to amend the Atomic Energy Act so states can regulate radionuclides)**
 - This must be an element of the negotiation with a potential host state
 - Everything should be on the table
- **The point at which a potential host state/tribe can no longer opt-out of the process**
 - Must be part of the negotiation between the affected units of government and the waste management organization
 - Must expire no later than the time when a license application for the repository is submitted



Proposed Changes: Siting Process (cont'd)

- **The amount of time that Congress should allow to attempt a consent-based process**
 - Should allow on the order of fifteen to twenty years following resumption of the U.S. nuclear waste management program before passing judgment
- **The nature of the incentives to be provided to host governments**
 - The NWPA should be amended to authorize the new federal corporation to negotiate substantial benefits – far in excess of those specified in Section 171 of the NWPA – to be provided to local communities, tribes, governments, or other organizations as approved
 - Payments would be used for economic development, incentives, project impact mitigation and other appropriate purposes
 - Subjected to external, independent auditing



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Proposed Changes (cont'd)

- **Better reflect the support for the Yucca Mountain project that exists in Nye County and other local counties**
 - Nye County and several neighboring counties have sent comments affirming their support
 - Better reflect in the final BRC report
- **Call for the completion of the NRC review of the Yucca Mountain license application, because of the lessons that can be learned and the scientific and technical questions that can be answered**
 - This issue is presently before the courts
 - We urge that documents related to the Yucca Mountain project be retained in readily-accessible format and locations



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Proposed Changes (cont'd)

- **Doubts expressed that the planned nuclear waste fee collections will be adequate to pay for the commission recommendations - include cost estimates**
 - The Nuclear Waste Policy Act requires the fee to be adjusted as needed to cover the actual costs of disposal
 - DOE study concluded that the level of the current waste fee (at one-tenth of one cent per kilowatt-hour) is adequate to cover the costs of commercial SNF disposal
 - Providing assured access to the nuclear waste fee and fund will be essential to the long-term success of the nation's nuclear waste management program
- **Explain how public fear of radiation makes the waste management problem more difficult**
 - Better reflect in the final BRC report



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Proposed Changes (cont'd)

- **The use of words like “prompt” when discussing development of storage and disposal capacity leads to fears the process will put timeliness ahead of safety**
 - Use of term “prompt” is relative in the context of need to start a new process and does not imply sacrificing safety
 - Recommendation #1: *The United States should undertake an integrated nuclear waste management program that leads to the timely development of one or more permanent deep geological facilities for the safe disposal of spent fuel and high-level nuclear waste.*
- **Include a notional schedule so people can understand how long the steps in the plan are likely to take**
 - Suggest adding greater specificity in final BRC report as appropriate