



State of Vermont

Nuclear Decommissioning Citizens Advisory Panel

c/o Department of Public Service

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March 3, 2022

US Department of Energy

Office of Nuclear Energy

1000 Independence Ave. SW

Washington DC 20585

Re: Comments on the U.S. Department of Energy 'Request for Information on Using a Consent-Based Siting Process to Identify Federal Interim Storage Facilities'

To Whom It May Concern:

The Vermont Nuclear Decommissioning Citizens Advisory Panel submits the enclosed comments (Advisory Opinion) in response to the Department's December 2021 'Request for Information on Using a Consent-Based Siting Process to Identify Federal Interim Storage Facilities.' These comments were approved by the Panel at a Special Meeting held on February 28. Presentations and other details from this meeting are available at the Panel website: <https://publicservice.vermont.gov/electric/ndcap>.

Additionally, the Panel wishes to thank Dr. Kim Petry, Dr. Erica Bickford, Ms. Natalia Saraeva and Mr. Rob Howard of the Department for their presentation and supporting discussion at our February 28 meeting.

Thank-you for your consideration. We appreciate the opportunity to share these comments with the Department and look forward to further interactions as the Consent-Based Siting Process progresses.

Sincerely yours,

/s/ Emily Davis

Emily Davis, 2022 Panel Chair

Vermont Nuclear Decommissioning Citizens Advisory Panel

Advisory Opinion Adopted February 28, 2022**Comments on the U.S. Department of Energy ‘Request for Information on Using a Consent-Based Siting Process to Identify Federal Interim Storage Facilities’****INTRODUCTION**

The Vermont Nuclear Decommissioning Citizens Advisory Panel (VT NDCAP) appreciates the opportunity to share information and insights on ‘Using a Consent-Based Siting Process to Identify Federal Interim Storage Facilities’ and associated questions upon which the Department of Energy (DOE) seeks public input.

BACKGROUND ON VT NDCAP

The 19 member VT NDCAP was established by an act of the Vermont legislature in 2014. It includes six citizen members, two each to be appointed by the Governor, the Senate President Pro Tempore and the House Speaker, as well as representation from eleven additional Vermont Yankee decommissioning stakeholder organizations, including the plant owner and the town where the facility resides, to oversee decommissioning of the Vermont Yankee nuclear reactor, share information with and receive feedback from the public.

In December 2020, the VT NDCAP voted to establish a committee to learn more about nuclear spent fuel storage and disposal concerns. The resulting Federal Nuclear Waste Policy Committee (FNWPC) met monthly in 2021 and continues to meet, studies federal policy options for nuclear waste storage and considers how Vermont Yankee is situated within the national landscape. By methodically procuring input from Vermont’s federal delegation, industry experts and other stakeholders, the FNWPC accordingly advances the learning goals of VT NDCAP by sharing findings with the full Panel at regularly scheduled meetings. The Committee may recommend that the VT NDCAP adopt Committee-approved draft advisory language for the full VT NDCAP’s consideration and potential vote in order to fulfill the Panel’s stated purpose under Vermont law to: "advise the Governor, General Assembly, the agencies of the state, and the public on issues related to decommissioning."

Some individual VT NDCAP members plan to submit independent information to DOE that may reflect different perspectives on how the US should solve the problem of where and how to store the nation’s high level radioactive waste. The value of this document is that it reflects basic agreement among Committee members on the following points, voted on at a special session of the full VT NDCAP on February 28, 2022, a recording of which is available at:

<https://youtu.be/W7ZAHGUaD4M>

**DOE RFI Area 3: Interim Storage as Part of a Waste Management System / Questions: 3 and 4:
To what extent should development of an interim storage facility relate to progress on
establishing a permanent repository? What other issues should DOE consider in developing a
waste management system?**

In 2015, the Congress authorized a two-year consent-based siting process for the general siting for nuclear waste disposal facilities that was not limited to ‘interim’ sites. The process to date has not resulted in a successful siting of any waste disposal facilities. VT NDCAP believes management of the nation’s nuclear waste management system must not depend upon inconsistent congressional appropriations.

VT NDCAP recommends that development of a consolidated interim storage facility (CISF) should remain directly coupled to establishing a permanent repository as required under the Nuclear Waste Policy Act. In developing an integrated waste management system, VT NDCAP believes that DOE and the Administration should focus on amending existing law rather than relying on agency rulemaking.

Appropriate geomorphology and geohydrology of potential site selection for a permanent repository should be a limiting and qualifying factor in any consent-based siting. Prioritizing locations with sound environmental suitability will likely aid in establishing public acceptance and trust to obtain consent-based siting. With proper planning, moving high level radioactive waste from independent fuel storage installations (ISFSIs) should only happen one time. Any CISF(s) to be constructed and operated should ideally be sited at or in close proximity to a location that is also acceptable and approved for a permanent deep geologic repository. Any CISF or permanent repository should be subject to the same EPA standards other energy producers must adhere to.

Further, asking a community to consent to act as an ‘interim’ site in the absence of any progress toward a permanent site will continue to undermine confidence in the DOE ‘consent-based siting’ process.

The VT NDCAP supports the application of the consent-based siting process to any previously designated high level radioactive waste disposal or storage sites.

**DOE RFI, Area 2: Removing Barriers to Meaningful Participation / Question 5:
What information do communities, governments, or other stakeholders need to
engage with the Department on consent-based siting of federal interim storage
facilities?**

Communities, governments, local stakeholders, and the nation at large need more information before deciding on the best course of a functioning integrated nuclear waste management system. The Nuclear Regulatory Commission says such waste is safely and securely stored at its current location. An independent and comprehensive economic analysis from the Congressional Budget Office or

General Accounting Office on options for nuclear waste should inform how to proceed.

All public comments received in DOE's 2015 to 2017 Consent-Based Siting effort should be available for public review and be considered as part of the DOE's current Request for Information.

ADVISORY OPINION VOTING RECORD

PANEL MEMBERS VOTING YES

Madeline Arms (Town of Vernon); Todd Amato (Town of Vernon); Chris Company (Windham Regional Commission); Sara Coffey (Citizen Appointee); Emily Davis (Citizen Appointee & Panel Chair); Marvin Resnikoff, Ph.D. (Citizen Appointee); Lissa Weinmann (Citizen Appointee & FNWPC Chair).

PANEL MEMBERS VOTING NO

None.

PANEL MEMBERS VOTING TO ABSTAIN

Corey Daniels (NorthStar Vermont Yankee); David Pearson (NorthStar Vermont Yankee); Jim Porter (VT Public Service Department Designee).

PANEL MEMBERS ABSENT FOR THIS VOTE

Trish Coppolino (VT Agency of Natural Resources); Dr. Bill Irwin (VT Agency of Human Services); Bob Leach (Citizen Appointee); Brett Long (VT Agency of Commerce and Community Development); Mark MacDonald (Vermont Senate); Laura Sibilgia (Vermont Legislature); Josh Unruh (Citizen Appointee & Panel Vice-Chair).

There are currently two vacancies on the Panel.

END