

## **Background**

In November 2015, the Chair of NDCAP, without approval of the Panel, signed a letter to the New England delegation on the Panel's behalf "urging meaningful action In this session of Congress to overcome the national nuclear waste management policy impasse. Indefinite on-site storage of this material stranded in the communities we live and work in is unacceptable." The letter goes on to recommend implementation to consolidate interim storage project in New Mexico and Texas. "We strongly urge your support of legislation that directs DOE to engage with entities and communities interested in storing the SNF/HLW from our sites on an interim basis." This legislation did not have the approval of the full NDCAP and also we believe would be ineffective.

This was supported by an advisory opinion in February 2016 which states in part "because full site restoration cannot be completed until the removal of the used fuel from the site, NDCAP further recommends that the Vermont congressional delegation take immediate legislative actions that will facilitate DOE acceptance and removal of spent fuel from Vermont Yankee and the State of Vermont as expeditiously as possible." We also believe this opinion is unwise and ineffective.

Our concern is the following. While we all support removal of spent fuel and also greater than Class C low level waste, no one is arguing that stranded waste at shuttered nuclear reactors is unsafe. It could be done more safely, but we are not arguing that issue here. Spent fuel in pools poses a greater risk than dry storage in casks. But removal and relocation from the Vernon site must be done with certain precautions. The waste materials will be transported through communities across the country, through perhaps 2/3<sup>rd</sup>'s of Congressional districts and must be done safely. Transportation casks are not designed to withstand all potential accidents. Transportation casks contain an enormous amount of radioactivity. Further the communities in New Mexico and Texas that would be receiving this waste on a so-called "interim" basis must consent to its acceptance. By that we mean local and State approval. We recall when Vermont was being considered for a high level waste repository in 1985 under then Governor Madeleine Kunin, there was widespread opposition in the State and the project was shelved. Likewise any resolution urging "interim" storage in Texas or Mexico should not occur unless it was shown to be safe and there was approval. For this reason, our previous opinion must be amended to be effective or prior approved or unapproved opinions should be rescinded.

In addition, any NDCAP resolution should also include the highly radioactive non-fuel components within the reactor, called greater than class C waste (GTCC). These components are as radioactive and long-lived as the spent fuel itself and should be stored and disposed of similar to spent fuel. At the present time, GTCC sits in the spent fuel pool at Vermont Yankee. It should be loaded into a dry storage cask and be stored on the pad until a repository is available.

Part of the NDCAP legislative mandate is "To advise the Governor, the General Assembly the agencies of the State and the public on issues related to the decommissioning of VYNPS..." To that end we are offering the following questions and recommendation.

1. Does the Panel want to state that the 2015 letter is not to be regarded as support for Interim Storage?
2. Does the Panel want to state that it supports or does not support Interim Storage?
3. Does the Panel want to state that it offers no opinion on Interim Storage?
4. Does the Panel want to state that locating a storage or disposal facility requires consent from the local community? This later point may want to consider what constitutes local consent. For example, the Texas and New Mexico Governors are both on record opposing the Interim Facilities proposed in their states; however the county governments for the facility locations are still on the record supporting them.

## **RECOMMENDATION**

The panel withdraws support for the 2015 letter.

The panel would amend the language at the end of the ISFSI recommendation to say:

NDCAP calls on Congress to expedite removal of spent fuel and greater than class C waste (GTCC) from the Vermont Yankee site, to transport these radioactive wastes safely and with the consent of local and state government designated to receive the spent fuel and GTCC.