

January 27, 2017

[PrivateISF@hq.doe.gov](mailto:PrivateISF@hq.doe.gov)

RE: Response to RFI on Private Initiatives to Develop Consolidated SNF Storage Facilities

The Alliance for Nuclear Accountability (ANA) is a national network of 31 organizations working to address issues of nuclear weapons production and waste cleanup. The organizations include communities affected by and involved with Department of Energy (DOE) nuclear waste facilities. Some of the organizations also are directly affected by commercial spent nuclear fuel (SNF). ANA opposes private off-site consolidated SNF storage facilities, which would be dangerous because of the additional handling and transportation required, unnecessary because waste can and will remain at the existing locations for decades, and expensive because they would substantially add unneeded costs to what will be an expensive repository program. Further, such private off-site facilities are not allowed by current federal laws. Thus, we request that DOE:

- \* publish all of the submissions to the RFI (as it has promised to do in 81 FR 74780),
- \* respond publicly to all of the submissions, and
- \* terminate its process to encourage private initiatives for consolidated SNF storage facilities. Thus, the proposed “presentations” by respondents to this RFI at DOE Headquarters should not occur. If DOE does proceed with this idea, all respondents, including ANA, should be invited and allowed to make such presentations. ANA specifically requests to make a presentation, if any other presentations are invited.

ANA strongly disagrees with the premise stated in the RFI: “PIs represent a potentially promising alternative that can be used either solely or in addition to federal facilities for consolidated interim storage” (pages 1-2). In fact, several attempts by private, including tribal, entities have been tried since the Nuclear Waste Negotiator encouraged such facilities during the 1990-1993 time period. All of those proposed facilities failed. The one “successful” project was Private Fuel Storage on the Skull Valley Goshute land in Utah that received a license from the Nuclear Regulatory Commission in 2006, but has never operated. That effort succeeded in spending millions of private and federal and state taxpayer dollars and in stimulating national, tribal, state, and local opposition, but not in developing a facility. Thus, the RFI premise is directly contradicted by historic experience. ANA continues to oppose such private, off-site facilities, which would affect not only “host” communities and states, but dozens of communities and states along transportation routes and those downwind and downstream from such facilities, which must all “consent” to any such sites. Instead, SNF should be stored as safely as possible as close to the generating site as possible until licensed, publicly accepted disposal sites are available.

Importantly, federal laws currently prohibit off-site consolidated SNF storage facilities. The Nuclear Waste Policy Act (NWPA) specifically provides that the federal government will not take title to spent fuel until it is received at a repository:

The generators and owners of high-level radioactive waste and spent nuclear fuel have the primary responsibility to provide for, and the responsibility to pay the costs of, the interim storage of such waste and spent fuel until such waste and spent fuel is accepted by the Secretary of Energy in accordance with the provisions of this Act [42 U.S.C. 10101 et seq.] 42 U.S.C. § 10131(a)(5).

That law further states:

DOE shall “take title” to spent fuel only “following commencement of operation of a repository.” 42 U.S.C. § 10222(a)(5)(A). See also Final Interpretation of Nuclear Waste Acceptance Issues, 60 Fed. Reg. 21,793, 21,795 (May 3, 1995) (concluding that “the mandate to dispose and the duty to take title must be read together.”)

The RFI and Federal Register notice are grossly inaccurate and misleading in never mentioning the existing legal prohibitions to such a private, off-site consolidated SNF facility. As part of the requested termination of this process, DOE should explicitly acknowledge those legal prohibitions, as well as the history of failures of such private, off-site consolidated facilities, and the continuing strong public opposition to any such sites.

Thank you for your consideration and response.

Sincerely,

Jay Coghlan  
President, ANA Board of Directors  
903 W. Alameda, #325  
Santa Fe, NM 87501  
[jay@nukewatch.org](mailto:jay@nukewatch.org)

**Alliance for Nuclear Accountability**

Beyond Nuclear

Colorado Coalition for the Prevention of Nuclear War

Concerned Citizens for Nuclear Safety

Fernald Residents for Environmental Safety and Health

Georgia WAND (Women’s Action for New Directions)

Hanford Challenge

Heart of America Northwest

Institute for Energy and Environmental Research (IEER)

JustPeace

Lawyers Committee on Nuclear Policy

Miamisburg Environmental Safety and Health

Movement for Nuclear Safety

Nuclear Age Peace Foundation

Nuclear Watch South

Nuclear Watch New Mexico

Oak Ridge Environmental Peace Alliance

Peace Action

Peace Farm

PeaceWorks Kansas City

Physicians for Social Responsibility

Portsmouth/Piketon Residents for Environmental Safety and Security

PSR Kansas City

Psychologists for Social Responsibility

Rocky Mountain Peace and Justice Center

Savannah River Site Watch

Snake River Alliance

Southwest Research and Information Center

Tri-Valley CAREs (Communities Against a Radioactive Environment)

WAND (Women's Action for New Directions)

Western States Legal Foundation

Women's International League for Peace and Freedom