



July 30, 2016

The Honorable John Kotek  
Acting Assistant Secretary for Nuclear Energy  
U.S. Department of Energy  
1000 Independence Ave., SW  
Washington, DC 20585

Dear Acting Assistant Secretary Kotek:

On behalf of the members of Idaho Governor C.L. "Butch" Otter's Leadership in Nuclear Energy Commission, we are writing to offer our input on the Department of Energy's Consent-Based Siting process. We appreciate your efforts to conduct a public meeting in Boise earlier this month and your willingness to consider our thoughts through the submission of this letter.

As you may know, The Leadership in Nuclear Energy Commission 2.0 (LINE) was created by Governor C.L. "Butch" Otter through Executive Order 2013-02. LINE 2.0 is charged with implementing and overseeing progress on recommendations from the original LINE Commission (LINE 1.0). The LINE 1.0 Commission identified a robust and expansive nuclear industries sector in the state—anchored by the Idaho National Laboratory—consisting of more than 20 firms that employ thousands of Idahoans, contribute millions of dollars to Idaho's general fund and help realize our state's goal of achieving robust economic growth.

The LINE Commission offers the following thoughts on a consent-based siting process:

- It is our view that federal law requires the Department of Energy and the Nuclear Regulatory Commission to move forward with licensing, and ultimately construction of, a permanent repository for spent fuel and high-level nuclear waste at Yucca Mountain, Nevada.
- It is our view that from a scientific and technical perspective, Yucca Mountain is a suitable location for the establishment of a permanent repository.
- We recognize, however, that a number of factors have impeded the progress of Yucca Mountain and that it is time for our nation to move forward with a process that can identify a future site for either interim or permanent repositories. Further, we believe that effort should involve collaborative, consent-based processes, such as those outlined in the final report of the Blue Ribbon Commission on America's Nuclear Future, for identifying potential sites.

- We further recognize that the process of imposing a repository facility on an unwilling host community or state has contributed to the spent nuclear fuel and nuclear waste disposal stalemate now facing our nation.
- It is our view that, regardless of any future effort that might lead to renewed progress at Yucca Mountain, our nation will eventually need additional repository capacity beyond that which could be offered with just one geologic repository. With that in mind, we believe moving forward with a consent-based process for the identification of additional repository capacity is not only prudent, it is absolutely necessary.
- It is our view that the processes utilized in Europe and Canada for seeking receptive host repository communities provides an appropriate and effective model for the United States to follow in establishing our own repository. Further, we believe the process utilized for the establishment of the Waste Isolation Pilot Plant in New Mexico provides another model for future consent-based siting efforts.
- It is our view that the consent-based siting public meeting in Boise clearly demonstrated that establishing trust in the methodology used by DOE and offering transparency to all decision-making processes will be essential to ensuring public acceptance and confidence in any final decision.
- It is our view that universities, state agencies, and other public and community interests groups should be engaged early and often throughout the process to build and maintain public trust. These entities can be very helpful in objectively analyzing risks and communicating confidence in risk mitigation efforts to the public.
- While we have confidence in the inherent safety of ongoing storage at operating and shut-down commercial reactors across the United State, it is our view that centralized storage, particularly of spent fuel from reactors no longer in operation, is safer, cheaper, more efficient, and in keeping with the long-term promises and legal and contractual obligations of the federal government to remove spent fuel from commercial sites beginning in January, 1998.
- It is our opinion that used nuclear fuel should only be moved for very good reasons. Having said that, it is our opinion that increased flexibility at operating reactors sites, enhanced security, cost reductions, the return of storage-only sites to productive economic use, and the fulfillment of the federal government's commitments and responsibilities to the commercial industry justify the creation of a national interim storage facility.
- We are concerned that the failure to move forward with the siting of an interim storage facility or permanent geologic repository will be utilized by opponents of nuclear energy as an excuse to block marketplace innovation in the United States and beyond.
- We acknowledge that in addition to considering interim storage and a geologic repository through the consent-based process, DOE is considering deep borehole disposal. The LINE Commission would benefit from better understanding this new disposal concept and its development in the United States and internationally.

- Beyond spent fuel being housed at commercial nuclear utilities, large volumes of both spent nuclear fuel and high-level nuclear wastes are currently stored at DOE facilities across the country, including here in Idaho where they are managed primarily by the Idaho Cleanup Project. These fuels and wastes are subject to a court-enforceable agreement between the Department of Energy and the State of Idaho. It is clear that portions of the agreement will not be met as a result of the failure to construct and operate a repository and that it is in the interests of the State of Idaho, the federal government, and U.S. taxpayers that the federal government move forward with construction of a repository as soon as possible.
- We acknowledge the DOE is not yet at a point where it is exploring particular sites or seeking substantive discussions with specific localities or states. With that in mind, this letter is intended to express our support for a consent-based process only.
- It is our view that consent needs to be not only obtained, but maintained. Idaho's experience with hosting INL and operating under the provisions of the 1995 Settlement Agreement have demonstrated to us that consent for ongoing operations needs to be maintained through trust, transparency, and the effective flow of accurate public information.
- We remind the Department of Energy and the American people that the federal government is incurring tens of billions of dollars in liabilities by failing to establish an interim storage site or permanent repository for these materials and removing them from commercial and government facilities across the country.
- We acknowledge that the process for finding a willing host community, designing a facility, licensing and constructing that facility, and working through the transportation, security, and other considerations will take decades and must begin as soon as possible.
- We acknowledge that Congress will need to act in order to move forward with the consent-based siting process and we urge Idaho's Representatives and Senators to support this process and work with their colleagues on both sides of the aisle to take action expeditiously.
- We point out that nuclear energy ratepayers have paid billions of dollars in the Nuclear Waste Fund for the express purpose of developing repository facilities for the storage and disposal of spent nuclear fuel. In fact, the Nuclear Waste Fund currently holds over \$30 billion in unspent reserves that should be used for the consent-based process and establishment of repository facilities.

Thank you for providing us an opportunity to provide input into this important matter.

Sincerely,

Admiral John Grossenbacher (Ret.)  
LINE Commission Co-Chair

Lt. Governor Brad Little  
LINE Commission Co-Chair