



To: consentbasedsiting@hq.doe.gov
From: Action for Spent Fuel Solutions Now
Date: March 4, 2022
Subject: RFI: Consent-Based Siting and Federal Interim Storage

To Whom it May Concern:

Action for Spent Fuel Solutions Now (ASFSN) is a new coalition of local governments, elected officials, utilities, environmental groups, labor leaders, Native American leaders, business organizations and other community members who support the relocation of spent nuclear fuel to a federally licensed facility. Our founding members include representatives from the County of Orange, County of San Diego, City of Riverside, Southern California Edison (SCE) and San Diego Gas & Electric (SDG&E).

Our coalition applauds the recently released *Request for Information (RFI) on Using a Consent-Based Siting Process to Identify Federal Interim Storage Facilities* as an important step in restarting the federal spent fuel management program. The disposition of spent fuel is more of a socio-political issue than a technical challenge. We appreciate the Department of Energy's (DOE) efforts to incorporate social science into the process to find solutions for our nation's spent nuclear fuel, and we are thankful for the opportunity to provide a response to the RFI. We also support any future efforts the DOE may undertake to implement a robust consent-based siting process.

The following summarizes our input on consent-based siting for consolidated interim storage (CIS), which is rooted in international best practices for achieving informed consent and a commitment to stakeholder engagement, equity, and long-term community partnerships. In addition, please find below the information about our organization requested in the RFI:

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Thank you again for the opportunity to comment on your consent-based siting process. We look forward to continued progress at the national level as we work together to find storage – and disposal – solutions for spent nuclear fuel.

Area 1: Consent-Based Siting Process

1. How should the Department build considerations of social equity and environmental justice into a consent-based siting process?

Advocating for equity-informed, best practice-based criteria for confirming community consent is among ASFSN's core values. As a result, we strongly support an approach that prioritizes stakeholder engagement, social equity and environmental justice. A transparent and successful consent-based

process must first seek to educate stakeholders in prospective host communities about spent nuclear fuel, including potential safety and environmental risks, as well as the measures taken to ensure safety during both construction and operation of a consolidated interim storage facility. This foundation of knowledge is critical to addressing any concerns and obtaining informed consent as the process unfolds.

Ensuring community members fully understand the science, risks and potential benefits of hosting a spent nuclear fuel storage facility requires a thoughtful approach to outreach and education. We believe the DOE's efforts should accomplish the following:

- **Engage a broad range of stakeholders within potential host communities.** Local governments and other community leaders will undoubtedly play a critical role in a consent-based siting process. However, equity and social/environmental justice considerations require an approach that prioritizes dialogue with disadvantaged communities and other hard-to-reach audiences. These stakeholders may ultimately bear the risks of any adverse effects associated with spent nuclear fuel storage and, as a result, must fully understand the potential hazards and have the opportunity to address any concerns. To establish an ongoing conversation, the DOE and its representatives must work to build trust, demonstrate a commitment to transparency, and use face-to-face, grassroots-oriented tactics that educate while also making community members feel like true partners in the process.
- **Maintain consistent engagement that begins early and continues until host communities are comfortable.** International case studies suggest that true, informed consent can only be achieved after an extended engagement process during which the siting authority builds a long-term partnership with individual potential host communities. We believe a consent-based siting process in the United States should adhere to this best practice by following an adaptive, phased approach and acknowledging that community consent occurs as the culmination of an ongoing two-way conversation that takes place over the course of time. Before making a final decision, the stakeholders most affected must have ample opportunities to learn about spent nuclear fuel storage and its risks, ask questions, provide input on matters of interest, discuss incentives, and collaboratively identify fair and equitable solutions.
- **Communicate consistently through a wide range of channels to reach diverse communities.** In any community, stakeholders prefer different modes of communication. Some individuals may also face challenges due to unreliable Internet access, lack of a permanent address and other barriers to participation. Tribal nations and other stakeholders may also have cultural preferences and language barriers. A successful outreach program, therefore, relies on a wide variety of communications designed to reach every stakeholder in their preferred manner. Specific tactics could include, but are not limited to, conducting in-person outreach at homes, community events and other easily accessible locations; disseminating messages through traditional media and digital platforms, as well as non-traditional means such as school and church newsletters; distributing direct mail pieces; and holding meetings at multiple times during the day to accommodate work schedules and childcare needs. Information about opportunities to engage in the discussion should also be widely publicized to maximize participation.

- **Use accessible language that doesn't rely on technical jargon.** Spent nuclear fuel – and the implications of storing it in one's community – is a highly complicated topic for those outside the industry. Effectively educating the public on this issue so they are able to meaningfully participate in the process requires simple messaging free of technical language that can be readily understood by a wide variety of stakeholders. Information should also be introduced in easily digestible amounts over time – phase by phase – both to ensure understanding and prevent the public from becoming overwhelmed.
- **Translate all materials and utilize bilingual outreach representatives.** In order to fully understand the issues and participate in the discussion, stakeholders must be given the opportunity to engage using the language with which they feel most comfortable. It is our understanding that the DOE intends to translate materials into a range of languages, and we strongly support this approach. Outreach representatives conducting face-to-face interactions must likewise be able to converse fluently in these languages and, ideally, connect on a cultural basis.

2. What role should Tribal, State, and local governments and officials play in determining consent for a community to host a federal interim storage facility?

Consent must ultimately come from all members of host communities – including tribal, state and local governments – at the end of a lengthy education and engagement process. We anticipate local leaders will play a more in-depth role in the consent-based siting process. This role should be broad and clearly defined at the outset. It should also include ample opportunities to help identify risk mitigations, benefits and incentives for their communities, as well as the ability to exercise authority and provide oversight where possible within the broader regulatory framework.

3. What benefits or opportunities could encourage local, State, and Tribal governments to consider engaging with the Department as it works to identify federal interim storage sites?

This question is best answered by the communities, tribal nations, and states in the vicinity of potential sites for interim storage facilities. However, the DOE should be open to a range of incentives for potential host communities. Specific benefits cannot be identified until these communities (and the tribal, state and local governments that represent them) have provided their input. We expect the benefits will vary across different communities based on local priorities. Some potential incentives may include financial and economic benefits such as jobs, training and community investment to mitigate any risks and costs associated with hosting a spent fuel storage facility. Other opportunities could focus on investments in social, cultural and economic prosperity, as envisioned by community members.

It is also appropriate and necessary to provide financial support and other resources such as access to technical experts as they conduct their own investigation in tandem with the DOE's ongoing dialogue.

4. What are barriers or impediments to successful siting of federal interim storage facilities using a consent-based process and how could they be addressed?

Several challenges related to public education and outreach are summarized in our response to Question 1 above, along with a suggested course of action to overcome them. In short, we believe the DOE must make it easy for all stakeholders to understand the issues, participate in engagement opportunities and, if applicable, provide their consent at the end of the process.

Successfully siting a consolidated interim storage facility will also require greater stability and consistency at the national level. To that end, the DOE and decision-makers in Congress might consider creating a new autonomous waste management organization with reliable funding in the longer term. This approach, while challenging, is grounded in international best practices and will likely help achieve the ultimate goal of finding federal solutions for our nation's spent nuclear fuel.

Finally, we can foresee cases where local stakeholders interested in exploring CIS face potential state government opposition. To address this, we suggest that the DOE conduct proactive outreach to state governments about the department's consent-based siting efforts and develop a program to facilitate local, state and federal dialogue. DOE's experience and expertise make the department uniquely qualified to offer insights to local and state leaders to facilitate informed decisions whether to consider exploring a federally licensed CIS.

5. How should the Department work with local communities to establish reasonable expectations and plans concerning the duration of storage at federal interim storage facilities?

We believe interim storage sites should not become permanent by default due to the absence of a disposal solution. Providing potential host communities with a reasonable expectation about the duration of storage will require demonstrated progress toward a repository concurrent with the consent-based process for consolidated interim storage or, at minimum, a continued link between a repository and interim storage as established in current law. To help expedite solutions for spent nuclear fuel, however, we also support Congressional action to modify the link between CIS construction and construction authorization for a repository.

7. What other issues, including those raised in the Draft Consent-Based Siting Process, should the Department consider in implementing a consent-based siting process?

We would suggest an adaptive phased management approach to consolidated interim storage, which is consistent with long-term management best practices adopted by other countries with spent fuel management programs, including Finland, Sweden, Canada and others. History tells us that the spent fuel landscape changes over time. It is impractical to map out in detail every step on the path to solutions for interim storage and permanent disposal. Instead, adaptive phased management allows for flexibility in the pace and manner of implementation. It accounts for sustained stakeholder engagement along with the incorporation of new knowledge throughout the process, such that the DOE can check and adjust at the end of each phase before moving on to the next one.

Spent fuel from shutdown plants, such as the San Onofre Nuclear Generating Station (SONGS), should also be prioritized for removal over operating plants that continue to generate nuclear waste.

Area 2: Removing Barriers to Meaningful Participation

5. What information do communities, governments, or other stakeholders need to engage with the Department on consent-based siting of federal interim storage facilities?

Our input on barriers to meaningful participation; necessary resources such as financial support and technical and legal expertise; and engagement with tribal, state and local governments is summarized in our responses to Area 1. However, our general feedback on Question 5 is as follows. In addition to establishing a low bar for participation, the DOE must work to ensure the process is fair and transparent. Public education efforts should also include discussions on issues such as transportation and emergency planning, as well as the duration of storage and timing for a permanent geologic repository. Finally, as the department embarks on a consent-based process, it is important to recognize that unanimous consent may not be possible. The process should, therefore, seek to build understanding and establish a meaningful dialogue with those most affected.

Area 3: Interim Storage as Part of a Waste Management System

3. To what extent should development of an interim storage facility relate to progress on establishing a permanent repository?

As noted above, we would like to see the DOE focus on interim storage over the next several years while promptly restarting work in pursuit of a repository. Due to the challenges inherent in siting a permanent repository, current law is likely to impede progress on interim storage construction when the consent-based process is complete. The DOE must, therefore, determine what changes to the Nuclear Waste Policy Act are needed (and when) to modify the link between CIS construction and construction authorization for a permanent repository, and then build support. This approach will allow interim storage to move forward while providing more certainty for host communities about the timing of a repository.

We recommend that DOE establish a working group to collaborate on changes needed to federal law. Action for Spent Fuel Solutions Now stands ready to support such an effort to explore authorizing language and appropriations needed to advance the broader waste management system here in the U.S. Our coalition also is well positioned to advocate for passage of such a legislative package.