

Date: March 4, 2022
To: consentbasedsiting@hq.doe.gov
From: Steve Powell
Subject: **RFI: Consent-Based Siting and Federal Interim Storage**

Southern California Edison (“SCE”) is pleased to submit these comments in response to the December 1, 2021 Department of Energy (“DOE”) Request for Information (“RFI”) on how to site federal facilities for the temporary, consolidated storage of spent nuclear fuel (“SNF”) using a consent-based approach. SCE provides overall introductory comments, a summary, and responses to specific topics in Areas 1-3 in the RFI. SCE’s principal contact for these comments is as follows:

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I. Introduction and Summary

SCE is encouraged by and fully supports DOE’s efforts to develop a consent-based siting process as part of an overall strategy for a federal integrated waste management program that ultimately includes one or more geologic repositories. SNF exists today, at multiple locations throughout the country. While current storage arrangements for SNF at SCE’s San Onofre Nuclear Generating Station (“SONGS”) and other nuclear power plants in the United States can be maintained in a safe and secure configuration, now and for decades to come, these storage arrangements were never intended—by the utilities or nearby communities—for indefinite timeframes. The locations of nuclear power plants, including SONGS, were selected based on safe and efficient electricity generation. These requirements are not necessarily the same as those for interim or long-term SNF storage with respect to environmental and safety considerations. Further, with respect to fairness and consent, the local communities did not anticipate or agree that they would assume stewardship of SNF for an extended period of time—particularly long after a plant ceases commercial operation. Fairness also calls for the generation that benefitted from clean nuclear power to take responsibility for safely dispositioning the SNF, and that means addressing the matter in the near term. Nuclear utility customers already have

prepaid for the disposal of spent fuel. The country has deferred this matter long enough. Now is the time to act.

Federal interim storage is a critical component of the overall nuclear waste management program.

Interim storage is particularly important for SNF being stored at shutdown reactors, including SONGS, which cannot be fully decommissioned and the sites released for other productive uses until all the SNF is permanently removed. Interim storage also provides an opportunity to build and further demonstrate the capability to safely transport and store used nuclear fuel. It would also help build trust and confidence in key stakeholders regarding progress on the overall federal waste management strategy, including with potential host communities and affected stakeholders along the transportation routes, and communities that currently store SNF at operating reactor sites.

The development of interim storage in no way negates the need for forward progress on a permanent disposal option as required by current law.

Potential host communities and states will need confidence that storage sites will indeed be “interim,” and that a permanent storage solution will be forthcoming. Nevertheless, SCE fully supports moving forward now—in the near term—to address interim storage and, as promptly as possible, pursue permanent geologic disposal of SNF. Importantly, a near-term interim storage effort in which the federal government takes title and liability for spent nuclear fuel can begin under the existing provisions of the Nuclear Waste Policy Act (“NWPA”)¹ assuming sufficient, reliable funding is in place. Although actual construction of a federal interim storage facility would require Congressional action on a permanent repository, important and significant pre-construction progress can still be made in the near term. This could include domestic and international benchmarking of successful storage programs, organizational planning, budgeting, staffing, development of interim site criteria, public outreach, consensus building, and eventual identification of potential host sites. In summary, we agree that we need to move the consent-based process forward to get the overall storage program moving again as required by law.

SCE fully recognizes the magnitude of this effort, and that this effort must include extensive stakeholder engagement, supported by rigorous technical and engineering analyses, as well as detailed demonstrations of site suitability and safety. To be clear, there is no question that a

¹ 42 U.S.C. §10101 et seq. (1983).

successful interim storage siting process must focus on identifying an informed, willing community or communities to host the interim facility. And it must be a multi-party process that meaningfully involves potentially affected citizens and communities of interest, as well as State and Tribal governments, and a process fundamentally founded on a technically sound safety case. Not the fastest path, but consent-based siting is the most promising path toward an offsite solution.

This effort must emphasize the clear and demonstrable fact that commercial SNF has been safely transported and stored for many decades and continues to be safely stored today at multiple locations around the country. It is clear that not enough has been done to inform and educate people about the true nature of SNF storage. Nor have we explored state-of-the-art ways to show what storage facilities look like, how they are designed and maintained to ensure safety, and why we have high confidence in their current and future performance. Further, there are clearly very substantial, long-term financial and development benefits to host communities that need to be effectively communicated. All of these issues must be key areas of focus in any interim storage effort.

SCE applauds the DOE for re-starting work on the federal spent fuel management program, but as discussed in the 2012 Report to the Secretary of Energy by the Blue Ribbon Commission (“BRC Report”)² and in SCE’s 2021 Strategic Plan for the Relocation of SONGS Spent Nuclear Fuel to an Offsite Storage Facility or Repository (“SCE Strategic Plan”),³ SCE believes that ultimate success will require the program to be led by a dedicated federal entity with reliable funding that is solely focused on SNF management. Such an entity—perhaps similar to the Tennessee Valley Authority—would require Congressional action and is admittedly a longer-term pursuit. Clearing the SONGS site of SNF using consolidated interim storage was deemed by SCE’s expert advisors as taking as long as three to five decades. With such long timeframes, to succeed the federal spent fuel management program will need to remain on a reliable path across multiple Administrations and budget cycles. Continuity is vital.

SCE is offering its full support and resources in this vital endeavor. SCE believes it is uniquely positioned to support DOE’s work, whether it is as a catalyst for organizing coalitions including “Action for Spent Fuel Solutions Now” (discussed further below), by providing a platform through the SONGS

² https://www.energy.gov/sites/prod/files/2013/04/f0/brc_finalreport_jan2012.pdf

³ See <https://www.songscommunity.com/strategic-plan-for-relocating-spent-fuel/spent-nuclear-fuel-solutions-a-fresh-approach>

Community Engagement Panel (“CEP”), or by providing strategic insights from a utility perspective given our development of a multi-volume framework for the management and future removal of SNF from SONGS (including the SCE Strategic Plan). Through Action for Spent Fuel Solutions Now, SCE and the other founders of the coalition have helped bring together utilities, governments, the private sector, environmental groups, Tribal Nations and other parties—all to help develop and implement a consensus approach.

Fundamental to SCE’s support is the presumption that it is ultimately the federal government’s obligation to provide for the offsite disposition of SONGS SNF, including taking title and liability to the SNF upon DOE removal from the site. Further, SONGS customers have already paid nearly one billion dollars into the Nuclear Waste Fund (“NWF”) consistent with their financial obligations under the NWPA. These customers have held up their end of the bargain. By law, the federal government is accountable for the spent fuel program and solutions are more than 20 years overdue. Now is the time for the federal government to finally honor its legal and contractual obligations.

II. An Introduction to SONGS

SONGS is a former three-unit nuclear generating site located on the southern coast of California, near the city of San Clemente. SONGS is mostly owned by SCE, a subsidiary of Edison International. It operated between 1968 and 2012. At its peak output, SONGS supplied as much as 20% of the electricity needs of a large portion of southern California and employed as many as 2,200 people. SONGS is situated on the Pacific shoreline, and a major north-south highway runs adjacent to the plant site.

SCE began storing SNF at the SONGS site in 1970, two years after Unit 1 came on-line. Consistent with industry practice at that time, all of this fuel was originally stored in pools of water (referred to as “wet storage”). By 1980, SCE had safely shipped 270 Unit 1 SNF assemblies for offsite reprocessing and storage in Morris, Illinois.⁴ In 2003, SCE began transferring Unit 1 SNF to an independent spent fuel storage installation (“ISFSI”) (referred to as “dry storage”) using the Transnuclear Americas, LLC (“TN”) Advanced NUHOMS® dry storage system. Between 2003 and 2012, 50 TN canisters containing Unit 1, 2, and 3 SNF and one TN canister containing Unit 1 Greater-Than-Class-C (“GTCC”) waste were loaded to the SONGS ISFSI. The remaining Unit 2 and 3 SNF was transferred to the ISFSI by the summer of 2020 in

⁴ In 1977, President Carter decided to indefinitely defer the spent fuel reprocessing program in the United States, so all 270 SONGS Unit 1 SNF assemblies remain in offsite storage at Morris. SCE retains title to that fuel.

73 Holtec HI-STORM UMAX dry storage systems. The two canister-based dry storage technologies used at SONGS are dual-purpose certified by the U.S. Nuclear Regulatory Commission (“NRC”), which means that the SNF is stored in canisters designed for both onsite storage and offsite transportation by DOE without repackaging the SNF.

To ensure the long-term safety of spent fuel storage at SONGS, pending DOE removal, SCE has: (1) pioneered an industry-leading application of an in-situ, robotic-delivered metallic overlay technology for canister remediation if the need arises; (2) adopted a state-of-the-art canister inspection and maintenance program for the SONGS ISFSI nearly two decades ahead of when such a plan is required by NRC regulation; (3) added an inspection “test” canister to the Holtec system that will contain no fuel but will be electrically heated and used for long-term canister aging studies; (4) implemented an ISFSI radiation monitoring system, including sharing of collected data with the surrounding community, and; (5) worked closely with the SONGS CEP to address subjects of interest or concern to local communities. For example, special meetings of the CEP have focused on subjects such as “defense in depth” for onsite SNF storage and responses to potential events that could arise outside the “design basis threats” used to develop current storage requirements.

In 2018, SCE assembled a team of six nationally recognized experts with decades of collective experience in nuclear waste policy, regulation, and program implementation to guide the development of the SCE Strategic Plan. The SCE Strategic Plan, released in March of 2021, explores commercially reasonable approaches to relocating SNF at SONGS. A companion volume to the SCE Strategic Plan, the Conceptual Transportation Plan,⁵ focuses on the specific steps involved in planning for and executing shipments of SONGS SNF to an offsite facility, once such a facility is available. These two documents (Volumes II and III) inform the Action Plan for Relocating SONGS Spent Nuclear Fuel to an Offsite Storage Facility or Repository (Volume I). While the SCE Strategic Plan is not focused solely on federal interim storage, it does evaluate needs and recommendations to successfully implement interim storage, including lessons-learned from nuclear waste management efforts to date both domestically and internationally.

Concurrent with the release of the SCE Strategic Plan, SCE announced formation of “Action for Spent Fuel Solutions Now”—a broad-based coalition group of local governments, elected officials, utilities, environmental groups, labor leaders, Native American leaders, business organizations, and other

⁵ See <https://www.songscommunity.com/strategic-plan-for-relocating-spent-fuel/spent-nuclear-fuel-solutions-a-fresh-approach>

community members who support federal government progress on spent fuel storage.⁶ The goal of this organization is to encourage the federal government to provide off-site storage and permanent disposal solutions for SNF at SONGS and other nuclear plant sites across the nation, with input from stakeholders and engaged communities.

III. SCE Responses to Questions for Input

a. Area 1: Consent-Based Siting Process

Not surprisingly, the greatest challenge in terms of public support and stakeholder acceptance will be in host states and communities—that is building sufficient support locally and at all levels of affected government—to allow for the selection of an interim storage site. The magnitude of that challenge is evident from the history of the U.S. nuclear waste management program to date. But there are positive siting examples, both in the U.S. (*e.g.*, the Waste Isolation Pilot Plant (“WIPP”)) and in other countries where the host communities did consent, that provide valuable insights into successful and necessary attributes of such efforts. These successes, however limited, have followed years of sustained effort in trust-building engagement with stakeholders, local communities, States, and Tribes.

In terms of lessons-learned, for both in-progress and completed waste storage projects, they are well documented and too extensive to present in any detail here.⁷ But there are key commonalities worth highlighting, addressed throughout the comments below.

1. Consideration of social equity and environmental justice

We applaud the DOE staff for being sensitive to social equity and environmental justice issues as part of the interim siting effort. Ethically, engagement should ensure that those most directly impacted are involved. Depending on the interested community, this could include not only local government officials, but also a broader canvassing of potentially less-vocal stakeholders, including disadvantaged communities, EJ, faith, and non-English speaking communities. In particular, the program must pay special attention to communications to and from communities that may not have wide access to electronic forms of communications or the background on the safety and science relating to SNF storage. Communities must be informed and equipped with resources to effectively participate in

⁶ *Id.*

⁷ *See e.g.*, <https://www.nwmo.ca/>

discussions and decision making. Opportunities for genuine involvement should include face-to-face conversations where possible.

Further, an important focus of the interim storage efforts must be helping potentially interested communities understand the risks and benefits of hosting an interim facility, including being provided with the opportunity to define those benefits. And the interim storage process must be independent, objective, and not unduly influenced by industry or political considerations or one community at the expense of another. Potential host communities must feel invited to the process and able to have a meaningful impact on siting considerations, but also means to substantially prosper from being involved in the process.

The sheer number and complexity of issues and technical information, however, may be deterrents to full and active participation for some. Therefore, among the first steps should be an initiative to describe the nature of the effort, the options for responsible management of the waste, and seek broad agreement on a fair and effective path to interim storage for all potentially impacted communities. But this initial effort should also include the compelling case of what happens if there is no action to solve this problem. The waste exists now in multiple locations throughout the country where it can be stored safely for many decades, but SNF ultimately must be isolated from the environment essentially forever. It is our mutual obligation to begin to develop a solution and not pass this on to future generations.

An effective engagement program should be broad and diverse, including multiple avenues of dialogue with both interested and potentially affected communities. Opportunities to participate in these discussions should be communicated widely and regularly. Further, particular effort should be made to develop a partnership with such communities from the beginning *i.e.*, not brought in at the end of the process to comment on final options.

But certain communities may need early support to build their knowledge and capacity to be an informed participant. For example, they may require early engagement of experts to help them understand the issues, so they can ask the right questions and participate in a meaningful way. Financial support, with appropriate checks and balances, may also be necessary for meaningful early participation. Experience also indicates that tailored, user-friendly information packages distributed in manageable amounts would also help to ensure effective dialogue with diverse local communities and groups.

To the degree that some communities of interest may be disadvantaged, consider that the California Public Utilities Commission (“CPUC”) has established a Disadvantaged Communities (“DAC”) Advisory Group and associated charter that provides opportunities for representatives from disadvantaged communities to help shape energy-related programs and policies that directly affect them. While this particular effort recommends that entities for the Advisory Group be located within the vicinity of the project, and that is clearly not practical at this point, DOE could consider the California DAC Advisory Group and similar groups around the country as a constructive approach for a national version and consider national or at least regional organizations as members.

2. Roles of State, Tribal and local governments

To be successful, an interim storage program must find ways to address state concerns and the sovereignty of Tribal Nations, while at the same time relying on local support for proposed facilities. Under any realistic siting scenario, the potential host community, States, and impacted Tribes would all have to consent to be considered for interim storage, agree on the terms of the site study, and align on what is to be built—all before submission of a licensing application. Therefore, it will be essential to affirm a role for States, Tribes, and local governments that is meaningful, while recognizing that federal law assigns exclusive jurisdiction over nuclear safety and SNF storage matters to the NRC. For example, certain States have extensive experience in aspects of nuclear regulation (*e.g.*, Agreement States), and States and many Tribes have extensive experience in regulating hazardous wastes. Therefore, in developing the consent-based siting process, DOE should consider providing broader resources to affected States, Tribes, and local governments to, for example, conduct or sponsor independent technical evaluations and/or participate in the development of initial siting and operational standards.⁸ As another example, when SONGS was operating and in the interest of energy reliability, the California Energy Commission required SCE to assess certain potential environmental risks to the SONGS site. To do so, SCE retained researchers from the Scripps Institute of Oceanography at University of California San Diego and others to conduct the research. Today, that body of research helps to inform SCE’s understanding of the seismic and tsunami risks to the SONGS spent fuel storage facility. States, Tribes and local governments could also be part of an independent peer review process.

SCE has broad experience working cooperatively with States, Tribes, and local jurisdictions on major projects, including SNF storage, and could assist DOE with exploring this issue further.

⁸ Refer to New Mexico Environmental Evaluation Group (“EEG”) experiences in evaluating WIPP.

3. Benefits and opportunities to encourage local, State and Tribal engagement

As an initial matter, SCE suggests that it would be productive to include communities or areas already involved in the nuclear field, including past or present nuclear power generation, in any early discussions of interim storage. Such communities may already have the insights and experience to reasonably assess the risks and benefits of interim storage, and to assist DOE and other communities in doing the same. Of course, the government should also have the flexibility to involve or approach other communities that it believes can meet the initial siting criteria.

Keeping in mind the fundamental objective of fairness, it will undoubtedly be necessary to recognize the contributions and costs borne by any interested community through appropriate mitigation measures, including a substantial and flexible incentive program. The process to identify interested communities must include negotiation of a *broad and ongoing* set of benefits to directly affected communities, States and Tribes, as well as direct community involvement in the discussions of potential benefits. But SCE believes that potential host communities themselves will be best positioned to ultimately determine what benefits and opportunities would encourage serious interest. Benefits and opportunities of interest likely will be unique to each host community. Specifically, what will ultimately be negotiated cannot always be identified ahead of time and applied to different communities across the country. Nevertheless, any benefits or opportunities should be focused on helping the communities prosper through a long-term partnership, including support for a potential host community's vision for its social, cultural and economic future.

But apart from financial benefits, consideration should be given to other benefits such as local hiring and purchasing preferences, economic development, infrastructure investments, and opportunity to co-locate research facilities and laboratories to support local and regional economic development and employment. This could also include a commitment to train and employ members of local communities.

Given history, however, early public indications of community interest are likely to be met with significant criticism and opposition from certain affected citizens, but also outside, unaffected organizations, that could all but shut off further productive dialogue. Specifically, a program that begins with discussion of fixed incentives and a public call for interest will almost surely fail. SCE suggests instead that mayors, government and industry leaders, citizens, organizations, environmentalists, and others should be first afforded the time and space to understand the nature of the opportunity and explore the possibilities and consequences among themselves and key constituents, away from the

public and political spotlight. They also need to be able to approach responsible government officials, with zero obligations, to investigate their potential interest, benefits and opportunities.

As discussed above, some early financial support, with appropriate checks and balances, may also be beneficial for interested parties to participate early in the process. This could include financing for local governments and citizen organizations to conduct their own studies and analyses of siting issues and potential sites and facilitate conversations related to same. It could also include compensation for allowing further investigation and characterization of a proposed site.

4. *Barriers or impediments to successful siting of federal interim storage*

SCE agrees with the immediate objective of starting work on the consent-based siting process. And while not all pathways to developing an interim storage program require Congressional action, all involve federal agencies and policies that would be far likelier to succeed through a well-functioning, dedicated national-level nuclear waste management program. Experience tells us that nothing will work over the long term required for this effort if the responsible implementing organization is seen as unstable, lacking reliable funding and resources, and unable to make and keep promises over the long-term. But SCE recognizes that this will take time and require a comprehensive set of reforms to the national program.

For example, in the countries moving forward with SNF storage and/or disposal sites, their siting approaches have been implemented by an independent, dedicated, well-funded, and stable organization with broad authority and flexibility, a strong commitment to stakeholder engagement, and willingness to entertain a range of positive incentives for host communities. In contrast, federal waste management efforts in this country to date have suffered from inconsistent and often inadequate funding and ever-changing policy direction under successive Administrations and Congresses. Many experts and organizations, including those involved in the BRC Report and SCE Strategic Plan, have recommended the creation of a new, single-purpose waste management organization in the United States—potentially modeled on other federally chartered entities that have sufficient independence to sustain policy continuity over several decades and several political cycles. Together with budgetary reforms to ensure dependable access to the financial resources needed to execute a large, multi-year capital investment program (with appropriate oversight), such an organization could provide the “stability, focus and credibility” needed to successfully implement a consent-based interim storage program.

SCE recognizes, however, that creation of a dedicated entity to manage this effort is not currently in progress, and SCE does not suggest that action on interim storage should in any way be deferred pending such potential changes. But given the many years it will take to pursue interim storage using a thoughtful, consent-based process, SCE suggests that serious and prompt consideration be given to creation of a single-purpose waste management organization with reliable funding to consistently manage this effort over the long-term. As discussed below, this could also help to alleviate concerns about the duration of interim storage.

SCE also cautions against setting too high a bar for initial host community involvement that could have a chilling effect on preliminary explorations of interest. For example, preliminary commitment or consent requirements to engage in even early discussions may deter sincere and productive communications regarding this effort. Instead, early, commitment-free communications should be encouraged. Similarly, too strict initial siting criteria could prematurely exclude potentially viable interim storage locations. Instead, siting criteria should be phased and narrowed as the process proceeds. Relatedly, DOE's planned funding opportunity should be provided with no firm community obligation or commitment to site a storage facility.

5. Reasonable expectations concerning duration of interim storage

It is clear from past and present siting efforts that the realistic duration of "interim" storage is a primary concern to all affected parties *i.e.*, that interim storage will become permanent by default. Realistically, without some demonstrated progress on a federal repository—the ultimate goal—few if any communities are likely to commit to hosting an interim storage facility. SCE believes that this could primarily be addressed by measurable, visible, progress on siting a repository as required by current law.

SCE believes that concerns about interim storage becoming permanent could also be addressed, at least partially, by a phased or staged interim storage approach, with initial focus on shutdown plants that have a limited, defined quantity of SNF. For example, rather than siting and licensing a large interim facility capable of storing all existing SNF, a phased facility could have a defined, limited storage capacity. This could be readily accommodated by existing regulatory processes. NRC can include conditions in the interim storage license to limit storage capacity as requested in the license application or as imposed for other regulatory reasons. A smaller capacity interim facility would presumably impose less of a burden on local communities, including through a limited finite transportation effort.

As an initial step, SCE recommends that DOE establish a working group to develop a comprehensive legislative amendment package. National and local coalition groups, such as the Decommissioning Plant Coalition and Action for Spent Fuel Solutions Now that have demonstrated a keen interest in this important issue, could be called upon to participate in such a working group, as well as help advocate for passage. These and similar organizations are committed to safely removing SNF from reactor sites and fulfilling the federal responsibility by providing offsite interim storage and permanent disposal options.

In addition, an interim storage plan could focus on ensuring and demonstrating the ability to remove SNF from the interim facility. This could include specific design features allowing for future transportation to a permanent repository. Further, community financial incentives for interim storage could be established for a set duration, with escalation factors should storage go beyond an initially defined duration.

6. Partnering with organizations and communities

There is an inherent fear and stigma experienced by many citizens and communities associated with storage of SNF. Some are concerned about safety and environmental health, while others are concerned with ongoing nuclear operations generally. All such opinions need to be respected, but these concerns and fears are contrary to the clear and demonstrable fact that commercial SNF has been safely stored for many decades and continues to be safely stored today at multiple locations around the country, with little interest or fear from most local communities. Therefore, it is clear that not enough has been done to inform and educate people about the true nature of SNF storage and how we protect it now and going forward, as well as the very substantial, long-term financial and development benefits to host communities. Nor have we explored state-of-the-art ways to show what storage facilities look like, how they are designed and maintained to ensure safety, and why we have high confidence in their current and future performance. Accordingly, it will be vital for the government to partner with organizations and communities already involved in the safe storage of SNF to clearly communicate this message. In particular, SCE suggests involving people and organizations from communities with existing nuclear plants, and to draw upon the experiences, insights, and perspectives of the people who live and work near existing spent fuel storage facilities. Among these organizations are what the NRC refers to as community advisory boards for decommissioning nuclear plants. SCE for instance, has an independent SONGS Community Engagement Panel made up of a broad range of stakeholders from the communities surrounding San Onofre that could serve as a model for or assist in this effort.

7. Other issues

As noted above, there is helpful domestic and international precedent regarding SNF storage siting that should be considered and adapted, as appropriate, to the proposed new interim storage effort. While the lessons-learned are too numerous and detailed to discuss in any depth here, the following are a few issues that should be considered for the new interim siting process:

- Development of a clear and understandable legal framework regarding the overall interim storage effort before beginning work, including roles, responsibilities, and authorities, so as to avoid disruptive mid-project changes;
- Establishment of internal program milestones to allow for review by Congress, the Administration, and stakeholders; milestones can and should be flexible, but nevertheless should be set and tracked;
- Development of initial siting criteria to ensure that substantial efforts are not wasted by the program or potentially interested communities to investigate sites that are objectively unsuitable;
- The method or form of consent should be left up to the host communities, and not required until towards the end of the process; and,
- The consent process should be legally binding but include an opt-out option up to a certain point in the process.⁹

b. Area 2 – Removing Barriers to Meaningful Participation

The Area 2 topics generally relate to the development of an equitable, informed, and engaged process with affected stakeholders and interested communities. Rather than address each question individually, SCE provides the following general comments on methods to facilitate meaningful participation. SCE also refers to its comments in Area 1.

As discussed above, for a complicated and technically-involved issue like development of interim SNF storage, the inability of citizens and community groups to access the necessary technical expertise before making any expressions of interest (or not) can be a major barrier to substantive participation. Therefore, the program should set aside reasonable funding for participation by local citizens, groups,

⁹ See also BRC report and SCE Strategic Plan.

and organizations. The availability of funding should be widely-announced and reasonable criteria established against which to evaluate applications for financial support.

Further, lack of program stability, including everchanging management, will inevitably lead to skepticism and doubts about the focus and intentions of the program. The program, instead, needs a trusted, stable, and consistently funded organization that is ultimately in charge and not unduly influenced by industry or political considerations. The attributes of such an organization are discussed in detail in the BRC report and SCE Strategic Plan.

Also, as discussed above, meaningful and fruitful community involvement is likely to fail without at least some progress on a permanent repository. Simply put, the public will not have confidence on the interim nature of storage without some form of legal link to permanent storage.

c. Area 3 -- Interim Storage as Part of a Waste Management System

As discussed in the BRC report and SCE Strategic Plan, geologic disposal is an essential component of a comprehensive nuclear waste management system because very long-term isolation from the biosphere is the only responsible way to manage SNF. But SCE suggests that for the next several years, the focus should be on initiating the interim storage process, including preparing and presenting the supporting safety case. Consideration could be given to confidence-building transportation efforts, possibly including early transportation of GTCC.¹⁰ Once progress is being made on interim storage, SCE also suggests moving forward on appropriate institutional and governance changes to ensure the long-term success and viability of the interim storage program. This includes resolution on the path forward on a permanent geologic repository by finally deciding whether to resume the Yucca Mountain licensing process or start work toward the development of an alternate repository for the final disposal of all commercial SNF. As this is a statutorily-mandated pacing item for construction and operation of interim storage, work on the repository effort cannot be delayed indefinitely.

Further, while maintaining the legal link to permanent disposal, DOE should pursue broader authority to enable other forms of business models, including contracting for private interim storage or forming arrangements between the federal government and a non-federal public or private entity. Such flexibility would improve the chances of success, while still requiring progress on a permanent

¹⁰ See e.g., Conceptual Transportation Plan at <https://www.songscommunity.com/strategic-plan-for-relocating-spent-fuel/spent-nuclear-fuel-solutions-a-fresh-approach>.

repository. Additional business models, however, must still ensure that DOE takes title to fuel once it is moved offsite.

With regard to the possible benefits or drawbacks of co-locating interim storage with other facilities e.g., manufacturing, R&D, or clean energy, SCE suggests that such efforts may provide substantial additional benefits to a host-community in terms of employment and economic development and, therefore, should be on the menu of possible incentives. But, ultimately, such decisions should be left to the host communities that are in the best position to evaluate the benefits of such proposals.

Transportation of SNF represents a crucial link in the overall Waste Management System but planning and providing for adequate transportation capacity will take time and present logistical and technical challenges. This includes training and involvement of many different parties, and the design, procurement and testing of specialized equipment. Given the broad scope of this effort, planning for transportation should not be left to the end of the interim siting process. Admittedly, it would be premature to fully fund a transportation readiness program before knowing with some certainty the destination of the fuel, but substantial benefits can nevertheless be gained from a modest early investment in transportation. SCE suggests the initial transportation focus could be on shutdown plant sites, and SCE is willing to assist on this effort given the substantial work it has already completed in this area. SCE also suggests that transportation planning, while very important, should be managed and funded separately from interim storage, so as not to delay or detract from a focused interim storage effort.

IV. Closing

Again, SCE is encouraged by DOE's renewed efforts to develop a consent-based siting process for federal consolidated interim storage of spent fuel as part of an overall integrated waste management program that ultimately includes permanent geologic disposal. We appreciate the DOE staff's openness and engagement to date, we support your efforts, and we look forward to doing what we can to help advance a consensus-based approach that is rooted in best practices.