The Honorable Steven Chu  
Secretary, U.S. Department of Energy  
1000 Independence Avenue  
Washington, DC 20585

Subject:  
1. Engage Local Communities and Governments on High-Level Waste Decisions and Impacts  
2. Analyze the Impact of DOE’s decision to Leave Defense High-Level Waste in Communities  
3. Appoint a Local Government Official to the Blue Ribbon Panel

Dear Secretary Chu:

The U.S. Department of Energy (DOE) has announced that the current Administration no longer plans to dispose of high-level waste at Yucca Mountain. Local communities have been assured that DOE is committed to pursuing alternatives to Yucca Mountain, DOE will study the alternatives through a “Blue Ribbon” panel and that DOE remains committed to meeting its obligations for managing and ultimately disposing of spent nuclear fuel and high-level radioactive waste. Energy Communities Alliance (ECA), the organization of the local communities adjacent to and impacted by DOE facilities, believes that DOE should formally engage local communities and governments in a dialogue at the national level on the future of spent nuclear fuel and high-level waste in their communities.

Prior to these DOE announcements, local communities that host DOE activities accepted high-level nuclear waste from other states and sites assuming that they would store the waste only temporarily while Yucca Mountain was being built. These communities supported the defense missions and accepted DOE’s commitments about the future of the waste—they did not believe that they would become long-term repositories for high-level nuclear waste. The Administration’s new position in regards to Yucca Mountain changes the terms of these agreements.

ECA calls on DOE to do the following:

1. **Engage Local Communities and Governments on High-Level Waste Decisions and Impacts**

   As the communities most affected, ECA is calling on DOE to formally engage the local communities and governments in a dialogue on the future of spent nuclear fuel and high-level radioactive waste in their communities. Over the past several years DOE has made several commitments to local communities—primarily, that high-level radioactive waste in local communities will be stored only temporarily and will then be moved to Yucca Mountain for

December 17, 2009
permanent disposal. Now DOE is essentially telling communities that they may become long-term storage sites for this high-level radioactive waste.

ECA believes that any decision made by DOE should take into account the impact on the states, tribes and local governments that currently host DOE sites with defense waste. DOE should engage in a formal dialogue with these local community representatives prior to making any decisions regarding high-level waste disposal/storage at sites that have already accepted waste or where waste is being stored. A formal meeting hosted by DOE would provide an opportunity for community representatives to express their concerns about the future of high-level waste.

2. Analyze the Impact of DOE’s Decision to Leave Defense High-Level Waste in Communities

As you know, defense high-level radioactive waste is self-regulated by the DOE. Neither the U.S. Environmental Protection Agency nor the state regulators have authority over these wastes. In the past, the communities have not raised concerns since DOE assured them that both the storage and processing of the waste was safe and temporary. However, some within DOE now are telling ECA that DOE is planning to actively amend agreements with states on the storage of this waste. This will affect local communities all around the country. Since DOE has not studied the impacts nor engaged our communities regarding the impacts, ECA believes that the discussion needs to start now. For example, Yucca Mountain is going through a Nuclear Regulatory Commission licensing action but its termination may be imminent. Is DOE now considering opening itself to third party regulation to ensure protection of our communities and the environment? Does DOE know if its decision impacts the safety of our communities? DOE owes local communities answers to this kind of question.

In order to answer these questions, DOE should begin to analyze the safety and the impact on the environment as a result of these decisions. DOE should provide local governments with grants to hire third party technical assistance to analyze the impacts on our communities. Communities believe that the analysis of long term storage at our sites should be as comprehensive as the studies completed for Yucca Mountain. Communities expect that the proper environmental impact studies will be performed at sites that may be forced to store high-level waste for an extended period of time.

3. Appoint a Local Government Official to the Blue Ribbon Panel

The local governments around the DOE sites have asked for a seat at the table on the “Blue Ribbon” panel since the communities host spent nuclear fuel and high-level radioactive waste storage facilities. However, to date we have not received a response from DOE on our request. ECA is concerned that without a local government representative, communities will not have sufficient representation in high-level waste decisions. ECA has heard rumors that the panel will consists of mostly scientists and academics. ECA is concerned that the panel will lack the understanding and knowledge of how a site operates. Without a local government representative the main concerns of communities around the sites might be ignored. An ECA
representative on the panel would represent all local communities and governments and ensure that their concerns are considered by the panel.

Of the current options for consideration – interim storage, reprocessing/recycling, permanent geologic disposal - all will impact local governments and all will ultimately need support from local communities at both sender and receiver sites to be fully and successfully pursued. Two key factors contributing to the successful siting and operation of the Waste Isolation Pilot Plant were the local community’s early support for hosting the repository, and DOE’s engagement with affected communities through a process that heavily involved local communities and governments around the country (and ECA).

Conclusion

ECA is very knowledgeable on these defense high-level waste issues and has worked with communities, DOE, Congress and industry - most recently on discussions of reprocessing and interim storage. ECA hopes to continue our work with you to find a sustainable path forward that is both environmentally sound and in the taxpayers’ best interest. ECA believes a meeting with local community representatives and the appointment of an ECA local government member on the proposed Blue Ribbon panel are critical first steps in finding a solution for the disposal of high-level waste.

If you have any questions, please contact me or Seth Kirshenberg, Executive Director, at Energy Communities Alliance at 202-828-2494.

Sincerely,

Robert Thompson, Chair
Energy Communities Alliance, Council Member, Richland, WA

cr: Energy Communities Alliance Board of Directors
Deputy Secretary Poneman, DOE
Administrator Thomas D’Agostino, National Nuclear Security Administration
Assistant Secretary Inés Triay, DOE-EM
Dr. David Miller, Office of Nuclear Energy, DOE
Senator Byron Dorgan, Chair, Senate Committee on Appropriations Subcommittee on Energy and Water Development
Senator Robert Bennett, Ranking Member, Senate Committee on Appropriations Subcommittee on Energy and Water Development
Senator Jeff Bingaman, Chair, Senate Committee on Energy and Natural Resources
Senator Lisa Murkowski, Ranking Member, Senate Committee on Energy and Natural Resources
Senator Carl Levin, Chair, Senate Armed Services Committee
WASHINGTON, DC – On December 17, 2009, Energy Communities Alliance (ECA) sent a letter to Secretary of Energy Steven Chu questioning the Department of Energy’s (DOE’s) future plans for defense high-level waste currently stored at sites across the country. Communities that host DOE sites previously accepted defense high-level waste from other states and sites assuming that the arrangement was only a temporary solution while Yucca Mountain was being built. Now that the Administration’s position in regards to Yucca Mountain has changed, these sites are concerned that they are de facto repositories for high-level nuclear waste.

ECA is calling on Secretary Chu to take action to address the concerns of these communities that are currently storing defense high-level waste. Specifically ECA calls on DOE to do the following:

1. Engage Local Communities and Governments on High-Level Waste Decisions and Impacts
2. Analyze the impacts of DOE’s decision to leave high-level waste in communities throughout the country
3. Appoint a Local Government Official to the Blue Ribbon Panel

ECA believes it is essential to engage local communities and governments in the process of finding a solution for the disposal of defense high-level waste.
ECA is the non-profit organization of local governments adjacent to DOE sites. If you have any questions please contact Seth Kirshenberg, Executive Director of ECA at 202-828-2317 or sethk@energyca.org.