

EDO Principal Correspondence Control

FROM: DUE: 09/14/11 EDO CONTROL: G20110619
DOC DT: 08/12/11
FINAL REPLY:

Senator Ron Johnson

TO:

Weil, OCA

FOR SIGNATURE OF : ** GRN ** CRC NO: 11-0484

Borchardt, EDO

DESC:

ROUTING:

Blue Ribbon Commission - Storage of Nuclear Waste
(EDATS: SECY-2011-0472)

Borchardt
Weber
Virgilio
Ash
Mamish
OGC/GC
Haney, NMSS
Carpenter, FSME
Johnson, NRO

DATE: 08/17/11

ASSIGNED TO: CONTACT:

EDO

Rihm

SPECIAL INSTRUCTIONS OR REMARKS:

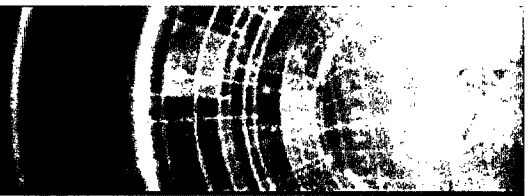
Please prepare response in accordance with OEDO Notice 2009-0441-02 (ML093290179). NMSS, FSME and NRO to provide input to Roger Rihm/Glenn Ellmers, OEDO, if required. Roger Rihm/Glenn Ellmers to coordinate response with OGC and OCA.

Template: SECY-017

E-RIDS: SECY-01

EDATS

Electronic Document and Action Tracking System



EDATS Number: SECY-2011-0472

Source: SECY

General Information

Assigned To: OEDO

OEDO Due Date: 9/14/2011 11:00 PM

Other Assignees:

SECY Due Date: 9/16/2011 11:00 PM

Subject: Blue Ribbon Commission - Storage of Nuclear Waste

Description:

CC Routing: NMSS; FSME; NRO

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20110619, LTR-11-0484

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

OEDO Monthly Report Item: NO

Process Information

Action Type: Letter

Priority: Medium

Signature Level: EDO

Sensitivity: None

Urgency: NO

Approval Level: No Approval Required

OEDO Concurrence: NO

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions: Please prepare response in accordance with OEDO Notice 2009-0441-02 (ML093290179). NMSS, FSME and NRO to provide input to Roger Rihm/Glenn Ellmers, OEDO, if required. Roger Rihm/Glenn Ellmers to coordinate response with OGC and OCA.

Document Information

Originator Name: Senator Ron Johnson

Date of Incoming: 8/12/2011

Originating Organization: Congress

Document Received by SECY Date: 8/17/2011

Addressee: Jenny Weil, OCA

Date Response Requested by Originator: NONE

Incoming Task Received: E-mail

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Aug 17, 2011 11:00

PAPER NUMBER: LTR-11-0484 **LOGGING DATE:** 08/16/2011
ACTION OFFICE: EDO

AUTHOR: SEN Ron Johnson
AFFILIATION: CONG
ADDRESSEE: Jenny Weil
SUBJECT: Blue Ribbon Commission...storage of nuclear waste

ACTION: Signature of EDO
DISTRIBUTION: OCA to Ack

LETTER DATE: 08/12/2011

ACKNOWLEDGED No

SPECIAL HANDLING:

NOTES:

FILE LOCATION: ADAMS

DATE DUE: 09/16/2011

DATE SIGNED:

Mike, Linda

From: Mike, Linda
Sent: Friday, August 12, 2011 2:32 PM
To: Weil, Jenny; Champ, Billie; Lewis, Antoinette
Cc: Belmore, Nancy; Droggitis, Spiros; Powell, Amy; Riley (OCA), Timothy
Subject: RE: Query from Sen. Ron Johnson's constituents

SECY will ticket as Constituent Correspondence.

*Needs
to be tkt
8/12*

From: Weil, Jenny
Sent: Friday, August 12, 2011 2:19 PM
To: Mike, Linda; Champ, Billie; Lewis, Antoinette
Cc: Belmore, Nancy; Droggitis, Spiros; Powell, Amy; Riley (OCA), Timothy
Subject: Re: Query from Sen. Ron Johnson's constituents

Good afternoon,

Could we ticket the requested email (below) from Wisconsin Senator Ron Johnson's office? The Senator's constituents are concerned about long-term storage of spent nuclear fuel (see page 2 of the attached correspondence).

Thank you,

Jenny

From: Weigel, Deborah (Ron Johnson) [mailto:Deborah_Weigel@ronjohnson.senate.gov]
Sent: Friday, August 12, 2011 1:51 PM
To: Weil, Jenny
Subject: FW: BRC Correspondence 02-04-2011.pdf

Could you please respond to the letter specifically the time that nuclear waste can be safely stored.

Thank you,
Deborah

From: Weigel, Deborah (Ron Johnson)
Sent: Friday, August 12, 2011 9:54 AM
To: 'Jenny.Weil@nrc.gov'
Subject: FW: BRC Correspondence 02-04-2011.pdf

Jenny,

There was a variety of emails that I received from our district office but I think this letter is a good summary of all their questions. I am going to go through a couple of other emails and see if I have anything else that is useful.

Thank you,
Deborah

Deborah M. Weigel
Senator Ron Johnson (R-WI)

SR-386

(202) 224-5323

Deborah_weigel@ronjohnson.senate.gov

Ed Dorner(Kewaunee County Administrator) Dornere@kewauneeeco.org

David Hardtke(Chairman Town of Carlton) birchwayfarms@tm.net Kewaunee

Steve Tadish (Supervisor Town of Carlton) stadisch@yahoo.com Kewaunee

Ken Paplham (Supervisor Town of Carlton) fax# 920-388-3210 Kewaunee

Lee Engelbrecht(Chairman Town of Two Creeks) bengelbrecht@tm.net Manitowoc

Monica Johnson (Supervisor Town of Two Creeks) hawkandhelga@tm.net Manitowoc

Linda Sinkula (clerk Town of Carlton) also County Board Vice Chair Kewaunee County
carltonhallls@yahoo.com

Date: February 4, 2011

To: Blue Ribbon Commission on America's Nuclear Future
1800 K. Street NW, Suite 1014
Washington, D.C. 20006

From: Host Communities Concerned About Stranded Spent Nuclear Fuel
City of Red Wing, Minnesota
Attn: Council Administrator
315 West 4th Street
Red Wing, Minnesota 55066

RE: Host Communities' Concerns About Stranded Spent Nuclear Fuel

"Implementing a permanent, safe, and secure disposal solution for the nuclear waste is of concern to the nation, particularly state governments and local communities, because many of the 80 sites where nuclear waste is currently stored are near large population centers or major water sources or consist of shutdown reactor sites that tie up land that could be used for other purposes. In addition, states that have DOE facilities with nuclear waste storage are concerned because of possible contamination to aquifers, rivers and other natural resources."¹

Distinguished Members of the Blue Ribbon Commission on America's Nuclear Future:

Thank you for this opportunity to provide our input to the Blue Ribbon Commission on America's Nuclear Future ("Commission"). We are a group of elected officials representing communities most affected by spent nuclear fuel ("SNF"). The communities we represent are adjacent to and directly impacted by commercial nuclear reactor electric utility sites ("Facilities") producing SNF and onsite dry cask storage of SNF in Independent Spent Fuel Storage Facilities Installations ("ISFSI").

We support the Commission's mission. We believe the Commission must develop recommendations for substantive and comprehensive plans that address the federal government's obligation to responsibly manage and dispose of SNF. We believe that the success of the Commission's

¹ United States Government Accountability Office Report to Congressional Requesters. Nuclear Waste Management. Key Attributes, Challenges, and Costs for the Yucca Mountain Repository and Two Potential Alternatives (GAO-10-48). Page 10. November 2009.

recommendations depends, in large part, on actively engaging communities that host commercial nuclear reactor sites and taking into consideration the numerous impacts these Facilities and their related ISFSI operations have on our communities.

The communities we represent were never intended to become permanent repositories for SNF. Unfortunately, the stark reality is that no civilian nuclear waste has yet been disposed of and there is still no identifiable plan for its final disposition.² The lack of an identifiable plan for handling civilian and government owned SNF has been exasperated by the recent actions of the Federal Administration to withdraw the DOE license for, and defund, Yucca Mountain.³ As a result, SNF and “High-level nuclear waste - one of the nation’s most hazardous substances – is accumulating at 80 sites in 35 states.”⁴ Furthermore, the DOE is now responsible for managing nuclear waste at 121 sites in 39 states.⁵

Our communities are frustrated and becoming increasingly alarmed by the federal government’s inaction in addressing its obligation to dispose of SNF. Further, we are extremely wary of recommendations being made to the Commission to store SNF in our communities for an indefinite period of time. The consequences of such recommendations are unexamined, costly, potentially dangerous, and subject our communities to an unacceptable level of risk. We believe that a serious and responsible consideration of such an option would necessarily include individual site assessments equivalent to those undertaken at Yucca Mountain. Individual site assessments of this nature would add billions of dollars and yet more delay to managing the back end of the nuclear fuel cycle. Therefore, we are extremely concerned by Nuclear Regulatory Chairman Jaczko’s announcement “that the prudent course of action is to direct the (NRC) staff to conduct further analysis and update the Waste Confidence findings to account for the possibility of additional, indefinite (onsite) storage of spent nuclear fuel” and his proposal “that the (NRC) staff be directed to prepare an update to the Waste Confidence Findings and Proposed Rule to account for storage at onsite facilities...for more than 100 years, but no more than 300 years....”⁶

² “The Department of Energy (DOE) has not yet disposed of any civilian nuclear waste and currently has no identifiable plan for handling that responsibility.” Cong. Budget Office Test., Committee on the Budget, U.S. House of Representatives. July 16, 2009.

³ February 2, 2010 DOE files request to suspend the Yucca Mountain license application.

⁴ United States Government Accountability Office Report to Congressional Requesters. Nuclear Waste Management. Key Attributes, Challenges, and Costs for the Yucca Mountain Repository and Two Potential Alternatives (GAO-10-48). GAO Highlights. November 2009.

⁵ United States Government Accountability Office Report to Congressional Requesters. Nuclear Waste Management. Key Attributes, Challenges, and Costs for the Yucca Mountain Repository and Two Potential Alternatives (GAO-10-48). Page 2. November 2009.

⁶ Chairman Jaczko’s Supplemental Comments on SECY-09-0090 Final Update to the Commission’s Waste Confidence Decision. July 22, 2010. Pages 1 and 2.

Again, our communities never intended to permanently host spent nuclear fuel. Our communities have always operated with the firm understanding that our federal government would comply with the Nuclear Waste Policy Act of 1982 and dispose of the SNF in a deep geological repository consistent with the Act.⁷ As a consequence of federal inaction, we are now hosting SNF with no identifiable plan or timeframe for its final disposition. An unintended consequence of indefinite onsite storage of SNF is that our communities are being challenged with unique health, safety, security, land-use, economic development, and transportation concerns. These unintended consequences must be considered during the Commission's policy and decision making process.

While some of our concerns are unique to our individual communities, we have identified the following points that are common to each of us:

1) LOCAL GOVERNMENTS NEED TO BE CONSULTED AND ACTIVELY ENGAGED IN THE DECISION MAKING PROCESS

Our communities and our local governments will be deeply impacted by the policy options and recommendations being considered by the Commission. Therefore, our local governments must play a critical role in the development of the Commission's policy and recommendations. Involvement at an early stage is the only way to guarantee broad based support – including local government support. Without the support of all levels of government impacted by hosting SNF, including Local and Tribal governments, a project involving a final disposition pathway for SNF is not likely to succeed. It is, therefore, imperative that this Commission engage the local governments hosting SNF to ensure the impacts on each is carefully considered and addressed. We encourage the Commission and federal government to work to gain the support of local governments through an open dialog, education, and support. We would consider it an honor and privilege to participate in this capacity.

2) STRANDING SNF IN ITS CURRENT LOCATIONS IS NOT AN OPTIMAL SOLUTION.

We firmly believe that leaving SNF and high level waste ("HLW") scattered across the nation in more than 100 locations is not in the Nation's best interests nor does it represent an optimal solution to managing SNF. One or more final disposition pathways are needed including a deep geological repository. We believe that Yucca Mountain must not be abandoned as an alternative simply due to political considerations.

3) FISCAL SUPPORT IS IMPERATIVE IN ENSURING LOCAL GOVERNMENT PARTICIPATION IN THE POLICY AND DECISION MAKING PROCESS.

Local governments have a responsibility to ensure that the unique health, safety, security, and socioeconomic concerns of hosting a Facility or ISFSI are addressed in the policy and decision making process. However, the resources necessary to ensure these concerns are addressed are nonexistent at the local level. Some of the communities we represent have populations of less than 1,000 people and we are all struggling to meet our communities' needs with extremely scarce resources. Although the Commission's work is of the utmost importance to our communities, our communities cannot

⁷ This Act, as amended, requires the Department of Energy to begin accepting SNF and HLW by January 31, 1998.

effectively organize, participate, or provide valuable input into the Commission's work. There is simply no local funding to support these activities. Without such ability the policy, decision making process, and recommendations will not be understood and, therefore, less likely to succeed.

Part of the Nuclear Waste Act provides funding for impacted local units of government for technical expertise and education. We strongly believe the Commission's recommendations should build on and support this principle. As host communities to SNF, we believe fiscal support is vital to our ability to participate meaningfully in the Commission's policy and decision making process. Fiscal support is also vital to ensure our communities have access to technical experts whose responsibilities are to our communities; that advocate on behalf of our communities; respond to our issues, concerns, and interests and who we trust; are capable of developing community understanding and support; are capable of articulating technical information so it is understood; and who can assist the parties in compromise. Fiscal support is also necessary to support outreach and educational programs to educate our government officials, public safety personnel, residents, business owners, and other community stakeholders on these critical issues.

4) A COLLABORATIVE EFFORT IS CRITICAL

Community involvement and engagement in a collaborative effort is critical in the process including the development of priorities, goals, objectives, and outcomes. To promote positive outcomes, we believe the process must move beyond simple meetings to active engagement and collaboration in the discussion of technical, political, and other issues. Engagement and collaboration must move beyond simply holding meetings to an approach that builds the development of trust, accountability, and openness among participants. To foster a constructive working relationship, we believe the federal government must be required to (1) collaborate with and engage affected units of government – including local governments – in the policy and decision making process, (2) establish and communicate opportunities for participation in the process, (3) develop, with input from affected units of government, clear goals and intended outcomes that are understood by all, (4) develop clear expectations of all participants, (5) develop ongoing information sharing requirements for all parties involved in the process, (6) develop ongoing educational requirements for all parties involved in the process and (7) provide fiscal support to affected units of government to ensure they can organize, partner, participate in the process, and educate their stakeholders.

We as elected local government officials have a strong understanding of local community values, concerns, and priorities. We have an important role in the local decision making process and are influential in advocating for local values, concerns, and priorities. We need to be assured that our concerns are addressed and that local input and participation is welcomed in the policy and decision making process currently undertaken by the Commission. If afforded an opportunity to actively engage in the Commission's mission and process – including the opportunity to have our local concerns addressed and become educated on the policy and recommendations being formulated by the Commission - we believe policy solutions and recommendations will be identified that may promote opportunities for effective partnerships to ensure the successful legacy of America's nuclear future.

In closing, as our communities simply lack the economic resources required to participate in the vitally important Commission's mission and policy formulation process, we cordially extend an open invitation to the Commission to hold a Commission meeting in any one of our communities so we can personally express and share our communities' critical concerns regarding becoming a de-facto permanent SNF repository with the Commission members.

If the Commission has any questions, please contact Kay Kuhlmann, City Administrator, at the City of Red Wing – Minnesota, at 651.385.3600 (ext 3612).

We, as Host Communities Concerned About Stranded Spent Nuclear Fuel, endorse this statement.

The Honorable Clint Herbst
Mayor - City of Monticello, MN

The Honorable Ralph Rauterkus
City Council President - City of Red Wing, MN

The Honorable Lee Engelbrecht
Town Board Member - Town of Two Creeks, WI

The Honorable David Hardtke
Town Board Member - Town of Carlton, WI

The Honorable Linda Sinkula
County Board Member - Kewaunee County, WI

The Honorable Paul Tittl
County Board Chair - Manitowac County, WI

Ms. Mary V. Conner
Citizen - City of Monroe, MI

cc: Mary Woollen, Government Liaison, Blue Ribbon Commission on America's Nuclear Future
City of Red Wing, Minnesota, Mayor and City Council Members
Town of Carlton, Wisconsin, Town Board Members
Town of Two Creeks, Wisconsin, Town Board Members
Kewaunee County, Wisconsin, County Board Members
Manitowac County, Wisconsin, County Board Members
City of Monticello, Minnesota, Mayor and City Council
Mary Conner, Citizen, City of Monroe, Michigan
Senator Carl Levin, Michigan
Senator Debbie Stabenow, Senate Committee on Energy & Natural Resources, Michigan
Representative Fred Upton, Chairman, House Committee on Energy & Commerce, Michigan
Representative Dan Benishek, Michigan
Representative Bill Huizenga, Michigan
Representative Justin Amash, Michigan
Representative Dave Camp, Michigan
Representative Dale E. Kildee, Michigan
Representative Tim Walberg, Michigan
Representative Mike Rogers, Michigan
Representative Gary C. Peters, Michigan

Representative Candice S. Miller, Michigan
Representative Thaddeus G. McCotter, Michigan
Representative Sander M. Levin, Michigan
Representative Hansen Clarke, Michigan
Representative John Conyers Jr., Michigan
Representative John Dingell, House Committee on Energy & Commerce, Michigan
Senator Al Franken, Senate Committee on Energy & Natural Resources, Minnesota
Senator Amy Klobuchar, Minnesota
Representative Timothy J. Walz, Minnesota
Representative John Kline, Minnesota
Representative Erik Paulsen, Minnesota
Representative Betty McCollum, Minnesota
Representative Keith Ellison, Minnesota
Representative Michele Bachmann, Minnesota
Representative Colin C. Peterson, Minnesota
Representative Chip Cravaak, Minnesota
Senator Ronald Johnson, Wisconsin
Senator Herb Kohl, Wisconsin
Representative Paul Ryan, Wisconsin
Representative Tammy Baldwin, House Committee on Energy & Commerce, Wisconsin
Representative Ron Kind, Wisconsin
Representative Gwen Moore, Wisconsin
Representative F. James Sensenbrenner Jr., Wisconsin
Representative Thomas E. Petri, Wisconsin
Representative Sean P. Duffy, Wisconsin
Representative Reid J. Ribble, Wisconsin
Senator Jeff Bingaman, Chairman, Senate Committee on Energy & Natural Resources,
New Mexico
Senator Lisa Murkowski, Ranking Member, Senate Committee on Energy & Natural Resources,
Arkansas
Senator Ron Wyden, Senate Committee on Energy & Natural Resources, Oregon
Senator Tim Johnson, Senate Committee on Energy & Natural Resources, South Dakota
Senator Mary Landrieu, Senate Committee on Energy & Natural Resources, Louisiana
Senator Maria Cantwell, Senate Committee on Energy & Natural Resources, Washington
Senator Bernard Sanders, Senate Committee on Energy & Natural Resources, Vermont
Senator Mark Udall, Senate Committee on Energy & Natural Resources, Colorado
Senator Jeanne Shaheen, Senate Committee on Energy & Natural Resources, New Hampshire
Senator Joe Manchin, Senate Committee on Energy & Natural Resources, West Virginia
Senator Christopher A. Coons, Senate Committee on Energy & Natural Resources, Delaware
Senator Richard Burr, Senate Committee on Energy & Natural Resources, North Carolina
Senator John Barrasso, Senate Committee on Energy & Natural Resources, Wyoming
Senator James E. Risch, Senate Committee on Energy & Natural Resources, Idaho
Senator Mike Lee, Senate Committee on Energy & Natural Resources, Utah

Senator Rand Paul, Senate Committee on Energy & Natural Resources, Kentucky
Senator Daniel Coats, Senate Committee on Energy & Natural Resources, Indiana
Senator Rob Portman, Senate Committee on Energy & Natural Resources, Ohio
Senator John Hoeven, Senate Committee on Energy & Natural Resources, North Dakota
Senator Bob Corker, Senate Committee on Energy & Natural Resources, Tennessee
Representative Henry Waxman, Ranking Member, House Committee on Energy & Commerce,
California
Representative Joe Barton, House Committee on Energy & Commerce, Texas
Representative Cliff Stearns, House Committee on Energy & Commerce, Florida
Representative Ed Whitfield, House Committee on Energy & Commerce, Kentucky
Representative John Shimkus, House Committee on Energy & Commerce, Illinois
Representative Joseph R. Pitts, House Committee on Energy & Commerce, Pennsylvania
Representative Mary Bono Mack, House Committee on Energy & Commerce, California
Representative Greg Walden, House Committee on Energy & Commerce, Oregon
Representative Lee Terry, House Committee on Energy & Commerce, Nebraska
Representative Sue Myrick, House Committee on Energy & Commerce, North Carolina
Representative John Sullivan, House Committee on Energy & Commerce, Oklahoma
Representative Tim Murphy, House Committee on Energy & Commerce, Pennsylvania
Representative Michael Burgess, House Committee on Energy & Commerce, Texas
Representative Brian P. Bilbray, House Committee on Energy & Commerce, California
Representative Charles F. Bass, House Committee on Energy & Commerce, New Hampshire
Representative Marsha Blackburn, House Committee on Energy & Commerce, Tennessee
Representative Phil Gingrey, House Committee on Energy & Commerce, Georgia
Representative Steve Scalise, House Committee on Energy & Commerce, Louisiana
Representative Bob Latta, House Committee on Energy & Commerce, Ohio
Representative Cathy McMorris Rodgers, House Committee on Energy & Commerce,
Washington
Representative Greg Harper, House Committee on Energy & Commerce, Mississippi
Representative Leonard Lance, House Committee on Energy & Commerce, New Jersey
Representative Bill Cassidy, House Committee on Energy & Commerce, Louisiana
Representative Brett Guthrie, House Committee on Energy & Commerce, Kentucky
Representative Pete Olson, House Committee on Energy & Commerce, Texas
Representative David McKinley, House Committee on Energy & Commerce, West Virginia
Representative Cory Gardner, House Committee on Energy & Commerce, Colorado
Representative Mike Pompeo, House Committee on Energy & Commerce, Kansas
Representative Adam Kinzinger, House Committee on Energy & Commerce, Illinois
Representative Morgan Griffith, House Committee on Energy & Commerce, Virginia
Representative Edward Markey, House Committee on Energy & Commerce, Massachusetts
Representative Edolphus Towns, House Committee on Energy & Commerce, New York
Representative Frank Pallone, House Committee on Energy & Commerce, New Jersey
Representative Bobby Rush, House Committee on Energy & Commerce, Illinois
Representative Anna G. Eshoo, House Committee on Energy & Commerce, California
Representative Eliot L. Engel, House Committee on Energy & Commerce, New York

Representative Gene Green, House Committee on Energy & Commerce, Texas
Representative Diana DeGette, House Committee on Energy & Commerce, Colorado
Representative Lios Capps, House Committee on Energy & Commerce, California
Representative Mike Doyle, House Committee on Energy & Commerce, Pennsylvania
Representative Jane Harman, House Committee on Energy & Commerce, California
Representative Jan Schakowsky, House Committee on Energy & Commerce, Illinois
Representative Charles Gonzales, House Committee on Energy & Commerce, Texas
Representative Jay Inslee, House Committee on Energy & Commerce, Washington
Representative Mike Ross, House Committee on Energy & Commerce, Arizona
Representative Anthony D. Weiner, House Committee on Energy & Commerce, New York
Representative Jim Matheson, House Committee on Energy & Commerce, Utah
Representative G.K. Butterfield, House Committee on Energy & Commerce, North Carolina
Representative John Barrow, House Committee on Energy & Commerce, Georgia
Representative Doris Matsui, House Committee on Energy & Commerce, California