



WESTERN
GOVERNORS'
ASSOCIATION

Western Governors' Association Policy Resolution 2017-05

Storage and Disposal of Radioactive Waste and Spent Nuclear Fuel

A. BACKGROUND

1. The nation is cleaning up, treating, transporting, storing, and disposing of several classes of radioactive waste. These classes are defined in the Nuclear Waste Policy Act and other federal laws. They include:
 - Spent nuclear fuel (SNF) from nuclear power plant sites and research and naval reactors;
 - High-level radioactive waste (HLW) located at Department of Energy (DOE) facilities;
 - Transuranic waste (TRU) generated from atomic energy defense activities, the majority of which is at DOE facilities; and
 - Low-Level Radioactive Waste which is broken into four classes, including Greater-Than-Class C (GTCC) Waste.
2. Currently about 75,000 metric tons of SNF is stored at or near nuclear power plant sites, research and test reactors, and independent spent fuel storage installations (ISFSIs) in 40 states. Historically, more than 80 percent of the SNF at operating and shut down reactor sites has been generated east of the 100th meridian.
3. The amount of SNF stored on-site at commercial nuclear reactors will continue to accumulate – increasing by about 2,000 metric tons per year and likely almost doubling to about 140,000 metric tons before it can be moved off-site, because storage or disposal facilities may take decades to develop.
4. Congress mandated that the federal government begin accepting spent fuel by January 30, 1998. However, it remains uncertain when an operating repository will be sited, let alone begin accepting waste. According to DOE's January 2013 Strategy for the Management and Disposal of Used Nuclear Fuel and High-Level Radioactive Waste, the federal government does not anticipate that a geologic disposal facility will be operational until at least 2048.

5. High-level radioactive wastes that are the by-products of nuclear weapons production and used fuel from the U.S. Navy's nuclear power activities will require permanent disposal. There are also quantities of weapons-capable plutonium and highly enriched uranium that the federal government has declared surplus to national security needs, and that will require disposal in a repository. Many of these wastes are being temporarily stored at locations in western states, including California, Idaho, New Mexico and Washington.
6. DOE's Final Environmental Impact Statement (FEIS) for the Disposal of Greater-Than-Class C (GTCC) Low-Level Radioactive Waste and GTCC-Like Waste (DOE/EIS-0375) identified seven potential disposal site candidates, six of which are in the West. Since the vast majority of this waste would be generated outside of the western region, disposal in the West would significantly add to the transportation risk. Additionally, more than 90 percent of the existing inventory of TRU waste is located in the Western states. Given existing and proposed sites for disposal of radioactive waste in the United States, the Governors are concerned that the Western states may be disproportionately impacted by radioactive waste transportation and disposal activities.
7. The preferred alternative of the FEIS is to use the Waste Isolation Pilot Plant (WIPP) and/or generic commercial disposal facilities for disposal of GTCC wastes. At present, WIPP is restricted from accepting non-defense waste and would require, at minimum, a modification of the WIPP Land Withdrawal Act in order to legally dispose of commercial GTCC waste.

B. GOVERNORS' POLICY STATEMENT

1. In the event that centralized interim storage, either private or federal, is deemed necessary, no such facility, whether publicly or privately owned, shall be located within the geographic boundaries of a Western state or U.S. flag island without the written consent of the Governor in whose state or territory the facility is to be located.
2. Any proposal to store or otherwise dispose of GTCC and high-level radioactive waste and/or SNF must be viewed as being part of an integrated program that considers all aspects of necessary operation and intergovernmental considerations. Specifically, transportation and logistical considerations should not be an afterthought to the siting process.
3. The Governors support efforts by the federal government to examine alternative waste acceptance options, including but not limited to providing funds to utilities for expanded on-site storage and taking title to SNF at individual reactor sites. The search for alternatives must not detract from the imperative to develop a permanent solution to the management and disposition of SNF.

4. The Governors strongly encourage DOE and the U.S. Nuclear Regulatory Commission (NRC) to work cooperatively with the states in implementing a policy to ensure the safe management, transportation, storage, and disposal of spent nuclear fuel and HLW and to comply with any and all agreements negotiated and entered into by a state's Governor regarding these matters.
5. Commercial SNF should remain at reactor sites until:
 - One or more storage and/or disposal sites are operational or reprocessing is deemed viable by an independent review.
 - DOE and the nuclear utility companies have consulted with states along the waste transportation corridor and implemented a mutually acceptable transportation plan for shipping the SNF waste to interim storage facilities or permanent disposal sites.
 - DOE and the nuclear utility companies have put into place adequate infrastructure capacity to handle, store and dispose of this waste.
 - DOE, the U.S. Department of Transportation and the nuclear utility companies have ensured and funded adequate state and local emergency and medical responder training and resources in case of an accident or terrorist attack while shipping this waste.
6. The creation of interim storage sites for SNF would be a direct result of the federal government's failure to begin accepting spent fuel on schedule. Therefore, the Governors maintain that it is the federal government's responsibility to ensure adequate preparation for shipments to these facilities, coordination with states, and provision of adequate federal funding, regardless of source, to reimburse the states for costs associated with shipments to any interim storage facility, whether publicly or privately owned. The Governors consider it to be entirely appropriate to use the Nuclear Waste Fund to pay for these activities.
7. Any decisions regarding the identification of an existing or planned site to dispose of GTCC and GTCC-like waste must consider any authority of the regional low-level waste compacts, and comply with all applicable low-level waste compact and NRC requirements for certification to accept commercially generated waste.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Governors direct WGA staff to work with Congressional committees of jurisdiction, the Executive Branch, and other entities, where appropriate, to achieve the objectives of this resolution.

2. Furthermore, the Governors direct WGA staff to consult with the Staff Advisory Council regarding its efforts to realize the objectives of this resolution and to keep the Governors apprised of its progress in this regard.

Western Governors enact new policy resolutions and amend existing resolutions on a bi-annual basis. Please consult www.westgov.org/policies for the most current copy of a resolution and a list of all current WGA policy resolutions.