

Daniel Stetson, Chairman
San Onofre Nuclear Generating Station Community Engagement Panel
American Nuclear Energy Expansion: Spent Fuel Policy and Innovation Hearing
Testimony Summary
April 10, 2024

For the community around SONGS, a top interest is spent fuel. That's both the safe onsite storage of spent fuel, and the prompt offsite relocation of spent fuel.

The US spent fuel program is a failure and costly in many ways:

- Shattered Trust
- Cost of over \$10 Billion and growing at \$2 million a day
- Burden on future generations
- Local community never agreed to hosting the spent fuel
- SONGS sits on Navy land, and they want it back to train Marines
- To enable next generation reactors to address climate change, we still address the back end of the fuel cycle and avoid an impediment

We have the technical expertise to address this issue. The question is where to store it.

Over two dozen stakeholders from across the county produced six policy principles needed changes to the NWPAs – in order of priority:

1. a single-purpose federal organization to assume the spent fuel program from DOE;
2. reliable funding;
3. pursuit of multiple, permanent deep geologic repositories or “DGRs”;
4. revisiting the linkage between consolidated interim storage — or “monitored retrieval storage” — and permanent disposal in DGRs;
5. expanding the application of federal title to and liability for spent fuel to include private CIS; and
6. transportation planning including a public information program and emergency preparedness.

CIS is monumentally important to the communities around SONGS, because it can deliver offsite storage literally decades earlier than DGRs

Successful programs show us this is best done by a single-purpose organization with the ability and resources to adapt to changing circumstances over time.

With respect to Yucca Mountain and in the spirit of consent-based siting, federal law should not pre-determine DGR sites.

On reprocessing, we must recognize that independent of decisions on reprocessing, providing for permanent disposal is a must.

I am encouraged and optimistic –

- Finland will soon be opening the world's first DGR
- This Congressional Subcommittee is talking and poised to take action

Congressional Hearing – April 10, 2024
Subcommittee on Energy, Climate and Grid Security
House Committee on Energy and Commerce
Representative Jeff Duncan, Subcommittee Chairman
Representative Diana DeGette, Ranking Member

Daniel Stetson, Chairman
San Onofre Nuclear Generating Station Community Engagement Panel

Good morning, Chairman Duncan, Ranking Member DeGette, and members of the Subcommittee. Thank you for your service to the American people and for the opportunity to testify at today’s hearing. My name is Daniel Stetson; I am the President Emeritus of the Ocean Institute in Dana Point, California, where I worked for 23 years. I am here today in my role as Chairman of the Community Engagement Panel¹ (CEP) for the San Onofre Nuclear Generating Station (SONGS) — which sits on a beautiful stretch of the Southern California coast.

I was invited as a representative of the communities in the vicinity of a retired nuclear plant — SONGS — and to share what I have learned from listening to the communities’ concerns, as a volunteer member of the CEP, for more than ten years. The CEP is composed of a broad range of stakeholders, from business and organized labor to tribal leaders, environmental groups, and local elected officials. The CEP serves as an interface between the communities around SONGS and its decommissioning agent, Southern California Edison.

¹ www.SONGScommunity.com

I also have worked with representatives of Spent Fuel Solutions², a coalition that grew out of the communities around SONGS. It's a diverse coalition with 250-plus members that advocates for the federal government and you, our Congressional leaders, to make offsite storage and disposal a reality.

For people in the communities around SONGS, a top area of interest is spent fuel. That is both the safe onsite storage of spent fuel, and the prompt relocation of spent fuel to an offsite, federally licensed facility.

It is no secret that the US spent fuel management program is a failure. And it should be no surprise that the trust of the affected communities has been shattered. We are deeply frustrated. The governing federal legislation was last amended 37 long years ago.

That failure is costly, in many ways.

First, nuclear utility customers have a deal with the government. Simply stated, nuclear power customers paid a fee for the disposal of spent fuel. We did our part and, today, \$46 billion sits in the Nuclear Waste Fund. In return, the US Department of Energy was to start picking up spent fuel from commercial nuclear plants like SONGS in 1998. That never happened.

² www.SpentFuelSolutionsNow.com

Second, ongoing failure has a high price tag. Due to inaction over many years, onsite, at-reactor storage of spent fuel has cost US taxpayers more than \$10 billion to date and is growing at \$2 million per day with no end in sight. And, all taxpayers cover those costs, whether or not they ever received one kilowatt of nuclear power.

Third is generational equity. As we continue to kick the can down the road, we burden future generations with solving the problem.

Fourth, communities around SONGS — like others in the vicinity of reactor sites across the US — never consented to hosting spent fuel storage for the long-term. SONGS decommissioning is ongoing, with all spent fuel now in dry cask storage. By 2030, all the fuel at SONGS will qualify for transportation to a federal storage or disposal facility. Additionally, SONGS is situated on land owned by the US Navy, and clearing the site of spent fuel will allow for completion of the decommissioning process, for the land to be restored, and the site returned to the Navy to support its national defense mission of training Marines at Camp Pendleton.

And finally, if we as a nation are to leverage next-generation nuclear reactors to help address our growing energy needs and climate change, we must address the back end of the fuel cycle.

Spent fuel can be safely stored at reactor sites for decades. But eventually, spent fuel must be permanently isolated from the biosphere. There is international consensus on how to dispose of spent nuclear fuel — in deep geologic repositories (DGRs). Here in the US, the problem is not an engineering or scientific one. The real problem is a sociopolitical one, and that is where to dispose of spent fuel.

Fixing the spent fuel problem means fixing federal law. We can learn from our failures as well as from best practices in countries such as Finland, Canada, and others.

Last spring, I joined more than two dozen stakeholders from across the country — from California to Maine — to discuss how best to amend the Nuclear Waste Policy Act (NWPA) and create a more durable and integrated spent fuel program that includes both near-term interim storage and, in the long term, permanent disposal. The result of our deliberations were six policy principles. These are, in priority order:

1. forming a single-purpose federal organization to assume management of the spent fuel program from DOE;
2. reliable and adequate funding;
3. prompt pursuit of multiple permanent DGRs;
4. revisiting the linkage between consolidated interim storage (CIS) — referred to as “monitored retrieval storage” in the NWPA — and permanent disposal;
5. expanding the application of federal title to and liability for spent fuel to include private CIS; and

6. transportation planning including a public information program and emergency preparedness.

DOE already is authorized to pursue CIS and, at present, is doing so through a consent-based siting process. Let me emphasize that I have heard loud and clear that CIS is monumentally important to the communities around SONGS. Even under the most optimistic timeframes, at-grade CIS facilities can provide for clearing spent fuel from reactor sites literally decades earlier than DGRs. And a healthy repository program is essential for giving potential CIS host communities confidence that interim will not become permanent by default.

Finally, I think it is important to highlight a few points regarding consent-based siting, Yucca Mountain, and reprocessing.

International best practices illustrate that consent-based siting is the most reliable approach to siting spent fuel disposal facilities. I appreciate that the DOE is using a consent-based approach to siting federal CIS facilities. Fundamental to the success of consent-based siting is building enduring trust: a partnership between potential host communities and the implementing federal organization. This must be built over time with demonstrated competence, stability, and adaptability to meet the needs of each individual candidate community as well as state acceptance. This must include Native American tribal nations, as appropriate. Successful programs show us this is best done by a single-

purpose organization with the ability and resources to adapt to changing circumstances over time. Said differently, because of the decades-long process associated with DGRs in particular, the implementing organization must have the continuity to span changes in Administrations and shifting political winds.

With respect to Yucca Mountain, I am neither for nor against it. Rather, in the spirit of consent-based siting, federal legislation should not pre-determine sites for DGRs. We should be open to any community that is informed and interested in volunteering.

With respect to reprocessing, we need to be eyes-wide-open and recognize that independent of decisions on reprocessing, providing for permanent disposal is a must.

In closing, let me state that I am optimistic and encouraged. I am encouraged that the DOE is working on federal CIS — addressing at least part of the problem. I am encouraged that Finland will open the world's first DGR later this year. And I am greatly encouraged that this Congressional Subcommittee is talking about the spent fuel problem and highly optimistic that you will soon be working on real solutions! Solutions that deliver on what your constituents want: the near-term relocation of spent fuel to federal CIS facilities.

Thank you for your attention.