

January 25, 2007

The Honorable Byron Dorgan, Chairman Senate Energy & Water Subcommittee  
The Honorable Pete Domenici, Ranking Member Senate Energy & Water Subcommittee and  
Energy Committee  
The Honorable Jeff Bingaman, Chairman, Senate Energy Committee  
The Honorable Pete Visclosky, Chairman, House Energy & Water Subcommittee  
The Honorable David Hobson, Ranking Member, House Energy & Water Subcommittee  
The Honorable John Dingell, Chairman, House Energy and Commerce Committee  
The Honorable Joe Barton, Ranking member, House Energy and Commerce Committee

RE: Global Nuclear Energy Partnership (GNEP)

Dear Senators and Congressmen:

As citizen groups with constituents in communities at or near the Department of Energy (DOE) 11 proposed GNEP sites, we want to register our total lack of confidence with the GNEP siting process and to oppose continuing the siting process. DOE has shown that it does not comply with legal public processes, and it does not follow Congressional directives or even its own siting requirements.

We request that you immediately investigate the waste of taxpayer funds by GNEP, and take action to prevent the siting program and grants from moving forward.

Background

As part of the initial DOE public process on GNEP in early 2005, some of our groups, though others had no way to know that they were potential sites, made comments on the March 22, 2005 Advance Notice of Intent (ANOI) to Prepare an Environmental Impact Statement for the Global Nuclear Energy Partnership (GNEP) Technology Demonstration Program. Notably, the Natural Resources Defense Council (NRDC) in a 14-page letter on May 1, 2006, pointed out that the ANOI did not cover the actual GNEP program or its major elements. While not supporting the GNEP program, the NRDC letter made specific recommendations, including that DOE withdraw the ANOI and start over with a programmatic environmental impact statement process before it proceeds with actions or decisions.

On May 19, 2006, the House Appropriations Committee reported the Energy and Water Development Appropriations Bill, 2007. The Committee stated that it

“has serious reservations about the GNEP as proposed by the Administration. The overriding concern is simply that the Department of Energy has failed to provide sufficient detailed information to enable Congress to understand fully all aspects of this initiative, including the cost, schedule, technology development plan, and waste streams from GNEP...the GNEP proposal differs in several significant aspects from what the conferees directed last year, and the GNEP proposal falls short in a number of critical areas.

There is no mention of the requirements that these facilities be integrated and co-located at a single site, nor (as is detailed below) is there any mention of the need for interim storage as part of an integrated recycling complex.

*Interim Storage.*—In the Committee’s view, any such integrated spent fuel recycling facility must be capable of accumulating sufficient volumes of spent fuel to provide efficient operation of the facility. A first test of any site’s willingness to receive into the interim storage spent fuel in dry casks that provide safe storage of the spent fuel for 50 to 100 years or longer. In this Committee’s view, if any site refuses to provide interim storage as needed to support the operation of an integrated recycling facility, at whatever scale, then that site should be eliminated from all further consideration under GNEP.”

DOE has not withdrawn the ANOI. Before and since November 29, 2006, when DOE announced the GNEP Siting Grants, it has provided essentially no information in some communities about what the site being considered is, whether DOE has done any meaningful review to determine that the proposals submitted met the requirements under the Financial Assistance Funding Opportunity Announcement (FOA) in August, 2006 and the requirements that the Committee had identified.

We know that at most sites there was NO meaningful public information or participation allowed by DOE or the consortia, even in response to requests for DOE to identify the sites that submitted applications in early September, 2006. We know in some communities, especially for many of those sites not owned by DOE, not only did the public not know a proposal had been submitted, but even federal, state, and local officials were unaware. At several sites where the public knew a proposal was in process, they were unable to be involved in the process or get adequate information about the proposal. DOE even denied a request under the Freedom of Information Act regarding Paducah, on the grounds that the entire proposal was exempt under the Trade Secrets Act.

Such a closed, secret process will not result in public support for any such major facility in any community.

DOE’s November 29, 2006 press release did not mention the “interim storage spent fuel” requirement nor did it state that each site met the requirement. DOE’s press release did not affirm that each of the 11 sites met all of the other requirements of the FAO. However, one requirement for non-DOE sites in the FOA is: “(6) statement regarding community and state interest in the use of the site for GNEP facilities.” As already noted, for some sites there was apparently no community or state information about the application, so what basis was there to indicate “interest”? At DOE sites, the applicants “capability to identify stakeholder support or concerns” counts 20 percent of the selection criteria. Again, when there was no public process, how can an applicant show that it met that criteria?

On January 4, 2007, DOE issued a Notice of Intent to Prepare a Programmatic Environmental Impact Statement for GNEP. That notice also does not mention the “interim storage spent fuel” requirement, nor does it identify the specific locations of the 11 sites. Thus, the public still does not have essential information necessary to adequately comment in the scoping process.

#### Conclusion

We understand that there are important issues related to interim storage of spent fuel, reprocessing waste, whether new Advanced Burner Reactor technology should be developed, and, of course, when such activities will occur and what they will cost. Since it now appears that the “where” would be in one or more of our 11 communities, we want to register our strong objection to and total lack of confidence in the process affecting us so far. We cannot imagine that such a closed, callous and arguably illegal process was what Congress had in mind when it appropriated \$20 million in the 2006 Energy and Water Development Appropriations Bill.

#### Request to Congress

We request that you immediately investigate the waste of taxpayer funds by GNEP, and take action to prevent the siting program and grants from moving forward.

Thank you.

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