



Department of Energy Request for Information (RFI) on Using a Consent-Based Siting Process to Identify Federal Interim Storage Facilities

Summary:

On December 1, 2021, the U.S. Department of Energy (DOE) issued a [Request for Information](#) (RFI) on a consent-based siting process that would be used to identify sites to store the nation's spent nuclear fuel. The information gathered by its request for information will be used to further develop DOE's consent-based siting process and overall waste management strategy in an equitable way.

Background:

The Department of Energy (DOE) is responsible for the management of the nation's spent nuclear fuel and high-level radioactive waste, including finding sites to store and dispose of the spent nuclear fuel. Inaction on this issue has already cost U.S. taxpayers nearly \$9 billion in settlements and judgements.

Although storing spent nuclear fuel is done safely across the country, the communities that have spent nuclear fuel never agreed to host this material long-term. DOE has committed to using a consent-based siting process to identify federal interim storage facilities, an approach to siting facilities that focuses on the needs and concerns of people and communities. Communities that participate in the siting process will work with DOE to complete a series of phases and steps that should help the community determine whether and how hosting a facility to manage spent nuclear fuel is aligned to the community's goals. It is meant to be a guide and will likely look different in different communities. The outcome of a consent-based siting process could include either a negotiated consent agreement or a determination that the community is not interested in serving as a host.

In December 2020, the Consolidated Appropriations Act, 2021 was signed into law, allocating \$27.5 million toward dealing with spent nuclear fuel, \$20 million of which would fund an interim storage program. It also directs DOE to move forward with interim storage to support near-term action in managing the nation's spent nuclear fuel.

Interim storage will enable near-term consolidation and temporary storage of spent nuclear fuel, which will allow for removal of spent nuclear fuel from reactor sites. DOE anticipates that an interim storage facility would need to operate until the fuel can be moved to final disposal. Therefore, the duration of the interim period depends on the completion of a series of significant steps, such as the need to identify, license, and construct a facility, plus the time needed to move

the spent nuclear fuel. To begin implementing Congress's directive, DOE issued a request for information on the consent-based siting process.

Request for Information (RFI):

DOE has issued this RFI as the first step in the process of developing a federal interim storage program that will remove spent nuclear fuel from reactor sites.

Responses to DOE's public information request on identifying a federal interim storage facility using a consent-based siting process **must be received by March 4, 2022**. DOE is asking the public for comments on:

- Thoughts on the consent-based siting process itself
- Ideas for removing barriers for meaningful participation, especially for groups and communities who have not historically been well-represented in these conversations
- Views on the role of interim storage as a part of the nation's waste management system

Responses will inform development of a consent-based siting process, an overall strategy for an integrated waste management system, and will likely result in a funding opportunity.

Current Timeline for Interim Facility Development:

The timeline for determining a concrete direction on interim storage facility siting remains unclear and will depend on the responses received in the RFI and how the final program is developed.

After the RFI's March 4th deadline, DOE will consider the comments submitted as part of the RFI, as well as comments submitted as part of a [2017 consent-based siting process draft](#). A few months after the close of the RFI, DOE will release a summary of the responses they received and an updated draft consent-based siting process.

Depending on the development of the final program, which will be based on the input DOE receives from RFI respondents, the timeline for building an interim facility could be very different. However, DOE has indicated that it should be able to at least issue a funding opportunity announcement after the public comment period ends and the updated draft is released.

Under the Nuclear Waste Policy Act (NWPA) of 1982, DOE cannot build an interim facility until the Nuclear Regulatory Commission (NRC) issues its construction authorization of a repository. This will require completion of a series of steps including site identification and the completion of a full NRC licensing process. Currently Yucca Mountain is the only repository that DOE is allowed to consider, and the Biden Administration has indicated that they do not plan to do so.

After a host has been identified for an interim storage facility through a consent-based siting process, and once the DOE has the ability to begin construction, it could take several years to license and construct an interim storage facility.

Eligible Respondents:

DOE anticipates that communities; governments at the local, State, and Tribal levels; members of the public; energy and environmental justice groups; organizations or corporations; and other stakeholders may be interested in responding to this RFI. The RFI is not a Funding Opportunity Announcement (FOA), prize, or any other type of solicitation, and DOE is not accepting applications currently. In addition to hearing from communities that are interested in hosting an

interim facility, **they are also accepting comments from communities that know they are not interested in becoming a nuclear waste disposal site.**

RFI Questions:

Respondents to this RFI do not need to address every question, but DOE welcomes input in all of the following areas.

Area 1: Consent-Based Siting Process

1. How should the Department build considerations of social equity and environmental justice into a consent-based siting process?
2. What role should Tribal, State, and local governments and officials play in determining consent for a community to host a federal interim storage facility?
3. What benefits or opportunities could encourage local, State, and Tribal governments to consider engaging with the Department as it works to identify federal interim storage sites?
4. What are barriers or impediments to successful siting of federal interim storage facilities using a consent-based process and how could they be addressed?
5. How should the Department work with local communities to establish reasonable expectations and plans concerning the duration of storage at federal interim storage facilities?
6. What organizations or communities should the Department consider partnering with to develop a consent-based approach to siting?
7. What other issues, including those raised in the *Draft Consent-Based Siting Process* ([www.energy.gov/sites/prod/files/2017/01/f34/Draft Consent-Based Siting Process and Siting Considerations.pdf](http://www.energy.gov/sites/prod/files/2017/01/f34/Draft%20Consent-Based%20Siting%20Process%20and%20Siting%20Considerations.pdf)), should the Department consider in implementing a consent-based siting process?

Area 2: Removing Barriers to Meaningful Participation

1. What barriers might prevent meaningful participation in a consent-based siting process and how could those barriers be mitigated or removed?
2. What resources might be needed to ensure potentially interested communities have adequate opportunities for information sharing, expert assistance, and meaningful participation in the consent-based siting process?
3. How could the Department maximize opportunities for mutual learning and collaboration with potentially interested communities?
4. How might the Department more effectively engage with local, State, and Tribal governments on consent-based siting of federal interim storage facilities?
5. What information do communities, governments, or other stakeholders need to engage with the Department on consent-based siting of federal interim storage facilities?

Area 3: Interim Storage as Part of a Waste Management System

1. How can the Department ensure considerations of social equity and environmental justice are addressed in developing the nation's waste management system?
2. What are possible benefits or drawbacks to co-locating multiple facilities within the waste management system or co-locating waste management facilities with manufacturing facilities, research and development infrastructure, or clean energy technologies?
3. To what extent should development of an interim storage facility relate to progress on establishing a permanent repository?

4. What other issues should the Department consider in developing a waste management system?

Submission Details:

Responses to DOE's public information request on identifying a federal interim storage facility using a consent-based siting process can be submitted electronically to consentbasedsiting@hq.doe.gov. **All responses must be received by 5:00 p.m. (ET) on March 4, 2022.**

Include "RFI: Consent-Based Siting and Federal Interim Storage" in the subject line of the email. Email attachments can be provided as a Microsoft Word (.docx) file or an Adobe PDF (.pdf) file, prepared in accordance with the [detailed instructions](#) in the RFI. Documents submitted electronically should clearly indicate which topic areas and specific questions are being addressed and should be limited to no more than 45MB in size.

More information on DOE's request for information can be found at energy.gov/consentbasedsiting and found [here in the Federal Register](#).