



AMERICA'S NUCLEAR SOLUTION



# Frequently Asked Questions



## **Who is involved in the project?**

**A** Waste Control Specialists (WCS) has partnered with AREVA and NAC International, two global leaders in used nuclear fuel storage. Combined, AREVA and NAC International represent 62 percent of existing dry storage systems in the U.S., including 78 percent of used nuclear fuel stored at sites where there is no longer an operating nuclear facility.

In addition to their storage systems, WCS relies on the companies' expertise in used nuclear fuel transportation.

**AREVA** supplies high added-value products and services to support the operation of the nuclear fleet. Globally, AREVA is present throughout the entire nuclear cycle, from uranium mining to used fuel recycling, including nuclear reactor design and operating services. AREVA is recognized by utilities around the world for its expertise, its skills in cutting-edge technologies, & its dedication to the highest level of safety.

**NAC International** is an industry-leading provider of engineering, consulting and nuclear fuel management and transportation. The company offers a proven process for the design, licensing and deployment of innovative technologies to store, transport and manage nuclear materials, including high level waste and spent fuel.



## **Are you proposing to take all the used nuclear fuel in the U.S.?**

**A** No. The U.S. currently has more than 70,000 metric tons of used nuclear fuel and more is being generated every day. What we are proposing is an initial 40 year license for 40,000 metric tons to be built in eight phases. Each of the eight storage systems will be able to accommodate 5,000 metric tons of heavy metal waste for an eventual capacity of 40,000 tons.

If we are able to achieve the time table we have set out, the license will be granted after the standard three year review so that we can begin construction in 2019 and begin accepting used nuclear fuel by early 2021 in the first of the eight phases.



## **Why do taxpayers have liability for used nuclear fuel? Shouldn't ratepayers be required to pay for it?**

**A** The Department of Energy (DOE) contracted with nuclear utilities (ratepayers) to collect fees which is meant to pay for the permanent storage of the waste, and populates the Nuclear Waste Fund in the U.S. Treasury. Congress directed the DOE to begin taking title to the used nuclear fuel in 1998. DOE has failed to do so and as a result, several nuclear utilities have filed lawsuits against the U.S. government.

In 2016, the DOE Inspector General stated that \$6.1 billion in damages have been paid through 2016 and remaining liabilities will total 30.8 billion even if legislation and sufficient appropriations are enacted that will enable the DOE to begin accepting waste by 2025. These damages are paid from a source funded by all taxpayers, regardless of their source of energy.



## **Even though the Consolidated Interim Storage Facility will be located in Andrews, Texas, won't the public be at risk when the used nuclear fuel is transported across state highways to the site?**

**A** The used nuclear fuel will not be transported on highways. The origin of the journey could involve very short truck hauling to get the material to the nearest rail head but it then travels by rail and Waste Control Specialists (WCS) will be accepting it by rail. WCS already has an active rail spur that loops the property – one of the many factors that strengthens the WCS proposal.

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## **How safe is rail?**

**A** The Department of Energy, the Nuclear Regulatory Commission (NRC) and the U.S. Department of Transportation take this issue very seriously and have strict regulations for each step of the process. For example, the trains all require buffer cars. That means one empty car on either side of the cars carrying the NRC tested, steel-reinforced casks of used fuel.

The casks must pass rigorous testing by the NRC to be certified. That testing includes putting casks through impacts simulating severe transportation accidents, fully engulfed fires and immersion tests.

A train carrying used fuel has strict limits on how fast it can travel. It will only cross tunnels or other constricted crossings if the other side of the rail is shut down to train traffic—which ensures it is the only train on the tracks. There are several studies that have analyzed the history of rail accidents involving hazardous cargo. Most of those accidents involved flammable liquids and gases. It is important to note that the used nuclear fuel WCS is seeking to store is solid and not flammable.

There has never been a transportation incident involving solid used nuclear fuel in the U.S. where there was any radioactive release.



**Won't the fact that Department of Energy (DOE) contractors have some indemnification from liability under the Price-Anderson Act negatively impact the standard of care of this material by a Consolidated Interim Storage Facility (CISF)?**

**A** Even though the Department of Energy (DOE) is assuming liability for this waste, they will require the waste to be handled by their contractors in a safe, secure manner. The contractors will be required to

maintain safety, security and environmental monitoring programs as well as be responsible for other ordinary business contractual terms and conditions.

Furthermore, according to the DOE's report to Congress reviewing the 1988 amendments to the Price-Anderson Act that grant DOE authority to impose civil penalties for violations of nuclear safety requirements by indemnified contractors, subcontractors and suppliers – “this authority has proven to be a valuable tool for increasing the emphasis on nuclear safety and enhancing the accountability of DOE contractors.”

The fact that there is some indemnification of DOE contractors under Price-Anderson would not affect the standard of care required of a CISF regarding its operations handling used nuclear fuel. Any CISF would be a licensee of the NRC and all regulatory requirements would be imposed on all aspects of the operation, including security and liability. Oversight would include periodic inspections and audits conducted by regional inspectors within license conditions. All of this occurs at operating interim storage facilities across the country today.



**What legislative steps are necessary in order for this project to be realized?**

**A** Either Congress needs to approve amendments to the Nuclear Waste Policy Act (NWPA) to clarify the Department of Energy's (DOE) authority to take title to the used nuclear fuel, and authorizing the expenditure of existing monies – already funded by ratepayers – to pay for its storage; or the DOE needs to assert their authority to take such action.

In January 2016, Congressman Mike Conaway, who represents Andrews, Texas, and Congressman Darrell Issa from California filed a bill that would amend the Nuclear Waste Policy Act to allow for a consolidated interim storage facility.