



Great Lakes Legislative Caucus

July 31, 2016

Andrew Griffith
Associate Deputy Assistant Secretary for
Fuel Cycle Technologies
U.S. Department of Energy
Office of Nuclear Energy
Response to IPC
1000 Independence Avenue, SW
Washington, DC 20585

Dear Mr. Griffith:

As members of the Executive Committee of the Great Lakes Legislative Caucus (GLLC), we are writing on behalf of the Caucus as a whole to submit a formal comment on the U.S. Department of Energy's Invitation for Public Comment (IPC) to Inform the Design of a Consent-Based Siting Process for Nuclear Waste Storage and Disposal Facilities. The IPC was published in the *Federal Register* on December 23, 2015 (Vol. 80, No. 246, pp. 79872-79874). The GLLC is a nonpartisan, binational organization of over 200 state and provincial legislators from the eight states and two provinces that share the Great Lakes. Our primary purpose is to promote the protection and restoration of the Great Lakes.

At its 2015 Annual Meeting in Buffalo, the GLLC passed the attached resolution opposing the construction of a nuclear waste repository in the Great Lakes Basin. While the impetus for the resolution was the pending approval of a deep geologic repository at the Bruce Nuclear Generating Station in Ontario near the shores of Lake Huron, our resolution broadly opposes the construction of *any* nuclear waste disposal facility in the Great Lakes Basin. Indeed, the Caucus's strong desire is to better protect the Great Lakes by moving spent fuel *away* from the lakes as soon as possible, starting with the shutdown sites in Michigan, Wisconsin, and Illinois. Toward that end, we appreciate the DOE's initiative to develop a process for siting one or more new storage or disposal facilities following a consent-based approach. We wish you well in those efforts and will be monitoring developments.

Andrew Griffith, U.S. Department of Energy

July 31, 2016

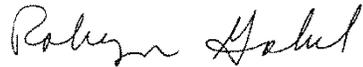
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Thank you for your attention to this matter. Please contact Lisa Janairo at the Council of State Governments if you have any questions about the Caucus's position on this matter.

Sincerely,



Representative Cory Mason, Wisconsin
Chair



Representative Robyn Gabel, Illinois



Senator Ann Rest, Minnesota



Representative Nick Milroy, Wisconsin



Senator Darwin Booher, Michigan
Vice Chair



Representative Bruce Rendon, Michigan



Representative Curt Sonney, Pennsylvania



GREAT LAKES LEGISLATIVE CAUCUS

2015 Annual Meeting of the Great Lakes Legislative Caucus

*Buffalo, New York
September 25-26, 2015*

Resolution Opposing the Construction of a Nuclear Waste Repository in the Great Lakes Basin

- WHEREAS,** Ontario Power Generation (OPG) is proposing to construct at the Bruce Nuclear Generating Station a deep geologic repository (DGR), which is an underground permanent burial facility for all of Ontario's low and intermediate level radioactive nuclear waste, some of which is highly radioactive and will remain toxic for more than 100,000 years. This site is approximately one kilometer inland from the shore of Lake Huron and about 600 meters below the lake level; and
- WHEREAS,** water is the nation's and Canada's most important natural resource and should be protected and managed prudently; and
- WHEREAS,** the Great Lakes are an irreplaceable natural resource, containing 20 percent of the world's and 95 percent of the United States' fresh water vital to human and environmental health; and
- WHEREAS,** the Great Lakes are vital to the economic and agricultural well-being of both Canada and the United States; and
- WHEREAS,** Lake Huron and the connecting waters are a source of drinking water for millions of people in the United States and Canada, including First Nations and Native Americans; and
- WHEREAS,** concern has been expressed over the proposed OPG DGR by individuals, citizen and environmental groups, and municipalities and counties in both Canada and the United States; and



WHEREAS, the Great Lakes Water Quality Agreement (GLWQA) is a binational agreement to address critical environmental health issues in the Great Lakes region with the overall purpose of restoring and maintaining the chemical, physical, and biological integrity of the Great Lakes. Article 6 of the GLWQA acknowledges the importance of anticipating, preventing, and responding to threats to the Great Lakes and recognizes that a nuclear waste facility sited close to the Great Lakes shoreline could lead to a pollution incident or could have a significant cumulative impact on the waters of the Great Lakes; and

WHEREAS, the 1909 Boundary Waters Treaty recognizes the immense importance of the Great Lakes as a shared resource between the United States and Canada. The wisdom of the Treaty drafters is reflected in the creation of the International Joint Commission (IJC), composed of three members from the United States and three members from Canada, to act as impartial watchdogs over the boundary waters between the countries. Under Article IX of the Treaty, questions or matters of difference between the countries involving their rights, obligations, or interests along their common frontier may be referred to the IJC for examination and report, upon the request of either country. Under Article X, the IJC may be asked to make a binding decision on an issue of difference between the two countries, upon the consent and referral by both the United States and Canada; and

WHEREAS, the Governments of Canada and of the United States share a responsibility and an obligation to protect the Great Lakes from contamination from various sources of pollution, including the potential leakage of radioactive material from an underground nuclear waste repository; and

WHEREAS, placing a permanent nuclear waste burial facility so close to the Great Lakes is ill-advised. The potential damage to the Great Lakes from any leak or breach of radioactivity far outweighs any suggested economic benefit that might be derived from burying nuclear waste at this site. The ecology of the Great Lakes, valuable beyond measure to the health and economic well-being of the entire region, should not be placed at risk by disposing of radioactive waste underground so close to the shoreline; and

WHEREAS, Michigan has significant experience with the concerns for siting a radioactive waste disposal facility as the state went through an exhaustive siting process over 20 years ago and concluded there was no viable location for constructing such a facility within the state; and

WHEREAS, the Michigan Legislature has recognized the inherent dangers of siting a radioactive waste storage facility near the shores of the Great Lakes. Under Public Act 204 of 1987, the final siting criteria for a radioactive waste facility containing the same types of waste as would be stored at the proposed Ontario repository includes a prohibition on siting it within 10 miles of one of the Great Lakes, the Saint Mary's River, Detroit River, St. Clair River, or Lake St. Clair; and

WHEREAS, the Michigan Senate has expressed serious concerns about the failure of the OPG DGR siting process to fully account for all potential impacts of the proposed facility by passing a legislative package urging intervention by the Great Lakes Commission, the International Joint Commission and a special legislatively created Advisory Board. SB 948, SCR 16, SCR 17, SR 150, and SR 151 all have been passed by the Michigan Legislature; now therefore be it

RESOLVED, that the Great Lake Legislative Caucus, in order to protect the Great Lakes and its tributaries, urges that neither this proposed nuclear waste repository at the Bruce Nuclear Generating Station nor any other long term or permanent underground nuclear waste repository be constructed in Canada, the United States, or on any First Nation or Native American property within the Great Lakes Basin; and be it further

RESOLVED, that the Great Lakes Legislative Caucus urges the Government of Canada and the Government of Ontario to reject and seek alternatives to Ontario Power Generation's proposal to bury radioactive waste in the Great Lakes Basin; and be it further

RESOLVED, that the Great Lake Legislative Caucus urges the President of the United States to request that the Secretary of State invoke the participation of the International Joint Commission under Article IX, Article X, or both of the Boundary Waters Treaty to evaluate the proposed underground nuclear waste repository in Ontario, Canada, and similar facilities and we urge the United States Congress to support the request;

RESOLVED, that copies of this resolution be transmitted to the President of the United States, the United States Secretary of State, the President of the United States Senate, the Speaker of the United States House of Representatives, the President and Chief Executive Officer of Ontario Power Generation, the Members of Congress from the Great Lakes states, and the governors and premiers, the legislative majority and minority leaders, and government house leaders of the Great Lakes states and provinces.

Adopted on September 26, 2015.