Question 6: Governance of the Nuclear Waste Administration – Administrator vs. Submitter’s Name/Affiliation: Kevin Kamps/Beyond Nuclear

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Should the new entity be governed by a single administrator or by a board of directors?

(a) If by a single administrator, should the administrator serve for a fixed term? If so, how long should the term of service be? Should the legislation prescribe qualifications for the administrator? If so, what should be the selection criteria?

(b) If by a board of directors, how many people should comprise the board and how should they be selected?

BEYOND NUCLEAR’S RESPONSE:

It would seem to me that the more brains the better. A board of directors is better than a single administrator.

It also seems that the more accountability, the better. Yes, the administrator’s term should be fixed. And that fixed term of service should be as short as is reasonable, in order to guarantee maximum accountability, as in congressional oversight.

Re: qualifications for the administrator, yes, these should be as open, transparent, and accountable as possible, and therefore should be prescribed in the legislation. An essential qualification should be a devotion to public service – not in the sense of “serving the public up for dinner to the nuclear establishment” – but rather devotion to protecting public health, safety, and the environment.

Re: how many people should comprise the board, the Blue Ribbon Commission (BRC) on America’s Nuclear Future had 15 members, so that seems reasonable. The problem is, there was not a single person on that panel who provided an anti-nuclear perspective, not one.

In fact, that same bias seems inherent in this proposed draft bill. In the very bill language and summaries, and certainly in the press release that accompanied their publication, statements of the need to solve the radioactive waste problem so that we can get on with expanding the nuclear power industry were to be found.

This was a fatal flaw in the BRC itself. From its very inception, statements about, and by, the BRC prioritized a nuclear power expansion as an underlying priority, at times making even solving the radioactive waste problem seem like a distant second. Energy Secretary Chu did this when he announced the formation of the BRC, as did President Obama himself. The BRC followed in hot pursuit. BRC co-chair, Gen. Brent Scowcroft, more than once described the mission of the BRC as dealing with the radioactive waste conundrum and dilemma, so that nuclear power could be expanded. This motivation is backwards.

The radioactive waste problem could well be unsolvable, or beyond human ability to solve, as Beyond Nuclear board member Dr. Judith Johnsrud, a 50+ year veteran anti-nuclear leader, has long warned. The only real solution for the radioactive waste problem is to not make it in the first place.
Thus, for the now 70,000 metric tons of commercial irradiated fuel in the U.S., and the additional 10,000+ metric tons of DOE irradiated nuclear fuel (as from the weapons complex, research reactors, etc.), as well as the countless millions of gallons of high-level radioactive waste liquids and sludges that yet need to be vitrified at several sites, there are no good answers, only bad ones. No good solutions, only lesser evils.

It is highly inappropriate and objectionable for a bill, and its sponsors, purporting to solve radioactive waste problems, to simultaneously state that a key motivation behind the bill is promotion of an expansion of nuclear power, so that yet more radioactive wastes can be generated. We face a mountain of radioactive waste 70 years high now, and we don’t even know what to do with the first cupful that Enrico Fermi generated on December 2, 1942 during the Manhattan Project. The madness must stop. The generation of high-level radioactive waste, for which we have no solution, is a curse upon all future generations, which will be left to deal with it long after we are gone. High-level radioactive waste is a crime against the future, a crime against the planet.

While I thank you for requesting public input on your discussion draft of this bill, I must hasten to add that I hope you will actually read, and take to heart, the public comments submitted. The BRC did not do so. The BRC held countless public meetings from 2010 to 2012. I testified at many of them. As did hundreds of other environmental groups’ representatives, and concerned citizens. While the BRC panel members present had to at least hear the public comments (often kept to arbitrarily short 5 minute time durations, if not less than that sometimes) during in-person sessions, it is far from clear that they listened to them. And we later learned that all of the written submissions from the public, encouraged to be submitted over and over again by the BRC, went largely to entirely ignored, even after the publication of the BRC’s final report in January 2012. Such a bad faith process accounts for why the American people, in poll after poll, show a dwindling faith and confidence in their own federal government. Nowhere do surveys reveal a lower public regard than towards the U.S. congress. So I do urge you to take public comments to heart, take them seriously, and change your draft bill accordingly. In fact, I urge you and your staff to read all the public comments to the BRC, which went unread by the BRC itself.

The BRC website is viewable online at: http://cybercemetery.unt.edu/archive/brc/20120620211605/http:/brc.gov//

Supposedly, full documentation of written and even oral submissions by the public are posted there.

But, the “Cyber Cemetery” website address is not only ironic, but telling/revealing. It took a member of the public to point out to what remained of the BRC, after the publication of its industry-biased final report, that its website was no longer accessible, was a dead link. Only after so being alerted, did BRC revive its website, at the “Cyber Cemetery” link above.

The BRC and its proceeding were entirely biased, from the start. Its final report could have been – and likely was – largely if not entirely written before the BRC first met in 2010. Two years of public comments went largely to entirely ignored. I hope this won’t happen with this discussion draft bill public comment opportunity.
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For example, at the BRC’s first public meeting, in March 2010, I implored the BRC to no longer target Native American reservations for high-level radioactive waste parking lot dumps, nor as burial dumps (the Western Shoshone Indian Nation are the rightful owners of Yucca Mountain, Nevada, by treaty right, and don’t want the waste there).

I pointed out the shameful history of such targeting. Scores of tribes have been so targeted by the U.S. Federal Government, and by the nuclear power industry directly, as documented at:

http://www.nirs.org/radwaste/scullvalley/historynativecommunitiesnuclearwaste06142005.pdf

I pointed out the irony, at that first BRC meeting, of President Obama himself commending Grace Thorpe of the Sauk and Fox Indian Reservation in Oklahoma – in his 2009 Women’s History Month Proclamation – as a defender of Mother Earth, for fending off not only the parking lot dump for radioactive waste targeted at her own community (by the DOE), but then hitting the road and helping dozens of other reservation communities fend off the same dump targeted at them. Now, here was the BRC, set up by President Obama and his Energy Secretary, Steven Chu, poised to target Native communities with such dumps, yet again.

And, despite my testimony, this is exactly what happened. The BRC’s final report includes Native American reservations as “fair game” for siting storage facilities, and perhaps even repositories.

The current draft bill here does the same.

It is a shameful history of radioactive racism.

I myself, and large numbers of others, also advocated for Hardened On-Site Storage (HOSS), as a common sense, top priority for what to do about high-level radioactive waste risks, now, at nuclear power plants. 200+ environmental groups nationwide, with at least one group in each of the 50 states, have called for HOSS since 2006, as documented in their Statement of Principles for Safeguarding Nuclear Waste at Reactors (updated in 2009-2010), posted online at:


In fact, the phrase “Hardened On-Site Storage” was coined by Dr. Arjun Makhijani of Institute for Energy and Environmental Research (IEER) in April 2002, and has been promoted by environmental watchdog groups ever since.

Our calls for HOSS have fallen on deaf ears at DOE, NRC, DHS, the White House, and Congress, for well over a decade now.

In its cynicism, BRC, in its final report, said that HOSS could be implemented, at the industry’s coveted centralized interim storage sites.
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Which of course entirely misses the point. The risks exist now, at the reactors, in the pools and 
dry casks. They need to be addressed, regardless of anything else, by implementing HOSS 
ASAP.

Even if centralized interim storage opened today (and this draft bill wants it opened by 2021), it 
would take years or decades to transport the irradiated nuclear fuel there. Thus, for years, or 
decades, after 2021, there will still be high-level radioactive waste, stored at reactor sites, waiting 
for shipment to centralized interim storage. And as long as it remains stored in on-site pools, and 
even on-site dry casks, the risks persist. HOSS should have been begun many years ago, but the 
government has allowed the industry to drag its feet, in a bid to save money. But if the worst 
happens, “penny wise and pound foolish” won’t suffice to describe the catastrophe. Alvarez et al. (including Dr. Allison Macfarlane, a BRC member and currently the chairwoman of the 
NRC) in Jan. 2003 published a report on the catastrophic potential of pool fires. NAS confirmed 
the validity of their warnings in 2005. Despite this, pools today remain as vulnerable, or more so, 
than they did before the attacks of 9/11, as well as the earthquake-tsunami-nuclear catastrophe in 
Japan that began on 3/11/11.

More recently, in his expert testimony on behalf of an environmental coalition challenging – 
successfully – the legality of NRC’s bogus “Nuclear Waste Confidence Decision” (more 
honestly described as NRC’s Nuke Waste Con Game), Dr. Gordon Thompson of the Institute for 
Resource and Security Studies (another of the authors of the Alvarez et al. pool fire risk study) 
has identified the risk of the contents of dry casks being attacked by missiles or explosives also 
going up in flames. All it would take is for the ignition temperature of the zirconium fuel 
cladding to be attained, and the fire would be exothermic at that point, spreading to the entire 
cask inventory. If attackers showed up with enough explosives or missiles, they could set the 
entire stockpile of casks on fire. That’s why HOSS calls for camouflaging of the dry casks (as 
opposed to leaving them out in plain view, as is currently done), separating them by distance 
from each other (as opposed to lining them up like bowling pins, as is currently done), as well as 
fortifying them against attack (as Germany and Switzerland have long required, as documented 
in a report by Dr. Thompson posted online at 
http://www.nirs.org/reactorwatch/security/gordongorlebenmemo41803.htm). In fact, Dr. 
Thompson, commissioned by Citizens Awareness Network of the Northeast, published a report 
Security.” The executive summary is posted online at:


The full report is posted online at:


Hopefully, any Nuclear Waste Administrator, and/or Board of Directors, and/or Oversight 
Board, will take such citizen concerns seriously, as opposed to all the missed opportunities of the 
past.
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However, the DOE’s continuing involvement, even in this current draft bill, is disconcerting. The Deputy Energy Secretary is listed as one of three Nuclear Waste Oversight Board members.

But a key finding of the BRC was that DOE had to be removed from the process, given how badly it has bungled things for the past several decades.

Yet, DOE has continued to play a central role. Ironically, the BRC was “hosted” not just at DOE, but within the Office of Nuclear Energy there, itself. The problem? DOE’s Office of Nuclear Energy is mandated with promoting nuclear power. Hence, the odd priority and motivation of the formation and behavior of the BRC itself, which seemed more concerned about promoting the expansion of nuclear energy, than in solving the radioactive waste problem.

Even after BRC’s final report, its staff members who returned to full time duty at DOE’s Office of Nuclear Energy busied themselves with pushing the BRC’s recommendations on Capitol Hill. This culminated with Energy Secretary Chu’s policy recommendations delivered to Capitol Hill, in Jan. 2013.

Now this draft bill picks up that ball, advocating ideas and priorities that come straight out of the DOE Office of Nuclear Energy. How this, and keeping DOE involved with a key posting (perhaps even the chairmanship – the President would be given that call) of the Nuclear Waste Oversight Board, comports with removing high-level radioactive waste off-site storage and disposal from DOE’s purview, is hard to understand.