I would like to take this opportunity to share some thoughts that didn’t fall under your eight questions framework.

In your draft bill (on page 3 of 58), you state that Congress designated Yucca as the national repository in 1987. That is not accurate. Congress singed out Yucca as the sole site to be further studied. Given the scientific unsuitability that was discovered during those site studies, Yucca should have been quickly disqualified from any further consideration, but politics trumped science for decades at Yucca.

You suggest at Sec. 102(A) “polluters pay” principles. But if that is your aim, you are failing that. You are violating your own supposed principle, as by, for example, excusing nuclear utilities from paying into the waste management fund after 2025 if consolidated interim storage has not yet been opened. This makes no sense, and is risking very bad and rushed decisions being made. Haste makes waste. Rush jobs lead to mistakes. This is not a good thing when it comes to high-level radioactive waste risks!

On page 6 of 58, you proposed that the Interior Secretary has to find that a proposed dump impacts a tribe. Shouldn’t the tribe determine that?

At page 23 of 58, the draft bill speaks of Guidelines. But Energy Secretary Spence Abraham gutted the Yucca Guidelines in late 2001, erasing from the books disqualifying conditions that had been in place for 17 years – because Yucca could not live up to them. These could thus be named the “get ‘er done” Guidelines. Robust qualifying and disqualifying conditions are absolutely essential in any Guidelines! As Dr. Arjun Makhijani has put it, no “double standard standards” should be allowed. That is, if a site can’t meet a robust standard, the site should be disqualified. At Yucca, when standards got in the way, they were merely removed. Such politics over science cannot be allowed ever again.

At page 28 of 58, if co-location is preferable, then centralized interim storage will likely become permanent, whether parked on the surface, or buried underground someday. Most likely, centralized interim storage will be left on the surface, and never buried. What political momentum will there be to bury it? It will now be a single congressional district’s problem.

At page 29 of 58, of course, it’s not site characterization that risks the worst impacts, but rather the actual deployment of the dump itself. Again, “compensation” can be regarded as a pay off, or bribe. As Keith Lewis of the Serpent River First Nation has
put it, “there is nothing moral about tempting a starving man with money.” The Serpent River First Nation has paid a high price for living downstream of the Elliot Lake uranium mines and mills in Ontario, Canada, as documented in the book “This Is My Homeland.”

At 34 of 58, “substantial progress” would nonetheless seem to allow centralized interim storage, no matter how far behind permanent disposal lags.

At page 37 of 58, transport of “defense wastes” from DOE site to storage facility seems to be conspicuously left out, even though storage of defense wastes at storage facilities seems to be legalized elsewhere in bill, summaries, etc. Is this an unintended oversight?

At page 38 of 58, QA requirements of NRC are mentioned. It should be pointed out that NRC’s QA oversight is in meltdown mode, at least in regards to dry cask storage and transportation containers. See the following documentation:

http://www.nirs.org/radwaste/atreactorstorage/atreactorhome.htm
(see the 2004 entries, especially the industry whistleblower – Oscar Shirani – and NRC whistleblower – Dr. Ross Landsman – revelations. Also see the very troubled history of dry cask storage in the U.S., “Get the Facts...”.)

At page 38 of 58, “public education” about radioactive waste transport is mentioned. All too often in the past, this has meant PR deception, to sedate the public in the face of the risks, to lull them to sleep. This cannot be allowed any more.

At page 42 of 58, I thought defense waste funds from here forward were going into the Nuclear Waste Administration Working Capital Fund? But here it says only into the Nuclear Waste Fund. Is this an oversight?

At page 46 of 58, the provision that there should be no more contracts signed, till there is an NRC license for a dump, is good common sense, and thus commendable. The George W. Bush DOE’s signing of new waste disposal contracts between Nov. 4, 2008 (the day the American people elected Barack Obama president) and Jan. 22, 2009 (two days after President Obama took the oath of office) was most reprehensible and scandalous. See: http://ieer.org/resource/commentary/nuclear-waste-contract-foia-results/ for more information. [Actually, since the industry has already enjoyed over a half-century of the huge subsidy afforded it by the federal government having to deal with the high-level radioactive wastes it has generated and profited from, no more contracts should be signed, period. The nuclear power industry should be forced to incorporate all costs of doing business, it if wants to build new reactors, including the cost of managing high-level radioactive wastes forevermore!]

The existence of the Price-Anderson Act, and its application to nuclear waste activities, is prima facie evidence that nuclear power and radioactive waste are so
dangerous, that no insurance company in its right mind would touch it, unless the Federal Government assumes almost all of the liability (that is, unless ultimate liability is foisted on taxpayers). This is a huge subsidy to the nuclear power industry, a moral hazard with a radiological twist. It should no longer be allowed. It incentivizes catastrophically risky activities.

At page 53-54 of 58, re: Mission Plan, in some places in the draft bill, the President would get a copy, but not so in others. Is this in error?

At page 58 of 58, Repeal of Volume Limitation is very dangerous, and should not be allowed. It will likely result in states fighting tooth and nail against becoming the nation’s sole nuclear sacrifice area.

Re: Section 403, Full Cost Recovery, they’ve never adjusted for inflation, and Yucca’s price tag has far outstripped Nuclear Waste Fund revenues. Taxpayers will be looked to to make up for the shortfall. This is unacceptable.

Some additional thoughts:

Storage sites should have as rigorous a siting process as repositories, due to the all too real risk of parking lot dumps becoming de facto permanent.

Committee’s one page summary says CIS [consolidated interim storage] can start immediately, and there are no limits on amounts of waste that can go there; also, that once there, waste can stay, even if further shipments are suspended. This is all unacceptable.

One page summary says Working Capital Fund is available to NWA Administrator with no congressional appropriations. This is very dangerous. He or she could blow through all the money in a great big hurry then. George W. Bush would have done this at Yucca, but for congressional checks and balances, on a doomed site. What a waste of money THAT would have been!

Every jurisdiction impacted should have to consent, including transport corridor communities.

I would like to bring to your attention that during the Blue Ribbon Commission two year long proceeding, more than once, group sign on letters in opposition to centralized storage were submitted, and apparently summarily ignored, despite being signed by scores of environmental groups. One of these group letters came from the very communities being held up by not only the Blue Ribbon Commission, but even your Gang of 4, as supposedly justifying accelerated “pilot” centralized interim storage for “orphaned” or “stranded” irradiated nuclear, at permanently shutdown reactors. The argument seems to be that that irradiated nuclear fuel needs to be moved away, so those sites can be freed up for restored productive use.
But those sites are still radioactively contaminated, in their soil, groundwater, surface water sediments, flora, fauna, and food chain. Take Big Rock Point in Michigan as an example, as documented in this report posted online:

http://www.nirs.org/reactorwatch/decommissioning/bigrockbackgrounder272007.pdf

Thus, NRC’s release of these sites for un-restricted re-use is not appropriate, in terms of the ongoing risks to public health, safety, and the environment. This rush to “pilot” centralized interim storage to free up such sites for un-restricted re-use not only makes no good sense, it is also dangerous, in terms of the many downsides of rushed centralized interim storage, such as I laid out in my response to your Question #2 and others, as well as the radioactive exposures people would suffer from the un-restricted re-use of these still contaminated former reactor sites.

Re: this word “consent,” at least in a sexual connotation, the opposite of “consent” would be rape. Thus, it is very disconcerting that there is so much ambiguity about what the definition of “consent” is in regards to high-level radioactive waste storage and disposal. Every community facing such risks should have the absolute right to say no. This includes not only every governmental jurisdiction directly or indirectly impacted by the proposed facility (such as from leakage, downwind, downstream, up the food chain), but also those along the targeted transportation routes.

Another troubling disconnect is any notion that communities, states, or Native American Nations would be so-called volunteering to host high-level radioactive waste storage or disposal. Volunteering connotes doing a service for no payment in return. But this draft bill proposes all kinds of incentives, inducements, compensations, etc. The explicit or implicit notion that volunteers are volunteering should be done away with.

This leads to a very troubling issue: the reprehensible targeting of low income and people of color communities, to, yet again, disproportionately “volunteer” or “consent” or “serve” as, effectively, nuclear sacrifice areas. This is environmental injustice.