The Honorable Andrew Cuomo  
Governor of New York  
State Capitol  
Albany, NY  

Re: Unprecedented shipment of High Level LIQUID radioactive waste across New York State  

Dear Governor Cuomo,  

Dozens of unnecessary shipments of LIQUID high level radioactive waste are slated to move through New York State starting as soon as this summer. We are asking you, as the highest ranking public official in NY, to prevent these needless, unprecedented, inadequately evaluated risks to the population and environment of our state. This is an urgent matter, that needs your immediate attention. Shipments could begin as early as this summer, transporting approximately 6000 gallons of liquid highly enriched uranium waste from Chalk River, Ontario, Canada to the US Department of Energy Savannah River Site in South Carolina.

The United States, under the guise of national security efforts, is planning to take back the waste from radioactive material it originally provided to Canada, where it was made more radioactive and produced this liquid waste. The waste was generated up until 2003 and has been stored in a tank on-site. Similar waste generated since 2003 has been solidified and stored on site and this could be done with the remaining liquid waste.

Several points are critical to understanding of this situation:

- The shipment of this liquid waste is purportedly to fulfill non-proliferation objectives, by repatriating US-origin weapons grade uranium (HEU = highly enriched uranium). But the HEU can be “down-blended” on-site so that it is no longer weapons usable material, whereupon it will no longer pose a proliferation risk and will not require repatriation.
- There are other alternative processes for treating/neutralizing/solidifying this waste in place, in Canada. In fact solidification via cementation has already been done for a liquid waste stream at Chalk River and it has been stored on-site.
- The shipment of liquefied high level radioactive waste is unprecedented in this country. Casks, shipping methods and regulations have not been developed to address this situation. Nor have the risks been adequately analyzed. The exact route has not yet been determined or made public.
- The high level waste contains highly enriched uranium and highly radioactive fission products such as cesium-137, plutonium, strontium-90 and long-lasting ones such as iodine-129.
• The intense radioactivity of the fission products generates heat. In addition, the potential for weapons grade uranium to lead to an uncontrolled accidental chain reaction (called a "criticality" accident) should be examined.
• A transportation accident involving a spill would pose significant and long lasting problems for clean-up.

We are asking you, as the highest ranking public official in NY to intervene with DOE to prevent these shipments. At the very least, a full Environmental Impact Statement under the National Environmental Policy Act (NEPA) must be done of this plan and the potential implications for New York communities, agencies and emergency responders who would be called upon to handle any accident. Full compliance with NEPA and public participation are needed rather than the inadequate review done by DOE.

We are asking that you utilize the expertise of multiple state agencies to evaluate this extraordinary situation and its potential for adverse impacts, including the economic costs. In the absence of adequate federal review, the state should utilize our state environmental quality review process, SEQRA. Finally, we are asking that you use your role as official spokesperson to speak out on this ill-considered plan and halt it in its tracks, using whatever means available to you, as Governor of the great State of New York.

Multiple organizations in New York ADD NUMBER are very concerned about this matter and look forward to hearing your response. We are also enclosing a list of New York and US based organizations currently signed onto the resolution. There are 66 signatory organizations currently signed on including many from Canada. (Number will be updated) We have attached more detailed information for your consideration.

Thank you for your attention.

Sincerely,

Barbara Warren
Executive Director
Citizens' Environmental Coalition

Diane D'Arrigo
Radioactive Waste Project Director
Nuclear Information and Resource Service

Kevin Kamps
Radioactive Waste Watchdog
Beyond Nuclear

Attachments: Issues for a thorough EIS
Resolution & Endorsing Organizations
DOE SRS Supplemental Analysis
Attachment -- Issues for a thorough Environmental Impact Statement

The DOE has treated this matter carelessly---acknowledging that transport of liquid waste is unprecedented and failing to consider any alternatives to importing and transporting this waste across the Eastern US. See DOE Supplemental analysis attached. NEPA requires a much more thorough analysis, that provides an opportunity for public review and comment.

We ask that the State intervene with DOE to demand investigation and analysis under the National Environmental Policy Act (NEPA) of at least these matters:

1) The relevance of existing federal regulations to transporting and importing liquid radioactive waste. The fire and heat potential from an accident involving liquid HEU (Highly Enriched Uranium) high level radioactive waste differ from those where the shipment is solidified HEU. Evaporation of water in an accident where there is elevated heat may concentrate the material and increase the chances of nuclear criticality. Similarly, the anticipated routes for these dozens of shipments may traverse many water courses and elevated highways that cross valleys at a height which exceeds the safety standards for a dropped cask onto a hard surface.

2) Insufficient examination of accident scenarios. Under adverse weather circumstances, a very serious radiological accident, different in sequence and formulation when the cargo is liquid HEU high level radioactive waste, could result. NRC approved casks are designed for solid materials. There is no evaluation of the potential for total loss of contents from a shipping container if there is perforation which causes liquid HEU leakage. Again, breaching of a transport cask has entirely different implications for the escape of dangerous material when the radiation is in solidified matter.

3) Failure to evaluate alternatives, such as solidification prior to shipment, or permanent disposal in Canada, seems to be prompted by economics. Some hypothesize that the $60 million payment from Canada will enable SRS' aging nuclear processing facility to stay open for business longer. Thus concerns of environmental and public health effects all along the transport route appear subordinate to the goal of economically propping up a declining federal activity.

4) DOE relied on the capabilities of existing casks, which were not designed in contemplation of liquid HEU high level radioactive waste contents.

5 Analysis of potential terrorist acts and their impacts.

6) Analysis of the adequacy of provisions for storage of the liquid HEU high level radioactive waste until there is sufficient delivery to economically justify its downblending and recomposition at H-canyon. There further is the possibility of long-term storage of unprocessed liquid waste, if the economics of the plan subsequently prove to be grossly underestimated.

7) Lack of investigation and analysis of accidents involving storage or handling of
containers holding the HEU high level radioactive waste at the Savannah River Site, including loss of the total volume of a container at SRS in scenarios of slow and undiscovered leakage as well as more rapid, visible leakage.

8) Lack of details about processing of the waste in the H-Canyon, and assessment of possible accidents. There has not been disclosure of the adequacy of present conditions at H-Canyon and necessary upgrades that are required as a prerequisite to processing the liquid HEU high level radioactive waste.

10) There is neither disclosure of accident scenarios, nor analysis of remediation steps that would be required in the event of accidents in storage or processing at SRS.

11) There is no analysis of risks of radiation exposure from the transport casks along the delivery route to drivers, other workers and the public.

12) There is no investigation nor analysis of the effects of introducing new waste streams into the SRS tank waste system and other disposal systems.

13) Since part of the liquid HEU high level radioactive waste is to be downblended into low-enriched uranium (LEU) for reactor fuel, no inquiry has been undertaken of the effects of transport and usage of that new fuel source in commercial Tennessee Valley Authority reactors where it is slated for fissioning.

14) There has not been any overall economic audit undertaken to fix the total cost to U.S. DOE of the program, the return of any portion of the waste to Canada for permanent disposal, nor establishment of shared liability arrangements in the event of accident or injury to workers or the general public.