



Beyond Nuclear

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Letter for the Record, by Kevin Kamps, Beyond Nuclear

Re: Energy & Commerce Committee/Environment & Climate Change Subcommittee, "Hearing on Cleaning Up Communities: Ensuring Safe Storage and Disposal of Spent Nuclear Fuel"

Dear Chairman Pallone, Ranking Member Walden, Chairman Tonko, and Ranking Member Shimkus,

Please accept this letter for the record. My name is Kevin Kamps. I serve as Radioactive Waste Specialist at Beyond Nuclear based in Takoma Park, MD. We object to H.R. 2699, the "Nuclear Waste Policy Amendments Act of 2019," just as we objected to last session's similar to identical H.R. 3053. These dangerously bad bills advocate for the scientifically unsuitable Yucca Mountain dump, which is neither consent-based, nor environmentally just – nor even legal, given Western Shoshone Indian title to land and water, per the "peace and friendship" 1863 Treaty of Ruby Valley, signed by the U.S. government, the highest law of the land, equal in stature to the U.S. Constitution itself. In opposing the Yucca dump, we join with well over a thousand environmental and environmental justice organizations which have expressed similar opposition to the Yucca dump over the past 32 years, ever since the "Screw Nevada" bill of 1987.

We also oppose the "Spent Fuel Prioritization Act of 2019," H.R. 2995. Why would a relatively recently shut down nuclear power plant, like San Onofre in California, and even still operating atomic reactors, as at Diablo Canyon nuclear power plant in California, get to cut in line, in regards to high-level radioactive waste export shipments? Big Rock Point in Michigan, for example, has been shut down since 1997. Yankee Rowe in Massachusetts shut down in 1992. There are a dozen or two reactors in this country that shut down prior to San Onofre Units 2 and 3 in 2013. What ever happened to oldest fuel first?! California reactors should not be allowed to cut in line. They are not the only ones in the country at risk of earthquakes, tsunamis, rising seas, and other disaster risks.

As the environmental movement has called for since 2002, Hardened On-Site Storage (HOSS) of high-level radioactive waste should be implemented. If not on-site, then as near to the site of generation as is safely possible. For example, San Onofre's high-level radioactive wastes could be moved a few miles east, deeper into the heart of Camp Pendleton Marine Corps Base. This

would remove the wastes from the earthquake fault line area, from the tsunami zone, away from rising seas – with the added bonus of thousands of U.S. Marines to help guard them. This, rather than ship San Onofre’s waste a thousand miles to the east, to New Mexico and/or Texas, for “interim storage,” from where they would someday (or some decade, or some century) have to be moved yet again – to where we know not – instantly doubling transport risks, for no good reason.

We also oppose the “STORE Nuclear Fuel Act of 2019,” H.R. 3136. This bill would make legal the U.S. Department of Energy (DOE) taking title (ownership) of commercial irradiated nuclear fuel at a privately owned consolidated interim storage facility (CISF), such as those currently targeted at New Mexico by Holtec International/Eddy-Lea Energy Alliance, and at Texas by Waste Control Specialists/Interim Storage Partners. Besides the environmental injustice, or radioactive racism, inherent in targeting a majority Hispanic region with the deadliest radioactive wastes in the U.S., there is also the pollution burden already borne by these communities, due to already present, intensive nuclear and fossil fuel industrial activities.

But in addition, as New Mexico Governor Michele Lujan Grisham wrote in a letter to Energy Secretary Perry, and Nuclear Regulatory Commission Chairman Sviniki, just last week, the lack of a permanent repository means that “consolidated interim” risks becoming *de facto* permanent, surface storage. The U.S. Department of Energy itself warned in its Feb. 2002 Final Environmental Impact Statement for the Yucca Mountain dump, that high-level radioactive waste abandoned at the surface of the land, given loss of institutional control, and inevitable degradation and failure of containers over long enough time periods, would result in catastrophic releases of hazardous radioactivity to the environment. This could happen on-site at reactors, but it could also happen away-from-reactor, as at CISFs in New Mexico and/or Texas. Due to such risks, the governor of New Mexico has communicated clearly to decision makers that her state does not consent to taking on such risks. Secretary Perry’s statement in response to a question from U.S. Rep. Mike Simpson, at a House Budget Committee hearing in late March, that “interim” becoming permanent in west Texas would be fine by him, and by west Texans, shows that Secretary Perry is not even familiar with his own department’s warnings about the high risks of containers failing in the future, causing catastrophic radioactivity releases downwind, downstream, up the food chain, and down the generations.

The common theme of all these bills, that would rush open a permanent repository at Yucca Mountain, and/or CISFs in New Mexico and/or Texas, is the transport risks.

Our country needs to avoid radioactive waste wrecks, both figurative – of policy – as well as literal, on our roads, rails, and waterways. We need to just say no to unwise irradiated nuclear fuel transport, storage, and disposal schemes, that have more to do with offloading nuclear utilities’ liabilities onto the public, than on protecting health, safety, and the environment. Transporting high-level radioactive waste by truck, train, and barge, through 44 states and the District of Columbia, to the unsuitable Yucca Mountain, Nevada site would take unnecessary risks, and violate consent-based and environmental justice principles.

Yucca is the worst site ever studied for high-level radioactive waste disposal. It has been kept alive by “double standard standards”: when Yucca can’t meet the standards, they are either weakened or gotten rid of. Yucca is an earthquake and volcanic zone. If radioactive waste is ever buried there, it will leak massively into the groundwater, creating a large nuclear sacrifice zone downstream. Nevada has not consented to being railroaded into becoming this country’s radioactive waste dump. The Western Shoshone Indian Nation, who live downstream, have accused federal officials of environmental racism, and even genocide, from both nuclear weapons testing on their land, as well as proposals for high-level radioactive waste dumping.

Consolidated interim storage also makes no sense. Take Private Fuel Storage, targeted at the Skull Valley Goshutes Indian Reservation in Utah. If that *de facto* permanent surface “parking lot dump” had opened, and imported 4,000 Holtec casks of high-level radioactive waste, they would have been “returned to sender” when Yucca was wisely cancelled by the Obama administration in 2010. More than 50 casks from Maine Yankee would have travelled 5,000 miles round-trip, through a dozen states, for nothing. If private, consolidated interim storage is such a good idea, why then was the PFS license – rubber-stamped by NRC – never utilized? This clearly shows that Holtec, as well as WCS, are depending on DOE to pay all the bills for interim storage in NM and/or TX – which happens to be illegal, under the Nuclear Waste Policy Act of 1982, as Amended.

High-level radioactive waste shipments are potential Mobile Chernobyls. Risks include long-lasting, high-temperature fires, as the National Academies of Science acknowledged in 2006, which could breach shipping containers and release disastrous amounts of hazardous radioactivity in heavily populated areas. Barge shipments – on the Great Lakes, CA’s Pacific coast, the waters of NJ, NY, and CT, and numerous other rivers, and sea coasts (including, shockingly, from Indian Point, down the Hudson, past Manhattan!) – are potential Floating Fukushimas, risking radioactive contamination of vital drinking water supplies and the food chain, and even deadly nuclear criticality accidents if submerged.

A quality assurance meltdown in industry and at NRC, revealed by whistleblowers and accidents, adds to the risks of shipments, calling into question – as but one example -- Holtec casks’ structural integrity sitting still, let alone travelling 60mph or faster on the rails. NAS also emphasized that risks of terrorist attack on shipments need to be addressed. A 1998 test of a TOW anti-tank missile on a high-level radioactive waste shipping container conducted at the U.S. Army’s Aberdeen Proving Ground showed that casks are potential dirty bombs on wheels. Combined with an incendiary, such breaches could cause a large-scale radioactivity release.

Incredibly, DOE has thrown caution to the wind, conducting unprecedented LIQUID high-level radioactive waste truck shipments from Chalk River, Ontario, to Savannah River Site, South Carolina, beginning in spring 2017, with little to no Environmental Assessment. DOE has also, more recently, secretly shipped ultra-hazardous weapons-grade plutonium from South Carolina, to Nevada, while in bad faith pretending to be litigating the matter in federal court, in the face of Nevada’s non-consent. DOE is out of control, and cannot be trusted to undertake

radioactive waste burial at Yucca Mountain, nor even serve as the primary or sole customer for high-level radioactive waste storage at CISFs in New Mexico and/or Texas (an activity barred by the Nuclear Waste Policy Act of 1982, as Amended).

Holtec is also not to be trusted. It was recently revealed by WNYC and ProPublica that Holtec lied on a tax break application form in New Jersey, regarding a ban on its doing business with the Tennessee Valley Authority in the aftermath of a bribery scandal. This has resulted in a grand jury investigation in New Jersey, as well as a hold put on Holtec's \$260 million tax break.

Waste Control Specialists also cannot be trusted. Just last week, WCS lobbyists, and its allies in the Texas State Legislature, attached a rider to a domestic violence bill, in an effort to stop paying a 5% commission from revenues on low-level radioactive waste disposal in Texas, to the state government. Texas Governor Abbott vetoed the entire bill over the matter, a blow to domestic violence prevention and recovery services, due to WCS's reckless greed.

Thus, we urge opposition to H R. 2699, the "Nuclear Waste Policy Amendments Act of 2019", H.R. 2995, the "Spent Prioritization Act of 2019", and H.R. 3136, the "STORE Nuclear Fuel Act of 2019." Thank you for considering our views.

Sincerely,

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The mission of Beyond Nuclear is to educate and activate the public about the connections between nuclear power and nuclear weapons and the need to abolish both to safeguard our future. Beyond Nuclear advocates for an energy future that is sustainable, benign and democratic. The Beyond Nuclear team works with diverse partners and allies to provide the public, government officials, and the media with the critical information necessary to move humanity toward a world beyond nuclear. Beyond Nuclear is a 501(c)(3) nonprofit organization