

ILLINOIS ATTORNEY GENERAL LISA MADIGAN

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Contact: Cara Smith  
312-814-3118  
csmith@atg.state.il.us  
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**MADIGAN AND NINE STATES CALL ON CONGRESS TO REJECT NUCLEAR  
WASTE STORAGE LEGISLATION**

***PROPOSED LEGISLATION WOULD ALLOW FEDERAL GOVERNMENT TO  
UNILATERALLY DESIGNATE NUCLEAR WASTE DUMP IN ILLINOIS***

Chicago – Attorney General Lisa Madigan, joined by nine other state Attorneys General, today called on Congress to reject legislation that would enable the federal government to designate nuclear waste storage facilities in all states with nuclear power plants, notwithstanding governors’ objections or state and local zoning and environmental laws.

In a letter initiated by Madigan and signed by the attorneys general of California, Connecticut, Maine, Minnesota, New Hampshire, New Jersey, New York, Vermont, and Wisconsin, the states strongly object to provisions in HR 5427, the fiscal year 2007 Land and Water Appropriations bill, requiring the United States Department of Energy to either designate an interim nuclear waste storage facility in every state with a nuclear reactor, or to site regional facilities to receive waste from surrounding states.

The letter is directed to Senator Pete Domenici of New Mexico and Senator Harry Reid of Nevada, the primary authors of the provision. The Senate Appropriations Committee has passed the bill and the full Senate is expected to consider it this fall.

The states’ primary concern expressed in the letter is that the legislation would allow DOE to site a nuclear waste facility on any piece of federal land or private land made available by a “willing seller,” with limited exceptions, regardless of whether the governor objected to the siting or other law precluded it. It states, “DOE is being given the authority to ignore not only governors’ recommendations and objections concerning the siting of a state or regional facility, but potentially any siting criteria and permitting restrictions that state and local governments would otherwise apply.” Because the legislation is silent regarding state and local law, the letter observes, it could well be interpreted to allow DOE to override zoning laws, environmental laws (such as state endangered species or wetlands programs), or environmental justice siting provisions that might otherwise preclude use of the land as a radioactive waste facility.

“We all agree that something has to be done to dispose of nuclear waste safely,” Madigan said. “But the last thing Illinois needs is a hasty plan to pick it all up and ship it to some completely unsuitable location, without regard to state or local laws.”

The states also expressed concern that the fast timetable for implementation of the proposal – facilities would be fully licensed within 3 and a half years – does not provide adequate time to evaluate safety and environmental issues. They also cited a February, 2006 National Academy of Sciences report concluding that numerous safety issues regarding transportation of nuclear waste need to be resolved before large-scale shipments of such waste are undertaken.

The states further complained that the legislation improperly limits the scope of the required environmental impact statement (EIS) for the facilities. The legislation would not allow the EIS to consider any environmental consequences of the facilities more than 25 years in the future, despite the fact that radioactive waste can remain toxic for tens of thousands of years, and there is no guarantee that a permanent repository for it will be available in 25 years.

Nuclear waste is currently stored at nuclear reactor sites. Congress has authorized DOE to pursue construction of a long-term repository for nuclear waste at the Yucca Mountain site in Nevada, but the expected completion date for the repository has repeatedly been pushed back, and its storage capacity would be limited.