

Comment from Groups to the Senate Energy Committee on Discussion Draft of Nuclear Waste Administration Act of 2013

May 24, 2013: Many organizations signing here have made additional comments to the Committee on this matter; we submit these comments as one voice to emphasize these points.

Comments:

The first objective of any strategy to manage our country's stockpile of nuclear waste must be safe and secure storage and minimizing the number of times radioactive waste is handled and transported. The proposal to move nuclear waste to one or more consolidated waste storage facilities does not meet this objective. In addition the proposal does not address broader storage and disposal issues. Adopting a plan to move waste around the country without linkage to permanent disposal would be inequitable.

We oppose the inclusion of consolidated "interim" waste storage in the Nuclear Waste Administration Act of 2013.

Transportation risks and hazards are compounded

Consolidation would multiply the distances high-level waste is shipped, and escalate the risks of public and worker exposure and severe accidents (accident rate is directly tied to shipment miles). It would also further stress and potentially damage irradiated nuclear fuel, making future handling, transport, and long term isolation from the environment much more difficult.

Multiple transportation campaigns are more complex than some reports make them out to be:

- the National Academy of Sciences report "Going the Distance," often cited for concluding that transport is "safe," expressly stated that security concerns were significant, but this was not included in the report nor its conclusion;
- many conclusions are based on transport of other nuclear materials, such as nuclear warheads, "low-level" waste and uranium fuel that has not been used in a reactor; none of these materials are comparable in size, thermal mass, ambient gamma dose or attractiveness to would-be terrorists;
- to date, containers for irradiated fuel have never been physically tested--particularly those currently in use at reactor sites--for accident conditions;

- even routine transport will result in ionizing radiation exposure to the general population; the current regulations do not reflect many new findings about radiation impact that underscore, once again, that such exposure must be minimized, not multiplied for corporate convenience.

Transfer of backlog waste to dry containers at the site where it was generated, and storage for the "interim" period at that site, will reduce two enormous risk factors: over-full fuel pools and unnecessary transport of the waste. Security and safety at the existing sites would be greatly increased by the hardening of the dry storage containers. Hardened On-site Storage or HOSS is a set of principles developed by communities currently impacted by on-site waste storage and are posted in complete form here: <http://www.nirs.org/radwaste/policy/hossprinciples3232010.pdf>

Does not resolve existing vulnerability of nuclear waste storage

Our groups agree that reducing the inventory of irradiated fuel stored in liquid pools at reactor sites must be a top priority. Mandating consolidated storage does not ensure a prompt removal of waste from pools at all sites. If reactor owners are allowed to await the formation of a new federal agency, the production of new containers on a federal schedule, and the arrival of their turn in the traditional waste "queue" or some other new sequence, it could be decades before some older waste is removed from fuel pools.

A bill which mandates hardened dry storage of all waste approved by the regulator for dry storage would accomplish the goal of rapidly reducing fuel pool inventories. In our view, the failure of the U.S. Nuclear Regulatory Commission (NRC) to mandate hardened on-site dry storage at reactor sites expressly on the basis of its own assessment of harmⁱ that would result from a fuel pool accident or attack should have been corrected through Congressional action long ago; the Fukushima Daiichi events merely underscore this.ⁱⁱ

Consolidated storage sites could become de facto permanent

The primary purpose of moving the waste to a temporary site is to satisfy the grave legislative blunder ratified by the Nuclear Waste Policy Act of 1982: that the federal government not only would take possession of commercial nuclear waste, but that it would begin accepting waste for disposal in 1998.

Because the federal government is 15 years late taking ownership of the waste, it is pushing a strategy that prioritizes the resolution of financial liabilities rather than ensuring safety and security. Moving irradiated nuclear fuel and other high level wastes to a consolidated site could de-incentivize and adversely impact progress of the nation's efforts toward a viable permanent solution. The draft legislation's

overtures toward decoupling the relationship between storage and permanent disposal further exacerbate this issue.

Our view is simple: there must be no transportation of spent nuclear fuel or high level waste until it is heading to a permanent site. The discussion of consolidated storage without the linkage provided in the existing Nuclear Waste Policy Act is not credible as "temporary" and the provisions offered by the Committee do not rise to the level of that term.

Does not reduce the number of contaminated sites

True consolidation of waste is not possible as long as nuclear utilities continue to generate waste. As long as nuclear power plants continue to operate, nuclear waste will be at reactors, as the waste must be cooled in pools on-site at least five years before being moved to either on-site dry storage or an off-site storage facility. This fact, combined with the decades it would take to establish any new site, and decades to ship the existing backlog of waste is a key reason that dry storage on-site should be put in HOSS (hardened on-site storage) now, no matter what.

In fact, the 1996 report by the Nuclear Waste Technical Review Board entitled "Disposal and Storage of Spent Nuclear Fuel -- Finding the Right Balance" stated that the most geographically equitable approach to storage is to leave the spent fuel at reactors near the communities that have benefited from the power generated.

Consolidating the storage of irradiated fuel is integral to reprocessing

Consolidation would increase the probability of reprocessing, resulting in massive separation of plutonium with no way to ensure that it would not be diverted, officially or unofficially, for use in weapons of mass destruction. Our groups strongly oppose reprocessing. It is expensive and polluting, and weakens the global non-proliferation regime. It is not a viable waste management strategy, as reflected in the Blue Ribbon Commission report, because it does not significantly reduce the radioactivity of the waste that must be stored in a repository. In fact, there has been no resolution for the millions of gallons of toxic waste generated by spent fuel reprocessed in the United States decades ago.

Does not honor the "polluter pay" principles established in the Nuclear Waste Policy Act of 1982

Exemption of waste generators from continued financial participation in responsibility for any waste generated prior to its emplacement in a bona fide location for permanent isolation from our environment is a striking change from the existing statute and should be addressed directly in this legislation. There are a number of options and our groups would, in general, support a funding equation that mandates transfer from pools to hardened on-site storage rapidly. However, there remains an

issue as to whether and to what extent waste generators should have a financial role in expediting a safer waste management regime.

Sincerely,

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ⁱ See NUREG-1738, *Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants 2001*, and also analysis done by NRC staff and published in the *Federal Register* as a proposed rulemaking on October 30, 1997; FRVol62#210, pages 58690-58694.

ⁱⁱ Robert Alvarez, May 2011. *Spent Fuel Pools in the US: Reducing the Deadly Risks of Storage*. Institute for Policy Studies, report can be downloaded here: [http://www.ips-dc.org/reports/spent nuclear fuel pools in the us reducing the deadly risks of storage](http://www.ips-dc.org/reports/spent_nuclear_fuel_pools_in_the_us_reducing_the_deadly_risks_of_storage)