

## Shimkus H.R. 3053 Nuclear Waste Policy Amendments Act of 2017

- **Preempts State and local water and air rights, federal water rights, and other rights.**
- **Eliminates safety requirements critical for preventing radioactive leaks.**
- **Eliminates requirement for a permanent repository before contracting for consolidated interim storage (CIS) facilities (now referred to as monitored retrievable storage (MRS)).**
- **Pays millions of dollars annually from the Nuclear Waste Fund for both permanent and interim waste facilities, even if no waste is ever stored.**
- **Eliminates requirements for monitored retrievable fuel storage in spite of calling it monitored retrievable storage and MRS agreements.**
- **Eliminates environmental impact requirements.**
- **Allows MRS facilities to store and transport existing thin-wall (mostly ½” thick) waste storage canisters that cannot be inspected, maintained, repaired, or monitored to *prevent* leaks. Thick-wall casks (10” to 19-¾ thick) do not have these limitations. Most U.S. canisters are thin-wall (NAC Magnastor, Areva-TN NUHOMS and Holtec Hi-STORM).**
- **Allows MRS facilities with no adequate plan to replace leaking canisters.**



37 fuel assembly thin-wall canister

### Partial list of reasons elected officials should oppose H.R. 3053 NWPA amendment

1. Preempts State and local water and air rights, federal water rights, and other rights.
2. Eliminates State and local oversight of facilities.
3. Eliminates requirements for site specific Environmental Impact Reports.
4. Eliminates safety requirements for monitored retrievable fuel storage to prevent radioactive leaks (by exempting DOE MRS [CIS] agreements from the monitored retrievable fuel storage safety requirements and numerous other requirements in the current NWPA).
5. Eliminates authorizations currently required by Congress and other checks and balances.
6. Eliminates requirement to prioritize safety and environmental protections over cost and speed.
7. Eliminates requirements to minimize transport risks before site selection (e.g., infrastructure, liability, health, accident consequences and response, minimize transport, fuel/cask integrity).
8. Eliminates requirements for adequate plan and evidence for funding, transport, legal, technical and environmental issue before paying millions of dollars annually from the Nuclear Waste Fund for both permanent and MRS facilities and benefits agreements. One-time fee collected from utilities for MRS eliminates their financial liability. Permanent repository Nuclear Waste Fund used for MRS, but no additional MRS funding source provided.
9. Eliminates requirement for a permanent repository before allowing MRS facilities. Mandates the NRC in 1 year (with a maximum 6 month extension) make a decision on a permanent repository. Reduces criteria for such a decision. Regardless of the decision, authorizes MRS agreements and facilities once the decision is made or the maximum 18 month deadline has passed. This makes it more likely the MRS facilities will become permanent.
10. Eliminates requirements for feasibility study, alternative analysis, and technical and congressional reviews, allowing the DOE to approve expedited MRS agreements with little or no oversight or requirements. Still requires NRC technical approval of sites, but the NRC review is inadequate and does not address all issues, e.g., cost, site selection, transport route issues.

Shimkus H.R. 3053 Nuclear Waste Policy Amendments Act of 2017, June 23, 2017

<http://docs.house.gov/meetings/IF/IF00/20170628/106210/BILLS-1153053ih.pdf>

U.S. Nuclear Waste Policy Act of 1982 (NWPA)

<https://www.epw.senate.gov/nwpa82.pdf>

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