

June 27, 2017

The Honorable John Shimkus
Chairman
Subcommittee on the Environment
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Paul D. Tonko
Ranking Member
Subcommittee on the Environment
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Re: H. R. 3053 the “Nuclear Waste Policy Amendments Act of 2017”

Dear Chairman Shimkus and Ranking Member Tonko:

We write in opposition to H. R. 3053, the “Nuclear Waste Policy Amendments Act of 2017” (115th Congress, 1st Session). This bill will, in its current state, put our nation’s nuclear waste storage policy on the wrong track yet again. It ignores environmental concerns, states’ rights and consent to host the waste in the first instance, and attempts to truncate public review in order to force a “solution” – either Yucca Mountain or a new consolidated interim storage site – that have both proven to be unworkable. Rather than blindly charge forward at the cost of public safety and public resources, we urge Congress to reject this bill and start the important and necessary work on a comprehensive set of hearings to commence building a publicly accepted, consent based repository program.

The bill you will vote on retains all the flaws contained in an earlier draft. Some of these harms include unwise efforts to recommence the licensing process for proposed repository at Nevada’s Yucca Mountain. This is a project certain to fail the NRC’s licensing process due to the geology and hydrology of the site that make it unsuitable for isolating spent nuclear fuel for the required time. Next, the draft legislation suggests going forward with a consolidated storage proposal before working out the details of a comprehensive legislative path to solve the nuclear waste problem, entirely severing the link between storage and disposal, and thus creating, an overwhelming risk that an interim storage site will determine or function as de facto final resting place for nuclear waste. The draft provides no safety, environmental or public acceptance criteria, only speed of siting and expense. This is precisely the formula that produced the failure of the Yucca Mountain process and made it, as the previous administration noted, “unworkable.”

Other provisions fail to respect Nevada’s water rights and conflict with the well-established and necessary requirements of the National Environmental Policy Act, 42 U.S.C. §4321, *et seq.* Doing so exacerbates the public interest community’s (and that of Nevada) objection of the last two decades – that the process of developing, licensing, and setting environmental and oversight standards for the proposed repository has been, and continues to be, rigged or weakened to ensure that the site

can be licensed, rather than provide for safety over the length of time that the waste remains dangerous to public health and the environment.

And of the three amendments previously offered by the minority, currently withdrawn and potentially being negotiated behind closed doors, only the respecting of Nevada's control over its water rights offered by Representative Cardenas would positively affect an otherwise misguided bill. The amendment from Representative Peters to sever the remaining link between storage and disposal is highly objectionable and runs precisely counter to former Senator Jeff Bingaman's wise admonition that "interim storage can play an important role in a comprehensive waste management program, but only as an integral part of the repository program and not as an alternative to, or de facto substitute for, permanent disposal." And the amendment from Representative Matsui sets us on path to go forward in the next few years with a consolidated storage proposal before working out the details of a comprehensive legislative path to solve the nuclear waste problem and, frankly, creates an overwhelming risk that an interim storage site in New Mexico, Utah, or even Texas (although the Texas site just requested that its license application be held in abeyance) will be the de facto final resting place for nuclear waste.

This will not work. It is likely those states will, in some form or another, resist being selected as the dumping ground for the nation's nuclear waste without a meaningful consent based process and regulatory authority that garners both public acceptance and a scientifically defensible solution. Further, and also just as damning, it sets up yet another attempt to ship the waste to Yucca Mountain irrespective of its certain likelihood of failing the regulatory process, or seek to revive the licensed Private Fuel Storage site that has been strongly opposed in Utah or even open up New Mexico's Waste Isolation Pilot Plant (WIPP) facility for spent nuclear fuel disposal despite strong opposition and contrary to 25 years of federal law. The latter site also was designed and intended for nuclear waste with trace levels of plutonium, not spent fuel (and we note, a site that has already seen an accident dispersing plutonium throughout the underground and into the environment, contaminating 22 workers, and thus the site was functionally inoperable for years). All of this runs precisely counter to the core admonition of the previous administration's [Blue Ribbon Commission for America's Future](#) ("BRC") that "consent" come first.

The waste will not be going anywhere for years and it should be incumbent on Congress to fix problems in a meaningful fashion, not attempt an expedient solution that is destined to fail, again.

Our concerns, many of which were detailed above or in earlier letters, remain. We would be pleased to work with any and every member of the committee on a feasible, constructive path forward, but this draft legislation would put the nation's nuclear waste storage policy on the wrong track yet again and we urge you to reject it. Thank you for your consideration of our views.

Sincerely,

Alliance for Environmental Strategies
Alliance to Halt Fermi 3
Beyond Nuclear
Cape Downwinders
Chesapeake Physicians for Social Responsibility
Citizen Power
Citizens Awareness Network
Citizens' Environmental Coalition
Citizens' Resistance at Fermi 2 (CRAFT)
Concerned Citizens for Nuclear Safety
CT Coalition Against Millstone
Don't Waste Michigan
Ecological Options Network (EON)
Energía Mía
Friends of the Earth
Georgia Women's Action for New Directions (Georgia WAND)
Hudson River Sloop Clearwater
League of Conservation Voters
Michigan Safe Energy Future, Kalamazoo MI Chapter
Michigan Safe Energy Future, Shoreline Chapter
Missouri Coalition for the Environment
Multicultural Alliance for a Safe Environment
Natural Resources Defense Council
Nevada Nuclear Waste Task Force
North American Water Office
Nuclear Energy Information Service
Nuclear Information and Resource Service
Nuclear Watch New Mexico
Nukefree.org
Nukewatch
On Behalf of Planet Earth
Physicians for Social Responsibility
Physicians for Social Responsibility – Kansas City
Physicians for Social Responsibility – Los Angeles
Portsmouth/Piketon Residents for Environmental Safety and Security (PRESS)
Public Citizen
Rocky Mountain Peace and Justice Center
San Luis Obispo Mothers for Peace
San Onofre Safety
Sierra Club
Snake River Alliance
Southern Alliance for Clean Energy
Southwest Research and Information Center

Stand Up/Save Lives Campaign

Sustainable Energy & Economic Development (SEED) Coalition

Task Force on Nuclear Power, Oregon and Washington Physicians for Social
Responsibility

The Peace Farm

Toledo Coalition for Safe Energy

Vermont Citizens Action Network