

Citizens' Oversight Projects (COPs)

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CITIZENS' OVERSIGHT PROJECTS
CitizensOversight.org

RECOMMENDED ACTION ON
HR-3053 "Nuclear Waste Policy Amendments Act of 2017" (Shimkus)

OUR RECOMMENDATION: **OPPOSE UNLESS AMENDED.**

Dear Rep. Susan Davis:

I am pleased to have this opportunity to provide this input on HR-3053.

I recommend to vote against this bill in its current form, and I have some recommended changes which I then would support the bill.

The show stoppers in this bill:

1. This bill allows DOE to proceed with development of Yucca Mountain (YM), even before they decide IF it will go forward. That includes possibly building a rail line to the site. Strange that they would move forward given that the DOE may disapprove it. This I believe is a fatal flaw.
2. Monitored Retrievable Storage (MRS) facilities can't be used until the official decision on YM is made, or it is "imminent."
3. Only one non-Federal licensed MRS facility is allowed to start to be developed, rather than perhaps half a dozen, but can't be used until YM decision is made.
4. Spent fuel from closed plants will have priority at the one licensed facility (that is good) but it does not go far enough. Only spent fuel from closed plants (or any plants that have announced closure) should be moved to an MRS facility (which should be HELMS compliant – see below).
5. MRS facilities not funded by the Nuclear Waste Fund (NWF), but they should be.

In my view as an engineer who has studied this subject area intensely is that we will NOT be able to use YM for many decades even if it is approved, because the spent fuel canisters are far too hot to emplace for about 150 years. So we should DEFER the decision on YM for quite some time, but proceed on MRS.

I suggest that the bill could be closer to what we need as follows:

1. Multiple MRS facilities (HELMS complaint) should be allowed to be developed PRIOR TO any final decision on YM.
2. Repository (YM) decision should be deferred. The plan should be reviewed to harmonize it with current practice. Should use the same canisters as used in MRS facilities, and should also be HELMS compliant in the underground facility) and extend the timeline for use by about 100 years so the nuclear waste can first cool on the surface (In HELMS compliant facilities). Other options to YM should be included in any final decision.
3. NWF funding should restart immediately, do not wait until YM decision.
4. Licensed or Federally operated MRS Facilities (HELMS compliant) should be funded by NWF.

5. Use of MRS facilities should be limited to spent fuel from closed plants or plants that have announced closure. Moving spent fuel to another surface facility makes no sense until the plant is closed or is scheduled to be closed.
6. Benefit payments should be based on the amount of heavy metals stored and be more generous.

Good parts of this bill

1. NWF funding is restarted (but should be restarted immediately, not wait until YM is approved).
2. Ocean dumping is banned.
3. MRS facilities are allowed in Nevada under same terms as other states.
4. DOE will ask for RFPs for MRS sites. This may be the only way to get this done since the DOE can't do it.

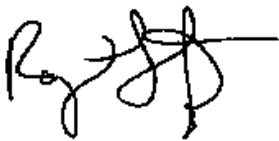
HELMS means **H**ardened, **E**xtended-life, **L**ocal, **M**onitored, **S**urface storage, and is a set of criteria which any MRS facility should be compliant. We suggest using Dual-Wall Canisters so the current existing canisters can be easily upgraded and these canisters can be more easily monitored for any containment boundary breach (such as by through-wall cracks). HELMS promotes 1,000 year design life instead of 40 years.

HELMS has been formally proposed to the NRC and supports the notion that MRS facilities should remain safe for the foreseeable future.

More about HELMS can be found here: <http://copswiki.org/Common/HelmsProposal>

I have included with this letter my comprehensive review of the HR-3053 bill and related comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ray Lutz', with a long horizontal stroke extending to the right.

Raymond Lutz
National Coordinator, Citizens' Oversight Projects