

Public comments to BRC
October 31, 2011

To Whom It May Concern at the BRC,

Choosing October 31st – Halloween – as your final day for public comments is most appropriate. Our experience with BRC over the past nearly two years has been quite scary, in regards to the search for safe and sound radioactive waste management policy.

The very name and mandate of the BRC – the Blue Ribbon Commission on America’s Nuclear Future – sent a chill down the spine, as did comments made by Chairman Scowcroft at the earliest meetings, along the lines of getting on with the business of expanding nuclear power, by dealing with the pesky problem of radioactive waste. Ironically, though, the name is quite apt: radioactive waste is the nuclear power industry’s future. Radioactive waste will present a deadly hazard to future human generations forevermore. Electricity is but the fleeting byproduct of atomic reactors. The actual product is forever deadly radioactive waste. Given our option to generate electricity from renewables, such as wind and solar power, along with maximized efficiency, it is now clearly morally untenable to burden future human generations with an ever growing mountain of radioactive waste for which we have no safe, sound solution despite searching for one for nearly 70 years now, since Fermi first split the atom in 1942.

From the get go, a clear priority was set by BRC on promoting the interests of the nuclear power industry, while treating the radioactive waste dilemma as a minor nuisance that needed to be downplayed and dealt with in some way, so the nuclear power industry could get on with its business of making yet more radioactive waste. Of course, housing the BRC at the DOE Office of Nuclear Energy was a clear sign of bias in favor of the industry – its mandate is to promote nuclear power.

The composition of the BRC was unbalanced in the extreme. Not a single critic of the nuclear power industry was appointed, not one. I wonder what the Obama administration feared, in not appointing a single industry critic to the BRC? Yet many boosters of the industry were appointed to this panel. A few that stood out as the most biased are John Rowe, Peter Domenici, and Richard Meserve.

Rowe, as CEO of Exelon Nuclear, has generated more commercial irradiated nuclear fuel than any other individual in this country. With his appointment to the BRC, he was empowered to help decide how taxpayer and ratepayer money would be spent on solving the problem he has created – and personally profited from creating. The conflict of interest is blatant and overwhelming!

Domenici has been perhaps the most pro-nuclear industry Member of Congress of the past generation. For decades, session after session, he advocated for the nuclear power industry’s mile long wish lists on Capitol Hill, which included weakening safety and health regulations and transferring the nuclear power industry’s risks, costs, and liabilities onto the public. He even advocated for the undermining of democracy, as in his (thankfully unsuccessful) 2006 bill that would have given the Energy Secretary the power to override state governors and attorneys general on siting “centralized interim storage” for high-level radioactive waste.

Meserve, as Nuclear Regulatory Commission chairman, presided over the closest call to a major accident at a nuclear power plant since the Three Mile Island meltdown of 1979: the Davis-Besse Hole-in-the-

Head fiasco of 2002. NRC's Office of Inspector General charged the agency itself, at the highest levels, of prioritizing nuclear utility profit over public safety. But before that, and again now after that, Meserve has served as a corporate lawyer for nuclear power industry interests – including defending nuclear corporations against taking responsibility for radioactive contamination in West Chicago residential neighborhoods, as but one example. He also serves on the board of directors of two nuclear utilities – Luminant and Pacific Gas and Electric, thus, like Rowe, personally profiting from the generation of irradiated nuclear fuel.

As Natural Resources Defense Council pointed out, there was no balance on the BRC for such pro-industry appointees as Rowe, Domenici and Meserve. We would go further to say that such BRC panelists should never have been appointed in the first place. It has entirely undermined credibility in the BRC's policy recommendations.

Another objection we have had to the BRC's process is its ignoring of nearly everything concerned citizens and environmental groups – in good faith – have presented before the Commission, whether orally or in writing. For the public's concerns to be so little reflected in the July 2011 draft of the BRC report makes a mockery of the public participation process.

One example would be the public outcry for hardened on-site storage (HOSS). Many hundreds of environmental groups, representing hundreds of thousands to millions of concerned citizens, have called for HOSS. Most of this same environmental coalition has expressed opposition, in writing to the BRC, against so-called "centralized interim storage." Yet, cynically, BRC has rejected the idea that HOSS is needed at reactor sites, stating instead that it could be done – perhaps – at "consolidated interim storage" sites, which are among BRC's top priorities to establish. This amounts to a bad faith BRC rejection of a broad based environmental priority repeatedly communicated in good faith. The risks of radioactive waste storage at reactor sites are quite real and pressing. They will persist as long as the waste remains at reactor sites – which BRC itself has admitted will last years or even decades, the time it would take to establish "consolidated interim storage" sites and geologic repositories.

How the BRC can attempt to maintain that there are "no unmanageable risks" with pool storage of irradiated nuclear fuel at reactor sites in the U.S. boggles the mind. In fact, it represents a serious dereliction of duty by BRC.

For starters, the U.S. has 23 operating reactors of the exact same design as Fukushima Daiichi Units 1 to 4 – the General Electric boiling water reactor with Mark 1 containments. There is evidence of large-scale cesium-137 releases into the environment from one or more high-level radioactive waste storage pools at Fukushima Daiichi. For example, an abstract published in Atmospheric Chemistry and Physics Discussions dated October 29, 2011 (posted online at <http://www.atmos-chem-phys-discuss.net/11/28319/2011/acpd-11-28319-2011.html>) reports that cesium-137 releases at Fukushima Daiichi decreased by orders of magnitude once cooling water was sprayed onto the overheating Unit 4 high-level radioactive waste storage pool, evidence that a radioactive waste fire had indeed erupted within it due to lack of cooling water. After all, the concern over a fire erupting in the high-level radioactive waste at the Unit 4 pool was the primary reason that NRC Chairman Jaczko ordered Americans in Japan to evacuate at least 50 miles away from Fukushima Daiichi. It has long been reported, as by Robert Alvarez at Institute for Policy Studies, that up to 100% of the Cesium-137 contained within high-level radioactive waste storage pools – millions of curies worth – could be released into the environment in the case of a pool fire due to lack of cooling water.

Further large-scale radioactivity releases are still possible at Fukushima Daiichi due to pool failures. For example, the Fukushima Daiichi Unit 4 reactor building, including the storage pool for high-level radioactive waste, is listing. There is so much concern about a collapse of the pool that steel braces have been installed. If the pool were to collapse, or its floor to fall out, a radioactive waste fire could ensue in short order, releasing hazardous radio-nuclides such as cesium-137 directly into the environment. One strong aftershock could be all that it takes to result in such catastrophic consequences.

In a very real and important sense, the risks are even greater at U.S. reactors than they were and are at Fukushima Daiichi. All four units in catastrophic failure at Fukushima Daiichi put together could not match the amount of high-level radioactive waste in individual storage pools in the U.S., as at Oyster Creek in New Jersey, Fermi 2 in Michigan, and Pilgrim in Massachusetts, to name a few of the two dozen “identical twins” to Fukushima Daiichi in this country.

But of course, four score additional operating reactors -- Mark 2 and Mark 3 boiling water reactors, as well as pressurized water reactors -- across the U.S. also have pools with various vulnerabilities to catastrophic failure. So do 22 CANDU reactor pools just to our north in Canada, almost all of which are located on the shore of the Great Lakes -- drinking water supply for 40 million Americans, Canadians, and First Nations Native Americans. It is not just the Mark 1s that are the problem.

To refer to our experience with the BRC as “frustrating” would be a severe understatement. For example, the BRC asked the environmental movement coalition engaged in its process to present at its DC meeting in November 2010. I had the honor of being asked by a coalition of 167 groups to present its remarks to the BRC. I have the distinct impression, reflected by the July 2011 BRC draft report, of being largely to entirely ignored. But not only was I ignored -- so were the 167 environmental groups, and thousands of individuals, on whose behalf I testified that day. Our priorities included the phase out of nuclear power in order to prevent the generation of any more radioactive waste in the first place; hardened on-site storage as an interim measure for what already exists; minimizing risky transportation; and prohibiting the environmental injustice of targeting low income, people of color communities, such as Native American reservations, for radioactive waste dumps, whether “interim” or permanent. Our priorities were barely mentioned, if at all, in BRC’s draft report of July 2011. It was as if we had not even taken part in the process -- even though we have, for nearly two years, in good faith.

But this impression of being largely to completely ignored extends back to the first meeting of the BRC in DC in March 2010. At that meeting, during the public comment period (during which public comments were kept to very strict and short time limits, if memory serves), I emphasized the importance of BRC breaking from the shameful tradition of targeting Native American communities for radioactive waste dumps. BRC’s draft report of July 2011 reflects no such understanding of environmental justice.

This frustrating experience has left a deep impression on many of us.

BRC’s process went off the rails in other ways as well. A close colleague in Illinois, who has been long engaged on such issues as reprocessing and radioactive waste transportation, was shocked to arrive at a BRC subcommittee public meeting in the Chicago area only to find out that the meeting had been adjourned early. All of her preparations to present, and all of her time and effort invested in traveling to the meeting, had been in vain, because the BRC subcommittee had decided to call it a day, early, before

its publicly announced opportunity for public comment had expired. Such behavior is not only a violation of public participation, it is a violation of common courtesy and respect.

No lesson seems to have been learned from the unfortunate BRC subcommittee behavior in Chicago. At its final DC meeting in October 2011, a similar discourtesy was visited by BRC upon an environmental colleague from Physicians for Social Responsibility in Baltimore, who has long watch-dogged nuclear power and radioactive waste issues in her region. BRC denied her the opportunity to testify during the public comment period, supposedly because she arrived later than an un-announced deadline for signing up to make public comments. This, after she had re-arranged her busy medical practice in order to attend the BRC meeting and present her comments orally, in person. Such arbitrary and capricious treatment of the public has not gone without notice. It appears that BRC is just making up its process as it goes along, regardless of the impacts of its juggernaut on the public.

Yet another derailment of the public participation process involved officially posted BRC email addresses for receiving public comments not working, but rather bouncing back the public comments as undeliverable. Countless public comments were thus likely rejected by BRC.

BRC's final DC meeting in October 2011 seemed to carry on its past tendencies. For example, while nuclear industry critics such as Beyond Nuclear, Union of Concerned Scientists, and Snake River Alliance were invited to sit on expert panels, each was outnumbered 4 to 1 by spokespeople from organizations or agencies allied with the nuclear power industry, sympathetic with its agendas, or else coming directly from industry itself. While public interest advocates have been invited to participate on such panels, and a relatively short amount of time was allowed for public comments at the end of meetings, over the past nearly two years, it is difficult to find any reflection of environmental or concerned citizen input in the July 2011 BRC draft report.

While we are thankful that BRC acknowledged that commercial deployment of reprocessing is not likely in the foreseeable future, it is very disconcerting that BRC advocates for a continuation of its research, development, and demonstration at federal taxpayer expense, to the tune of tens to hundreds of millions of dollars per year. Throwing good money after bad – after several long decades of public subsidization of risky reprocessing R&D – must be ended once and for all.

Lastly, to end on a positive note, we again thank President Obama and Energy Secretary Chu for cancelling the Yucca Mountain dump proposal targeted at Western Shoshone Nation land in Nevada. Not only is October 31st Halloween, it is also Nevada Statehood Day. The geologically unsuitable Yucca dump's cancellation is indeed a good day for the State of Nevada, and for all those who live along the road, rail, and waterway transportation routes that would have been used in 45 states.

It is ironic though that so little has been said about Yucca's geologic unsuitability, including by the BRC. This does not bode well for the 48 states identified by the DOE's "Report on the Need for a Second Repository" in December 2008 as having geology suitable for geologic repositories for high-level radioactive waste disposal. Nevada over the past 25 years has shown what will likely happen if the federal government and nuclear power establishment ever again attempt to shove a radioactive waste dump down an unwilling state's throat.

Finally, as mentioned in my October 2011 panel testimony and public comments at BRC's last meeting, Germany's experience and example also sheds valuable light. Four decades of anti-nuclear organizing

laid the groundwork for Chancellor Angela Merkel's dramatic announcement in March 2011, in the aftermath of the Fukushima nuclear catastrophe, that Germany, the fourth largest economy on the planet, would completely phase out nuclear power in just over a decade, and replace it with renewables such as wind and solar, as well as maximized efficiency. At the heart of those decades of German anti-nuclear organizing are the human blockades against radioactive waste shipments into Gorleben.

Similar efforts are currently afoot in the U.S. The Safe and Green Energy Alliance in Vermont is calling for the formation of affinity groups in order to begin non-violent civil disobedience trainings. If need be, direct actions will be carried out to block Vermont Yankee from operating past its 40 year license expiration date on March 21, 2012. Thus, the environmental movement of Vermont and neighboring states will risk arrest to prevent Vermont Yankee from making any more radioactive waste.

But this only continues an old anti-nuclear tradition in the U.S. On May 1, 1977, 1,414 people were arrested at the construction site of the Seabrook nuclear power plant in New Hampshire – one of the single largest acts of civil disobedience in U.S. history. In the end, one of the two reactors targeted at Seabrook was in fact cancelled. Efforts continue to block Seabrook's attempt at a 20 year license extension.

Interestingly, the Seabrook action was inspired by similar organizing in West Germany in the early to mid-1970s. Then, German activists took inspiration from their participation in the Seabrook actions. Now, American anti-nuclear activists take inspiration from the German nuclear phase out victory.

Given the BRC's ignoring of most, or all, public concerns presented to it in good faith, resistance can be expected to build to its risky radioactive waste policy recommendations. Such resistance will oppose bad legislation in Congress, based on the BRC's bad policy recommendations. If need be, over time, the non-violent resistance will take to the streets, inspired by the example of Gorleben.

Sincerely,

Kevin Kamps, Beyond Nuclear