

To the Editors:

Having closely followed the high-level radioactive waste (HLRW) disposal debate for 27 of 28 years of our existence, we at Nuclear Energy Information Service (NEIS) marvel at just how often and egregiously Dennis Byrne has managed to “get it wrong” about HLRW disposal. His March 12th 705-word political harangue preserves his perfect record.

Byrne is however correct that “politics” has largely driven the mistakes hobbling a permanent disposal solution. He’s just unforgivably lacking in integrity and believability for not pointing out the roles BOTH parties have played, and for not admitting his own political and ideological bias has constantly been at work.

The political fix has been in a long time on the Yucca Mt. site:

- 1.) when for political reasons we went from scientifically characterizing 8 sites down to legislatively mandating the single site at Yucca Mt. in the 1987 "Screw Nevada" legislation, we knew the fix was in. This was not science, it was legislative fiat worthy of King Canute;
 - 2.) that the DOE had to alter its site suitability criteria THREE times so that Yucca Mt. would not trigger automatic disqualification clauses in the criteria proves the fix was in. To “adjust” your criteria to fit the site you are studying is NOT science, it's lowering the bar.
 - 3.) when in 2002 President Bush signed the enabling legislation selecting Yucca, despite:
 - a December, 2001 GAO study stating a "loss of management control" of studies on the safety and suitability of Yucca Mt. to hold thousands of tons of HLRW, and that DOE had yet to resolve 293 technical issues at Yucca Mt. (GAO-02-191, Dec. 21, 2001);
 - Dept. of Transportation revelations that it was not prepared to deal with massive amounts of HLRW transport that Yucca Mt. and WIPP would generate (36,300 truck shipments would have gone through Illinois, according to DOE estimates at the time);
 - conflict of interest charges against DOE and its contractor, Winston and Strawn;
 - the federal government's Nuclear Waste Technical Review Board reporting to DOE and Congress in January, 2002, that "the technical basis for the D.O.E.'s repository performance estimates is weak to moderate at this time" and concluding, "The board has limited confidence in current performance estimates generated by the D.O.E.'s performance assessment model";
 - the March 21, 2002 GAO report stating, “DOE is not prepared to submit an acceptable license application to NRC within the statutory limits that would take effect if the site is approved.”
 - allegations by former DOE Yucca Mt. project manager John Bartlett stating that the site would never achieve the standards the law requires.
 - an article appearing in *Science* magazine (Vol. 296, No. 5568, April 26, 2002, pp. 659-660), highly critical of the Yucca Mt. site, which stated, “In our view, the disposal of high-level nuclear waste at Yucca Mt. is based on unsound engineering strategy and poor use of present understanding of the properties of spent nuclear fuel.... To move ahead without first addressing the outstanding scientific issues will only continue to marginalize the role of science and detract from the credibility of the DOE effort.”
- We knew the fix was in. Candidate Bush had promised the people of Nevada Yucca Mt. would only be chosen if the science proved it safe. He lied. Byrne was silent.
- 4.) In her Yucca Mt. presentation at the March 2008 Lake Forest College “Future of Nuclear Power Conference”, geologist Dr. Allison MacFarlane noted that Yucca Mt. failed two of four important IAEA/international criteria for safe geologic disposal of HLRW; and that the presence of chlorine-36 from nuclear weapons tests *inside* Yucca Mt. proved that there were pathways for entry and exit. The fix was already in.

For these reasons alone Yucca Mt. should have been disqualified about ten years and \$8 billion dollars ago. Because it wasn't, politicians on BOTH sides of the aisle have not only "screwed Nevada," but the nation as well. But disingenuous pro-nuclear mouthpieces like Byrne kept theirs shut all these years despite these failings.

With the politics aside, we can turn to the factual errors:

Byrne states, "decades of scientific and engineering studies demonstrating that the Nevada site is the safest and best location to store the spent fuel." This is nonsense. The Congress forbade DOE from studying any alternative site to Yucca Mt. We simply do not know if there are better sites available because politicians on both sides of the aisle prevented the study.

Byrne states that President Obama's decision is "forcing nuclear power plants here to continue to "temporarily" store more than 7,000 tons of dangerous, radioactive waste -- more than any other state -- in cooling ponds near rivers and Lake Michigan." Not completely true. Even with a disposal facility, some HLRW would have to remain onsite 5-10 years anyway to cool down sufficiently to permit safe transport.

But Byrne's concern for the "danger" does expose a gaping logical hole: if the HLRW is too dangerous to *store* onsite "in cooling ponds near rivers and Lake Michigan" (although the NRC and industry maintain it can be safely stored for up to 100 years), then maybe it is really too dangerous to be *produced* there in the first place?

Byrne is simply factually wrong to maintain that, "The billions of dollars and years of study into the alternatives ... settled on Yucca Mountain... as the most geologically and geographically secure prospect." As stated above Congress mandated the selection, and left no alternative open to DOE for study. And as above, the site was critically geologically flawed.

Byrne baits Sens. Durbin and Burris to rise up in support of a demonstrably flawed and failed site – as if wasting even more money and time on a site that will not meet its design objectives is good lawmaking. Further, in 2002 Sen. Durbin reluctantly voted to allow the Yucca project to proceed, to try to gain the passage of additional protective legislation that would have dramatically improved transportation safety and security for HLRW. His legislation went nowhere in the Republican dominated Senate. We somehow must have missed Denis Byrne's editorials supporting Durbin's efforts and chastising the Republicans for endangering Illinois needlessly.

This nation needs a responsible, environmentally safe and permanent solution for its HLRW problem. Because of the politics and the disingenuous ideologues like Byrne, cherry-picking data to cheerlead a flawed site, we failed to develop one – an error costing us decades and billions. Since we are now left with lesser of evil choices because of their reprehensible meddlings, we must make sure not to repeat the error with the newly forming study group.