



Nuclear Energy Information Service

Illinois' Nuclear Power Watchdog since 1981

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COMMENTARY ON NUCLEAR AND RADIATION RELATED LEGISLATION March 24, 2014

1.) SB3417 and HB 6007: repeals nuclear power construction moratorium

Sponsor(s): Sen. Mike Jacobs; Rep. JoAnn Osmond

Summary: Amends Public Utilities Act to repeal the prohibition on nuclear power plant construction that is currently contingent on the Federal Government establishing a permanent disposal program for the high-level radioactive waste spent reactor fuel

Recommendation: **OPPOSE**

Commentary: The introduction of this proposed repeal is completely unrelated to 1.) solving any energy-related problem Illinois has, and 2.) current state, regional and national conditions for nuclear power:

- **No utility interest:** Exelon has not only stated it will not be building any new reactors anytime soon, but that it may CLOSE three to five reactors in Illinois in 2014-15;
- **No energy need:** Use of renewable energy and natural gas use has increased in Illinois, driven by the State's mandated Renewable Energy Portfolio standard;
- **No "nuclear renaissance":** The nation is retreating from nuclear power nationwide. Five reactors were closed or announced closure in 2013-14, and more are expected. Numerous utilities have scrapped plans to build new reactors, even with **\$54 billion** in federal loan guarantees dangled as bait to build more;
- **Nuclear "bust":** The *Chicago Tribune* reported on 3/9/14 that, "Exelon's six nuclear power plants in Illinois have failed to turn a profit over the last five years...."
- **No benefit for Illinois ratepayers or taxpayers:** The inability under the best of circumstances to bring new reactors online for at least a decade or more into the future means this bill will provide **no new jobs, no tax base windfall, and no added electricity to Illinois;**
- **No waste disposal solution yet.** The Federal Government still has not opened a permanent disposal facility for spent-fuel high-level radioactive waste, 27 years after Illinois enacted the nuclear construction moratorium as protective legislation.

The legislation is a proposed "solution" to a non-existent problem which will bring **absolutely NO benefit to Illinois** for at least another decade at best, **if ever**. It WILL, however, **remove the only protection** the state has from additional high-level radioactive waste generation, at a time when DOE reports and recent Congressional legislation **may attempt to bring AN ADDITIONAL 9,000 tons of highly radioactive spent-fuel to Illinois for storage for up to 35 (or more) years.**

2.) SB3289: Amends the Illinois Nuclear Safety Preparedness Act.

Sponsor: Sen. Pat McGuire

Summary: Makes changes to the compensation rates for local governments in a provision concerning nuclear accident plans

Recommendation: **SUPPORT**

Commentary:

- Increasing funding for emergency response for IDNS and affected communities in a post-Fukushima world makes sense.
- The bases for the amounts of increase proposed are unknown, and so we are not sure they are based on realistic calculations and needs, or are arbitrary increases.
- The fee of \$25,000 for "the operation of an away-from-reactor spent nuclear fuel or high-level radioactive waste storage facility," in Sec. 4.(5) may be inadequately low. If Illinois gets a "Centralized Interim Storage" (CIS) facility as proposed in federal legislation S. 1240, it will DOUBLE its high-level radwaste inventory, adding an additional 9,000 tons of spent fuel at such a facility, for as much as 35 years or indefinitely. All 14 reactors in IL to date have produced that amount. Perhaps the fee should be tied to QUANTITY STORED somehow.

Continued....

3.) SB3562 - Protect Illinois from Radioactive Waste from Fracking

Sponsor: Sen. Dan Kotowski

Summary: Fracking waste water and debris is often radioactive. The industry should test all of its waste, and if it tests positive for radiation content, the industry should dispose of it as low level radioactive waste (LLRW), in accordance with the State's Low Level Radioactive Waste Policy Act and pertinent regulations, and not spread it around the state.

Recommendation: **SUPPORT**

Commentary:

- Despite being sent vast amounts of information about the radioactive potential for harm from fracking prior to enactment of the State's fracking legislation, the Legislature negligently failed to include any mention of it in the enabling fracking legislation; and IDNR failed to promulgate any rules covering radiation from fracking in its first draft of the Rules released in Fall, 2013.
- Such radionuclides should be classified as "low-level radioactive wastes," according to existing State laws and regulations; and should be dealt with in that manner in all aspects of storage, treatment, transportation and disposal.
- Rep. Mike Fortner has indicated that the history of the West Chicago thorium tailings clean up may offer an already existing guideline and template for enacting further corrective legislation, if necessary. He should be consulted to provide details, after passage of S3562.