

## Testimony in OPPOSITION to HB5589

### A bill proposing the repeal of Illinois nuclear power plant construction moratorium

#### Before the Illinois House Energy & Environment Committee

February 14, 2022

On behalf of the NEIS Board, and over 600 Illinois and over 800 NEIS members nationally, NEIS presents this **testimony IN OPPOSITION to HB 5589**, a bill proposing the repeal of Illinois nuclear power plant construction moratorium, introduced on January 28, 2022 by Rep. Mark L. Walker (D, 53rd District) of Arlington Heights.

We provide the following information to support our opposition:

#### 1. Illinois' already unfavorable nuclear power economics:

- By Exelon/Constellation's own admissions ALL Illinois reactors are or will soon be "economically distressed" (using their language), requiring more ratepayer-subsidized bailouts.
- Opening the door to constructing new reactors of any kind will only worsen this situation, punishing Illinois ratepayers even more.

#### 2. More reactors inevitably means more Radioactive Wastes:

- Current Illinois law is a **conditional moratorium**, not a **ban**, intended to make sure Illinois would not become a *de facto* high-level radioactive waste (HLRW) dumpsite in perpetuity.
- The Federal Government has NOT met the condition in the existing moratorium: establishing a functioning, environmentally responsible DISPOSAL (NOT storage) facility for the nation's HLRW. It failed to meet its 1997 legally mandated target date; and does not foresee operation of a national HLRW DISPOSAL facility before 2048 at best.
- NEIS estimates that, if Constellation Energy's recently announced plans to operate its money-losing reactors for up to 80 years is approved by the federal U.S. Nuclear Regulatory Commission, as much as 7,360 / 10,040 metric tons of ADDITIONAL HLRW will be added to Constellation's current Illinois inventory of ~11,000 metric tons – all with no place to be disposed of at present or the foreseeable future (see above and below). This situation has enormous safety implications and risk for the State, only made worse if the construction moratorium is lifted and more reactors and waste are produced.

### **3. Serious Environmental Justice implications:**

- Current ill-advised proposals to create “temporary” HLRW “**storage**” dumps in New Mexico and Texas: 1.) violate many environmental justice principles; 2.) are unnecessary if one believes the U.S. Nuclear Regulatory Commission’s evaluation on the safety of storing HLRW at reactor sites presently; 3.) are unnecessarily costly and create new dangers relating to HLRW transportation (see the recent Pittsburgh bridge collapse as an example).
- President Biden’s The White House Environmental Justice Advisory Council [report](#) [has emphatically stated](#) that, “The procurement of nuclear power...” is one of the major “Examples of The Types of Projects That Will Not Benefit A Community...”, and sees nuclear as a “false solution” to climate change.

### **4. Negative market-share impacts on increasing renewable energy and energy efficiency:**

- Introducing more nuclear reactors into a market that currently cannot economically support the ones already constructed will also displace market share that needs to go to renewable energy and efficiency to provide them with economies of scale necessary to reduce their costs, thus further delaying Governor Pritzker’s plans and ambitions for Illinois to become 100% renewable by 2050.
- Defining nuclear power as “clean”, “green”, “emissions free” makes them eligible for funds and programs originally intended and envisioned for renewables and efficiency. Nuclear power improperly parasitizes these funds and programs if given these designations through legislation.

### **5. Expanding nuclear power has negative impact on addressing Climate Code Red:**

- Nuclear power is simply [NOT an effective means](#) to address Climate Code Red. Scores of articles in publications like Forbes, Scientific American, and others made by reputable energy, scientific, economic, regulatory and public official experts strongly make this case. (NEIS can provide sources on request).
- Attempts to portray a “need” to construct new nuclear reactors as a means to address climate disruption or meet carbon goals are nothing more than self-serving and false advertising and marketing.

### **6. Absolutely no urgent reason to do this:**

- No utility has announced any desire to construct new reactors in Illinois (nor anywhere else in the U.S.) now, or in the foreseeable future.
- The current and foreseeable energy market does not and cannot economically support any new nuclear projects.
- The Federal Government has not met the original condition that inspired the initial Moratorium to be enacted – providing a functioning and environmentally responsible HLRW DISPOSAL (NOT storage) facility -- and states it will not be able to do until 2048.

- The current nuclear industry players have demonstrated a worrisome penchant for political corruption, bribery, attracting FBI investigation and indictments; as well as overhyped and unsubstantiated descriptions and characterizations of the abilities of proposed reactor projects. This is NO industry one would rationally want to partner with to address the Climate Code Red or its future energy needs.
- The many outstanding legislative issues pertaining to Illinois nuclear power operations that NEIS has been raising since 2013 remain unaddressed. These include (but are not limited to):
  - Inadequate laws and oversight pertaining to reactor decommissioning (i.e., lack of a responsible “exit plan” for when reactors close);
  - Incomplete just-transitions plans for reactor communities facing reactor closure;
  - Analysis of the consequences of continued operation of uneconomic reactors by Constellation Energy LLC for Illinois ratepayers, and a guarantee that “nuclear bailouts” will not become a *de facto* method for continued operation of Illinois nuclear reactor;
  - Advocacy for “hardened on-site storage” for the reactor communities hosting orphaned HLRW at present reactor sites, pending the creation of the federal government permanent disposal facility;
  - Health implications of protecting the Illinois population while operating reactors, and conducting maintenance and refueling outages in the presence of the COVID pandemic (and other future possible outbreaks)

It is at this point that the “First Rule of Holes” should be applied: when you find yourself in a hole – ***stop digging***. It would be highly irrational and only adding to existing problems to allow the construction of more reactors when the State has failed to address let alone solve the numerous problems created by the current generation of reactors.

## **CONCLUSIONS:**

Based on these easily validated facts, repeal of Illinois existing nuclear reactor construction moratorium would be:

- Environmentally and fiscally irresponsible and irrational;
- An issue of serious environmental justice violation;
- Damaging to Illinois efforts to attain a 100% renewable energy mix by 2050 to fight Climate Code Red.
- Rewarding industry players whose recent behavior is rife with political and financial corruption; and
- Clearly, an attempt to fix something that isn’t presently broken and demonstrates no reasonable argument for urgent action.

For these reasons, NEIS urges the Committee and the Legislature to reject HB5589, and instead get on with the needed task of aggressively expanding renewable energy, energy efficiency, energy storage and improved energy transmission throughout Illinois, all while addressing and completely fixing the equity and just-transition issues raised during the passage of CEJA.

We appreciate this opportunity to provide testimony, and are available to provide supportive information for any of our assertions at your request.

Be well, do great things.

## **BACKGROUND:**

- [NUCLEAR ILLINOIS](#): Illinois has more reactors and high-level radioactive waste than any other state. 11 reactors currently operate; 3 have been closed/decommissioned. To date, all of these reactors have created over 11,000 tons of highly radioactive and dangerous “spent-fuel” wastes, which are currently all stored onsite at the reactors.
- According to law, the Federal Government was supposed to have created a permanent disposal repository for the spent-fuel by 1997. It failed to do so; and therefore all spent-fuel is being stored at reactor sites until a disposal facility is operating.
- In the 1970s, environmental groups succeeded in passing a common-sense law regarding these wastes, which simply states that you won’t be allowed to build more waste-producing reactors until you have demonstrated the existence of a disposal place to send your waste to. That law remains in effect, and currently applies to Exelon/Constellation’s commercial power reactors only. Its purpose was to help insure that Illinois would not become a *de facto* high-level radioactive waste dump if no disposal facility was ever developed.
- ComEd/Exelon and nuclear proponents have frequently in the past attempted to repeal this construction moratorium, and have failed each time.
- The potential implications of this repeal are numerous and all negative:
  - The current Illinois reactors are declared so uncompetitive by Exelon/Constellation (the new Exelon “spin-off” company) that they have required over \$3.0 BILLION in ratepayer funded bailouts from the State over the past 5 years. If more are built, they too will likely be deemed uncompetitive and require future bailouts.
  - Adding more nuclear capacity to the Midwest energy market will crowd out market share for new renewables, delaying their implementation even more.
  - The nuclear industry and its political allies generally, and Exelon Constellation specifically all claim nuclear power is “needed” to combat the Climate Code Red we are facing, and so have been assiduously doing all they can to get reactors legally classified as “green” power, “emissions free”, etc., into state and federal laws, so that nuclear reactors will be eligible to any funds designated using those terms – terms usually reserved for renewable energy resources and efficiency. Any old and new reactors defined in this way would be eligible to drain those funding pools, too. (NEIS and many in the environmental community nationwide [dispute the industry's claims of nuclear being a climate necessity](#))
  - Plans to promote and build so-called “small modular nuclear reactors” (SMNRs) are another nuclear industry, Bill Gates and Biden Administration boondoggle. One such “demonstration” project is being proposed for University of Illinois’ Urbana-Champaign campus. If these SMNRs

get fast-tracked licensed by the Federal Nuclear Regulatory Commission (NRC), they could conceivably be built at existing reactor sites, potentially by-passing critically important environmental reviews required for the existing reactors. This is a potential safety threat to reactor communities, and the State as a whole. And if they too become uneconomic, they would be candidates for even more ratepayer funded bailouts.