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**Written Testimony of Attorney General Martha Coakley  
Joint Committees on Environment, Natural Resources and Agriculture; Public Health;  
Public Safety and Homeland Security; and Telecommunications, Utilities and Energy**

**Nuclear Disaster Preparedness Hearing  
April 6, 2011**

Good afternoon. Thank you to the Chairs for the opportunity to join you today to discuss the safety issues that arise in the context of nuclear energy.

I want to be clear that I firmly believe that regulated and safe nuclear power can continue to play an important part of our overall energy portfolio in Massachusetts and across the region. The Nuclear Regulatory Commission's ("NRC") mandate is to make sure that these plants are safe, and it is our job to continue to advocate that the NRC fulfill its mandate.

We are all still focused on Japan after the tragic safety breaches, fires, and release of radiation at the Fukushima Daiichi nuclear power plant. Here at home, the President has rightfully directed the NRC to do a full review of the safety of nuclear plants in the United States.

In that context, and as part of your focus at these hearings today, I am here to talk about the need for these nuclear plants to consider using safer forms of storage for spent nuclear fuel, and about the federal government's need to fulfill its obligation from over twenty years ago to find a safe off-site storage facility for spent nuclear fuel.

## **Background on Federal Regulation of Nuclear Energy Storage**

In 1983, *almost 30 years ago now*, Congress passed the Nuclear Waste Policy Act (the Act”), 42 U.S.C. § 10139, to address the safe storage of radioactive waste generated from our country’s nuclear power plants. The Act explicitly directed the federal government to begin removing nuclear waste from power plants across the country in 1998, over 13 years ago.

Even though the Act’s main purpose was to provide a safe, off-site storage facility for spent nuclear fuel, there is still no such site. In 1987, Congress designated Yucca Mountain in Nevada as the storage site. But after more than twenty years of debate, and after approximately \$10 billion was spent designing, engineering, and testing the site, President Obama announced last year that there would be no repository at Yucca Mountain. He instead established a Commission to further consider alternatives for storage of spent nuclear fuel and high-level radioactive waste. There still remains no plan for a storage site.

## **AGO Advocacy for Safer, Dry Cask Storage**

Our office has vigorously advocated for increased safety measures at the nuclear power plants that are in and near the Commonwealth. Over the past five years, because of new research highlighting the safety risks and indicating that there are safer alternatives, we have repeatedly asked the NRC to rescind its finding that pool storage does not create a risk of breach and environmental impact. Pool storage is the kind of storage used at both Pilgrim and Vermont Yankee nuclear power plants. It is also the storage method used at Fukushima, and the breach of the pools is the immediate source of the radiation danger. The NRC has consistently responded that the risk of breach and fire resulting from wet fuel storage is “insignificant,” while citing redacted studies that leave unanswered questions and lingering concerns.

In light of the NRC's safety review, Senate President Therese Murray and I have sent a letter to the NRC asking the NRC to revisit its assessment of the risks and to make its decisions more transparent while not potentially compromising security. We also are asking that it consider mandating alternative dry cask storage at these sites. Even the NRC Chairman has stated that it is much safer to store spent nuclear fuel rods in steel and concrete containers, or "dry casks." These dry casks minimize the potential impact of an accident or terrorist attack by limiting the effect on at most a few casks, while an accident or attack on a spent fuel pool would put the entire inventory at risk.

### **Economic Impact of the Federal Government's Failure to Remove Waste**

While secondary to the potential safety and environmental concerns, the issue of on-site spent fuel storage also has major economic implications in the Commonwealth. Our residents, as rate payers, have contributed to a \$24 billion fund that should have been used to make our communities safer almost 20 years ago. Not only were Massachusetts rate payers charged a monthly fee for this fund until 1998, but also they continue to incur \$10 million a year from the costs of on-site storage at decommissioned sites.

It is highly discouraging that this fund money remains unspent with no plan for storage removal in sight. In the short term, the Senate President and I have called upon the federal government to immediately consider citing interim storage facilities, and our office will continue to urge the federal government to comply with their obligations to remove this material from our generation facilities in a timely—and safe—manner.

### **Continued advocacy by our office, Congress, and the Legislature**

I would like to thank Senate President Murray for joining with our office on these important issues, as well as all of you for your leadership. I ask the Legislature to join us in

supporting our federal delegation in communicating clearly to the NRC that these issues must be addressed. We must continue to urge the NRC and the Department of Energy to fulfill its obligation to remove spent nuclear fuel from our plants and to find a permanent off-site storage facility, and also to consider mandating additional dry cask storage on-site.

Our office will remain a resource to you as you continue your work on these important matters.

I again thank all the Chairs and members of the Committees for allowing me the opportunity to testify here today.