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## IS A REFERENDUM NECESSARY? Do government-sponsored dry cask bills go far enough?

Does previously proposed federal legislation regarding dry cask storage – or the bill Sen. Ed Markey's office is working on now – really address the concerns of local critics about Entergy's dry cask storage plans for Pilgrim Nuclear Power Station?

PLYMOUTH – Does previously proposed federal legislation regarding dry cask storage – or the bill Sen. Ed Markey's office is working on now – really address the concerns of local critics about Entergy's dry cask storage plans for Pilgrim Nuclear Power Station?

Govtrack.us, a database of pending federal legislation, shows only one bill that addresses dry cask storage – H.R. 3354, known as the “Dry Cask Act.”

H.R. 3354, which was filed in the House of Representatives in October, is described as a bill “to require that all spent nuclear fuel be stored in certified dry cask storage.”

The details of the bill would, however, seem to fall short of the requests of local critics.

First, there is the question of when the transfer would take place.

“As soon as practicable,” the bill says, adding “but not later than 15 years after the date of enactment of this Act.”

And when will the bill be enacted? Govtrack.us has its own handicapping system and says the prognosis for H.R. 3354 is not good. Actually, they say this bill has a 0 percent chance of being enacted.”

Even if it survives, H.R. 3354 as presently written does not address a number of issues important to the proponents of a non-binding referendum on ballot for the May election.

- Concerned Neighbors would like the spent fuel storage units sited differently than called for in Entergy's plans; they'd like the units placed much higher than the 25 feet above mean sea level in Entergy's design, and much further from Cape Cod Bay than the 100 yards Entergy is calling for.

The bill also does not address other and/or outside radioactive wastes stored on the facilities grounds.

- “Storage of any waste other than Pilgrim's should be prohibited, monitoring should be required to measure temperature and radiation of the casks, and Entergy should be required to pay the town of Plymouth enough compensation so the town will not be left holding the financial bag,” one of the plant's leading critics, Cape Cod Bay Watch, notes on its website.
- In its suit against Entergy and the town, which aims to force both to follow the special permit process in building dry cask storage, the Concerned Citizens group also urged the town to use zoning laws to impose conditions to improve the safety of the dry cask project and enact ordinances to further protect the town environmentally, financially and in terms of public health.

None of those issues are specifically addressed in H.R. 3354, or in the pending legislation that Markey's office is developing.

Would Markey's as yet unfiled bill do any better than the H.R. 3354?

According to an outline sent by Markey's office to Plymouth Selectman Ken Tavares, the “pending” legislation would move the process forward at a faster pace (plans would have to be set within seven years), and cites a specific source of funds to facilitate the process. Markey's legislation would use the interest earned on the Nuclear Waste Trust Fund to free up approximately \$10 million per year to be used for grants.

But Pilgrim's dry cask plans alone will cost Entergy more than \$150 million.

The Markey plan would also give funding priority to plants that are closed or where, like Pilgrim, the spent fuel pools have reached maximum capacity.

Probably the most appealing element of Markey's plan for Plymouth residents and officials is the requirement that emergency planning zones (EPZ) be maintained after the plant has begun the decommissioning process, at least until all spent fuel has been removed from any spent fuel pools. That might leave the burden of security – and much of the cost – on the plant owner and/or the Nuclear Regulatory Commission.

Markey's plan also includes at least one penalty for non-compliance. It “increases the emergency planning zone to 50 miles for reactors that are not in compliance with an NRC-approved plan to remove the spent fuel.”

The biggest negative for Markey's legislation?

It's only in the planning stages.



PHOTO / FILE PHOTO

Is there still hope for a legislative solution to the dry cask debate? Legislators, including state representatives Vinny deMacedo and Tom Calter, met with the selectmen late last year, but the Concerned Neighbors of Pilgrim think a ballot question is a good start.

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