



Another Major Setback for 'Nuclear Renaissance': Industry Goes 0-6 in 2009 Efforts to Overturn State Bans on New Nuclear Reactors

More Lobbying Expected in 2010 in Even Tougher Environment After Yucca Mountain and Soaring Cost Estimates; Outside of Bans, Industry Falters on CWIP in Missouri and Key Fights in Other States.

WASHINGTON, Aug. 27 /PRNewswire-USNewswire/ --The so-called "nuclear renaissance" is finding few friends among state lawmakers in the United States. The nuclear power industry has been shut out across the board in 2009 in its efforts in all six states -- ranging across the nation from Kentucky to Minnesota to Hawaii -- where it sought to overturn what are either explicit or effectively bans on construction of new reactors, according to the nonprofit Nuclear Information and Resource Service (NIRS). Efforts to overturn bans also have failed to advance in Illinois and West Virginia and Wisconsin.

Beyond failing to reverse a single state-level ban on new reactors, the industry also suffered a wide range of major defeats, including an effort to repeal a ban on "Construction Work in Progress" (CWIP) payments that would have been imposed on Missouri ratepayers to finance a new nuclear power plant, which was then promptly mothballed. Industry efforts to get nuclear declared "renewable" by the states of Indiana and Arizona also failed to achieve results. Also going nowhere is a California bill to lift the state's pioneering law banning new reactors until a high-level waste dump is in place. That follows a 2008 California statewide referendum drive with the same focus that failed for lack of sufficient signatures to get it on the ballot.

Michael Mariotte, executive director, Nuclear Information and Resource Service, said: **"While the nuclear power industry and a few members of Congress claim the U.S. is on the verge of a nuclear power resurgence, the industry looks more like a critical patient struggling to get by on life support out in the real world beyond the Beltway. No one seriously expects the industry to go away. But the truth is that things will be even tougher for their state lobbyists in 2010 now that the freeze on Yucca Mountain has taken long-term waste disposal off the table and also in the wake of new evidence of runaway construction costs that make nuclear power even more of a boondoggle."**

Dave Kraft, director, Nuclear Energy Information Service, Chicago, IL., said: **"Authorizing construction of new nuclear reactors without first constructing a radioactive waste disposal facility is like authorizing construction of a new Sears Tower without bathrooms. Neither makes sense; both threaten public health and safety."**

Jennifer Nordstrom, Carbon-Free Nuclear-Free coordinator, Institute for Energy and Environmental Research, Madison, WI., said: **"Telling states to build new nuclear plants to combat global warming is like telling a patient to smoke to lose weight: There are too many other serious downsides that cannot be ignored. Fortunately, it is both technically and economically feasible to go both carbon-free and nuclear-free by 2050. Here in Wisconsin, we have a carbon-free, nuclear-free coalition in support of Wisconsin's current law on nuclear power, and a 100 percent renewable Wisconsin."**

Commenting on the defeat of an industry-sought CWIP repeal in the Missouri Legislature this year, Mark Haim, chair, Missourians for Safe Energy, Columbia, MO., said: **"New nuclear plants are far too risky and expensive to attract investor funding. Utilities will only build them if they can transfer the risk to the taxpayers or their ratepayers. Here in Missouri AmerenUE attempted to repeal a voter-enacted state law that bans Construction Work in Progress charges. Their goal was to get the ratepayers to assume the risks. When our legislators heard from consumer, senior, low-income and industrial groups all opposing CWIP, the CWIP repeal went nowhere. Once Ameren realized they couldn't get CWIP, they announced that they were abandoning efforts to build a new nuclear reactor. The pattern is clear, investors find nuclear too risky and utilities will only go down the nuclear path if their customers or the taxpayers underwrite the project."**

NIRS provided this overview of the six states where industry efforts to overturn what are explicit or effective bans on new reactors failed:

MINNESOTA. The 1994 law in Minnesota provides that the state will not approve "the construction of a new nuclear-powered electric generating plant..." The Minnesota House voted 70-62 on April 30, 2009 to keep the state's nuclear moratorium in place. Rep. Frank Hornstein, DFL-Minneapolis, has stated publicly that the issues that led to the 1994 law

are still not resolved. "We hear about advancement in technology, but we haven't solved the issue of waste -- a million-year radioactive toxic legacy that we'll pass on to untold generations," said Hornstein.

Since then, Minnesota has seen the launch of a group calling itself "Sensible Energy Solutions for Minnesota" including a retired power company CEO and the self-proclaimed head of a wildlife group who also headed up an organization called "Sportsmen for Bush." According to the St. Paul Pioneer Press, the new organization was founded by "three veteran Republican operatives": Matt Burns, spokesman for the 2008 Republican National Convention; Ben Golnik, who last year was Midwestern manager of Sen. John McCain's presidential campaign; and Tom Steward, a campaign spokesman for McCain and communications director for former Sen. Norm Coleman. By contrast, the Minnesota House's upholding of the moratorium was supported by the Clean Water Action Alliance of Minnesota, Environment Minnesota, Izaak Walton League of America-Minnesota Division, Minnesota Center for Environmental Advocacy and Sierra Club North Star Chapter.

WEST VIRGINIA. In 1996, section 16-27A-2 of the West Virginia State Code was enacted, stipulating that any nuclear facility must be approved by the Public Service Commission, comply with environmental requirements, be economically feasible for in-state rate payers, and, most importantly also that "a functional and effective national facility which safely, successfully and permanently disposes of any and all radioactive wastes associated with operating any such nuclear power plant, nuclear factory or nuclear electric power generating plant has been developed and that such facility has been proven safe, functional and effective by a minimum of twenty-four months' operation or experience." This spring, a bill to repeal West Virginia's effective ban on nuclear power plants died in the 2009 Legislature.

WISCONSIN. Wisconsin law sets two conditions that must be met before new nuclear power plants can be built in the state. One is that there must be "a federally licensed facility" for high-level nuclear waste. In addition, the proposed nuclear plant "must be economically advantageous to ratepayers." As the Center for Media and Democracy noted on March 26, 2009: "Given the near-death of the planned waste storage facility at Yucca Mountain, and the estimated \$6 to \$12 billion cost of building one nuclear reactor -- not to mention the lack of interest from private investors and the tanking economy -- Wisconsin's law effectively bans new nuclear plants in the state. The major industry group Nuclear Energy Institute (NEI) registered four lobbyists in Wisconsin. NEI is lobbying state legislators on issues related to 'nuclear generation... engineering education and other issues related to state policies on energy, job creation, and environmental law,' according to disclosure forms. It's the first time that NEI has had lobbyists in Wisconsin since at least 1996, though the group has organized public and media events here, especially in recent years."

As the Milwaukee Journal reported on April 21, 2009: "Supporters of nuclear power made a big push earlier this spring to overturn the state's ban on construction of nuclear reactors. The supporters included (Patrick Moore) a co-founder of Greenpeace who now is working for an energy coalition funded by the Nuclear Energy Institute... [A] coalition of environmental groups and others concerned about nuclear power responded, saying the high cost of nuclear power and the challenge of radioactive waste -- the spent fuel left over from production of electricity from reactors -- make nuclear the wrong choice for the state. 'Given nuclear power's high costs and its legacy of nuclear waste, expanding the use of nuclear power is not a responsible choice for meeting future electricity needs in Wisconsin,' Physicians for Social Responsibility and other groups said in a letter to Gov. Jim Doyle and members of the Legislature.

HAWAII. Hawaii's ban on nuclear reactors dates back to the state's 1978 Constitutional Convention, which added Article XI, Section 8 to the State Constitution: "No nuclear fission power plant shall be constructed or radioactive material disposed of in the State without the prior approval by a two-thirds vote in each house of the legislature." Industry-supported bills to lift this constitutional requirement failed in the 2009 Legislature.

ILLINOIS. Illinois' law requires either a federally-approved waste disposal strategy or the state legislature's approval for a new reactor project. According to the Nuclear Energy Information Service, the repeal attempts of the Illinois nuclear construction moratorium did not move in the 2009 legislative session in the Capitol. Bills introduced in the Illinois House and Senate died in both chambers. These restrictions may be linked to the fact that Illinois is described as "the Most Nuclear State in the USA". Illinois has 11 operating power reactors, three power reactors prematurely closed, and hearings underway for a new plant. Illinois also has a waste closed and leaking dump for "low level" radioactive waste, a storage facility for spent fuel, and Manhattan Project waste buried in a forest preserve.

KENTUCKY. Kentucky's law not only requires a high-level nuclear waste facility "in actual operation" by the time the new nuclear reactor would require it, but also insists on detailing "the cost of [waste] disposal... with reasonable certainty." A combination of industry-backed bills designed to remove these restrictions died in the 2009 Legislature.

According to NIRS, the nuclear industry's 2009 defeats in 10 or more state capitols -- including all six efforts to overturn bans on new reactors -- were offset by only one win. Georgia state lawmakers approved CWIP, empowering a subsidiary of the Atlanta-based Southern Co. to collect \$2 billion from its customers before a single watt of power is produced from two planned nuclear reactors. Outside of the South, CWIP bail-outs for the industry have made little headway to date.

ABOUT NIRS

The year 2008 marked the 30th anniversary of the nonprofit Nuclear Information and Resource Service (<http://www.nirs.org>). NIRS was founded to be the national information and networking center for citizens and environmental activists concerned about nuclear power, radioactive waste, radiation and sustainable energy issues. NIRS does not support construction of new nuclear reactors as a means of addressing the climate crisis. Available renewable energy and energy efficiency technologies are faster, cheaper, safer and cleaner strategies for reducing greenhouse emissions than nuclear power.

EDITOR'S NOTE: A streaming audio recording of the news event will be available on the Web as of 6 p.m. EDT/3 p.m. PDT on August 27, 2009 at <http://www.nirs.org>.

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