

May 30, 2023

Dear Chairman Dolan, Vice Chair Cirino, Ranking Member Sykes and members of the Senate Finance Committee,

I am presenting testimony in opposition to HB 33 unless Sections 4164.01-4164.20 are removed. I wrote testimony in opposition to HB 434 last year and now that almost exact wording has been inserted into the 5,000+ page Biennial Budget Bill.

It's alarming that this will be the 4th time the Legislature is asked to consider creating a new 'Authority' to develop and construct so-called 'advanced' nuclear reactors, and high-level nuclear waste treatment, reduction, recycling, and storage technologies. The identical proposal has already been repeatedly and roundly rejected: HB 434 failed to pass in 2021-22, HB 104 failed to pass in 2019-20, and HB 771 failed to pass in 2017-18.

Agreement

The proposed non-profit wants to take over administrative procedures and authority provided by federal government agencies.

Ohio already has agreement state status with the Nuclear Regulatory Commission (since 1999) to license and regulate "materials in quantities not sufficient to form a critical mass" - critical mass is the smallest amount of fissile material needed for a sustained nuclear chain reaction.

Does Ohio really want to take responsibility for new nuclear reactors and the reprocessing and reuse of high-level nuclear waste. When things go wrong Ohio will be responsible - not a mere non-profit. Why would Ohio want to take on this future environmental and economic disaster? No other state has done this – Ohio would be first to dive into these dangerous uncharted waters!

The Authority would also be authorized to negotiate with federal agencies. How can a non-profit with no experience negotiate with numerous federal regulators?

The bill will also revise the Ohio Revised Code to be a problematic model for future legislation for research and development for ANY industry.

Funding

Why would Ohio want to create a non-profit that has unspecified access to the Ohio treasury and contains no proposed budgets, sources, or requirements other than saying “public monies may be spent”.

Does the legislature really want to create a non-profit to take unidentified amounts of tax monies?

How will the public know how much, how long, how often, and who and what exactly is being funded by our tax dollars?

Starting a New Non-Profit

I don't see much about important issues like ethics, accountability, transparency, fundraising details, etc. in the bill.

How will the proposed Authority be subject to Ohio Open Records Act, Ohio ethics laws, the Sunshine Act, the Ohio Administrative Procedure Act, and other accountability requirements?

How can a non-profit entity be empowered to act for Ohio in a regulatory role?

There is no COI policy statement in the bill. The National Council of Non-profits says: “A policy governing conflicts of interests is perhaps the MOST IMPORTANT policy a non-profit board can adopt.” Will Authority members be prohibited from deriving financial and other benefits from actions or decisions made in their official capacity?

Build New Reactors and Reprocessing Nuclear Wastes

What the Authority wants to do:

- 1) Develop and construct new nuclear reactors**
- 2) The Authority is interested in commercial production of isotopes**
- 3) The Authority also want to Research and Develop high-level nuclear waste reduction and storage techniques.**

Reprocessing is a process or treatment in preparation for reuse. Reprocessing nuclear fuel has been a tremendous economic and environmental disaster everywhere it has been tried.

Each reactor produces about 2,000 metric tons per year. These wastes will not go away, even with reprocessing. Is the proposed reuse and reprocessing only from Davis-Besse and Perry? What about other states wastes?

Authority also wants to:

Develop educational programs for Ohio's isotope industry,
Assume regulatory powers for construction and operation of noncommercial nuclear power reactors and the handling of radioactive materials,

Act in place of the Governor for agreements with NRC, DOE, DOD, or any other agency.

Mo-99/Cancer drugs – About Isotopes

The bill proposes to be a leader in isotope research and production. Extracting isotopes from the waste of a yet-to-be-developed reactor is a secondary industry.

The Department of Energy's National Nuclear Security Administration's Office of Material Management and Minimization manages the Mo-99 Program as part of its "mission to MINIMIZE the use of highly enriched uranium (HEU) in civilian applications. HEU is a proliferation-sensitive material that, if diverted or stolen, could be used as a component of a nuclear weapon."

This proposal is a bit too late. Safer and better processes are already in use. No nuclear reactors or nuclear waste are needed in much safer and cheaper processes. Hospitals with low-energy cyclotrons are looking to use them to make isotopes for their own use, and onsite generation is preferable. Positron emission tomography (PET) produces sharper images and is also being developed to make medical isotopes, with no need for dangerous nuclear reactors.

We need strategic future energy planning and sustainable development that guarantees public oversight and will not create dangerous, risky economic and environmental problems for taxpayers. HB 33, Sections 4164.01 - 4164.20 is not the answer, and I am asking that you oppose and remove these sections from HB 33.

Attached: Witness Information Form