



January 11, 2010

Yucca Haunts Admin's Lagging Efforts on Nuclear Waste Study Panel

By KATHERINE LING of [Greenwire](#)

While President Obama's fiscal 2011 budget proposal is expected to sound a death knell for the planned Yucca Mountain nuclear waste repository, the administration has so far failed to launch the blue-ribbon commission it promised almost a year ago to decide on a waste-disposal alternative.

Hanging in the balance is 60,000 metric tons of commercial and defense nuclear waste.

"I find it quite disconcerting that a commission with a proper broad charter to look at this problem hasn't been created," said Arjun Makhijani, president of Institute for Energy and Environmental Research, a nonprofit opposed to nuclear power.

"I think the bigger danger is that inaction will simply lead us back to Yucca Mountain," Makhijani said, adding, "Leaving the problem to fester is not good."

No one expected the issue would be left to fester last February when Obama dramatically cut funding for the Nevada repository in his fiscal 2010 budget request and announced his intention to form a commission to chart an alternative waste-management solution. Energy Secretary Steven Chu quickly followed up, telling Congress last March that the commission would be formed "ideally" within a month and would craft recommendations by the end of 2009.

Last week, Chu responded to questions about the commission by saying the Energy Department is "working as hard and fast as we can on that."

The lawmaker who has led opposition to the Yucca project, Senate Majority Leader Harry Reid (D-Nev.), is confident that the administration's delay won't translate into a revival of the Nevada project. "The administration has been very clear that Yucca will never be built," Reid spokeswoman Regan Lachapelle said. "Senator Reid understands that it takes time to assemble the highly qualified people needed to determine how best to dispose of the nation's nuclear waste."

But despite agreements between Reid and the administration, Yucca Mountain remains -- by law -- the disposal site for U.S. nuclear waste. The DOE repository license has not been withdrawn, nor has the department moved to do so, according to an industry source. Meanwhile, Reid is facing a tough re-election battle this year.

Moreover, some say that disagreement over whether the blue-ribbon panel should consider

Yucca Mountain as a potential waste management solution is one reason the administration has taken so long to get the commission going. Qualified candidates, several sources say, do not agree Yucca should be taken off the table.

"I think it is too early to predict what the long-term prospects for Yucca Mountain will be, but the project certainly appears to be near death right now," said Ed Lyman, a senior scientist for the nonprofit Union of Concerned Scientists.

"Ultimately, the U.S. will have to restart the siting process for a nuclear waste repository, and whether Yucca Mountain will be a viable candidate again remains to be seen, given its technical and political challenges."

Ramifications

Lyman said the Yucca project suspension "has created a vacuum in the nation's nuclear waste disposal policy that is allowing a lot of silly ideas ... to flourish." Among those ideas, he said, is a push for reprocessing spent fuel.

Meanwhile, Lyman said, new nuclear power plants are being proposed that will create even more waste than the nation's fleet of 104 reactors.

"It will be a risky proposition if the U.S. goes forward with the construction of a large number of new nuclear plants if there is no credible plan to safely dispose of the waste they will generate, and development of such a plan will take time and effort," Lyman said.

On the other hand, Derrick Freeman, senior director of legislative programs at the Nuclear Energy Institute, maintains that the delay in getting the commission launched should not affect the power industry's plans for more plants, since the Nuclear Regulatory Commission has ruled that plants' waste may be stored on-site for at least 100 years.

But while the federal efforts lag, the industry -- and therefore its customers -- is still paying fees on electricity generated by nuclear plants into a waste fund that currently has no objective. The industry wants that to end.

"Yucca has been something that DOE has been working on for the last 20 years, funded through our fees, and now we continue to pay fees into the waste fund," Freeman said. "If the administration does defund or eliminate Yucca, we should be able to suspend our fees or put them into an escrow account."

Several Republicans, including Sen. John McCain of Arizona, have introduced measures to do just that, but to no avail. The problem: The fees -- worth about \$750 million a year -- go to the Treasury. Take them away and Congress would need to cut spending or find alternative sources of revenue. On paper, the waste fund is worth about \$25 billion.

Another financial ramification of delay is the increasing federal financial liability.

Under DOE's contract with utilities, the government was supposed to have started taking spent fuel from power plants by 1998. Utilities have so far recovered more than \$7 billion for the partial breach of contract from Treasury's general judgment fund.

A key question: Would a federal defunding of the Yucca Mountain project without providing an alternative mean the government has breached the utility contract? NEI is examining the matter and has not ruled out taking legal action.

There are also nine power plants that have been decommissioned but still have 2,800 metric tons of on-site used fuel, said Brian O'Connell, director of the nuclear waste program at the National Association of Regulatory Utility Commissioners.

"The properties would otherwise be turned back for productive use but for the stranded nuclear waste," O'Connell said. "We subscribe to the belief that it is economic and safer to collect all that stuff in the nine locations and put them in a central site that is better designed, managed and operated for that purpose."

'Not some political football'

While a federal commission should be formed quickly to address questions of waste storage, financial liability and a final depository, most experts say determining a U.S. course on nuclear waste should not be hasty.

An energy bill that cleared the Senate Energy and Natural Resources Committee last year requires the blue-ribbon commission to provide a report within two years of its establishment. While some Republicans pushed for a six-month timeline, Chairman Jeff Bingaman (D-N.M.) said that was too little time.

IEER's Makhijani and others agree, although Makhijani said the commission should not be part of any energy bill.

"This is a serious thing. This is not some political football," he said.

The panel should examine a wide range of issues for a repository before considering any dump site, Makhijani said. Such an examination would require scientists, engineers and policy experts. But companies and groups with stakes in the issue say they are in the dark as to who might be asked to join the panel.

Among the names being floated for the commission: former Rep. Lee Hamilton (D-Ind.), who has participated in several commissions, including the Iraq Study Group, and is now president and director of the Woodrow Wilson International Center for Scholars, and Shirley Ann Jackson, a former NRC chairwoman and current president of Rensselaer Polytechnic Institute.

Another big question about the commission: Would it be established under the Federal Advisory Committee Act, which requires a public record and hearings, and formally provides its report to Congress? The 9/11 Commission, which Hamilton co-chaired, worked under that law.

The panel could also be established through executive branch authority. The energy advisory committee headed by then-Vice President Dick Cheney worked that way. It was the subject of much controversy and lawsuits regarding the participants in the dozens of private meetings held before the final report -- which heavily influenced the 2001 and 2005 energy bills -- was published in 2001.

Copyright 2010 E&E Publishing. All Rights Reserved.

For more news on energy and the environment, visit www.greenwire.com.

[Copyright 2010](#)

[Privacy Policy](#) | [Terms of Service](#) | [Search](#) | [Corrections](#) | [RSS](#) | [First Look](#) | [Help](#) | [Contact Us](#) | [Work for Us](#) | [Site Map](#)