

NEWS

Nuclear waste burial fund grows to \$43 billion, but DOE has not buried an ounce of spent fuel

Radioactive waste still stuck at San Onofre and other reactors across the nation



FILE- In this May 22, 2001 file photo, an employee of the the Yucca Mountain Project walks through a tunnel in the mountain near Mercury, Nev. (AP Photo/Laura Rauch)

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A U.S. Department of Energy fund to pay for the eventual disposal of nuclear waste has been earning \$1.5 billion in interest each year — totaling a whopping \$43.4 billion in 2018 — even as millions of pounds of radioactive waste pile up all over America in want of a permanent home.

The DOE piggy bank, dubbed the Nuclear Waste Fund, is invested in securities and earmarked for permanent disposal of spent fuel generated by commercial reactors such as San Onofre and Diablo Canyon. The fund's [most recent audit](#) shows its value actually is down from 2016's \$46 billion.

That much money can buy a lot of things — except, apparently, permanent disposal of the nation's nuclear waste.

For half a century, the fate of spent nuclear fuel has been marked by paralysis as officials squabble over what to do: build a deep geological repository at Yucca Mountain in Nevada, approve temporary private storage in New Mexico and Texas, or leave it at the 75 reactor sites where it was created.

The fight means mounting liabilities for taxpayers. The [U.S. Government Accountability Office](#) says delays in taking custody of commercial spent nuclear costs the federal government another \$500 million every year.

Nuclear future

The Nuclear Waste Fund was created in the last century, when nuclear power was viewed as the nation's future. To encourage its development, the federal government passed the Nuclear Waste Policy Act of 1982, promising to accept and dispose of commercial nuclear fuel and high-level waste by Jan. 31, 1998.

In return, the utilities that owned the nuke plants would make quarterly payments into the disposal fund.

The utilities held up their end of the bargain — pumping about \$750 million a year into the fund — but the DOE did not. And nearly 40 years on, it has not accepted an ounce of commercial nuclear waste for permanent disposal.

So the utilities operating nuclear plants found themselves stuck with this waste, and [sued the DOE for breach of contract](#). Along the way, a federal judge said the DOE cannot charge for a service it not only isn't providing, but won't provide for many decades — and, in 2014, utilities all across America finally stopped paying into the Nuclear Waste Fund.

Their ratepayers probably didn't much notice. The fee for consumers was tiny (about one-tenth of 1 cent for each nuclear-generated kilowatt hour), translating to some 20 cents a month on the average electric bill. But it added up.

Even after spending about \$11 billion on the possibly dubious Yucca Mountain project, and even after fee collection ceased, the Nuclear Waste Fund continues to earn that \$1.5 billion a year in interest.

And the government's — and, thus, taxpayers' — liabilities grow.

Costly delay

The DOE has paid out \$6.9 billion to utilities for sticking them with the waste through 2017 — money that has been used to construct temporary storage on plant sites, such as the “concrete bunker” that has been so controversial at the shuttered San Onofre plant.

The DOE estimates it will pay another \$28 billion or so for the storage debacle before it's all over. The nuclear industry believes DOE's bill will be much higher — closer to \$50 billion.

None of that money comes from the Nuclear Waste Fund. Rather, it will come from the pockets of taxpayers, whether or not they got power from nuclear energy.

Grinding into action?

Two private companies are seeking federal licenses to open [temporary storage sites](#) in Texas and New Mexico for America's commercial nuclear waste. The annual interest earned by the Nuclear Waste Fund — \$1.5 billion — could be used to pay for private interim storage without further congressional appropriation, according to the [Congressional Research Service](#).

But fierce opponents in New Mexico [vow to keep the nation's nuclear waste out of their backyards](#).

Meanwhile, the Nuclear Regulatory Commission issued the final volumes of its [Yucca Mountain Safety Evaluation Report](#) and concluded that a deep geologic repository there would comply with safety and environmental standards once it's permanently sealed.

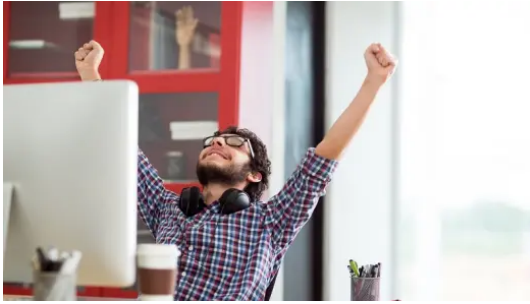
But “scientific confidence about the concept of deep geologic disposal has turned out to be difficult to apply to specific sites,” the Congressional Research Service said. “Every high-level waste site that has been proposed by DOE and its predecessor agencies has faced allegations or discovery of unacceptable flaws, such as water intrusion or earthquake vulnerability, that could release unacceptable levels of radioactivity into the environment.

“Much of the problem results from the inherent uncertainty involved in predicting waste site performance for the 1 million years that nuclear waste is to be isolated under current regulations.”

And a newly elected congressman representing the San Onofre area has formed [a new task force to push the issues of waste disposal and safety](#) onto the front burner. The new group will feature some of the fiercest critics of Southern California Edison's San Onofre Community Engagement Panel, a volunteer group advising Edison on the plant's tear-down.

“We cannot allow the status quo to continue indefinitely,” said U.S. Rep. Mike Levin, D-San Juan Capistrano.

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Teri Sforza

Teri Sforza is one of the lead reporters on the OCR/SCNG probe of fraud, abuse and death in the Southern California addiction treatment industry. Our "Rehab Riviera" coverage won first place for investigative reporting from the California Newspaper Publishers Association, first place for projects reporting from Best of the West and is a finalist for the National Institute for Health Care Management Foundation's print award, competing with the New York Times, the Washington Post and ProPublica. Sforza birthed the Watchdog column for The Orange County Register in 2008, aiming to keep a critical (but good-humored) eye on governments and nonprofits, large and small. It won first place for public service reporting from the California Newspaper Publishers Association in 2010. She also contributed to the OCR's Pulitzer Prize-winning investigation of fertility fraud at UC Irvine, covered what was then the largest municipal bankruptcy in America's history, and is the author of "The Strangest Song," the first book to tell the story of a genetic condition called Williams syndrome and the extraordinary musicality of many of the people who have it. She earned her M.F.A. from UCLA's School of Theater, Film and Television, and enjoys making documentaries, including the OCR's first: "The Boy Monk," a story that was also told as a series in print. Watchdogs need help: Point us to documents that can help tell stories that need to be told, and we'll do the rest. Send tips to watchdog@ocregister.com.

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