

# WebMemo



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## Secretary Chu's Blue Ribbon Commission on Nuclear Waste

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The Obama Administration has created a difficult place for itself. On one hand it cannot meet its carbon dioxide reduction goals without nuclear energy. On the other, it has taken a hard-line stance against the Yucca Mountain spent fuel repository, which is currently the nation's only option for permanently disposing of high-level nuclear waste.

So in tried and true Washington fashion, Secretary of Energy Steven Chu is forming a blue-ribbon commission to answer the question of what to do with America's nuclear waste.

As with all government commissions, the commission's credibility will depend on how it is structured, who leads and staffs it, what its mandate is, and what questions it will address. If done properly, the commission could be a worthwhile exercise, helping the U.S. set a new approach to managing its nuclear waste. Unfortunately, the more likely scenario is that the commission will be besieged by politics, biased toward predetermined conclusions, and used primarily to delay actual decision-making.

**What the Commission Should Do.** For it to be most useful, Secretary Chu should ensure that the commission takes certain actions.

1. *Look at All Options for Waste Disposal, Including Geologic Storage.* Unfortunately, anti-Yucca Mountain political pressure has plagued the nation's nuclear waste disposal program nearly since its inception. Indeed, it is largely this political pressure that has brought about the need for the commission to begin with. At a minimum, if the panel deems geologic storage important, it

should be permitted to say so, and if it deems Yucca the most appropriate place to do it, it should explain why. This should include specific consideration of why Yucca may or may not be feasible for reasons other than technical ones. If, however, the commission is not allowed to even look at geologic storage generally or Yucca Mountain specifically, its findings will be tainted from the beginning.

2. *Recommend How to Specifically Resolve the Yucca Mountain Impasse.* The commission should first make a technical and scientific conclusion about Yucca Mountain's viability based on the data available. If it determines that Yucca is not technically viable, then it should simply defend that conclusion. However, if the commission concludes that it is viable and still determines that Yucca Mountain is not fit for nuclear waste disposal, then it should also state why that site should not be part of a comprehensive national nuclear waste disposition strategy and put forth a detailed recommendation on how to disengage from the program.

This disengagement strategy should include how to repay to ratepayers the \$8 billion in sunk costs that have already been invested in Yucca and a

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legal analysis of how its conclusions affect the U.S. government's ability to fulfill its legal obligations to dispose of America's nuclear waste. Finally, it should make recommendations on whether the Nuclear Regulatory Commission should continue with its review of the Department of Energy's permit application to build the Yucca repository.

3. *Refrain from Recommending Specific Technological Solutions.* The commission's mandate should not be to determine what technology should be employed to carry out any specific function. Nuclear operators should be responsible for these decisions, because they have the greatest interests in developing a workable solution. Ultimately, their ability to operate reactors depends on having a long-term waste management strategy.

Dictating such outcomes through a commission process would limit the nation's future options, be anti-competitive, and stifle future innovation. Instead, the commission should investigate a broad range of technological solutions that are available, the timeframes in which they could be viable, and what regulatory structures would have to be in place to support their development. This approach would also allow the commission to acknowledge that future technological developments could emerge that allow for better nuclear waste solutions.

4. *Focus on Systems, Regimes, Responsibilities, and Approaches.* The commission's primary objective should be to identify options for who should be responsible for waste management, alternative financing options, and bureaucratic reforms. These options should include:

- How to improve the current approach, in which the government retains responsibility for waste management;
- How the government and private sector might share responsibility for waste management; and
- How full responsibility for waste management could be transferred to the private sector.

For each approach, the commission should identify pros and cons, obstacles to success, and reg-

ulatory reforms that would be needed to carry out that approach. Being mandated to consider multiple options will force the commission to think about alternatives that might otherwise be ignored. It will also prevent entrenched or influential interests whose agenda might be served by one approach from taking over the process.

5. *Remain Non-Partisan and Non-Political.* Perhaps the most critical characteristic of the commission—and the most difficult to ensure—will be that it remains non-political.

A good start would be appointing a chair who is respected by Democrats, Republicans, the nuclear industry, independent experts, and the established bureaucracy as both a technical and a bureaucratic expert. The remaining commissioners should represent expertise over multiple subject areas. While technical competence is critical, so is expertise in government bureaucracy, nuclear waste legislation, and private enterprise. The commission should also include someone who can put its current mandate into some historical perspective to help avoid repeating past mistakes.

**Make the Commission Earn Its Blue Ribbon.** Nuclear waste is safely stored on site at locations across the country, but the federal government's seeming inability to fulfill its waste disposal obligations is reason enough to establish a commission—particularly if it helps to finally resolve the issue of long-term storage. While the success of the commission may not determine the future of nuclear power, it could help resolve one of the primary obstacles that the nuclear renaissance faces.

However, simply establishing a commission does not fix the problem, nor does it guarantee that the commission will make credible conclusions. Any commission formed should remove all political biases—especially toward Yucca Mountain—and focus broadly on sound scientific and technical analysis to nuclear waste storage and explore all options for bureaucratic changes and waste management responsibility.

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