

# WebMemo



Published by The Heritage Foundation

No. 2549  
July 20, 2009

## Nuclear Waste: Do Not Rule Out Yucca Mountain Just Yet, Says House of Representatives

*Jack Spencer and Nicolas D. Loris*

Energy Secretary Steven Chu recently announced that he is creating a blue-ribbon commission to study long-term solutions for managing nuclear waste in the U.S. Regrettably, prior to the commission even being formed, both Secretary Chu and President Obama stated that the nuclear materials repository at Yucca Mountain, Nevada, would not be one of the options considered. By taking what could be a perfectly viable waste disposal option off the table, this decision effectively undermined the credibility of the commission before it was even formed.

Fortunately, on July 8, the House Appropriations Committee sent a \$33.3 billion energy and water spending bill to the House floor that required the commission to consider Yucca Mountain. On July 17, the full House voted to pass the bill.

While the bill merely states that the commission examines “all” nuclear waste disposal alternatives,<sup>1</sup> the accompanying Appropriations Committee report made very clear that the commission’s legitimacy depended on its consideration specifically of Yucca Mountain.<sup>2</sup> The House Appropriations Committee should be commended for keeping Yucca on the table until the Nuclear Regulatory Commission (NRC) reaches a scientific consensus one way or the other, and the full House deserves credit for accepting the committee’s recommendation.

**The Potential Role of Yucca Mountain.** In every scenario, a geologic repository is critical to the long-term success of nuclear power in the United States. The reality is that some of the byproducts of nuclear fission will last a long time, necessitating a place

where they can be safely stored. Yucca Mountain could be adequate for that purpose.<sup>3</sup>

The current direct deposit scenario—in which spent fuel will be taken directly from the reactor and placed into storage—means that additional Yucca-like repositories will likely be needed to support a significant expansion of U.S. nuclear power. But other scenarios (including reprocessing and recycling spent fuel) could ensure that Yucca alone would be adequate to store America’s nuclear waste indefinitely.

**The Role of the Blue-Ribbon Commission.** The Nuclear Waste Policy Act of 1982 set January 31, 1998, as the deadline for the federal government to begin disposing of used fuel. More than a decade after the deadline, the government has still not settled on a policy for how to do it. Instead, nuclear power plants store their waste safely on site. Resolving this issue once and for all is reason enough to establish a commission.

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

This paper, in its entirety, can be found at:  
[www.heritage.org/Research/EnergyandEnvironment/wm2549.cfm](http://www.heritage.org/Research/EnergyandEnvironment/wm2549.cfm)

Produced by the Thomas A. Roe Institute  
for Economic Policy Studies

Published by The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002-4999  
(202) 546-4400 • [heritage.org](http://heritage.org)

Nothing written here is to be construed as necessarily reflecting  
the views of The Heritage Foundation or as an attempt to  
aid or hinder the passage of any bill before Congress.

commission concludes that Yucca is viable but is not fit for nuclear waste disposal, then it should put forth a detailed recommendation on how to disengage from the program.

The commission should recommend whether the NRC should continue with its review of the Department of Energy's permit application to build the Yucca repository. The Appropriations Committee report correctly states, "It might well be the case that an alternative to Yucca Mountain better meets the requirements of the future strategy, but the [blue ribbon] review does not have scientific integrity without considering Yucca Mountain."<sup>4</sup>

Most importantly, and perhaps most difficult, is that the commission should remain nonpartisan in making its decision. It should remove all political biases, especially toward Yucca Mountain, focus broadly on sound scientific and technical analysis of nuclear waste storage, and explore all options for bureaucratic changes and waste management responsibility.<sup>5</sup>

**Put Up or Pay Up.** Having sunk nearly \$10 billion into Yucca Mountain, the committee report also correctly states that Yucca is "the most studied geology on the planet."<sup>6</sup> It was the information gathered by this research that allowed progress on the project. So while sunk costs should not be the reason to move forward with Yucca, the project should not be abandoned due simply to political pressure. The reality is that billions of ratepayers' (electricity consumers who use nuclear energy) dollars were spent on a scientifically sound project that is falling victim to politics.

If it finds that the Yucca project is technically sound, yet Washington decides to kill the program, then federal government should return that money to the ratepayers. Any disengagement strategy from Yucca Mountain that is politically motivated should include how to repay ratepayers the billions of dollars in sunk costs that have already been invested in Yucca. It should also include a legal analysis of how its conclusions affect the U.S. government's legal obligations to dispose of America's nuclear waste.

If, however, between the commission's conclusion and the NRC's application review, Yucca is determined to be technically unsound, then the costs should be absorbed by the nuclear industry and ratepayers.

**Keeping Options Open.** In the end, the future of nuclear energy could turn on the decisions of a handful of Washington politicians and bureaucrats. This fact says more about the dangers of government involvement in the nuclear industry than it does about the viability of any particular project.<sup>7</sup>

That is why, regardless of what the commission determines, the problem of nuclear waste management will never be solved until the government gets out of the nuclear waste business. But until then, the Senate should follow the House's lead and ensure that Secretary Chu's blue-ribbon commission on nuclear waste be compelled to consider all waste disposition alternatives, including Yucca Mountain.

—Jack Spencer is Research Fellow in Nuclear Energy and Nicolas D. Loris is a Research Assistant in the Thomas A. Roe Institute for Economic Policy Studies at The Heritage Foundation.

1. U.S. House of Representatives Committee on Rules, "Text of the Bill as Ordered Reported," p. 34, at [http://www.rules.house.gov/111/LegText/111\\_energy\\_txt.pdf](http://www.rules.house.gov/111/LegText/111_energy_txt.pdf) (July 17, 2009).
2. *Energy and Water Development Appropriations Bill, 2010*, H. Rep. 111-203, 111th Cong., 1st Sess., July 2009, pp. 82–83, at [http://www.rules.house.gov/111/CommJurRpt/111\\_energywater\\_rpt.pdf](http://www.rules.house.gov/111/CommJurRpt/111_energywater_rpt.pdf) (July 17, 2009).
3. Jack Spencer and Nicolas Loris, "Yucca Mountain Remains Critical to Spent Nuclear Fuel Management," Heritage Foundation *WebMemo* No. 2131, May 1, 2008, at <http://www.heritage.org/Research/EnergyandEnvironment/bg2131.cfm>.
4. Ben Geman and Katie Howell, "House Appropriators Burn the Midnight Oil on DOE Spending Bill," *Energy & Environment*, July 8, 2009 (July 13, 2009).
5. Jack Spencer, "Secretary Chu's Blue Ribbon Commission on Nuclear Waste," Heritage Foundation *WebMemo* No. 2383, April 6, 2009, at <http://www.heritage.org/Research/EnergyandEnvironment/wm2382.cfm>.
6. Geman and Howell, "House Appropriators Burn the Midnight Oil."
7. Jack Spencer, "A Free-Market Approach to Managing Used Nuclear Fuel," Heritage Foundation *Backgrounder* No. 2149, June 23, 2008, at <http://www.heritage.org/Research/EnergyandEnvironment/bg2149.cfm>.