NUCLEAR WASTE:

Dying Yucca Mountain still has some life

‘Screw Nevada’ bill supporters not ready for dump to be buried

By Lisa Mascaro (contact)

Saturday, Jan. 30, 2010 | 2 a.m.

A tunnel inside Yucca Mountain is shown in 1999. The Obama administration announced Friday the formation of a panel to study nuclear waste disposal alternatives.

Washington — After spending nearly 30 years developing Yucca Mountain as the nation’s nuclear waste storage site, Washington is discovering it may take more than one strategic blow to kill it.
The Obama administration announced Friday the formation of a long-awaited commission to study alternatives to burying the waste in the Nevada desert 90 miles northwest of Las Vegas — a crucial step toward ending the project.

“We’re done with Yucca. We need to be looking at other alternatives,” said Carol Browner, the top White House energy adviser. “The debate over Yucca Mountain is over as the president has made clear.”

Yet even as Nevada’s elected officials who have been fighting the dump welcomed the move from President Barack Obama, who vowed to kill a Yucca repository on the campaign trail in Nevada, skeptics say the fight is not truly over.

Without changing the law or pulling the administration’s pending application, the project will live on, dormant. The election of a president sympathetic with its backers or the unseating of key Nevada lawmakers leading the opposition in Washington — Senate Majority Leader Harry Reid, chief among them — could set in motion a renewed push for its completion.

“If there’s a change in the political landscape, things can be restarted,” said Bruce Breslow, executive director at Nevada’s State Agency for Nuclear Projects, which opposes the dump.

Most experts believe a Yucca repository is done. The site is shuttered. The staff has largely been let go. Members of the Energy Department brain trust in Washington have given notice of their departure.

The new commission’s chairmen, Lee Hamilton and Brent Scowcroft, both veterans of overheated Washington debates — Hamilton of the 9/11 Commission and Scowcroft as an national security adviser to two Republican presidents — made clear their marching orders are to research anything but Yucca Mountain.

“Nuclear waste storage at Yucca Mountain is not an option, and the commission will be looking at better alternatives,” said Hamilton, a former congressman. Scowcroft said the commission will be “trying to look forward, not back.”

Yet the details of how they go about their mission are important for opponents of the Nevada repository. The commission comes as Obama has called in his State of the Union address for “building a new generation of safe, clean nuclear power plants.” Waste from those plants would have to go somewhere.

Yucca Mountain remains on the books as the law of the land, singled out in the 1987 Nuclear Waste Policy Act, the so-called “Screw Nevada” bill, as the nation’s dumping ground for such waste primarily from civilian reactors. The law states that only if the Energy Department declares the site unsuitable can it be withdrawn from consideration.
Moreover, the Energy Department still has an application to license Yucca Mountain as a repository pending before the Nuclear Regulatory Commission. Just last week judges met to review the merits of the application. The process that began in 2008 is expected to take three more years. A six-month deposition period begins in February.

If that license application is allowed to limp along, it could come to its conclusion in 2012 — a presidential election year.

Nevada’s lawmakers remain optimistic that Obama has put a Yucca repository on a path to extinction. Obama’s 2011 budget to be unveiled Monday is expected to zero out money for the project.

“President Obama and I have worked closely to stop dumping taxpayer money into Yucca, and I have fought hard to ensure Yucca Mountain is dead,” Reid said. “This panel of experts proposing other options for nuclear waste is the logical next step in that process.”

Yet Reid’s potential Republican challengers have a slightly more tolerant view of nuclear waste in Nevada, one that reflects the Republican establishment’s belief that bringing waste to the state could generate jobs and revenue.

For example, candidate Sue Lowden, the former state party leader, opposes Yucca as a storage site. But she is open to accepting nuclear waste into the state as part of a “state-of-the-art laboratory” on par with Los Alamos National Laboratory in New Mexico or Lawrence Livermore Laboratory in California to research energy alternatives.

“There is no reason we should put our heads in the sand in Nevada and be blind to such an opportunity,” Lowden’s campaign spokesman Robert Uithoven said.

Similarly, candidate Danny Tarkanian, a former UNLV basketball star, opposes a Yucca repository, but “is actively consulting with policy experts on a proposal for nuclear recycling,” campaign spokesman Jamie Fisfis said.

“Most people kind of run away from this issue,” Fisfis said. “He’s intrigued by the jobs and revenue that could be a boost to Nevada.”

In some ways the Obama administration’s options are limited. Even though Obama’s campaign said he would withdraw the Yucca application if he became president, to do so now would risk more lawsuits from the nuclear industry. The industry has successfully sued the government to maintain its commitment in the 1987 law to take the waste off their hands.

And although Reid has been instrumental in keeping a Yucca repository from advancing by slashing its budget, he most likely does not have enough votes in Congress to overturn the existing law — leaving the 1987 law on the books.
The 15-member commission will buy Obama time to sort out alternatives while assuring the nuclear industry that he is committed to moving forward with a new generation of civilian nuclear reactors. In fact, Obama announced Friday a massive increase in federal loans for nuclear power development.

Those who have been fighting a Yucca repository for decades remain skeptical.

Kevin Kamps, an anti-nuclear activist at Beyond Nuclear, said several members of the commission “raise red flags.”

Kamps noted in particular John Rowe, CEO of Exelon Energy Corp., an Obama campaign contributor whose “bias and conflict of interest is clear.”

He also questioned including former Republican Sen. Pete Domenici of New Mexico, a longtime champion of nuclear power, and Richard Meserve, a former chairman of the Nuclear Regulatory Commission, who had been at the helm during a safety incident at a Toledo, Ohio plant.

But the commission also includes veteran academics in the field, including Allison Macfarlane of George Mason University and Ernie Moniz of the Massachusetts Institute of Technology.

The Nuclear Energy Institute, the industry’s main lobby, welcomed the commission and “looks forward to providing industry input to the commission.”

The commission has been directed by Obama to work for the next 18 months and produce its recommendations within two years, although the chairmen said Friday they hope to finish their work sooner.

Energy Secretary Steven Chu said the commission would not be looking for specific sites for a repository, but more broadly at the range of options available for handling the nation’s nuclear waste.

Reid and the Nevada delegation have long suggested keeping the waste where it is now stored, at nuclear power plants across the nation.

“Creation of this expert panel will allow us to forever bury plans to turn Nevada into a nuclear garbage dump and ends decades of failed efforts to open Yucca Mountain,” Democratic Rep. Shelley Berkley said.

Democratic Rep. Dina Titus called the panel “another critical step forward in the effort to put a stop to Yucca Mountain once and for all.”