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September 9, 2009

Quick-Hitter Responses to Blue Ribbon Panel Announcement

The Obama Administration has announced the intention to terminate the development of a geologic repository for used nuclear fuel and high-level radioactive waste (HLW) at Yucca Mountain, Nevada. In lieu of the repository at Yucca Mountain, Secretary of Energy Chu has announced that he will convene a "Blue Ribbon Panel" (the Panel) to study the situation and provide recommendations on how to move forward with used fuel and HLW management. It is highly likely that the membership and/or charter of the panel will reflect the bias of the Obama Administration and Senate Majority Leader Harry Reid of Nevada against the Yucca Mountain repository.

This document contains some potential sound bytes and word bytes that can be used in the event that the Panel is set up in a manner that preordains certain outcomes or precludes a fair evaluation of all options. To be most effective, statements of this nature should be inserted in to the media discourse as soon as possible after the Panel information becomes public.

Scenario 1 – The Panel Charter specifically excludes the use of Yucca Mountain as a geologic repository and/or an interim storage facility. This could be done directly (e.g., specifically putting Yucca Mountain off the table) or indirectly (e.g., a constraint that no permanent disposal facility will be cited in a state without nuclear power plants).

Potential Response Points

- Yucca Mountain was determined to be suitable for a geologic repository in 2002 by the President of the United States and the determination was upheld by a large majority of both houses of Congress.
- The current law of the land (the Nuclear Waste Policy Act of 1982, as amended) requires that the Yucca Mountain repository be pursued. The course of action that was enacted into law should at least be considered as one option.
- Numerous studies over the years have concluded that Yucca Mountain should be a safe place for the disposal of spent nuclear fuel and high-level radioactive waste.
- As required by law, the Department of Energy has submitted an application for construction of a Yucca Mountain repository to the Nuclear Regulatory Commission for review, and the NRC is using its scientific and technical resources to determine if the repository is safe. The process should be allowed to proceed, rather than overruling science with politics.
- The federal government has spent more than \$10B on a Yucca Mountain repository 2, with most of that Amount collected from nuclear reactor owners and their ratepayers across the nation. If the Yucca Mountain option is to be summarily dismissed from consideration, then the federal government should refund that money to the ratepayers.

Blue Ribbon Commission Quick Hitters

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- Opposition to Yucca Mountain from Nevada is not a reason to exclude it from consideration. Any geologic repository or interim storage facility will face at least some opposition – that is not a reason to give up on it.

Scenario 2 – The membership of the Panel is stacked against Yucca Mountain. This could be done directly, by drawing from the ranks of Yucca Mountain opponents, congressional staffers from Nevada senators or representatives, anti-nuclear groups opposed to Yucca Mountain because they see any repository as benefiting nuclear power, etc. It could also be done indirectly, by excluding categories of representatives who would tend to favor Yucca Mountain while including people who might easily be swayed to the Administration's position.

Potential Response Points

- The Federal Advisory Committee Act requires that committee memberships be "fairly balanced in terms of the points of view represented and the functions to be performed." However, _____ are not represented on the panel (nuclear utilities, public utility commissions, state governments, local governments where used fuel is currently being stored, local governments where defense wastes are currently being stored). *This point must be tailored to whichever groups are excluded.*
- The Federal Advisory Committee Act requires that the Panel represent the range of stakeholders. However, there are ___ members from the State of Nevada or representing its interests out of a total of ___ members. In contrast, there are no (or few) members representing utilities or localities that are currently storing used fuel or defense wastes. *This point must be tailored to the final composition of the Panel.*
- Ratepayers across the country have been paying money into the Nuclear Waste Fund since 1983. Those funds are earmarked for the management and disposal of used nuclear fuel. However, no one (only ___ out of ___ members) represents the people who have contributed more than \$16.5B to the fund since 1983. *This point must be tailored to the final composition of the Panel.*
- The Panel is strongly represented in the policy and legal arena, but has few members with the scientific and technical knowledge necessary to provide a reasoned basis for recommendations that might be made.
- The membership of the Panel stands in blatant disregard of the requirements of the Federal Advisory Committee Act, which requires that committee memberships be "fairly balanced in terms of the points of view represented and the functions to be performed." The Panel is clearly stacked to support a finding against a geologic repository at Yucca Mountain, Nevada. This action displays clearly the hollowness of President Obama's claims that his administration will make decisions based on science, not politics. *This point would be reserved for an exceptionally egregious stacking of the deck.*

1 Irrespective of the announcement of the administration's intention to terminate Yucca Mountain, until federal law (the Nuclear Waste Policy Act of 1982, as amended) is changed it requires the administration to pursue the licensing and development of a repository at Yucca Mountain.

2 Reference: Office of Civilian Radioactive Waste Management Summary of Program Financial and Budget Information as of September 30, 2009 (http://ocrwm.doe.gov/uploads/1/Financial_and_Budget_Summary__January_2009.pdf).

3 The balance collected by the fund (contributions plus interest) was \$29.6B at the end of FY2008. Reference: Office of Civilian Radioactive Waste Management Summary of Program Financial and Budget Information as of January 1, 2009 (http://ocrwm.doe.gov/uploads/1/Financial_and_Budget_Summary__January_2009.pdf).