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- PAY AND BENEFITS
- RETIREMENT
- TELEWORK
- PER DIEMS AND TRAVEL
- NSPS
- ENERGY
- GREEN
- GOVERNMENT
- FISCAL 2010 BUDGET
- THE BASICS
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IG report criticizes NRC chairman over Yucca Mountain decision process

By Amy Harder | *National Journal* | June 10, 2011

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The chairman of the [Nuclear Regulatory Commission](#) made unilateral decisions to shut down Yucca Mountain and didn't fully inform the other commissioners about his actions, [according to a critical report](#) released on Friday by the commission's inspector general.

NRC Chair Gregory Jaczko "was not forthcoming with the other Commissioners about his intent to stop work" on the Yucca Mountain repository application, the report says. Jaczko stopped work on key parts of the application as they were nearing completion at the end of fiscal 2010, according to the IG.

"The chairman anticipated that proceeding to close out in this manner could be controversial and viewed as a policy decision for full Commission consideration. Therefore... he strategically provided three of the four other Commissioners with varying amounts of information about his intention to proceed to closure," the report says.

The report was released on Friday by the House Energy and Commerce Committee. NRC Inspector General Hubert Bell will testify on Tuesday to the Environment and Economy Subcommittee on his report, which was completed and sent to members of Congress and the commission on Monday.

The report did not find that Jaczko acted illegally, which the chairman preemptively pointed out in a statement on Wednesday.

"The conclusions of the report reaffirm that my actions have been and remain consistent with established law, guidance, and my authorities as Chairman," Jaczko said in the statement. He also anticipated the report's critical findings that he did not adequately communicate with his fellow commissioners. "The closeout of the Yucca Mountain license review has been a complicated issue, with dedicated and experienced people holding different viewpoints. All NRC Chairmen have the responsibility to make difficult and sometimes controversial decisions," he said.

The report will likely inflame already fired-up Republicans and Democrats who are upset that President Obama shuttered the project as he vowed to do on the campaign trail in 2008.

Jaczko will testify to the Senate Environment and Public Works Committee on Thursday regarding his commission's 60-day report on the Japanese nuclear disaster. But questions about the IG's report will surely arise as well. He is not expected to testify at the Tuesday House hearing.

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Committee rejects \$200M Yucca proposal

 By Humberto Sanchez | *CongressDaily* | July 23, 2010

The Senate Appropriations Committee approved three more fiscal 2011 spending bills Thursday, including the \$34.97 billion Energy and Water Appropriations measure after rejecting an amendment from Sen. Patty Murray, D-Wash., that would continue funding for Nevada's Yucca Mountain planned nuclear waste repository.

The bills, which also include the \$67.9 billion Transportation-HUD and \$60.1 billion Commerce-Justice-Science measures, were approved en bloc on a party-line 17-12 vote.

Republican appropriators have opposed spending bills since last week's committee decision not to consider their proposal to cap fiscal 2011 discretionary funding at \$1.108 trillion, less than the \$1.121 trillion Democrats had proposed.

The committee instead agreed to a \$1.114 trillion discretionary spending limit, also on a party-line vote. To date, the panel has approved six of the 12 annual spending bills.

Murray's amendment to the Energy and Water bill would have provided \$200 million to continue the licensing for the Yucca Mountain project.

The proposal put her at odds with Senate Majority Leader Harry Reid, D-Nev., and President Obama, both of whom have pushed to close the Yucca site. Obama's fiscal 2011 budget provided no funding for the project and neither does the Senate bill.

Last month, the three administrative judges of the Atomic Safety and Licensing Board denied the [Energy Department's](#) motion to withdraw the license application of the Nevada site, saying no evidence has been presented that the application is flawed or the site unsafe.


"We've spent over \$10 billion on Yucca Mountain, and we know the courts will decide how this moves forward, but in the meantime I believe we should continue funding this important program," Murray said.

Yucca Mountain has also become a campaign issue for Murray, who is in a tough re-election battle against Republican Dino Rossi. Earlier this week, Rossi accused her of not being aggressive enough to keep the repository project going.

Washington State has the Energy Department's 586-square-mile Hanford Site, home to nine former nuclear reactors and their associated processing facilities that were built beginning in 1943. The site's works have generated billions of gallons of liquid waste and millions of tons of solid waste which must now be cleaned up, removed or remediated.

"Without a national repository Hanford and other nuclear waste sites will be left in limbo," Murray said.

Murray's amendment was defeated 13-16, with all Republicans supporting the amendment except for Senate Energy and Water

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Appropriations Subcommittee ranking member Bob Bennett, R-Utah. Along with Murray, Sen. Mary Landrieu, D-La., were the only two Democrats to vote for the amendment.

Energy and Water Appropriations Subcommittee Chairman Byron Dorgan, D-N.D., opposed the Murray amendment and argued that the \$200 million would do nothing to "restart" the project. He said the committee should wait for the deliberations of the federal blue-ribbon panel that will develop recommendations for managing the nation's nuclear waste.

Bennett agreed, and observed that all current U.S. nuclear waste would fill up the Yucca Mountain repository, so a new plan would have to be developed whether the project is funded or not.

The \$34.97 billion Energy and Water spending bill is \$376.3 million below the president's budget request and \$1.503 billion above the fiscal 2010 level. The Senate bill would provide slightly more than the \$34.67 billion House measure.

The committee also approved the Transportation-HUD and Commerce-Justice-Science bills, without major changes to the measures approved by the subcommittees.

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Energy chief: Don't 'linger' over Yucca decision

By Christopher Snow Hopkins | *National Journal* | April 7, 2010

Energy Secretary Steven Chu pledged Tuesday to proceed with the termination of the Yucca Mountain nuclear waste repository despite mounting resistance in Congress.

"We believe we do have the legal authority to do this," Chu said following his keynote address at a conference held by the Energy Information Administration and the Johns Hopkins School of Advanced International Studies. "There are members of Congress who don't, so we've agreed to have our lawyers get together with their lawyers to hash that out."

Earlier this year, Chu appointed a commission to explore alternatives to the Yucca Mountain facility. He has insisted that the commission's mandate is to reconsider all aspects of the "back-end fuel question," not just relocate the waste repository elsewhere. But some lawmakers are wary of the decision because states might not approve new power plants without a permanent solution to waste storage.

Chu reiterated Tuesday morning that his plans to abort the Yucca Mountain facility will not be derailed by congressional resistance.

"We are taking steps to end [Yucca Mountain] because... we see no point in it. It's spending a lot of money," he said. "It's very important that we not linger around this decision. It's been made, and we want to go forward and move into the future."

When asked about a price on carbon, Chu conceded that the Obama administration must take the state of the economy into account as they chart a way forward on energy. "I think one has to be very, very careful about putting this price on while we're still in a deep recession," he said.

But the instability of the economy should not be exaggerated, he added. "Look, the signs are very good, the GDP in the last two quarters has increased for the first time, the unemployment figures have stabilized and are beginning to come back," Chu said. "We have to make sure that the unemployment figures go down over the next coming quarters. That's the most important thing and what the administration's focused on."




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Nuclear waste gets more costly

By Matthew L. Wald
New York Times News Service

WASHINGTON | Forgotten but not gone, the waste from more than 100 nuclear reactors that the federal government was supposed to start accepting for burial 10 years ago is still at the reactor sites, at least 20 years behind schedule. But it is making itself felt in the federal budget.

With court orders and settlements, the federal government has already paid the utilities \$342 million, but is virtually certain to pay a total of at least \$7 billion in the next few years and probably more than \$11 billion, government officials said. The industry said the total could reach \$35 billion.

The payments come from an obscure and poorly understood government account that requires no new congressional appropriations, and will balloon in size, experts said.

The payments are due because the reactor owners were all required to sign contracts with the Energy Department in the early 1980s, with the government promising to dispose of the waste for a fee of a tenth of a cent per kilowatt-hour. It was supposed to begin taking away the fuel in the then far-off year of 1998.

Since then, the utilities have filed 60 lawsuits. The main argument — employing legions of lawyers on both sides — is when the government would have picked up the fuel if it had adhered to the original commitment, and thus how much of the storage expense would have fallen on the utilities anyway.

But the damage number is rising. If the repository that the government is trying to develop at Yucca Mountain, near Las Vegas, could start

accepting waste at the date now officially projected, in 2017, the damages would run about \$7 billion, according to Edward F. Sproat III, director of the Office of Civilian Radioactive Waste Management.

But that date is actually “clearly out the window,” Sproat said in a conference call with reporters, because Congress underfinanced the effort to build the repository, among other problems, he said.

If the repository opens in 2020, the damages would come to about \$11 billion, he said, and for each year beyond that, about \$500 million more. The industry says the total could reach \$35 billion.

“The rate-payer has paid for it,” said Michael Bauser, the associate general counsel of the Nuclear Energy Institute, the industry’s trade group. “The Department of Energy hasn’t done it, and now the taxpayer is paying for it a second time.”

Initially, the Energy Department tried to pay the damages out of the Nuclear Waste Fund, the money collected from the nuclear utilities, plus interest, which comes to about \$30 billion. But other utilities sued, saying that if the government did that, there might not be enough money left for the intended purpose, building a repository. So the government

now pays the damages out of general revenues.

The damages are large relative to the annual budget of the Energy Department, which is about \$25 billion. But the money comes out of the Treasury, not the Energy Department. Under a law passed in the Carter administration, such payments are recognized as obligations of the federal government and no further action by Congress is required to make them.

The money comes out of a federal account called the Judgment Fund, which is used to pay settlements and court-ordered payments.

For the last five years, the fund has made payments in the range of \$700 million to \$1 billion, with the average payment being \$80,000 to \$150,000. In contrast, payments to utilities have been in the tens of millions.

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Nation

Nevada says nuclear-waste fight will continue

By Martin Kasindorf
USA TODAY

Energy Secretary Spencer Abraham recommended Thursday that 77,000 tons of highly radioactive waste from the nation's nuclear power plants be deposited under Nevada's Yucca Mountain, 100 miles northwest of Las Vegas.

Abraham's conclusion that the remote desert site is "scientifically sound" and "important to our national security" ignited a storm of protest from Nevada politicians and environmental groups and gambling interests.

"This decision stinks," said Nevada Gov. Kenny Guinn, a Republican.

Led by elected officials from both major parties, critics vowed to step up their 20-year fight against the \$58 billion project by pressing President Bush, Congress or the courts to kill it. "We've got a legal strategy, a public relations strategy and a congressional strategy," Nevada Attorney General Frankie Sue Del Papa said. "The bottom line is that the Yucca Mountain project should be indefinitely postponed."

Abraham called the burial ground on federal land an anti-terrorism measure

that would move wastes now stored at 131 locations to "one underground location that is far from population centers."

Welcoming Abraham's move, the Nuclear Energy Institute, the Washington lobbying group for the nuclear power industry, said it is "the right scientific thing to do."

The U.S. Chamber of Commerce called it "a decisive step forward."

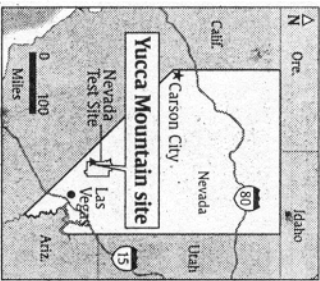
Opponents, too, grounded their positions on anti-terrorism. They cited possible attacks on trucks carrying waste to the site. "This is a dirty nuclear bomb on 18 wheels waiting to happen," said Nathan Naylor, press secretary for Sen. Harry Reid, D-Nev.

Many Nevadans also fear damage to the state's image and tourism-

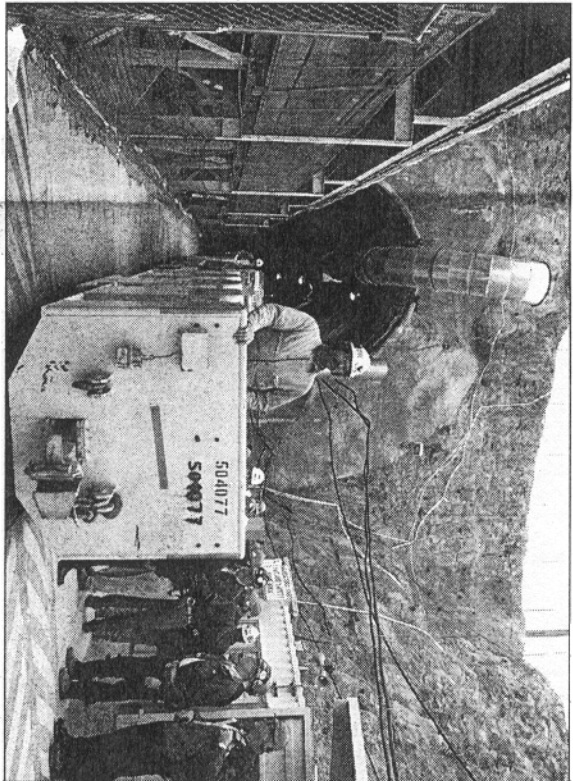
based economy. "We got a very good smattering of it Sept. 11," said Stephen Cloodbeck, owner of three hotels on the Las Vegas Strip. "Everyone lost 50% of revenues."

Reid said Abraham was ignoring a critical report released Dec. 21 by Congress' General Accounting Office. The report said a decision on the site's suitability would be "premature" because 293 scientific ques-

tions about safety were still unanswered.



USA TODAY



By Joe Cavertta, AP

Cavern entrance: Nuclear waste would be stored about 1,000 feet below the ground at Yucca Mountain in the Nevada desert. Deposits wouldn't begin until at least 2010.

Spent pellets from reactor fuel rods used at the nation's 103 nuclear power plants contain elements that will remain lethally radioactive for 10,000 years. Opponents of the Yucca Mountain project say that until science finds a way to neutralize the waste, it is safer where it is now — in

pools of water and concrete casks at commercial power plants and Energy Department facilities in 39 states.

In 1982, Congress ordered the Energy

Department to find a geologically stable deep-disposal site. The law was amended in 1987 to make Yucca Mountain the only site to be considered. The mountain sits on the western edge of the Nevada Test Site, where nuclear weapons were tested for four decades.

The next step is up to Bush. If he recommends Yucca Mountain to Congress, Nevada has 60 days to veto the project. Majority votes in both houses of Congress could

override that veto. Then, the Nuclear Regulatory Commission would decide whether to license the repository. That process would take three to four years. Deposits of waste would not begin until at least 2010.

"I think it's an uphill battle for us in Congress," Reid said. He didn't share the optimism of other Nevada leaders that the state's four-member congressional delegation could derail the project. Nevada plans to build support in Congress with a \$5.5 million, state-financed national advertising and public-relations campaign that would emphasize the danger of terrorist attacks on waste-hauling trucks.

Senate Majority Leader Tom Daschle, D-S.D., supports the Nevada delegation's bipartisan stand against Yucca Mountain. He said last year that he would use parliamentary maneuvers to keep an override measure from reaching the Senate floor. But Reid said Daschle "doesn't have the statutory authority to do that."

Las Vegas Mayor Oscar Goodman said he'll try to build support among mayors of cities that waste trucks would pass through. The federal courts have been an arena of battle for years. Three lawsuits by Nevada against the federal government to stall the project are in full swing. Bob Loux, Guinn's top aide for nuclear waste issues, said two more will be filed if Bush goes along with Abraham. Goodman said Las Vegas will file its own lawsuit.

The White House regarded the issue as so sensitive that Karl Rove, the president's top political adviser, gave Guinn a heads-up phone call Thursday. Polls consistently show that 80% of Nevadans don't want a repository they call a nuclear "dump."