

NEI, NARUC Ask that Nuclear Waste Fund Payments Be Suspended; Other Yucca Updates

The Nuclear Energy Institute (NEI) and the National Association of Regulatory Utility Commissioners (NARUC) sent letters in July to Energy Secretary Steven Chu, basically asking that ratepayer contributions to the Nuclear Waste Fund be suspended now that the Yucca Mountain waste repository project is “no longer an option.”

NEI, writing on behalf of the commercial nuclear industry, noted that the DOE’s intention to devise a new spent nuclear fuel management strategy by convening a national commission to study and recommend alternative approaches is “a laudable and potentially productive undertaking that the nuclear industry supports.” However, the NEI continues, the NWPA [Nuclear Waste Policy Act] remains the law and it is incumbent on the Department to comply with its mandates.

The letter notes that “the NWPA requires the Secretary of Energy annually to review whether the one mill per kilowatt-hour fee from utilities will provide revenue sufficient to offset the costs of the DOE used nuclear fuel management program. If the annual review reveals that the Fund’s balance is either insufficient or in excess of that needed for the program, a fee adjustment is required.”

The letter continues by pointing out that now that the funding for Yucca Mountain repository program activities has essentially been eliminated (with the exception of that directed to licensing proceedings), the interest that the NWF accrues is more than enough money to cover the \$196.8 million provided for in the 2010 fiscal budget proposal.

Therefore, the letter requests that the Energy Secretary “promptly perform the annual review of the adequacy of the Nuclear Waste Fund fee to account for the present status and cost of the program; and . . . , because the interest on the corpus of the NWF is more than sufficient to cover current Yucca Mountain program activities, you immediately suspend collection of payments to the NWF.”

The NARUC letter states that “Our public utility commissioners find it extremely difficult to explain to ratepayers in States where their utilities provide nuclear-generated electricity that their electric bill includes pass-through of the Nuclear Waste Fund fees being paid to the Government for nuclear waste disposal that was to have begun in 1998. Now the payments continue to be paid even though no one can say for certain what the money will

eventually be used for. If we are going to pause to reconsider disposal options, we feel it is also appropriate to pause the fee payments.”

The letter continues to state that NARUC feels the need for “fundamental reform of the management of the Nuclear Waste Fund. . . . The Nuclear Waste Fund that was envisioned in the Nuclear Waste Policy Act has not functioned as intended and may be better protected if it were managed in a substantially different way.”

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In the past, DOE officials have said that the issue of utility fees will be considered by the Blue Ribbon panel to be convened on nuclear waste disposal options.

[*Editor’s Note:* A letter to the editor from Brian O’Connell, director of the Nuclear Waste Program Office at NARUC, appears in this issue on page 5.]

- Senate Majority Leader Harry Reid (D-Nevada) has announced that he has been assured by the Obama Administration that it will seek to eliminate funding in fiscal 2011 for the U.S. Nuclear Regulatory Commission’s work on the Yucca Mountain license application. That would severely constrain the agency’s ability to review the U.S. Department of Energy’s application to build the repository.

tory, and could be considered the final nail in the Yucca Mountain coffin.

Reid, who is facing a tight re-election battle in 2010, has been working with the administration to kill the Yucca Mountain project completely, in hopes of scoring points with voters in his state, where the project has been extremely unpopular with most elected officials and lawmakers, if not necessarily with all Nevada residents.

Some project opponents fear that if the licensing process is allowed to continue, a future administration could resurrect the project. Suspending the licensing work would make a future resurrection more difficult.

- Gregory Jaczko, the chairman of the U.S. Nuclear Regulatory Commission since May, has stated that finding a permanent site for storage or disposal of spent nuclear fuel is not “an urgent problem.” Speaking in an interview with the Associated Press, Jaczko said that the material can continue to be safely stored for the time being at nuclear power plants. “It is an issue we need to be aware of and be diligent about, but it’s not a crisis by any means,” he said.

Jaczko also said that the Commission is delaying issuing a decision on any changes or updates to the waste confidence rule. The existing rule allows onsite storage of spent fuel under the assumption that the Yucca Mountain site would be accepting spent fuel by 2025. In October 2008, the Commission proposed amending the rule to reflect the possibility that Yucca Mountain may not be open by then. The commission staff has proposed that the rule be changed so that waste could remain onsite for 50 or 60 years after a reactor has permanently shut down. Jaczko said getting that rule done is his “number one priority” in the short term. “It is a complex rule and we have to make sure we get it right,” he said.

DOE Cancels GNEP PEIS

In late June, the U.S. Department of Energy announced that it is canceling the Programmatic Environmental Impact Statement of the Global Nuclear Energy Partnership program because “it is no longer pursuing domestic commercial reprocessing” of spent nuclear fuel, which was “the primary focus of the prior Administration’s domestic GNEP program.” The fiscal 2009 Omnibus Appropriations Act provided \$145 million for the continuation of research and development of proliferation-resistant fuel cycles and waste management strategies. Under the Obama Administration’s fiscal 2010 budget request, the DOE’s fuel cycle R&D focus is on “long-term, science-based R&D of tech-

nologies with the potential to produce beneficial changes to the manner in which the nuclear fuel cycle and nuclear waste is managed.” In the \$844-million budget request for the DOE’s Office of Nuclear Energy, the Advanced Fuel Cycle Initiative, now called Fuel Cycle R&D, would receive \$192 million in fiscal 2010, while funding for the siting and development aspect of GNEP was zeroed out.

New Hanford Cleanup Deadlines; Other D&D Updates

In August, the U.S. Department of Energy, the U.S. Environmental Protection Agency, and the Washington State Department of Ecology proposed “new, realistic but aggressive” dates for completing waste retrieval from the Hanford Site’s single-shell storage tanks (2040, from the original 2018 date) and for treating all of the tank waste at the Waste Treatment Plant (2047, from the original 2028). The governors of Washington and Oregon have endorsed the new schedule. The new agreement will boost court and state oversight of the cleanup work, with new milestones, more enforcement, and a higher level of court oversight. It allows state regulators to weigh in every three years on the cleanup plan and to propose accelerating final deadlines every six years. Emerging technologies, for example, could accelerate work at the site. The proposed consent decree settles litigation filed by Washington state last November and joined by Oregon in February to compel the Energy Department to complete key aspects of the Hanford cleanup.

- This summer, workers at the Savannah River Site entered the Heavy Water Components Test Reactor (HWCTR—pronounced “Hector”) for the first time since 1996. With funding to accelerate site cleanup from this year’s American Recovery and Reinvestment Act, HWCTR is now destined for decontamination and decommissioning. For more on the HWCTR D&D project, see “Putting the Stimulus to Work,” this issue, page 18.

- Groundwater cleanup efforts at the Hanford Site’s 100 Area are accelerating. A new \$80-million treatment facility funded with monies from the American Recovery and Reinvestment Act will be able to pump more than 85 million gallons of contaminated groundwater per month from the Site’s Central Plateau area. Major contaminants of concern include carbon tetrachloride and technetium-99. Operation is scheduled to begin in December 2011.

Industry news ▼

At the Site's 100 Area, new systems are being installed to treat groundwater for hexavalent chromium contamination. Once fully operational, the new systems will be able to treat some 90 million gallons of groundwater per month, more than three times the current rate of treatment.

- Employees with Savannah River Remediation, formerly Washington Savannah River Co., have processed more than one million gallons of hazardous waste in the first half of 2009, mostly from the Savannah River Site's underground waste storage tanks at the Saltstone facility. SRS is the only site in the U.S. Department of Energy complex that processes and permanently disposes salt waste removed from waste tanks. The one million gallons of waste has been placed into permanent disposal form. Although the Saltstone facility has been operating for some time disposing of other low-level waste streams, disposition of the salt waste stream did not begin until January 2009.

International Briefs

- The U.K. Nuclear Decommissioning Authority (NDA) increased its commercial income last year by £517 million (\$850 million) over the 2007–2008 level. The higher income came primarily from the NDA's electricity generating assets, and raised the total commercial income for the year to about £2 billion (\$3.25 billion). The NDA's commercial income is used to help fund its work in decommissioning and cleanup of the United Kingdom's civilian nuclear legacy.

- Russia has agreed to receive highly enriched uranium (HEU) fuel from the research reactor at the Vinca Institute of Nuclear Science, located near Belgrade, Serbia. The return of the fuel under the agreement between Russian and Serbia will be conducted under the supervision of the International Atomic Energy Agency under the framework of the Russia–United States agreement for the retrieval of Russian-produced research reactor fuel. The Vinca heavy-water reactor began operating in 1960 and

was shut down in 1984. During its years of operation, it used both low-enriched uranium fuel and HEU fuel. Some 2.5 tonnes of spent fuel of both types is currently being stored in a water pool inside the reactor building.

● The United Kingdom has launched a consultation on a new strategy for managing the country's solid low-level radioactive waste. The strategy seeks to prevent, reduce, reuse, and recycle as much material as possible. LLW is currently disposed of at the country's low-level waste repository (LLWR) near Drigg (in Cumbria), but even with planned extra capacity at the site, there will still be a significant shortfall in disposal capacity compared with the amount of waste forecast to be generated in coming years. "Without a different approach to the management of LLW, a new repository could be required by 2037, or possibly even earlier. Consequently, past approaches to operating LLWR and management of U.K. LLW [are] no longer sustainable," the U.K. Nuclear Decommissioning Authority announced. The "prevent/reduce/reuse/recy-

cle" strategy includes making the most of opportunities to reuse soil and rubble from the nuclear industry and to clean and recycle metallic wastes that can be used elsewhere, the NDA said.

● The last high-enriched uranium (HEU) fuel in Romania has been returned to Russia. The fuel was shipped out from the Magurele research reactor and from a site in Pitesti via two air shipments and sent to the Russian sites of Chelyabinsk and Dimitrovgrad, respectively. With the successful completion of these shipments, some 862 kilograms of Russian-origin HEU fuel has been returned from sites in Serbia, Romania, Bulgaria, Libya, Uzbekistan, Kazakhstan, Poland, Germany, the Czech Republic, Latvia, and Vietnam. The fuel removal program is a major initiative of the U.S. National Nuclear Security Administration's Global Threat Reduction Initiative.

[*Editor's Note:* An article on the Russian Research Reactor Fuel Return Program appears in this issue on page 39.] ■