

The Politics of Hope

There was always one action, one decision that didn't quite fit the pattern of the Jaczko Nuclear Regulatory Commission. Chairman Jaczko, Mr. "I'm So Passionate About Safety," spent most of his chairmanship pushing for greater scrutiny, greater safety, greater regulation. Except in one area. That area came under the spotlight in early June when the U.S. Court of Appeals for the District of Columbia Circuit threw out the most recent update of the NRC's Waste Confidence Decision. (See "Headlines," this issue, page 6, for a news story about this ruling, and pages 54–60 for the full text of the Appeals Court decision.)

The Waste Confidence Decision is the NRC's way of finessing the waste issue when it deals with the licensing of nuclear power plants. First promulgated in 1984, the Waste Confidence Decision looks at the programs in place for the disposal of spent nuclear fuel from the nation's nuclear power plants and concludes from those programs when it can expect final disposal to be available. It then inserts that date into its decision. In the initial Waste Confidence Decision, and in all of its updates until the most recent, 2010, update, the NRC simply looked at the current schedule for the beginning of disposal operations of the U.S. Department of Energy's Yucca Mountain repository project and inserted that date as the "date certain" when spent fuel could begin to be disposed. Having a date certain proved that there was a plan in place for spent fuel disposal, that the plan was being worked on, and that an implementation date existed.

But the 2010 update of the decision was faced with the brave new world of a canceled Yucca Mountain project. Now the NRC had to come up

with a way to express its confidence that a repository project was in place even though there no longer was a repository project. So the agency came up with a magical solution. As noted in the Appeals Court ruling, the wording in that particular part of the Waste Confidence Decision was changed to say that a repository would be available "when necessary," rather than by a date certain.

Wow. Just like that, a repository will be available when it's needed. You don't need to have a project or even a plan. Somehow, magically, it will be there where you need it. As the court further stated, "The Commission apparently has no long-term plan other than hoping for a geologic repository."

How the NRC thought it could get away with this is pretty hard to imagine. Maybe Chairman Jaczko realized that he had to find some way to get the Waste Confidence Decision updated after he, his previous boss, Yucca Mountain opponent Sen. Harry Reid (D-Nev.), and his current boss, President Obama, had among themselves managed to scuttle the repository program. (Yes, dear reader, those three individuals were the driving force against the Yucca Mountain project.) Perhaps, taking a cue from the president, the chairman settled on "hope."

Now, I am all for the politics of hope. I mean, that's how most politicians get elected—we vote for them *hoping* that they will be better than the previous person. But I really don't think that if we just hope hard enough and long enough, a spent fuel repository will magically appear before us. And, apparently, the Appeals Courts doesn't think so either.

So, the Waste Confidence Decision is back with the NRC, and the agency



No Confidence

will have to make a determination if there is, indeed, any confidence that this country will ever come up with a workable plan for the disposal of spent fuel and high-level waste. I'll tell you, I'm not all that confident, but then, I'm known for being a cynic, and we cynics always see the dark side of things.

And, on the off chance that hoping works, I'm going to hope really, really hard for a rising stock market, full employment, and world peace. Can't hurt.—Nancy J. Zacha, Editor ■