

NRC Commissioner: Yucca Termination Not Based On Facts

BY GEORGE LOBSENZ

The former Republican chairman of the Nuclear Regulatory Commission says the Obama administration's decision to terminate the Yucca Mountain nuclear waste repository does not appear to be based on "factual findings" and its "unfortunate" handling of the issue will delay resolution of the nation's nuclear waste disposal problems for years.

In a notably sharp-edged speech at the NRC's annual Regulatory Information Conference, outgoing NRC Commissioner Dale Klein also said the president appeared to be abandoning his commitment to scientific integrity by not allowing the NRC—the nation's nuclear safety regulator—to proceed with its review of the proposed Nevada waste repository.

Instead, Klein suggested the administration was siding with those who would "distort" the data and scientific findings about whether Yucca Mountain would be a safe disposal site for spent nuclear fuel and other high-level radioactive waste.

Klein also warned NRC commissioners against hastily approving a new "waste confidence" rule certifying that sufficient waste disposal capacity would be available to accommodate planned new nuclear plants. In particular, he indicated the cancellation of Yucca raised questions about whether the commission could state with confidence when a repository might be opened for waste disposal.

Klein, who is waiting for Senate confirmation of a successor, served as NRC chairman from 2006 to 2009 under President Bush before Obama replaced him with NRC Commissioner Gregory Jaczko, a former aide to Senate Majority Leader Harry Reid (D-Nev.), a bitter foe of the Yucca project.

Klein said Obama clearly was entitled to change U.S. policy on nuclear waste disposal, but that he had been less than forthright about Yucca Mountain.

"In my role as commissioner, I cannot comment on the merits of any of the matters currently before the NRC," he said. "But I will say, in my personal view, that I have found the handling of this matter from a national policy perspective...unfortunate.

"The administration's handling of the matter has already led to the filing of a number of lawsuits and clouded the path forward in a number of significant ways for years to come.

"Frankly, I would have preferred the White House to plainly say that it was implementing a policy change. The president has the right and the responsibility to set policy, and clearly an issue of national importance and complexity such as this needs to be periodically revisited.

"However, in my opinion," Klein said, "the administration's stated rationale for changing course does not seem to rest on factual findings and thus does not bolster the credibility of our government to handle this matter competently.

"Those who would distort the science of Yucca Mountain for political purposes should be reminded that it was a year ago today that the president issued his memorandum on scientific integrity, in which he stated that, 'the public must be able to trust the science and scientific process informing public policy decisions.'

"I honestly cannot say if Yucca Mountain could ever meet the stringent tests that would allow it to be licensed. But I do know that, under the law, that licensing determination... and the technical evaluation of the science... is the NRC's responsibility."

Klein also said the commission was right last year not to approve an updated waste confidence ruling—a decision that was driven by GOP commissioners on the panel who said the abandonment of Yucca significantly changed the picture for the commission.

"I think the current situation demonstrates that those of us who resisted a rush to update the waste confidence findings were correct to proceed with caution," he said. "I continue to

question whether the commission would have maintained its public credibility if it had finalized the proposed update without taking the time to consider more fully the reality of the current situation.

“What many people...fail to understand is that the waste confidence rule is a real challenge for us because it is not simply based on the technical judgment of the NRC. Part of the commission’s ‘confidence’ underlying the rule must be based on events that are beyond the NRC’s control, and when those events are in flux, the commission has to be very careful in deciding whether it can credibly say that we have ‘confidence’ that a repository will be open on a given date or period of time.”