

## Chu Backs Off Yucca Reprogramming After Appropriators Roar

BY JEFF BEATTIE

Under intense criticism from leaders of a key House spending panel, Energy Secretary Steven Chu backed off Wednesday from the Energy Department's proposal to reprogram \$115 million within its current budget to bring the Yucca Mountain project to an orderly close, saying he would consult more closely with the panel on the matter.

DOE's proposal to re-shuffle the Yucca money was questioned at a hearing of the House energy and water appropriations subcommittee, including by subcommittee Vice Chairman Ed Pastor (D-Ariz.) and ranking Republican Rodney Frelinghuysen (N.J.).

Both suggested the move would violate directives in DOE's fiscal 2010 spending bill, which appropriated monies for DOE to advance a license application for the nuclear waste repository at the Nuclear Regulatory Commission.

Instead, the Obama administration has declared Yucca dead, moved to withdraw the application and proposed re-dedicating \$115 million of this year's funds to closing the Nevada project.

But after hearing appropriators' complaints, Chu seemed to back off the reprogramming plan at the hearing.

"Before we do anything, we are going to have a discussion with this committee," Chu told the subcommittee.

Asked what DOE would do about trying to wind down Yucca in an orderly way if congressional appropriators refused the reprogramming plan, Chu said: "If they [appropriators] deny our request, we will have to re-assess where we are."

DOE's reprogramming plan for Yucca closure was laid out in February 17 letters from DOE Chief Financial Officer Steve Isakowitz to House and Senate appropriators.

Following Chu's remarks to the subcommittee Wednesday, DOE officials said the secretary meant only that DOE might re-assess how to fund the closure of the project—not that the administration was re-thinking its overall plan to end Yucca. In fact, Chu reiterated again that the administration does not think that Yucca is the right disposal site for the nation's radioactive waste and spent fuel.

Stephanie Mueller, the DOE press secretary, sought to clarify Chu's remarks, saying in a statement: "The secretary stated his intent today to consult with Congress on the reprogramming associated with the president's budget request. But make no mistake, the department will be shutting down the Yucca Mountain project this year."

The administration has cited scientific reasons for ending the Yucca project, but critics say the decision is a political favor by Obama to Senate Democratic Leader Harry Reid, who bitterly opposes the project in his home state of Nevada.

To craft a national waste management strategy to replace Yucca, the Obama administration has appointed a "blue-ribbon" panel of energy, nuclear and security experts which is scheduled to hold its first public meeting today.

Under questioning from Pastor, Chu said he has directed members of the panel not to consider Yucca Mountain as one option for dealing with nuclear waste.

Last year, House appropriators passed language that would have forced the commission to consider Yucca as an option, but the language was neutralized during negotiations with the Senate on DOE's fiscal 2010 spending bill, likely reflecting the will of Reid.

Wednesday's hearing was ostensibly on DOE's overall funding request for next year, but focused heavily on Yucca and criticism of DOE's plans to cancel it.

In the hearing, Frelinghuysen also told Chu that he thinks DOE's plans to abolish the Office of Civilian Radioactive Waste Management (OCRWM), the office that has long overseen Yucca, might be illegal.

DOE has proposed moving its waste management activities into DOE's Office of Nuclear Energy.

Frelinghuysen suggested that idea might violate the Nuclear Waste Policy Act, which directed DOE to create OCRWM. He also suggested the move might violate DOE appropriations bill language, which he said bars the use of appropriations for "workforce restructuring.

"Quite honestly, I don't think you have the statutory authority to do it," Frelinghuysen told Chu.

Chu said DOE lawyers had told him the move was legal, but agreed to talk about the matter with the committee and its staff.

"I was told that this was within our capabilities," Chu said. "I think this will require a longer discussion between you and I and our staff...."

In more Yucca action Wednesday, a bipartisan group of House members including House Majority Whip James Clyburn (D-S.C.) introduced a resolution of disapproval to "compel the Department of Energy...to cease its efforts to pull the license application for a nuclear waste repository at Yucca Mountain."

The resolution would not have the power of law, but if passed by the House—an uncertain prospect—could significantly increase pressure on the administration.

Most of the lawmakers backing the resolution are from South Carolina and Washington, two states with Energy Department nuclear sites that contain radioactive waste that has long been set for disposal at Yucca.

"Temporary nuclear waste holding facilities, such as the Savannah River Site in my home state of South Carolina, were never intended to store nuclear waste indefinitely, so it is absolutely necessary that we do everything within our power to ensure that the Yucca Mountain project moves forward and that promises made to our communities and states are fulfilled," said Rep. Gresham Barrett (R-S.C.) in a press release.

Among the other lawmakers backing the resolution are Reps. Jay Inslee (D-Wash.), Doc Hastings (R-Wash.), Norm Dicks (D-Wash.), John Spratt Jr. (D-S.C.) and Fred Upton (R-Mich.).