

Connecticut lawmakers: 'Status quo unacceptable' on nuclear waste policy



In this April 9, 2015, photo, people walk in a tunnel through Yucca Mountain near Mercury, Nev., during a congressional tour. (AP Photo/John Locher)

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Waterford — All the nuclear fuel spent creating electricity at the Millstone Power Station since the 1970s remains on site — either in cooling pools that reduce radioactivity, or entombed in 31 massive, leak-tight concrete and steel canisters.

But that fuel is supposed to be about 2,700 miles west of Waterford, according to federal law.

The Nuclear Waste Policy Act of 1982 tasked the Department of Energy with siting, building and maintaining an underground repository for the nation's spent nuclear fuel. In 1987, lawmakers designated Yucca Mountain, a dry, remote spot in Nevada, as the permanent home for the country's nuclear waste.

The law set in motion an ongoing procedural, political and legal battle over where to bury tens of thousands of tons of radioactive waste from 100-plus sites across more than three dozen states.

Millstone spokesman Ken Holt said Thursday that plant owner Dominion Energy maintains the federal government is obligated "to take possession of the used fuel at all nuclear power plants, including Millstone."

Keeping nuclear waste on site in spent fuel pools or the dry cask storage "stores the fuel safely until the government is ready to accept it," Holt said.

Neil Sheehan, spokesman for the Nuclear Regulatory Commission, noted the NRC determined "long-term storage of spent nuclear fuel at plant sites is safe."

Sheehan added that Millstone has complied with NRC-required upgrades following the 2011 **Fukushima** (<https://www.nrc.gov/reactors/operating/ops-experience/japan-dashboard.html>) disaster in Japan; those requirements ensure U.S. nuclear plants can withstand more significant flooding or seismic activity than they initially were designed to handle.

But nuclear advocates and Connecticut lawmakers say it's vital to create long-term storage solutions in the interests of national security and cost savings. And there's a renewed push, in the Trump administration and Congress, to make that happen.

By missing its 1998 deadline to accept nuclear waste at the permanent repository site promised 30 years ago, the federal government has had to fork out more than \$6 billion in settlements and judgments to energy companies for incurred storage costs.

That funding comes from the U.S. Treasury Department Judgment Fund, a permanent account to cover damage claims against the government that doesn't hit taxpayers directly through the budget process but still racks up the deficit, according to the NRC and lawmakers.

"There's got to be a safer, much more cost-effective way than having this stuff pile up and require expensive surveillance in well over 100 locations across the country," Rep Joe Courtney, D-2nd District, said Friday. "There's a strong feeling that the status quo is unacceptable. It's not fair to the sites around the country to have to be a host community for the material. It's time to get this national disposal system underway."

'Technically easy and politically complicated'

Earlier this year, Secretary of Energy Rick Perry said the government had a "moral and national security obligation" to establish a permanent solution and revive the Yucca Mountain project, which was long opposed by former Sen. Harry Reid, D-Nev., and effectively halted by President Barack Obama.

But President Donald Trump's initial 2018 budget hopes to breathe new life into the Yucca Mountain plan this spring, calling for investments of \$110 million into the project, along with \$30 million for its NRC licensing process and \$10 million for interim waste storage.

Lawmakers backed those appropriations in the U.S. House in recent months, but the funding has stalled in the U.S. Senate.

Meanwhile, Rep. John Shimkus, R-Ill., introduced the Nuclear Waste Policy Amendments Act last year, picking up more than 100 co-sponsors, including Courtney.

The bill would eliminate permitting hurdles that have held up Yucca Mountain; ensure funding for the repository program isn't subject to the annual appropriations process; and allow the DOE to contract with private companies looking to establish NRC-licensed interim storage sites while Yucca Mountain is debated.

The measure cleared the House Energy and Commerce Committee this past summer in a bipartisan 49-4 vote.

Courtney said the bill should pick up steam this year after being sidetracked by tax reform debate on Capitol Hill several weeks ago.

"The Shimkus bill certainly appears to be the strongest effort that I've seen in the 10 years that I've been in the House to get this thing unstuck," Courtney said.

Whether such a measure can make it through the Senate remains to be seen.

"Until action on a new federal budget is completed, we will not know if there will be additional funding for our Yucca Mountain review," Sheehan said.

The agency has about \$527,000 available in the Nuclear Waste Fund for its Yucca Mountain review, Sheehan said. But the licensing and hearing process could take up to five years and cost at least \$330 million, based on 2014 NRC estimates.

Rod McCullum of the **Nuclear Energy Institute** (<https://www.nei.org/>), a Washington, D.C.-based nuclear advocacy organization, said Thursday that disposing of nuclear waste "is technically very simple and politically very complicated."

"It's one thing to have a law, it's another thing to fund it," McCullum said. "Harry Reid was able to stop the project by controlling the appropriations process."

McCullum argued an unprecedented amount of study had gone into Yucca Mountain, where nuclear fuel would be isolated 1,000 feet below dry rock but 1,000 feet above the water table.

McCullum, who said he was "an equal opportunity basher of both parties," claimed Senate Majority Leader Mitch McConnell, R-Ky., was holding up potential Yucca Mountain appropriations while trying to maintain GOP control of the Senate.

Sen. Dean Heller (<https://www.heller.senate.gov/public/index.cfm/2017/9/heller-makes-the-case-against-yucca-mountain-to-u-s-house-of-representatives>), R-Nev., up for re-election this year, has fought against Yucca Mountain, calling the project a national security risk, a waste of taxpayer dollars and a potential drain on tourism.

"My position remains clear: Yucca Mountain is dead," Heller said in September.

If Yucca Mountain licensing eventually is funded by Congress and approved by the NRC, experts expect a wave of lawsuits from Nevada, where hundreds of contentions already have been filed citing concerns about waste transport, storage methods and radioactive waste potentially impacting groundwater.

"No part of Nevada will be home to the world's most toxic waste and we will fight every effort that puts our citizens at risk," Gov. Brian Sandoval said in June.

But like Courtney, McCullum said the Shimkus legislation, which also would provide federal funding directly to potential host states like Nevada, is "our best chance to break the logjam."

'Consent-based siting'

Sen. Chris Murphy, D-Conn., wrote in a 2013 **op-ed** (<http://www.theday.com/article/20130526/OP05/305269959>) in The Day that he'd voted in favor of Yucca Mountain for years, but "it's clear that opposition to the site from the state of Nevada has made completion of that facility difficult."

Murphy said he backed a process called "consent-based siting" recommended by the **Blue Ribbon Commission on America's Nuclear Future** (https://energy.gov/sites/prod/files/2013/04/f0/brc_finalreport_jan2012.pdf) established by Obama in 2010. The premise is that instead of mandating where nuclear waste is stored, lawmakers should "work with willing towns and states that want to store the waste instead," Murphy wrote.

On Friday, Murphy's press secretary, Laura Maloney, said Murphy's "position hasn't changed on this issue. The status quo is unacceptable. He supports safe, permanent storage options, and he supports making sure that local communities have a voice in these decisions."

The NRC remains in the early stages of reviewing an application from New Jersey-based Holtec International to construct and operate an interim storage repository in New Mexico.

A Texas company, Waste Control Specialists, has proposed an interim storage site in west Texas. But the company asked the NRC to put its application review on hold, citing licensing costs "significantly higher than we originally estimated."

Sen. Richard Blumenthal, D-Conn., said in a statement that "while the Yucca Mountain program remains controversial, it is critical that our nation determine a long-term plan to manage nuclear waste. A permanent solution is needed to replace the more than 70 temporary storage sites around the country," including Millstone and the decommissioned Connecticut Yankee Nuclear Power Plant in Haddam.

In the absence of a permanent federal site, Dominion has spent more than \$11 million expanding Millstone's storage capacity in recent years. Each storage canister rests on a concrete pad large enough to accommodate 135 canisters, "enough to store the fuel from all three units in dry cask storage," Holt said.

Dominion fronts fuel storage costs before suing the federal government for the expenses incurred, whereas previous owner Northeast Utilities included surcharges on ratepayers' bills to help cover storage expenses.

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