

The Opinion Pages

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Time to Stop Stalling on Nuclear Waste

By THE EDITORIAL BOARD

A federal appeals court has given the Nuclear Regulatory Commission a well-justified rebuke for “flouting the law” when it stopped analyzing the safety of the proposed nuclear waste site at Yucca Mountain in Nevada, some 100 miles northwest of Las Vegas. The commission engaged in some questionable maneuvers aimed at preventing the Yucca site from ever opening, thus carrying out pledges to scuttle the facility made by President Obama, while campaigning for the presidency in 2008, and Senator Harry Reid, a Democrat of Nevada and the majority leader, who has ferociously opposed the site for years.

A few years ago, the commission, then led by one of Mr. Reid’s former aides, claimed that it lacked enough money to continue evaluating a licensing application for the site, including its overall safety, that had been submitted by the Department of Energy. It shut down the licensing program, dismantled the computer system upon which it depended, removed certain findings from reports evaluating the site, shipped the documents to storage and reassigned the program’s personnel to other projects.

Last week, a three-judge panel of the United States Court of Appeals for the District of Columbia Circuit ruled 2 to 1 that the commission could not abort the licensing review while there was still money available for it. Although Congress has appropriated little or no money for the review in recent years, it has not told the commission it should not spend previously appropriated funds. There is \$11 million left from past appropriations — enough to complete and publish a full safety evaluation, including conclusions that had previously been suppressed.

After spending decades and billions of dollars in studying Yucca, Congress ought to appropriate enough new funds to complete the overall licensing evaluation to determine whether or not Yucca would make an acceptable repository. Meanwhile, as a step in that process, we urge the commission not to appeal the court decision but instead use its remaining money to publish an unredacted safety evaluation. The information would be useful because underground burial, if not at Yucca then elsewhere, remains the preferred option for permanent disposal.

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