

SHAPING NUCLEAR WASTE POLICY AT THE JUNCTURE OF FEDERAL AND STATE LAW

LAWRENCE FLINT*

Abstract: Nuclear waste has long been the Achilles' heel of the civilian nuclear power industry. The spent nuclear fuel that reactors generate remains radioactive for hundreds of thousands of years; however, all the spent fuel that has been generated to date is stored in temporary, short-term facilities. As the federal government struggles to develop a permanent solution, many temporary storage facilities are nearing capacity. A few states in which civilian reactors are located have placed severe constraints on the construction of additional needed storage, potentially causing the shutdown of the federally-financed reactors. In part because of this pressure from the states, Congress has sought to create a federal, centralized interim storage facility while development of a permanent repository proceeds. This controversial effort has yet to succeed. This note will suggest that a new approach to the interim storage problem is necessary—one that involves granting the federal government exclusive authority over nuclear waste storage facilities.

"[W]here a specific duty is assigned by law, and individual rights depend upon the performance of that duty . . . the individual who considers himself injured, has a right to resort to the laws of his country for a remedy."

—*Marbury v. Madison*¹

INTRODUCTION

On January 31, 1997, several electric utilities operating commercial nuclear reactors petitioned the United States Court of Appeals for the D.C. Circuit for a writ of mandamus to require the federal government to begin accepting highly radioactive spent nuclear fuel from the utilities by a statutory deadline the following January.² Congress set this deadline fifteen years earlier by enacting the Nuclear

* Note Editor, *Durham College Environmental Affairs Law Review*, 2004-05. The author wishes to thank his brother, Alex, for his help in finishing the notes on this Note.

¹ 5 U.S. (1 Cranch) 137, 166 (1803).

² *See N. States Power Co. v. United States Dep't of Energy*, 124 F.3d 754, 755 (D.C. Cir. 1997) (hereinafter *Norfolk States Power*).

Shaping Nuclear Policy For The 1990s

**United States. Congress. House.
Committee on Armed Services.
Defense Policy Panel**

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Shaping Nuclear Policy for the 1990s United States. Congress. House. Committee on Armed Services. Defense Policy Panel,1993

Nuclear Policies in Europe Bruno Tertrais,2013-09-13 While international security has radically changed since 1989 nuclear weapons remain a subject of debate and contention This paper provides an analytical framework for understanding post Cold War Europe s strategic debates It offers insights into Europe s national nuclear policies and perspectives It examines the possible outcomes of current debates and gives policy recommendations for managing the new nuclear debates faced by Europe and by NATO

Nuclear Weapons and the Environment John Perry,2021-03-12 In Nuclear Weapons and the Environment John Perry highlights the environmental damage caused by nuclear device testing The failure of the Nuclear Proliferation Treaty and the continued proliferation of nuclear weapons is a grave risk to not only human life but to the environment Pointing to the unstable political situation between a variety of state and non state actors the remediation of nuclear test sites and the risks involved in the production of nuclear weapons Perry makes a clear case for the dire importance of non proliferation

The Nuclear Non-Proliferation Regime Raju G.C. Thomas,2016-07-27 Leading international security scholars and policy advisors from universities think tanks and nuclear weapons laboratories in the United States analyze the future of nuclear weapons proliferation In April 1995 the earlier 1970 Nuclear Non Proliferation Treaty was renewed indefinitely and without change to the original clauses of the treaty The authors examine the continuing relevance or irrelevance of the old treaty the role of coercive sanctions in enforcing restraint and the impact of biological chemical and missile proliferation on the nuclear motives and ambitions of various states Attention is given to proliferation conditions in the former Soviet republics East and South Asia and the Middle East

Monthly Catalogue, United States Public Documents ,1993-08

Committee Prints Published by Committee on Armed Services, House of Representatives, ... Congress United States. Congress. House. Committee on Armed Services,1991

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How Think Tanks Shape Social Development Policies James G. McGann,Anna Viden,Jillian Rafferty,2014-07-07 Across the globe there are more than four thousand policy institutes or think tanks that research or advocate for economic and social development Yet the relationship between these organizations and the policies they influence is not well understood How Think Tanks Shape Social Development Policies examines case studies drawn from a range of political and economic systems worldwide to provide a detailed understanding of how think tanks can have an impact on issues such as education policy infrastructure environment and sustainable development economic reform poverty alleviation agricultural and land development and social policy Each chapter provides an overview of the approaches and organizational structures of specific think tanks as well as the political economic and social opportunities and the challenges of the environments in which they operate The contributors study the stages of innovative think tank aided strategies implemented in highly industrialized

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work reveals how the likelihood of continuing uncertainty and change in world affairs creates opportunities as well as the need for renewed progress toward significant nuclear disarmament *A Nuclear Weapons-Free World?* Nick Ritchie, 2012-10-29 President Obama and the UK Labour and Coalition governments have all backed the renewed momentum for serious progress towards a world free of nuclear weapons whilst the UK finds itself embarked on a controversial and expensive programme to renew its Trident nuclear weapons system What does the UK process tell about the prospects for disarmament **Forecasting Zero: U.S. Nuclear History and the Low Probability of Disarmament [Enlarged Edition]** Strategic Studies Institute, Jonathan Pearl, U.S. Army War College, 2013-05-18 This monograph examines the strategic importance of Egypt for the United States by exploring Egypt's role in the Arab Israeli peace process its geographical role providing air and naval access for U S military assets heading to the Persian Gulf and joint training programs With so much at stake in the Middle East the idea of losing Egypt as a strategic ally would be a significant setback for the United States The Egyptian revolution of early 2011 was welcomed by U S officials because the protestors wanted democratic government which conformed to U S ideals and the institution that would shepherd the transition the Egyptian military had close ties with the United States To bolster the U S Egyptian relationship and help keep Egypt on the democratic path the monograph recommends that U S military aid should not be cut economic aid should be increased and U S administration officials should not oppose congressional conditions tying aid *U.S.-UK Nuclear Cooperation After 50 Years* Jenifer Mackby, Paul Cornish, 2008-07-02 As Britain and the United States commemorate five decades of the special nuclear relationship embodied in the 1958 Mutual Defense Agreement MDA two leading research institutes one on either side of the Atlantic have collaborated to examine that history The Center for Strategic and International Studies in Washington D C and the Royal Institute of International Affairs Chatham House London enlisted senior officials scientists academics and members of industry who have been involved in the implementation of the MDA over the years The contributors were asked to recount how the U S UK nuclear relationship flourished despite such obstacles as the halt in the scientific cooperation that had spurred the Manhattan Project the Suez crisis and sharp disagreements over scientific political and technical issues They were also asked to look to the future of this unparalleled transatlantic relationship Abstracts from 36 oral histories taken with among others Des Browne UK secretary of state for defence James Schlesinger former U S secretary of energy and Harold Brown former U S secretary of defense add to the historical dimension of this work The resulting collection of histories analyses and anecdotes provides valuable reading for an understanding of how the two nations were drawn together by a common threat during a turbulent era as well as how they will face future challenges in a radically changed security environment Amazon com [Bridging the Nonproliferation Divide](#) Francine R. Frankel, 1995 **Proliferation Watch**, 1992 **Arms Control in Europe** United States. Congress. House. Committee on Foreign Affairs. Subcommittee on Arms Control, International Security, and Science, 1989

Unveiling the Magic of Words: A Review of "**Shaping Nuclear Policy For The 1990s**"

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