



While the nuclear crisis in Japan has focused attention on the risks of spent fuel piling up at the U.S.'s reactors, one curious fact has gone largely unnoticed: There is \$24 billion sitting in a "nuclear waste fund" that can't actually be used to pay for a safer way to store the waste at reactors.

In 1982, Congress passed the Nuclear Waste Policy Act, and the federal government effectively struck a deal with the nuclear industry: Reactor operators and their customers would pay a tax on the waste they produced, and the government would use the money to create a safe place to store it for generations.

The idea at the time was to build a repository inside volcanic rock on Yucca Mountain, about 100 miles northwest of Las Vegas. That plan proved to be wildly controversial and was eventually abandoned by the Obama administration in 2010. After 29 years, there are billions of dollars in the fund and no plan for the waste.

To compound the problem, the 1982 law only allows the money to be spent on a permanent solution, such as Yucca, and it can't be used for what many experts say is the best interim solution: taking spent fuel out of increasingly crowded cooling pools and encasing them in concrete and steel. So, nuclear companies have begun doing that themselves -- and have been suing the government for not holding up its side of the bargain.

The companies have filed dozens of lawsuits, for \$6.4 billion in total claims, according to [figures](#) maintained by the Department of Justice. The government has already paid out \$956 million. It's also spent nearly \$170 million simply defending itself against the claims.

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