

Nuclear Waste Legislation: More than 33 years of failure

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What Congress Needs to Know about Pending Nuclear Waste Legislation
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Nuclear Waste Policy Act of 1982

- SNF & HLW are a national problem that require “safe and environmentally acceptable methods of disposal”
- Federal government is responsible for SNF & HLW disposal in geologic repositories
- Generators are responsible for interim storage and paying for SNF disposal (Nuclear Waste Fund)

Nuclear Waste Policy Act of 1982

1/1/1985 – DOE Nominate 5 repository sites;
recommend 3 sites for characterization

6/1/1985 – MRS proposal; at least 3 sites

3/31/1987 – President recommends 1st site

7/1/1989 – DOE Nominate 5 2nd repository
sites; 3 “additional” sites not in 1st round

3/31/1990 – President recommends 2nd site

1/31/1998 – First repository operating

Nuclear Waste Policy Act of 1982

Sections 116-118 –

- State/Tribal Notification
- State/Tribal Participation
- Financial Assistance to States/Tribes
- Notice of Disapproval from State Governor or Legislature; Congress can override
- Notice of Disapproval from Tribal governing body; Congress can override

Earlier “Consent” Process

- 1971 – Kansas Opposes first repository
- March 1979 – Interagency Review Group on Nuclear Waste Management – “State veto” or “consultation and concurrence”
- December 1979 – NM “Consultation & Cooperation” Agreement for Waste Isolation Pilot Plant (WIPP) in New Mexico

1987 – NWPA Amendments Act

- Yucca Mountain only – stop Hanford, Deaf Smith
- Prohibit site-specific second repository activities
- Annul and revoke Tennessee MRS proposal

- Benefits agreement with Nevada or for MRS
- Establish Office of Nuclear Waste Negotiator
 - To negotiate with Governor or Indian tribe an MRS or repository site
 - Consult with affected states, tribes, local governments
 - Agreement must be federal law

1990-1995 - Nuclear Waste Negotiators

- No states or tribes volunteered for consideration as a repository
- Grants were given to some tribes and counties to study MRS-type facilities

Private Consolidated Storage

- 1997-2006 – NRC licenses Private Fuel Storage (PFS) in Utah, despite citizen, state, congressional opposition.
- 2006 - BLM denies Right-of-Way; BIA refuses lease. PFS is never constructed.
- 2016 to present – ISP/WCS and Holtec applications to NRC. Citizen, State opposition.

Congressional Appropriations

- Congress has appropriated ~\$13 billion for NWPA & Yucca Mountain (FY1983-2010); \$0 since 2010
- House Energy & Water (E&W) Appropriations has included Yucca Mountain funding until FY2020; Senate E&W has not
- Senate E&W from FY2013-2020 includes funding for pilot private consolidated storage, and amending NWPA

CR and FY 21 Appropriations

- FY 2020 – \$0 for Yucca Mountain and \$0 for Consolidated Storage – Same in CR (HR 8337)
- FY 21 House Energy & Water Appropriations (HR 7617, Division C) – \$0 for Yucca Mountain; \$0 for Consolidated Storage; \$7.5 million for NWF Oversight & \$20 million for Federal interim storage with consent-based approach.

Senate bill: \$0 for Yucca Mountain; \$10 million for private consolidated storage, \$17.5 million for plans.

Some conclusions

- Administrations, Congresses, Nuclear Industry have not implemented the 1982 NWPA.
- Since 1987 NWPAA, Congress has not adopted new legislation.
- Commercial SNF has increased from 16,000 MT to 85,000 MT, stored on site.
- No state or tribe will consent to host the only repository or consolidated storage site.
- Legislation for publicly accepted, technically sound waste storage/disposal has not been introduced.

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