Nuclear Waste Legislation: More than 33 years of failure

Don Hancock
Southwest Research and Information Center

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

- 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.
Contact Information

Don Hancock
Southwest Research and Information Center
PO Box 4524
Albuquerque, NM 87196-4524
(505) 262-1862
www.sric.org
sricdon@earthlink.net