





NWPA & NCSL Project Background

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Presentation Outline

- History of the Nuclear Waste Policy Act
- History of the DOERW - NCSL Agreement
 - Formation of the NCSL Working Group
- NCSL's Policy Procedure
 - Environment & Natural Resources Committee
 - Radioactive Waste Management Policy
- NCSL Environmental Management Work

EXHIBIT C HLRW Document consists of 12 pages

☒ Entire document provided.

☐ Due to size limitations, pages ____ through ____ provided.

A copy of the complete document is available through the Research Library
(775-684-6827 or e-mail library@icb.state.nv.us)

Meeting Date 12/10/03



General Background

- 1975 President Ford decided to forego reprocessing of commercial spent nuclear fuel. (Banned by Carter in 1979)
 - To address nonproliferation concerns
- 1978 Interagency Review Group
 - 1979 Recommended proceeding with geologic disposal.
 - National survey identified near-surface and exposed crystalline rock formations in 17 states.



General Background cont.

- 1980 DOE Issued Final Environmental Impact Statement for the Management of Commercially Generated Radioactive Waste & Record of Decision
 - officially selected mined geologic repositories as the preferred means for the disposal of commercial spent nuclear fuel



General Background cont.

- 1981 President Reagan withdrew the ban on reprocessing.
 - Reprocessing not pursued as it is not cost-effective in the United States



Nuclear Waste Policy Act of 1982

- Introduced by Rep. Udall in June 1981
- Signed by President Reagan in January 1983
- Authorized the waste management system that will permanently isolate spent fuel.



NWPA History cont.

- DOE directed to develop a repository for nuclear waste and to study and propose an MRS facility.
- NRC given licensing authority over DOE activities.
- Defined the site recommendation and submittal process for a license application.



NWPA History cont.

- Assigned oversight role to the State of Nevada and Affected Units of Local Governments
- Limited waste emplacement to 70,000 metric tons of spent fuel.
- Required the ability to retrieve spent fuel from the repository.



NWPA History cont.

- Established the Nuclear Waste Fund
 - Utilities pay fees collected from ratepayers into the fund for future federal storage in an MRS facility and disposal in the repository. (1 mil per kilowatt hour)
 - To date ratepayers have contributed approximately \$23 billion into the fund.



NWPA History cont.

- 1983 - DOE selected nine potential repository sites.
 - Yucca Mountain was among the nine.
- March 31, 1987
 - DOE submitted a proposal to site an MRS at the Clinch River Breeder Reactor Project Site, near Oak Ridge, Tennessee.



NWPA History cont.

- The Oak Ridge community was supportive.
- State of Tennessee opposed the siting of the MRS and filed a lawsuit.
 - All DOE efforts stopped.
 - The court ruled that the issue was not yet "ripe."
- Result: NWPA Amendments of 1987 annulled DOE's proposal.



NWPA Amendments of 1987

- The decision was made to use a single repository for the disposal of spent fuel and HLW.
 - DOE was directed to study only Yucca Mountain for the repository.
 - Postponed the selection process for a second repository



NWPA Amendments cont.

- Created the Nuclear Waste Technical Review Board to “evaluate the technical and scientific validity” of the repository program activities.
- Restricted the Secretary of Energy’s discretion to conduct activities at Yucca Mountain to those “necessary for evaluation or licensing of the site or for NEPA purposes.”



NWPA Amendments cont.

- Linked development of an MRS facility to the siting of the permanent repository.
 - DOE may not build an MRS until a license has been issued for construction of the repository.
 - “Linkage” provides an assurance that the facility will not become a “de facto” repository.



NWPA Amendments cont.

- Contracts were entered into with utilities that beginning not later than January 31, 1998, DOE will dispose of the HLW or spent fuel
 - DOE did not meet this deadline
 - Utilities filed suit
 - Courts found in favor of the utilities



NWPA Amendments cont.

- Office of the Nuclear Waste Negotiator Created
 - 5-year Term ending in January 1993
 - Position filled in August of 1990 (David Leroy)
 - Reappointment in September of 1993 (Richard Stallings)
 - Term extended through January 31, 1995
 - Office Closed January 21, 1995



Nuclear Waste Negotiator

- Seeking voluntary host for temporary spent fuel storage facility.
- Authorized to negotiate the terms and conditions (financial/institutional).
- Grants available to potential hosts
 - used to assess the feasibility of hosting an MRS
 - 3 Phases to the Grant Application Process



Nuclear Waste Negotiator cont.

- Phase I
- Purpose: Understand Waste Management System and MRS Role
 - Up to \$100,000 for 6 months
 - 21 Applicants



Nuclear Waste Negotiator cont.

- Phase IIa
- Purpose: Public Information Activities
 - Recipients received \$200,000
 - Four Tribes:
 - Mescalero Apache (New Mexico)
 - Skull Valley Goshutes (Utah)
 - Ft. McDermitt Shoshone Paiute (Oregon)
 - Tonkawa (Oklahoma)



Nuclear Waste Negotiator cont.

- Phase IIb
 - Purpose: "Credible Formal Discussions"
 - Could receive up to \$2,800,000
 - Mescalero Apache and Skull Valley Goshute
- Conference Committee Language for the Energy & Water Development Approp. Bill
 - Cut Phase IIb Funding



Repository Decision Process

- Secretary of Energy recommended to the president that Yucca Mountain is a suitable site for the development of a repository.
 - NWPA requires that the Governor of Nevada and Legislature be notified.
 - Secretary must wait at least 30 days before submitting the recommendation to the President.



Repository Decision Process cont.

- NWPA requires the Site Recommendation Report be submitted to the President and public that describes the technical basis for the recommendation and decision.
 - Must have preliminary comments from the NRC on the sufficiency of DOE's site characterization analysis and waste form proposal for inclusion in a repository license application.
 - Comments from the Governor or Legislature together with a response to these comments by the Secretary.
 - Any impact report submitted by the State of Nevada.



Repository Decision Process

- January 10, 2002
 - DOE notified Nevada of intent to proceed with Yucca Mountain.
- February 15, 2002
 - President Bush approved the Secretary of Energy's recommendation that Yucca Mountain is a suitable location for the repository.
 - Recommended the site to Congress.



Repository Decision Process

- April 8, 2002
 - Governor Kenny Guinn announced the state's official notice of disapproval to Congress.
- May 8, 2002
 - The House approved the Yucca Mountain site 306-117.
- July 9, 2002
 - The Senate approved the Yucca Mountain site by a voice vote following a procedural "motion to proceed" vote by 60-39.



Repository Decision Process

- July 23, 2002
 - President Bush signed the Yucca Mountain Development Act



NCSL-DOE Co-Op Agreement

- In place since 1984
- Authorized under the NWPA of 1982
 - Outreach to the states
- Publications
- Technical Assistance



NCSL-DOE Co-Op Agreement

- Working Group
 - Has had different names and priorities over the years to coincide with DOE program activities.
 - Monitored Retrievable Storage Working Group
 - Interim Storage and Transportation Working Group
 - High Level Radioactive Waste Working Group



NCSL HLRW Working Group

- 45 Members from 26 states
 - Legislative leadership in each state appoints a member from each legislative body.
 - Waiting for appointments from 8 additional states.
 - Current membership 30 Republicans and 15 Democrats.



NCSL HLRW Working Group

- Washington, DC Meeting
 - November 16-18, 2003
 - Radioactive Waste Management Policy Recs.
- Las Vegas Meeting
 - Tentatively scheduled for May 11-14, 2003
 - Tour of Yucca Mountain



NCSL Standing Committees

- 15 Standing Committees
 - Members appointed by legislative leaders in each state.
 - Meet in the Fall, Spring and at Annual Meeting.
 - 10 States must be present to vote on policy statements.



NCSL Standing Committees

- The standing committees consider both federal and state issues and develop lobbying positions for NCSL.
- Legislative staff do participate in the committees but only legislators can vote on policy resolutions.



NCSL Standing Committees

- Radioactive Waste Management Policy -Joint Policy
 - Environment and Natural Resources Committee
 - Energy and Electric Utilities Committee



Environmental Management

- Hanford Legislative Roundtable
 - August 28-30, 2003
- Nevada Test Site Tour
 - November 9, 2003
- Washington, DC Meeting
 - Tentatively February/March 2004
