

Summary of the Nuclear Waste Administration Act of 2013

The Nuclear Waste Administration Act of 2013 is intended to implement the recommendations of the Blue Ribbon Commission on America's Nuclear Future to establish a Nuclear Waste Administration and create a consent-based process for siting nuclear waste facilities. The bill reflects the basic structure of the discussion draft released in April 2013, with modifications to the structure of the Administration and to the requirements linking storage facilities to the repository program. More than 2,500 comments were received on the draft.

The bill enables the federal government to fulfill its commitment to managing nuclear waste, ending the costly liability the government bears for its failure to dispose of commercial spent fuel. The integrated storage and repository system established by this legislation will expand opportunities for nuclear power to supply carbon-free energy, and will provide long-term protection of public health and safety from both commercial and defense high-level waste.

A Nuclear Waste Administration

The bill establishes a new, independent agency, headed by a single Administrator, appointed by the president and subject to confirmation by the Senate, to manage the nuclear waste program in place of DOE. It also establishes an Oversight Board—composed of 5 members with staggered terms, appointed by the president and confirmed by the Senate—to oversee the new agency's administration of the program. The creation of an independent oversight board is a response to comments which raised concerns about the earlier framework for a board composed of Federal officials.

A Consent-Based Process for Consolidated Storage Facilities and a Repository

The bill directs the new agency to build a pilot spent fuel storage facility to store spent fuel from decommissioned nuclear power plants and emergency shipments from operating plants. The agency is also directed to build one or more consolidated storage facilities to store non-priority spent fuel for utilities or defense wastes for DOE on a temporary basis. It also establishes separate – but similar – siting processes for storage facilities and one for repositories (steps unique to the repository process below are in italics). To site a nuclear waste facility, the new agency must—

- establish technical siting guidelines to evaluate sites;
- solicit states and communities to volunteer sites;
- obtain state and local (and tribal if on an Indian reservation) cooperation to study sites, with cooperation agreements optional for storage sites *and required for repository sites*;
- hold public hearings before characterizing sites, *and before final determination of suitability for a repository*;
- obtain state and local (and tribal if on an Indian reservation) consent to site a repository or storage facility; and
- obtain licenses from the Nuclear Regulatory Commission to construct and operate storage facilities or repositories.

The separation of storage facility and repository siting processes into two sections is a change from the earlier framework. Additional differences include a requirement for the Administrator to issue a request for proposals for a pilot storage facility within 180 days after enactment of the Act, and a requirement to issue guidelines pertaining to repositories no later than 1 year after enactment.

Linkage Between Storage Facilities and a Repository

The bill authorizes the Administrator to begin siting a pilot storage facility for priority waste immediately, and does not set waste volume restrictions on storage. The bill provides that for 10 years following enactment of the Act, the Administrator may continue to site new storage facilities for non-priority waste as long as funds have been obligated to carry out a parallel repository program. After 10 years, the Administrator may site new storage facilities only if at least one site has been selected for evaluation as a potential location for a repository.

Nuclear Waste Fund

The bill establishes a new Working Capital Fund in the Treasury, into which the fees collected from the utilities (currently about \$765 million per year) would be deposited. These funds will be available to the Administration without further appropriation. Fees already collected (about \$28.2 billion as of January 2013) remain in the Nuclear Waste Fund, where they will continue to be subject to appropriation.

Defense Wastes

The Secretary is authorized to revisit the decision to commingle defense wastes with commercial spent fuel. If the Secretary determines that separate waste facilities is necessary or appropriate for efficiently managing defense wastes, the Administrator may site, construct, and operate one or more facilities for that purpose in accordance with the siting-concurrence process in the Act.