

## **Summary of the Nuclear Waste Administration Act of 2013 Discussion Draft**

The Nuclear Waste Administration Act of 2013 discussion draft 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 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 for both commercial and defense high-level waste.

### **A Nuclear Waste Administration**

The bill establishes a new federal agency, headed by a single administrator, appointed by the President by and with the advice and consent of the Senate, to manage the nuclear waste program in place of DOE. It also establishes an Oversight Board—composed of the Deputy Director of OMB, the Chief Engineer of the Army Corps of Engineers, and the Deputy Secretary of Energy—to oversee the new agency's administration of the program.

### **A Consent-Based Process for Consolidated Storage 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 a new siting process, applicable to both repositories and storage facilities, that requires the new nuclear waste agency to—

- 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) consent to study sites;
- hold multiple public hearings before studying or selecting sites;
- obtain state and local (and tribal if on an Indian reservation) consent to site a repository or storage facility;
- obtain congressional ratification of any consent agreement for a site; and
- obtain a license from the Nuclear Regulatory Commission to construct and operate a repository or storage facility.

Comments are being requested on the degree to which these siting requirements apply to both storage and repository siting decisions.

### **Linkage Between Storage Facilities and a Repository**

The bill authorizes the Administrator to begin siting consolidated storage facilities immediately, and does not set waste volumes restrictions on storage. The bill proposes a requirement that while constructing and operating the storage facility, the Administrator is required to continue making progress on siting and constructing a repository as measured against its own mission plan. Should the Administrator or Oversight Board determine substantial progress is not being made on a repository, waste shipments to the storage facility (other than emergency shipments) would cease, although waste already in storage would remain there. Comments are being requested on inclusion or modification of this linkage requirement.

### **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.