Nuclear Waste Administration Act of 2024

The federal government is responsible for the safe management of used nuclear fuel and other high-level nuclear waste, but Congress has yet to provide modern nuclear waste policy to empower the Department of Energy to pursue disposal solutions. The Nuclear Waste Administration Act of 2024 will provide a pathway for the safe storage and disposition of our nation's nuclear waste.

The Nuclear Waste Administration Act will:

- **Establish a new administration to manage nuclear waste.**
  - Transfers to the new agency from the Department of Energy (DOE) the responsibility for siting, building, and operating nuclear waste storage facilities and repositories, fulfilling waste disposal contracts with the utilities, and collecting the nuclear waste fee.
  - Directs the new Administrator to flexibly site, construct, and operate one or more facilities for storing waste and one or more repositories for the permanent disposal of nuclear waste.
  - Creates an Oversight Board to oversee the new agency's performance and use of funds.
- **Provide a consent-based siting process for siting nuclear waste facilities.**
  - Establishes a new siting process, applicable to any new waste facility or function transferred to the new agency, based on meaningful collaboration with affected communities, which is flexible and open to the public.
  - Requires the Administrator to enter into a binding consent agreement with each affected State, local government, and Indian Tribe to site, construct, or operate a nuclear waste facility.
- **Ensure adequate funding for managing nuclear waste.**
  - Allows that the fees collected from the utilities be deposited into a new Working Capital Fund in the Treasury and be available without further appropriation. No fees would be paid into the Working Capital Fund after December 31, 2037, unless the Administrator is operating a nuclear waste facility by that date.
  - Makes interest earned on the Nuclear Waste Fund (currently about $1.5 billion per year) available immediately and protects the fund and the Administration from political influence.

The three pillars of the Nuclear Waste Administration Act are widely supported:

Over the last several decades, various task forces, working groups, panels, commissions, and research organizations have provided recommendations to manage the country's nuclear waste, with many sharing similar conclusions, integrated into the bill and shown in the sample of reports and key findings below.

- **1993 Secretary of Energy Advisory Board Task Force on Radioactive Waste Management report** recommends involving stakeholders early and continuously to improve public trust.
- **2012 DOE Blue Ribbon Commission on America's Nuclear Future report** recommends Congress provide dedicated funding, establish an independent organization for used nuclear fuel management, and revise the *Nuclear Waste Policy Act* (NWPA) by creating a new consent-based siting process with flexible incentives.
- **2012 RAND Corporation report** concludes that the 1987 NWPA amendments and constrained access to the Nuclear Waste Fund are significant issues in used nuclear fuel management and that some level of independence from congressional authority is required for a successful consent-based siting process.
- **2021 U.S. Nuclear Waste Technical Review Board report** provides six recommendations for nuclear waste management, including an iterative waste management approach and building public trust.
- **2021 GAO report** recommends Congress amend the NWPA to authorize a consent-based siting process, create an independent oversight board, restructure the Nuclear Waste Fund, and require a waste management strategy for the transportation, interim storage, and permanent disposal of used nuclear fuel.
- **2023 National Academy of Sciences report** highlights as a top priority that Congress establish a single-mission entity for managing and disposing of nuclear waste.

The Nuclear Waste Administration Act will overcome decades of problems in nuclear waste policy

In 1957, the National Academy of Sciences recommended deep geologic disposal for long-term nuclear waste management. The Nuclear Waste Policy Act (NWPA) of 1982 provided the first national policy for nuclear waste management and disposal and established procedures for selecting a deep geologic repository. The 1982 NWPA also created the Nuclear Waste Fund to finance waste storage and disposal. This required the federal government to enter into contracts with nuclear utilities to begin disposing of their spent fuel by January 1998 in return for the payment of a waste fee of 0.1 cents/kWh of nuclear electricity generated.

Working under the 1982 NWPA, the DOE had narrowed down three potential sites for the first repository: Deaf Smith County, Texas; Yucca Mountain, Nevada; and Hanford, Washington. Public hearings and briefings were then held to meet the public engagement requirements of the NWPA. In 1986, the three sites were recommended to the President for characterization. In 1987, Congress amended the Nuclear Waste Policy Act to designate Yucca Mountain, Nevada, as the first repository site, thereby ending the consent-based siting process.

In 2002, the Secretary of Energy formally recommended to the President that Yucca Mountain was a suitable site. The Governor of Nevada issued a Notice of Disapproval, exercising the state's right to veto the Yucca Mountain Project. DOE did not submit a license application to the Nuclear Regulatory Commission until June 2008. DOE attempted to withdraw the license in March 2010, but the Atomic Safety and Licensing Board denied the license withdrawal.

When the federal government failed to meet its 1998 obligation to accept commercial spent fuel for disposal, utilities with nuclear reactors began suing the government, exposing the DOE to an estimated $44.7 billion in liabilities. On November 19, 2013, the U.S. Court of Appeals for the District of Columbia ordered DOE to stop collecting the nuclear waste fee, as the federal government had yet to make progress in storing and disposing of the waste.

The Nuclear Waste Administration Act is needed for the safe, economic disposition of our nation's nuclear waste

With no interim storage facility or deep geologic repository, over 90,000 metric tons of spent nuclear fuel is stored onsite at 53 operating or shutdown nuclear power plants in 28 states. About 2,000 metric tons of used nuclear fuel rods are added each year, and by the end of the life of our current nuclear fleet, the United States is estimated to have approximately 140,0000 metric tons of spent nuclear fuel. In addition to commercial used nuclear fuel, the DOE is responsible for the nuclear waste left behind from the Manhattan Project and the Cold War era. This high-level waste was generated as a part of our nation's development and production of nuclear weapons, the bulk of which is stored at sites in Washington, Idaho, and South Carolina.

Not only is the amount of nuclear waste growing annually but so are the taxpayer costs. The federal government has paid the owners of commercial nuclear power reactors about $10.6 billion in damages for the costs they incurred to store used nuclear fuel at reactor sites. That is approximately $2 million a day because Congress has not passed legislation to solve this problem. These funds are paid out of the Department of Justice's Judgement Fund, which add to the federal deficit without the benefit of budget or appropriations considerations. The DOE FY 2023 Agency Financial Report estimated the remaining federal liability for interim storage costs is about $34.1 billion, and the Comptroller General believes this may be an underestimate. In addition, without an integrated waste management strategy, the DOE is unable to estimate the life cycle costs of waste management.

The federal government remains responsible for disposing of the nation's nuclear waste but has made little progress in siting, constructing, and operating interim storage and repository facilities. The Nuclear Waste Administration Act of 2024 incorporates recommendations from the DOE, Blue Ribbon Commission, National Academies of Science, and others on properly siting, constructing, and operating nuclear waste storage and repository facilities. This bill will provide a nuclear waste solution by establishing an organization that solely focuses on managing U.S. nuclear waste, developing a consent-based siting process, and ensuring adequate funding for the program.