

The High-Level Nuclear Waste Repository

A Special Section by the Staff of the Yellin' Rebel

INTRODUCTION

If the proposed High-Level Nuclear Repository comes to Nevada it will change the future of the Silver State for years and years to come. This special section attempts to give the facts, nothing more, nothing less, about the proposed repository. What is Nuclear Waste? What will a Repository look like? What does Bullfrog County have to do with the repository? And what do some of Nevada's top political officials have to say about the repository and the Department of Energy? These are some of the questions this section hopes to answer.

Some of the material about nuclear waste and its effects was provided by the Department of Energy, we thank them. We also thank the politicians and government officials who took their time to speak with Yellin' Rebel staff members about this important issue. And thanks to Jon Ansok, Robert Danner, Randy Proksch, Paige White and David Zanotti for their help on this special section. Enjoy!

—Steven Kapellas.

Overview - Nuclear Waste Policy Act

Passage of the Nuclear Waste Policy Act of 1982 (NWPA) was a major milestone in the Nation's management of nuclear waste. Signed into law by the President on January 7, 1983, this Act established a national policy for safely storing, transporting, and disposing of spent nuclear fuel and high-level waste. Under the Act, the U.S. Department of Energy (DOE) has two major responsibilities.

*To develop, schedule, site, construct, and operate deep-minded geologic waste repositories.

*To perform research, development, and demonstration of the

disposal of spent fuel and high-level waste.

In addition, to ensure performance under the Act, DOE has developed a plan which provides for developing a total waste-disposal system, DOE will submit a proposal to Congress for developing monitored retrievable storage (MRS) facilities for spent fuel.

The NWPA authorizes a number of key activities which, taken together, can meet the objectives of providing safe and permanent disposal of spent fuel and high-level waste:

1. Protection of public health and safety, along with environmental

acceptability;

2. Acceptance of waste for disposal starting not later than January 31, 1998;

3. A repository for permanent disposal of spent fuel and high-level waste;

4. Safe transportation of waste to the repository;

5. Provision of limited interim storage of spent fuel for utilities, as required by the Nuclear Regulatory Commission (NRC);

6. Encouragement to nuclear utilities to use existing storage facilities at reactor sites effectively un-

til waste is accepted for disposal;

7. Involvement of the States and Indian Tribes and full and open public participation;

8. Full cost recovery, with costs borne equitably by the waste generators.

Disposal of commercial low-level nuclear waste, most of which contains small amounts of radioactive material, is not affected by the NWPA. The Low-Level Waste Policy Act of 1980 assigns the responsibility for commercial low-level waste disposal to the individual States.

The Amendment to the NWPA

Editors note:

The following are excerpts from the Johnston Amendment to the Nuclear Waste Policy Act which selects Yucca Mountain as the only site to be studied

**SUBTITLE E—
REDIRECTION OF THE
NUCLEAR WASTE
PROGRAM
"SELECTION OF YUCCA
MOUNTAIN SITE"**

"Sec. 160. (a) IN GENERAL.—(1) The Secretary shall provide for an orderly phase-out of site specific activities at all candidate sites other than the Yucca Mountain site.

"(2) The Secretary shall terminate all site specific activities (other than reclamation activities) at all candidate sites, other than the Yucca Mountain site, within 90 days after the date of enactment of the Nuclear Waste Policy Amendments Act of 1987.

"(b) Effective on the

date of the enactment of the Nuclear Waste Policy Amendments Act of 1987, the State of Nevada shall be eligible to enter into a benefits agreement with the Secretary under section 170."

(b) SITE RECOMMENDATION TO THE PRESIDENT.—Section 112(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132(b)) is amended by—

(1) striking out paragraph (1)(C) and redesignating the subsequent subparagraphs accordingly; and

(2) in subparagraph (C), (as redesignated) by striking "subparagraphs (B) and (C)" and inserting "subparagraph (B)".

(c) TERMINATION OF CANDIDATE SITE SCREENING.—Section 112 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132) is amended

by striking all of subsection (d) and redesignating subsequent subsections accordingly.

(d) TIMELY SITE CHARACTERIZATION.—Section 112 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132) is amended by striking all of subsection (f) and redesignating subsequent subsections accordingly.

(e) SITE CHARACTERIZATION.—Section 113(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10133(a)) is amended—

(1) by striking "State involved" and all that follows through "tribe involved" and inserting "State of Nevada"; and

(2) by striking "beginning" and all that follows through "geological media" and inserting "at the Yucca Mountain site".

(f) COMMISSION AND STATES.—Section

113(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10133(b)) is amended—

(1) in paragraph (1)—
(A) by striking "any candidate site" and inserting "the Yucca Mountain site";

(B) by striking "either" and all that follows through "may be" and insert "the Governor or legislature of the State of Nevada";

(2) In paragraph (2), by striking "at any candidate site" and inserting "at the Yucca Mountain site"; and

(3) in paragraph (3)—
(A) by striking "a candidate site" and inserting "the Yucca Mountain site";

(B) by striking "either"; and

(C) by striking "the State" and all that follows through "may be" and inserting "the State of

Nevada".

(g) RESTRICTIONS.—Section 113(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C.

10133(c)) is amended—
(1) in paragraph (1)—
(A) by striking "any candidate site" and inserting "the Yucca Mountain site"; and

(B) by striking "such candidate site" each place it appears and inserting "such site";

(2) in paragraph (2), by striking "candidate" each place it appears; and

(3) by striking paragraphs (3) and (4) and inserting the following:

"(3) If the Secretary at any time determines the Yucca Mountain site to be unsuitable for development as a repository, the Secretary shall—

"(A) terminate all site characterization activities at such site;

"(B) notify the Con-

gress, the Governor and legislature of Nevada of such termination and the reasons for such termination;

"(C) remove any high-level radioactive waste, spent nuclear fuel, or other radioactive materials at or in such site as promptly as practicable;

"(D) take reasonable and necessary steps to reclaim the site and to mitigate any significant adverse environmental impacts caused by site characterization activities at such site;

"(E) suspend all future benefits payments under subtitle F with respect to such site; and

"(F) report to Congress no later than 6 months after such determination the Secretary's recommendations for further action to assure the safe, permanent disposal of spent nuclear fuel."