

# Nuclear Waste: What Now?



Or ?

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# **Nuclear Waste Policy Act (NWPA)**

- **Established National Policy For Nuclear Fuel Waste Management & Disposal In 1982 & 1987**
- **Established a Technical & Political Process**
  - **Site Evaluation**
  - **State Disapproval**
  - **Congressional Override**

# **NWPA Progress 1987-2009**

- **EPA Standards & NRC Regulations & DOE Rules Completed**
- **Yucca Site Scientifically Evaluated In Great Detail for Million Year Disposal and Also Preclosure Fuel Handling/Storage**
- **Site Designated By President**
- **Disapproved By Governor of Nevada**
- **Disapproval Over Ridden By Congress**
- **Yucca Mountain Approved By Law As First Repository**

# 2009

- **President Obama & Secretary Chu Decide that Yucca Mountain Is “Unworkable”**
  - **Primary Campaign Promise to Senator Reid**
  - **NRC Technical & Management Staff Concluded No Technical Faults & DOE License Application Demonstrated Regulatory Compliance**
  - **DOE & NRC Management Terminates Yucca Mountain Staffs**
    - **Records Preserved**
    - **Licensing Process Suspended**

# **Yucca Mountain Future?**

- **DC Circuit Court Likely To Issue Mandamus Order to NRC to Resume Licensing With Carryover Funds In Few Weeks, However?**
  - **Will DOE & NRC Meaningfully Comply or Stonewall?**
  - **Will Congress Provide Additional Funds in FY 13 Omnibus this Spring or in the FY 14 Appropriations?**
- **Even if NRC and DOE Continue Licensing in Good Faith It will Take ~2 Years to Conclude Licensing**
- **Then Yucca can Be Fairly Compared to Whatever New Administration Alternative Program Exists**

# **New Administration Program Strategy Plan**

- **Phased, Adaptive, Consent Based Program**
- **Pilot Interim Storage Facility For Shutdown Reactors Operational in 2021**
- **Consolidated Interim Storage Facility Operational in 2025**
- **Repository Operational In 2048 (50 years after NWPA 1998 Date)**
- **Many Blue Ribbon Commission Enhancements**
  - **Organizational Structure**
  - **Funding**

# DOE Alternative Strategy

- **Good Plan, But Lacking Details So Far**
  - To Date This Administration has not Acted In a Timely Manner To Comply With its NWPA Obligations
- **If Strongly and Meaningfully Implemented The New Strategy Can Create an Credible Alternative Which Could Possibly Replace Yucca Mountain**
  - However, Will DOE Move Forward Appropriately?

# **Prompt Steps If DOE Acts Responsibly**

## **1. Support Potential Consensus Host State Interim Storage (PISF & CIS) Partnership Siting Agreements**

- Utilize Advise & Assistance Industry Support Contractors (AAS) which Were Successful During GNEP**
- Provide Grants Like Were Done For Voluntary Monitored Interim Storage Siting in Early 90s**
- Provide Funding to Non Site Specific State Level Groups, e.g. Environmental Council Of States, National Governors Association, and Energy Communities Alliance**

# **Further Develop Interim Storage Design Licensing Infrastructure**

## **2. Continue Beyond Current AAS Task Order 11 & 12 Tasks into Pre-Conceptual Design Studies**

- Include BRC Recommended Interfaces With Potential Host Communities & States**
- Prepare & Obtain NRC Generic Topical Report Approvals of Interim Storage Regulatory Issues**
- Develop Modern Efficient IS Regulatory Licensing Processes, e.g. Electronic “LSN” Like Discovery**

# **Transportation Waste Acceptance**

## **3. Prepare for Shutdown Reactor Fuel Removal Transportation**

- Near Field Infrastructure Studies**
- Transportation Readiness**
  - Institutional State, Local & Tribal Agreements (180C)**
  - Transportation Business Management**
  - Hardware Development**
  - Operational Planning**
  - Contractual Planning**

# **EPA Generic Repository Standard**

## **4. EPA Should Promptly Initiate Prorogation of a Generic Repository Standard**

- Any New Alternative Repository Site Must Have a Modern Standard**
- Complex Issues Regarding Length of Protective Period, Retrievability, Reversibility, & Regulatory Processes are Critical to Site Siting**
- Alternative Sites Should Be Compared to Yucca Mountain Site Performance**

# Conclusion

- **The DOE BRC Strategy Is A Good Starting Point And Could Be the Start of the Creation of a Meaningful Alternative Waste Disposal Program.**
- **It Should Have Been Earlier & More Detailed**
- **It Contains Phraseology that Could Allow DOE to Continue to Do Very Little to Discharge Their Legal Responsibilities.**
  - **DOE Should Now Demonstrate the Period of “Do Nothing” but Destroy Yucca is over & It can Create.**

# Conclusion

- **Let Us Hope That DOE will Now Move Strongly Forward With Meaningful Positive Actions to Develop an Real Alternative To Address the Nation's Critical Waste Disposal Needs**