Legislative Principles for Nuclear Waste Management Reform

The Nuclear Energy Institute advocates for legislative reform to create a sustainable, integrated program for federal government management of the Department of Energy's (DOE) high-level radioactive waste and used nuclear fuel from nuclear power plants. The industry supports an integrated strategy consisting of the following elements:

- A new management and disposal organization dedicated solely to executing a high-level radioactive waste management program with the authority and resources to succeed.
- Access to the Nuclear Waste Fund (NWF) for the intended purpose, without reliance on the appropriations process, but with appropriate congressional oversight.
- The Nuclear Waste Fund fee shall not be reinstated unless (1) the annual expenses for the program’s ongoing projects exceed the annual investment income on the NWF and (2) the projected life-cycle cost demonstrates that the fee must be reinstated to achieve full cost recovery over the life of the program.
- Completion of the Nuclear Regulatory Commission’s (NRC) review of the Yucca Mountain repository license application, followed by construction and operation of the repository.
- A consolidated storage facility for used nuclear fuel and DOE high-level radioactive waste in a willing host community and state made available only after the NRC has issued a final decision on the Yucca Mountain repository license application. Reasonable expenditures from the Nuclear Waste Fund may be made to develop, construct and operate the facility.
- Used fuel from shutdown commercial reactor sites without an operating reactor should have priority when shipping commercial used fuel to either a storage facility or Yucca Mountain.
- Communities and states hosting the Yucca Mountain repository and/or consolidated storage facilities shall be eligible for benefits. The Nuclear Waste Fund can be used for these benefits if they are reasonable and do not result in an excessive increase in overall program costs.
- Standard contract holders should not be required to waive their right to recover damages or settle claims resulting from DOE’s breach of contract as a condition of the federal government accepting used nuclear fuel for consolidated storage or permanent disposal.
- The industry will fulfill its one-time fee obligations consistent with the provisions in the Nuclear Waste Policy Act.
- A legislative determination that, for the period after the licensed term for reactor operation until removal for disposal, no consideration of environmental impacts of used nuclear fuel storage shall be required by the NRC in connection with any reactor licensing.