

Nu-WAY Bill
SECTIONAL ANALYSIS

5-9-07

SECTION 1. --- SHORT TITLE.

This section provides a short title for the bill—"Nuclear Fuel Management and Disposal Act".

SEC. 2. --- DEFINITIONS.

This section contains definitions for certain terms used in the bill.

SEC. 3. --- WITHDRAWAL OF LAND.

Section 3 deals with the permanent withdrawal from public use of the land on which the geologic repository operations area is located. Section 3 would withdraw permanently from public use approximately 147,000 acres in Nye County, Nevada. The proposed land withdrawal is the one considered as a potential land withdrawal in the Final Environmental Impact Statement accompanying the Secretary of Energy's 2002 nuclear waste repository site recommendation to the President, which the Congress subsequently approved.

Subsections (a), (b), and (c) would withdraw the land; vest the Secretary of Energy with jurisdiction over the withdrawal; transfer jurisdiction from the Secretary of the Air Force and Secretary of the Interior of lands within the withdrawal currently under their jurisdiction; reserve the land for the Secretary of Energy's use for activities associated with the disposal of high-level waste and spent nuclear fuel under the Nuclear Waste Policy Act of 1982; and revoke existing land orders and right-of-way reservations over the withdrawn lands.

Subsection (d) would confer general management authority over the withdrawal on the Secretary of Energy. It would require development of a management plan that would be submitted to the Congress and the State of Nevada within three years. It may authorize continued use of the land by the Air Force and Nevada Test Site, and would permit continuation of existing grazing, hunting, trapping, and mining uses of the withdrawn land.

SEC. 4. --- RECEIPT AND STORAGE FACILITIES

Section 4 would require DOE to submit a separate license to NRC for the authorization to construct and operate surface facilities to receive and store spent nuclear fuel and high-level radioactive waste at Yucca Mountain site. The NRC must render a decision approving or disapproving the application within 18 months after the date of submission of such application.

SEC.5. REPEAL OF CAPACITY LIMITATION

Section 5 would repeal the 70,000 metric ton limit on the quantity of spent fuel that could be emplaced at the Yucca Mountain repository. Removing this limit would allow the nearly 120,000 metric tons of spent nuclear fuel and high-level nuclear waste whose environmental impact was analyzed in 2002 to be emplaced safely at Yucca Mountain. Enactment of this provision would postpone indefinitely the need to initiate a second repository program.

SEC. 6. INFRASTRUCTURE ACTIVITIES

Section 6 would authorize the Secretary, after the completion of a final environmental impact statement, to undertake infrastructure construction activities, such as grading and construction of warehouse and shop facilities, other service facilities and roadways, needed to further waste disposal activities at the Yucca Mountain site. Section 6 would also authorize Secretary to transport defense waste to the receipt and storage facilities after NRC granting the license. As for civilian spent nuclear fuel, the Secretary is authorized to move the waste to the receipt and storage facilities at the Nevada Test Site after a construction license is issued, provided that the Secretary also determines that sufficient domestic capability will not be available to recycle the spent nuclear fuel.

SEC. 7. --- RAIL LINE.

Section 7 would provide that the Secretary of Energy shall acquire rights-of-way within the corridor to conduct and operate a railroad connecting the existing rail systems to the site of surface facilities. The Secretary shall consider the proposals for the route made by the State of Nevada and the involved local government. Not later than 180 days of enactment of this Act, the Secretary shall publish in Federal Register a notice of description and map of the corridor and file the map with Congress, Nevada and local governments involved. The map shall have the force of this Act and the public land shall be withdrawn. The Secretary shall comply with all requirements under the National Environmental Policy Act of 1969 and adopt an environmental impact statement.

SEC. 8. --- NEW PLANT CONTRACTS.

Section 8 would provide that following issuance of a license to construct and operate facilities to receive and store spent nuclear fuel at the site, the Secretary shall take title to the high-level radioactive waste or spent fuel as soon as practicable. For any new power plant license application filed after January 2008, this title would modify the contract with DOE to change the deadline for waste acceptance by DOE from a specific date (1998) to 25 years after the nuclear plant begin commercial operation.

SEC. 9. --- NUCLEAR WASTE FUND.

Section 5 would facilitate adequate funding for the licensing and construction phase of the Yucca Mountain program by making a technical budgetary scoring change. The annual fees collected from utilities would be classified as discretionary offsetting collections and would be credited against the amount appropriated from the Nuclear Waste Fund each year. Up to now the fees collected have been scored as mandatory receipts (fees required by law), while repository program expenditures have been classified as discretionary expenditures. Under deficit reduction laws, mandatory receipts cannot be used to offset discretionary expenditures. This proposal would correct that structural budget problem.

This section also would add infrastructure activities to the list of activities for which expenditures may be made from the Fund.

SEC. 10. --- WASTE CONFIDENCE.

Section 10 would require the NRC, in considering whether to permit the construction or operation of a nuclear reactor or a related facility, to deem, without further consideration, that sufficient capacity will be available in a timely manner to dispose of the spent nuclear fuel and high-level radioactive waste resulting from the operation of the reactor and any related facilities.