

Appendix B

Program Profile

Statutory Authorities and Mission

The Nuclear Waste Policy Act of 1982 (the Act) (Public Law 97-425) established the Office of Civilian Radioactive Waste Management (OCRWM) within the U.S. Department of Energy (DOE) to develop and manage a Federal system for disposing of all spent nuclear fuel from commercial nuclear reactors and high-level radioactive waste resulting from atomic energy defense activities. The statute provides detailed direction for the scientific, technical, and institutional development of the system, and it requires that waste management facilities be licensed by the U.S. Nuclear Regulatory Commission (NRC).

Under the Act, commercial spent nuclear fuel is to be permanently emplaced in a deep geologic repository. In 1985, under provisions of the Act, the President determined that a separate repository for defense-related high-level radioactive waste would not be required; this waste could be disposed of along with commercial spent nuclear fuel in the civilian repository. The Nuclear Waste Policy Amendments Act of 1987 (Public Law 100-203) directed the Secretary of Energy to characterize only the Yucca Mountain site in Nevada as a potential location for a repository. Under OCRWM's current schedule, if a repository at Yucca Mountain were recommended for development and approved for licensing, waste emplacement would begin there in 2010.

The Act authorized the Secretary to enter into contracts with the generators and owners of commercial spent nuclear fuel and high-level radioactive waste, for acceptance of legal title to the waste, subsequent transportation, and disposal. A *Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste* was promulgated in 1983 in 10 CFR Part 961. Individual contracts based on the *Standard Contract* have been executed between the Department and those parties. The Act also directs OCRWM to develop a nationwide system for transporting commercial spent nuclear fuel to Federal facilities, utilizing private industry to the fullest extent possible.

OCRWM's *Program Plan, Revision 2*, issued in July 1998, covers the planning period 1998 through 2003. It describes the Program's strategic objectives and strategies, defines success measures, and identifies the work needed to meet them. A *Total System Description* provides a top-level description of the waste management system OCRWM is developing. The latest revision was issued in Fiscal Year 1999.

Section 304(c) of the Act requires OCRWM's Director to submit to Congress each year a comprehensive report on the activities and expenditures of the Office. This is the sixteenth Annual Report.

Sources of Funding

The Nuclear Waste Policy Act provides that the costs of disposing of spent nuclear fuel and high-level radioactive waste are to be borne by the parties responsible for their generation. Fees levied on the owners and generators of

commercial spent nuclear fuel are defined in the *Standard Contract*. Fees paid are deposited in the Nuclear Waste Fund, a separate account in the U.S. Treasury that is managed and administered by DOE. OCRWM can only expend monies from the Fund that are appropriated by Congress. Amounts not appropriated for current expenses are invested in U.S. Treasury securities and managed strategically to ensure that the long-term costs of waste disposal can be met.

The Act directed that if civilian and defense wastes are emplaced in the same repository, each party must pay its proportional share of costs. The Department developed a methodology for allocating civilian and defense costs and published the result in the *Federal Register* in August 1987. Funding to meet the costs of disposing of defense wastes in a repository is provided through a Defense Nuclear Waste Disposal appropriation from the general (taxpayer-supported) fund of the U.S. Treasury. Those costs are currently estimated to be about 28 percent of total costs.

The Fiscal Year 1999 appropriation for the Program was \$358 million.

Program Organization

OCRWM is headquartered in Washington, D.C., in the Department of Energy's Forrestal Building. Its Director reports to the Secretary through the Under Secretary.

OCRWM carries out its mission through two projects and a management center:

- The Yucca Mountain Site Characterization Project, located in Las Vegas, Nevada, is responsible for all work leading up to and including licensing of a geologic repository.
- The Waste Acceptance, Storage, and Transportation Project, located at OCRWM headquarters, is responsible for all work leading up to and including acceptance and transportation of spent nuclear fuel and high-level radioactive waste.
- The Program Management Center consists of the Office of Quality Assurance, the Office of Program Management and Administration, and the Systems Engineering and International Division of the Office of Acceptance, Transportation and Integration. The former is located in Las Vegas, the latter two organizations, in Washington, D.C.

At the end of Fiscal Year 1999, OCRWM's Federal staff numbered 170 full-time equivalents. Of these, 61 worked at headquarters; 109 worked at the Yucca Mountain Site Characterization Project.