

# Procedure for Establishing a Repository for Commercial Nuclear Waste

| <i>Procedural step</i>   | <i>Governing law or regulation</i>      | <i>Procedural step</i>   | <i>Governing law or regulation</i> |
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| <b>Site Selection:</b>   |   |  |                                    |
| • Secretary of DOE issues guidelines.  | NWPA—sec. 112(a)                        | • State or affected Indian tribe may submit notice of disapproval of site to Congress within 60 days.  | NWPA—secs. 115(b), 116(b), 118(a)  |
| • Secretary of DOE nominates at least five sites for characterization, accompanied by environmental assessment.  | NWPA—sec. 111.0, (E)                    | Congress may override disapproval notice within 90 days of continuous session.   | NWPA—sec. 115(c)                   |
| • Secretary of DOE recommends to the President three of at least five sites for site characterization.   | NWPA—sec. 111.0                         | • If first site recommended is not approved, President must submit another recommendation within 1 year after disapproval.                                     | NWPA—sec. 114(a)(3)                |
| • President approves or disapproves recommended sites for site characterization.   | NWPA—sec. 112(C)(1)                     | <b>Construction Authorization and License:</b>   |                                    |
| • President may delay decision for 6 months.   | NWPA—sec. 112(C)(2)                     | • Following site designation and within 90 days after approval by Congress, the Secretary of DOE submits an application for construction authorization to NRC. | NWPA—secs. 114(b), 115             |
| • Secretary of DOE submits site characterization plan.   | NWPA—sec. 113(b)(1)                     | • NRC submits annual progress reports to Congress on status of application.  | NWPA—sec. 114(C)                   |
| • NRC prepares site characterization analysis.   | 10 CFR 60.11(d),(e),(f)                 | • NRC may adopt Environmental Impact Statement of DOE to fulfill its obligation to prepare same.   | NWPA—sec. 114(f)                   |
| • DOE submits semiannual progress reports to Congress and NRC during site characterization activities.   | NWP.4—sec. 113(b)(3)<br>10 CFR 60.11(g) | • NRC may approve or disapprove issuance of construction authorization.  | NWPA—sec. 114(d)                   |
| • Secretary of DOE submits recommendation of a site for development of a repository to President, accompanied by supporting documentation and an Environmental Impact Statement. | NWPA—sec. 114(a),(f)                    | • NRC must issue final decision on application within 3 years after application is submitted. Decision may be delayed up to one additional year.               | NWPA—sec. 114(d)                   |
| • President may submit request to Congress to delay recommendation of a site for a repository.   | NWPA—sec. 111.0                         | <b>Consultation and Cooperation by States, Affected Indian Tribes, and Public:</b>   |                                    |
| • President submits recommendation to Congress for the site to be developed as a repository.   | NWPA—sec. 111.0                         | States or affected Indian tribes must be notified and public hearings held prior to site nomination,   | NWPA secs. 110 ; 112(b)(2)         |

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| • The Secretary of DOE must seek to enter into binding written agreement with State or affected Indian tribe regarding procedures for consultation and cooperation. | NWPA—sec. 1 17(C)                  | • State or affected Indian tribe may submit notice of disapproval of site to Congress.  | NWPA—secs. 116(b), 118(a)               |
| • President or Secretary of DOE must submit notice to State or affected Indian tribe regarding decisions on sites recommended by DOE for characterization.          | NWPA—sec. 1 12(C)                  | • Site is disapproved unless Congress passes a joint resolution of repository siting approval within 90 days of continuous session. | NWPA—sec. 115(C)                        |
| • Secretary of DOE must submit copies of site characterization plan to States or affected Indian tribe for their review and comment.                                | NWPA—sec. 113(b)                   | • State or affected Indian tribe must be provided with a copy of the application for construction authorization.                    | NWPA—sec. 114(b)                        |
| Secretary of DOE must submit semiannual reports on site characterization activities to State or affected Indian tribe.  | NWPA—sec. 113(b)(3)                | <b>Scheduling:</b>  |   |
| • DOE must notify State or affected Indian tribe if site characterization activities are terminated.  | NWPA—sec. 1 13(C)(3)               | • Secretary of DOE must prepare project decision schedule.  | NWPA—sec. 1 14(e)(l)                    |
| • The Secretary of DOE must conduct public hearings at each site under consideration prior to recommending a site for a repository.                                 | NWPA—sec. 1 14(a)(l)               | • Agencies that cannot comply with schedule must so notify Secretary of DOE and Congress.   | NWPA—sec. 1 14(e)(2)                    |
| • Secretary of DOE must notify State or affected Indian tribe prior to recommending a site for a repository.  | NWPA—sec. 1 14(a)(l)               | <b>Funding:</b>   |   |
|   |                                    | • All costs paid out of Nuclear Waste Fund.   | NWPA—secs. 116(c)(5), 18(b)(6); 302(d)\ |
|   |                                    | • Cost for disposal of defense high-level waste will be paid into Nuclear Waste Fund by Federal Government.                         | NWPA—secs. 8(b)(2), 302(b)(4)           |

SOURCE U.S. Department of Energy,