

Nuclear Waste Policy Act (NWPA)

Section 180(c)

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Nuclear Waste Policy Act (NWPA) Section 180(c)

- The NWPA assigns the Department of Energy (DOE) the responsibility to site, build, and operate a deep geologic repository for the disposal of high-level waste and spent nuclear fuel.
- Amended in 1987 - Section 180(c) was added to address the DOE shipments of SNF or HLW conducted under the NWPA.
- Between 1988 and 2017, DOE worked towards design of a policy and grant program that would meet the requirements of Section 180(c).
- The office of Nuclear Energy (DOE-NE) was eventually assigned the responsibility for continuing planning and analysis in support of a future waste management program including SNF transportation and consideration of issues related to Section 180(c).

Timeline and Activities

1988-1992: DOE-Office of Civil Radioactive Waste Management (OCRWM) Transportation Coordination Group (TCG) developed a preliminary draft strategy for implementing 180(c).

1993-1998: Responsibilities were assigned to Transportation External Coordination Working Group. A series of five Federal Register Notices were published during this period.

1999-2002: Gap due to decrease in congressional appropriation.

2003-2009: Issues were discussed among DOE, State, and Tribal Staff. 2008 FRN provides the framework for policy implementation on Section 180(c).

2010: DOE discontinued OCRMW operations, its functions were transferred to Office of Nuclear Energy (DOE-EM). 2010-2012 - activities were suspended.

2012-2017: DOE-EM National Transportation Stakeholders Forum (NTSF) Section 180(c) Ad Hoc Working group (AHWG) was tasked with developing framework for SNF and HLW shipment.

2008 Federal Register Notice (FRN)

- Funding Mechanism
- Basis of Cost Estimates/Grant funding allocation to States and Tribes
- Allocation method for the variable portion of States' Annual Training Grants
- Allocation method for the variable portion of Tribes' Annual Training Grants
- Eligibility and Timing of the Grants
- Allowable Activities
- Merit Review Criteria

NTSF Activities

- Planning activities resumed between 2012-2017. DOE-NE created a program to lay out the groundwork for a future integrated waste management program that included collaborative transportation planning.
- Led by DOE-NE, DOE-EM NTSF became the mechanism for communicating between federal, state, and tribal governments at national level on Section 180(c) and other transportation topics.
- NTSF Section 180(c) Ad Hoc Working Group (AHWG) was established in 2012 to consider issues related to Section 180(c) implementation.
- DOE NTSF AHWG revisited the prior issues papers and 2008 FRN, retained with no updates: state fees, pass-through of funds, contingency re-routing, matching funds, and funding operation activities.
- Revised - timeline and eligibility, allowable activities, definitions, and rulemaking, funding distribution methods.

Policy Implementation Exercise

- In 2013, DOE-NE-NTSF discussed with States and Tribes the possibility of conducting a “paperwork” exercise to evaluate Section 180(c) revised proposed policy.
- Proposed Policy Implementation Exercise formally began in December 2014 with eight State volunteers and one Tribal volunteer to simulate the grant process in the 2008 FRN for training activities and funding activities along SNF transportation routes.
- Exercise goal was to test the operability of the policy framework described in 2008 FRN with additional goals including comparing policy options and implementation procedures and logistics, enhancing stakeholders understanding of issues related to future implementation of Section 180(c).

Issues Identified

- Funding Allocation – needs further evaluation based on rural and urban settings.
- Training Needs – more discussion needed between DOE and other stakeholders.
- Grant Guidance Document – development of a guidance is necessary.
- One vs Two Grant Applications – one application enacted in two phases?
- Eligibility and Type – noncompetitive?
- Merritt Review Panels – review by non-federal SME?
- Travel Budget – further clarifications required.
- Allowable Activities – future discussions to consider federal requirements.
- Training Modules – develop training modules to incorporate in TEPP program
- Operational Costs – participants requested including operational costs.

Exercise Outcome, Panel Discussions

- Exercise provided valuable information regarding the Section 180© policy framework described in 2008 FRN, information that can be used to support further discussion on Section 180(c) Policy.
- DOE, States, and Tribes have a better understanding of what the scope of a future Section 180(c) program could involve as well as application program logistics and timing.
- Facilitated Panel Discussions in 2016 and 2017 included actions that a State or Tribe would take from the time they receive the 7-day advance notification of notification of transportation of SNF and HLW.
- Section 180(c) AHGW began developing a draft Grant Guidance Document and Section 180(c) Fact Sheet.

Revised Section 180(c) AHWG Priorities and Tasks

Feedback on future direction of the group after the exercise:

Near Term Tasks:

- Develop a grant application template/guidance document.
- Develop a fact sheet about Section 180(c) for State and Tribal management to communicate purpose and value of State participation in AHWG.
- Further analyze the grant allocation formula.
- Develop recommendations for revisions to the Section 180(c) proposed policy.
- Develop TEPP training modules for SNF shipments.

Revised Section 180(c) AHWG Priorities and Tasks

Long Term Tasks:

- Develop a media plan that could be used for SNF shipments
- Develop a timeline of milestones for implanting the SNF transportation system
- Develop a schedule for preparing routes for shipments with training and public outreach
- Provide updates on integrated waste management program progress and current actions
- Conduct a Section 180(c) Pilot program (with funding)
- Develop estimated staff time commitment for applying for/overseeing 180(c) grant activities
- Conduct informational webinars

Post Exercise Activity Summary

- Section 180(c) AHWG began developing a draft grant guidance document and Section 180(c) fact sheet.
- DOE's Oak Ridge National Laboratory would analyze funding allocation formula, developing and modelling potential shipping schedule scenarios using the funding allocation formula in the 2008 FRN.
- Discussion about a possible pilot program as a useful next step to help prepare for shipments.
- The AHWG completed review of the funding formula and opted not to recommend changes to the formula with the option to revisit the analysis in the future potentially when conducting a Section 180(c) Pilot program.
- Development of a grant guidance document and fact sheet was not completed before Section 180(c) AHWG was paused again in 2017.

Potential Future Section 180(c) Planning Activities for Safe Transportation of SNF and HLW

In the Consolidated Appropriations Act, 2021, Congress approved funding for DOE under existing authority for interim storage activities. Possible next steps by DOE:

- Assemble a Team of DOE and National Laboratory support staff to lead and manage Section 180(c) related analysis and planning activities.
- Recruit tribal and state representatives to join the Section 180(c) AHWG to speed up the past work.
- Develop communications products and/or fact sheets for Section 180(c).
- Consider proposing revisions to 2008 FRN on 180(c).
- Collaborate with TEPP towards inclusion of SNF shipments by rail, road, and waterway.
- Develop a Section 180(c) pilot program to evaluate effectiveness.
- Provide feedback and lessons learned from the pilot program.
- Any additional steps as identified by the AHWG.

Questions?