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Thank you so much for participating in this web conference today. Greg Woods wanted me to convey his sincere apologies that he's not able to be here. He also wanted me to thank Mark for all his terrific work in organizing this webinar and allowing us all to continue to benefit from this conference and exchange of ideas in these fiscally challenging times. I know that it's something of a disappointment not to be able to have this meeting in person, but we're all focused on the need to be very frugal stewards of taxpayer dollars. I want to thank all of you for being flexible and creative and figuring out how to do your jobs with fewer resources. I know that many of you are feeling the impacts of the sequester and like us are greatly limiting travel and many other categories of expenses in order to ensure that we can do more with less and continue to carry out the Department's essential programs and mission.

For those of you who I haven't met, I'm the Deputy General Counsel for Environment and Nuclear Programs, and I oversee five offices within GC: the Assistant General Counsel for Environment, the Assistant General Counsel for Civilian Nuclear Programs, the Assistant General Counsel for International and National Security Programs, the Office of NEPA Policy and Compliance, and the Office of Standard Contract Management.

I want to make sure we have time for some discussion, and I don't want to talk for 45 minutes, so I thought I'd focus on just a couple of significant priorities or initiatives within my areas of the General Counsel's office, and then open it up for questions.

## **NEPA Process**

The first initiative I'd like to talk about is our continued efforts to improve the NEPA process, which I know impacts many of you. At previous DOECAA conferences we've talked about some of the efforts we've made over the past couple of years to streamline and increase transparency in the NEPA process. We've done things like create NEPA templates from successful EAs and EISs; prepare guidance on recurring issues; put all of our categorical exclusion determinations online; and finalize the first revision of our categorical exclusion regulations in 15 years.

We've continued those efforts over the past year. They have been part of a broader agency plan to significantly reduce the time required to make decisions in the permitting and review of infrastructure projects. Last year, the President, by executive order, directed federal agencies to come up with such a plan. And last June, Secretary Chu sent a memo to the heads of Department elements stressing the importance of integrating the NEPA compliance process with program and project management. Greg followed up on that memo by outlining steps to ensure greater attention to developing schedules for EISs and EAs, which should be fully coordinated with program and project schedules. Greg's memo requested that an EIS schedule reflecting input from all involved organizations be submitted with each request for approval of a draft EIS.

As part of the agency plan for streamlining permitting, we conducted a comprehensive "lean six sigma" review of the NEPA process. We ended up focusing on EISs since their lengthier timelines provided the greatest opportunity for time savings. As part of this review, we looked at data on EIS timeframes and collected suggestions from NEPA professionals and managers throughout DOE. We tried to identify actions that could improve

the efficiency of the NEPA process without sacrificing quality in the resulting information and documents.

Many of the recommendations that we are in the process of implementing can be grouped under the heading of giving greater attention to requirements that already exist, such as requirements for the establishment of a preparation team, preparation plan, and comprehensive schedule for each EIS. Other recommendations that we are working on implementing are aimed at better developing and utilizing subject-matter expertise within the different program offices, for example by exploring the possibility of inter-office assignments and creating a catalog of subject-matter expertise throughout the Department.

We're also working on increasing the use of information technology within the NEPA process. We're part of a working group led by the Council on Environmental Quality that's looking at things like NEPA metrics and tracking systems to meet an increased demand for information about things like completion time and costs, as well as trying to identify existing IT tools and best practices that can be used at little or no cost to enhance the different aspects of the NEPA process (document preparation, collaboration, public participation, data analysis, etc.). We're also working on providing better and expanded training for NEPA document managers, and expanding our collection of EIS-related data so that we can set timeline goals and better track our progress. The overall goals are to improve teamwork and communication and to institute mechanisms for holding ourselves accountable.

We're also trying to streamline the way in which we in GC work with program offices to review EISs. We're planning to do this in a number of ways: by reaffirming GC guidance regarding the categorization of comments on EISs (so program offices know which comments are essential and which are optional); by reducing

the amount of back-and-forth by creating a standard expectation as to the number of review cycles; and by reaffirming our existing practice of delegating authority to approve EISs and issuing guidance to assist program offices in requesting such a delegation.

Improving the NEPA process is an ongoing effort, but it's a significant aspect of making the General Counsel's office work better and making sure that the NEPA process serves its purpose of improving the quality of DOE's decisions and building public trust, rather than becoming just a series of bureaucratic hurdles. We welcome your ideas as to how we can further improve the process.

## **Nuclear Issues**

The next initiative I thought I would talk about is what we in the General Counsel's office are doing to support the Department in addressing the problem of the back end of the nuclear fuel cycle. That's one of the biggest issues the Department faces as we carry out this administration's all-of-the-above energy strategy. Nuclear power is a key part of that strategy as the largest source of non-greenhouse-gas-emitting electric power generation. Addressing the back end of the fuel cycle is essential not only to the civilian nuclear power industry but also for national security. More than 40% of the Navy's combatant fleet is nuclear-powered, and we need a disposal solution for the fuel that it generates. A permanent disposal solution is also essential to meeting our environmental obligations for the cleanup of our Cold War-era weapons production sites. We've spent a lot of time working on these issues in the GC's office, so I thought I'd talk a little about the status of the Department's efforts to meet the challenges of nuclear fuel management and disposal.

In 2010, Secretary Chu established the Blue Ribbon Commission on America's Nuclear Future with leading experts from government, industry, and academia, including our Secretary-to-be. The Commission was tasked with recommending a plan of action for the

management and disposal of used fuel and high-level radioactive waste. They spent two years conducting a comprehensive review of the issues and issued their final report and recommendations in January 2012. Those recommendations build on lessons learned both here in the United States and in other countries.

In January of this year, the Department released the Administration's Strategy for the Management and Disposal of Used Nuclear Fuel and High-Level Radioactive Waste, which endorsed the key principles of the Blue Ribbon Commission Report. The Strategy lays out the Administration's plan to work with Congress to implement a long-term program that begins with the operation of a pilot interim storage facility and then advances toward siting and licensing a larger interim storage facility and ultimately a geologic repository.

Probably the most central recommendation in the strategy is for a phased, consent-based siting process. Both the Department and the Blue Ribbon Commission concluded that a fundamental flaw of the 1987 amendments to the Nuclear Waste Policy Act was that they imposed a site for characterization, instead of directing a siting process that was based on the consent of communities. A consent-based approach encourages communities to volunteer as sites for a consolidated interim storage facility and/or repository in expectation of the economic activity and benefits that would result from the siting, construction, and operation of such a facility. Such an approach has been successfully executed in countries like Sweden and Finland, which have selected sites from multiple volunteers. Other countries like France, Switzerland, and Canada, have such programs underway. The Department is currently studying the "success factors" in siting approaches for nuclear facilities both in the U.S. and abroad as it works to help develop the consent-based siting process.

As crucial as being consent-based is that the approach be phased and incremental. A phased approach will help to gain trust among stakeholders and to adapt operations based on lessons learned as we move through the stages of the program. For example, the program would focus initially, with the pilot interim storage facility, on accepting used fuel from shutdown reactors. That would allow the building of waste handling capacity while relieving the communities around those shut-down reactors of the burdens associated with long-term storage. It would also allow building trust among stakeholders with regard to the consent-based siting process and the commitments made to the host community as well as communities along transportation routes. The next focus of the program will be on developing the larger, consolidated interim storage facility that will have the capacity to accept and transfer used fuel at rates faster than the rates at which utilities are generating it to work off the current inventory.

Another key element of the BRC recommendations and the Administration strategy is the establishment of a new waste management and disposal organization. It may be unusual for a Department to recommend taking functions outside of it, but we agreed with the Blue Ribbon Commission that a single-purpose organization will best provide stability and focus and build public confidence. The Department hasn't taken a position on the precise form that the new organization will take. We commissioned a study by the RAND Corporation which found that a federally chartered corporation and an independent government agency were two workable models. The discussion draft of a bill recently put out by four Senators (Wyden, Murkowski, Feinstein, and Alexander) would establish a new independent executive branch agency headed by an administrator and deputy administrator that would be appointed by the president and confirmed by the Senate. We think there are a range of possible models that could achieve the attributes

of autonomy, accountability, and long-term perspective, and we look forward to participating in engagement with stakeholders, the public, and Congress on these issues.

We also made recommendations directed at ensuring adequate and timely funding of the nuclear waste disposal program. Again, we think there are a variety of approaches that could meet the goal of ensuring that a reliable stream of funds is available and that funding for the program isn't constantly competing with other government priorities. The discussion draft also proposes funding reforms and we look forward to working with Congress on that as well.

So one of our major efforts in the General Counsel's office is to support our program offices as they work with the rest of the Administration, Congress, and stakeholders to build a new legislative framework for nuclear waste disposal. Of course we're also supporting them in their nearer-term efforts to work with the industry to conduct further research and development on safe interim storage.

The Office of Nuclear Energy has a number of research projects underway. They recently announced a new research and development project that will design and demonstrate dry storage cask technology. Their fiscal year 2014 budget request includes funding for R&D on extended storage of used fuel, transport of fuel under a range of cask loadings, alternative disposal environments, etc. They are also conducting analyses of various used fuel management systems, transportation and storage system models, etc.

I've focused on just a couple of initiatives within the GC's office. I haven't tried to be comprehensive. Obviously we have many other priorities and initiatives underway, including enforcing the Department's energy efficiency standards, responding to congressional oversight requests, supporting other Department offices in their efforts to continually improve the Department's

security culture, and so on. I'm sure my colleagues will touch on those issues and I thought I would stop now and see if you have any questions.