

103^D CONGRESS
2^D SESSION

H. R. 5061

To amend the Nuclear Waste Policy Act of 1982 to clarify the obligation of the Federal Government to take possession of and title to high-level radioactive waste and spent nuclear fuel and provide for its timely and safe transportation, storage, and disposal, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 1994

Mr. TOWNS (for himself, Mr. GILLMOR, Mr. BARCIA of Michigan, Mr. EHLERS, Mr. OXLEY, Mr. BARLOW, Mr. UPTON, Mr. MINGE and Mr. HILLIARD) introduced the following bill; which was referred jointly, to the Committees on Energy and Commerce and Natural Resources

A BILL

To amend the Nuclear Waste Policy Act of 1982 to clarify the obligation of the Federal Government to take possession of and title to high-level radioactive waste and spent nuclear fuel and provide for its timely and safe transportation, storage, and disposal, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Integrated
5 Spent Fuel and High-Level Waste Management Act of
6 1994”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) CONGRESSIONAL FINDINGS.—The Congress finds
3 the following:

4 (1) The transportation, storage, and disposal of
5 high-level radioactive waste and spent nuclear fuel is
6 a matter of national urgency that is the responsibil-
7 ity of this generation.

8 (2) The utility generators and owners of high-
9 level radioactive waste and spent nuclear fuel, to-
10 gether with their customers, have met, and will con-
11 tinue to meet, their obligations under the Nuclear
12 Waste Policy Act of 1982 to provide for the cost of
13 siting, licensing, construction, and operation of a
14 Federal waste management system.

15 (3) Some utilities have now exhausted their
16 spent nuclear fuel pool storage capacity, a total of
17 26 nuclear power reactors will reach their spent nu-
18 clear fuel pool storage capacity by the end of 1998,
19 and approximately 80 nuclear power reactors will be
20 without spent nuclear fuel pool storage capacity by
21 2010. As a result, utility rate payers face significant
22 costs associated with expanding storage capacity at
23 reactor sites, and continued delay is unacceptable.

24 (4) Federal efforts to site, license, construct,
25 and operate disposal facilities in accordance with the
26 provisions of the Nuclear Waste Policy Act of 1982

1 have not met the timetables contemplated by such
2 Act.

3 (5) The Secretary of Energy has a clear and
4 unconditional obligation to take possession of and
5 title to high-level radioactive waste and spent nu-
6 clear fuel beginning not later than January 31,
7 1998.

8 (6) Notwithstanding the passage of 12 years
9 since enactment of the Nuclear Waste Policy Act of
10 1982, the payment of more than \$8,400,000,000
11 into the Nuclear Waste Fund during such period,
12 and the additional programmatic direction provided
13 by the Congress in the 1987 amendments to such
14 Act, the projected date of commencement of oper-
15 ations at a repository is, under the most optimistic
16 of assumptions, 2010.

17 (7) Until a repository is operational, interim
18 storage will continue to be required for high-level ra-
19 dioactive waste and spent nuclear fuel.

20 (8) In light of the obligation of the Secretary of
21 Energy to accept high-level radioactive waste and
22 spent nuclear fuel beginning not later than January
23 31, 1998, the Secretary must establish an interim
24 storage facility for such waste and spent fuel by
25 such date.

1 (b) STATEMENT OF PURPOSES.—The purposes of
2 this Act are the following:

3 (1) To specify with certainty the obligation of
4 the Federal Government to take possession of and
5 title to high-level radioactive waste and spent nu-
6 clear fuel and provide for its timely and safe trans-
7 portation, storage, and disposal.

8 (2) To provide the Secretary of Energy with ad-
9 ditional incentives and means for succeeding in the
10 siting, licensing, construction, and operation of Fed-
11 eral facilities for the storage and disposal of high-
12 level radioactive waste and spent nuclear fuel.

13 (3) To require the Secretary of Energy to es-
14 tablish an interim storage facility for high-level ra-
15 dioactive waste and spent nuclear fuel of domestic
16 origin by January 31, 1998, for the purpose of ful-
17 filling the obligation of the Federal Government
18 under the Nuclear Waste Policy Act of 1982.

19 **SEC. 3. FEDERAL OBLIGATION TO TAKE POSSESSION OF**
20 **AND TITLE TO HIGH-LEVEL RADIOACTIVE**
21 **WASTE AND SPENT NUCLEAR FUEL.**

22 Section 302(a) of the Nuclear Waste Policy Act of
23 1982 (42 U.S.C. 10222(a)) is amended by adding at the
24 end the following new paragraph:

1 “(7)(A)(i) Notwithstanding any other provision of
2 this Act or other law, the terms of the contracts entered
3 into pursuant to this section, or the commencement of op-
4 erations of a repository, the Secretary shall, by not later
5 than January 31, 1998, begin taking possession and pro-
6 viding for the removal from existing storage facilities of
7 the high-level radioactive waste and spent nuclear fuel cov-
8 ered by such contracts.

9 “(ii) A means of fulfilling the obligation set forth in
10 clause (i) shall be the Federal Integrated Spent Fuel and
11 High-Level Waste Management Program established in
12 section 162.

13 “(B) The Secretary shall take possession and provide
14 for the removal of the high-level radioactive waste and
15 spent nuclear fuel referred to in subparagraph (A) in ac-
16 cordance with the acceptance priority ranking as required
17 by the contracts entered into pursuant to this section.

18 “(C) As any high-level radioactive waste or spent nu-
19 clear fuel referred to in subparagraphs (A) and (B) comes
20 into the possession of, and is removed by, the Secretary,
21 title to such waste or spent fuel shall transfer to the
22 Secretary.”.

1 **SEC. 4. FEDERAL INTEGRATED SPENT FUEL AND HIGH-**
2 **LEVEL WASTE MANAGEMENT PROGRAM.**

3 (a) IN GENERAL.—Subtitle E of title I of the Nuclear
4 Waste Policy Act of 1982 (42 U.S.C. 10172 et seq.) is
5 amended by adding at the end the following new section:

6 “FEDERAL INTEGRATED SPENT FUEL AND HIGH-LEVEL
7 WASTE MANAGEMENT PROGRAM

8 “SEC. 162. (a) ESTABLISHMENT.—The Secretary
9 shall establish and administer in accordance with this sec-
10 tion a Federal Integrated Spent Fuel and High-Level
11 Waste Management Program as a means of fulfilling, in
12 a safe, efficient, and cost-effective manner, the responsibil-
13 ity of the Federal Government to take possession and pro-
14 vide for the removal from existing storage facilities of, and
15 take title to, high-level radioactive waste and spent nuclear
16 fuel as provided in section 302(a)(7), and to provide for
17 the management of high-level radioactive waste and spent
18 nuclear fuel in accordance with subsection (b).

19 “(b) COMPONENTS OF PROGRAM.—The Federal Inte-
20 grated Spent Fuel and High-Level Waste Management
21 Program shall include the following components:

22 “(1) Development and use of a multipurpose
23 canister system or systems for the transportation,
24 storage, and disposal of spent nuclear fuel.

25 “(2) Development of the transportation infra-
26 structure required to carry out the storage and dis-

1 disposal of high-level radioactive waste and spent nu-
2 clear fuel in accordance with the Program.

3 “(3) Establishment of an interim storage facil-
4 ity for high-level radioactive waste and spent nuclear
5 fuel, consistent with applicable licensing and envi-
6 ronmental protection requirements, by not later than
7 January 31, 1998.

8 “(4) Disposal of high-level radioactive waste
9 and spent nuclear fuel in a repository developed
10 under this Act.

11 “(c) PROGRESS REPORTS.—The Secretary shall sub-
12 mit to the Congress, not later than 120 days after the
13 date of the enactment of this section and annually there-
14 after, a comprehensive progress report with specific details
15 of how the Secretary is implementing the Federal Inte-
16 grated Spent Fuel and High-Level Waste Management
17 Program. Each report shall also include a list of rec-
18 ommendations for the continued successful implementa-
19 tion of the Program and any proposed implementing legis-
20 lation. Prior to submission of any such report, the Sec-
21 retary shall publish in the Federal Register a notice of
22 the availability of a draft of the report, and shall solicit
23 comments from interested parties.”.

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