

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5057

To amend the Nuclear Waste Policy Act of 1982 to clarify the obligation of the Federal Government to take title to and possession of high-level radioactive waste and spent nuclear fuel and establish an interim spent nuclear fuel storage facility, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 1994

Mr. UPTON introduced the following bill; which was referred jointly to the Committees on Natural Resources and Energy and Commerce

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## A BILL

To amend the Nuclear Waste Policy Act of 1982 to clarify the obligation of the Federal Government to take title to and possession of high-level radioactive waste and spent nuclear fuel and establish an interim spent nuclear fuel storage facility, 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 Nuclear Waste  
5 Responsibility Act of 1994”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 The Congress finds the following:

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

5           (2) The utility generators and owners of high-  
6 level radioactive waste and spent nuclear fuel, to-  
7 gether with their customers, have met their obliga-  
8 tions under the Nuclear Waste Policy Act of 1982  
9 to provide for the cost of siting, licensing, construc-  
10 tion, and operation of a Federal waste management  
11 system for the transportation, storage, and disposal  
12 of high-level radioactive waste and spent nuclear  
13 fuel.

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

23           (4) Federal efforts to site, license, construct,  
24 and operate disposal facilities in accordance with the  
25 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 an obligation  
4 to take title to and possession of high-level radio-  
5 active waste and spent nuclear fuel beginning not  
6 later than January 31, 1998.

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

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

19 **SEC. 3. FEDERAL OBLIGATIONS REGARDING HIGH-LEVEL**  
20 **RADIOACTIVE WASTE AND SPENT NUCLEAR**  
21 **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) Notwithstanding any other provision of this  
2 Act or other law, the terms of the contracts entered into  
3 pursuant to this section, or the commencement of oper-  
4 ations of a repository, the Secretary shall, by not later  
5 than January 31, 1998—

6 “(i) take title to the high-level radioactive waste  
7 and spent nuclear fuel covered by such contracts;

8 “(ii) begin taking possession of such waste and  
9 spent fuel in accordance with the Federal Integrated  
10 Spent Nuclear Fuel Management Program estab-  
11 lished in section 162; and

12 “(iii) establish an interim spent nuclear fuel  
13 storage facility at 1 or more Federal sites.

14 “(B) The Secretary shall provide not less than 30  
15 days advance notification to the Congress of any inability  
16 of the Secretary to meet any deadline specified in subpara-  
17 graph (A).”.

18 **SEC. 4. PERMIT AND LICENSING REQUIREMENTS.**

19 Section 185 of the Atomic Energy Act of 1954 (42  
20 U.S.C. 2235) is amended by adding at the end the follow-  
21 ing new subsection:

22 “c. (1) Notwithstanding any other law, no construc-  
23 tion permit or combined construction and operating li-  
24 cense may be issued for a utilization facility used for the  
25 generation of electricity for commercial sale until—

1           “(A) there is a facility licensed by the Federal  
2           Government for the interim storage or permanent  
3           disposal of high-level radioactive waste and spent  
4           nuclear fuel generated by the utilization facility; and

5           “(B) the Secretary of Energy certifies that the  
6           storage or disposal facility has, or is reasonably ex-  
7           pected to have, an adequate volume of capacity to  
8           accept all of the high-level radioactive waste and  
9           spent nuclear fuel that will be generated by the utili-  
10          zation facility during the reasonably foreseeable  
11          operational lifetime of the utilization facility.

12          “(2) Paragraph (1) shall not apply to any construc-  
13          tion permit or combined construction and operating li-  
14          cense for which an application is filed before the date of  
15          the enactment of this subsection.”.

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