### 103D CONGRESS 2D 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".

#### SEC. 2. FINDINGS AND PURPOSES.

- (a) CONGRESSIONAL FINDINGS.—The Congress findsthe following:
  - (1) The transportation, storage, and disposal of high-level radioactive waste and spent nuclear fuel is a matter of national urgency that is the responsibility of this generation.
    - (2) The utility generators and owners of high-level radioactive waste and spent nuclear fuel, together with their customers, have met, and will continue to meet, their obligations under the Nuclear Waste Policy Act of 1982 to provide for the cost of siting, licensing, construction, and operation of a Federal waste management system.
      - (3) Some utilities have now exhausted their spent nuclear fuel pool storage capacity, a total of 26 nuclear power reactors will reach their spent nuclear fuel pool storage capacity by the end of 1998, and approximately 80 nuclear power reactors will be without spent nuclear fuel pool storage capacity by 2010. As a result, utility rate payers face significant costs associated with expanding storage capacity at reactor sites, and continued delay is unacceptable.
      - (4) Federal efforts to site, license, construct, and operate disposal facilities in accordance with the provisions of the Nuclear Waste Policy Act of 1982

- have not met the timetables contemplated by suchAct.
  - (5) The Secretary of Energy has a clear and unconditional obligation to take possession of and title to high-level radioactive waste and spent nuclear fuel beginning not later than January 31, 1998.
    - (6) Notwithstanding the passage of 12 years since enactment of the Nuclear Waste Policy Act of 1982, the payment of more than \$8,400,000,000 into the Nuclear Waste Fund during such period, and the additional programmatic direction provided by the Congress in the 1987 amendments to such Act, the projected date of commencement of operations at a repository is, under the most optimistic of assumptions, 2010.
    - (7) Until a repository is operational, interim storage will continue to be required for high-level radioactive waste and spent nuclear fuel.
    - (8) In light of the obligation of the Secretary of Energy to accept high-level radioactive waste and spent nuclear fuel beginning not later than January 31, 1998, the Secretary must establish an interim storage facility for such waste and spent fuel by such date.

- 1 (b) STATEMENT OF PURPOSES.—The purposes of 2 this Act are the following:
- (1) To specify with certainty 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.
  - (2) To provide the Secretary of Energy with additional incentives and means for succeeding in the siting, licensing, construction, and operation of Federal facilities for the storage and disposal of high-level radioactive waste and spent nuclear fuel.
  - (3) To require the Secretary of Energy to establish an interim storage facility for high-level radioactive waste and spent nuclear fuel of domestic origin by January 31, 1998, for the purpose of fulfilling the obligation of the Federal Government 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.
- 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:

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- 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-

- posal of high-level radioactive waste and spent nuclear fuel in accordance with the Program.
- ity for high-level radioactive waste and spent nuclear fuel, consistent with applicable licensing and environmental protection requirements, by not later than January 31, 1998.
- 6 "(4) Disposal of high-level radioactive waste 9 and spent nuclear fuel in a repository developed 0 under this Act.
- 10 under this Act. "(c) Progress Reports.—The Secretary shall sub-11 mit to the Congress, not later than 120 days after the date of the enactment of this section and annually thereafter, a comprehensive progress report with specific details of how the Secretary is implementing the Federal Integrated Spent Fuel and High-Level Waste Management Program. Each report shall also include a list of recommendations for the continued successful implementation of the Program and any proposed implementing legislation. Prior to submission of any such report, the Secretary shall publish in the Federal Register a notice of the availability of a draft of the report, and shall solicit comments from interested parties.".