

105TH CONGRESS  
1ST SESSION

# S. 297

To establish a Presidential commission on nuclear waste, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 1997

Mr. BRYAN (for himself and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To establish a Presidential commission on nuclear waste,  
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 “Nuclear Waste Inde-  
5       pendent Review Act”.

6       **SEC. 2. FINDINGS.**

7       Congress find that—

1           (1) despite the enactment of the Nuclear Waste  
2       Policy Act of 1982 (42 U.S.C. 10101 et seq.), rate-  
3       payer contributions to the Nuclear Waste Fund es-  
4       tablished by section 302 of the Act (42 U.S.C.  
5       10222) of over \$6,000,000,000, and expenditures of  
6       over \$4,000,000,000, the high-level radioactive waste  
7       program is behind schedule and is the subject of nu-  
8       merous fundamental controversies, including the  
9       very concept of deep geologic storage;

10          (2) the Federal Government's only proposed  
11       transuranic waste disposal facility, the Waste Isola-  
12       tion Pilot Plant (WIPP), is beset with unresolved  
13       engineering, geologic, and certification problems and  
14       suffers from cost overruns;

15          (3) Federal and State efforts to site low-level  
16       radioactive waste disposal sites have failed in many  
17       instances because of technical problems and public  
18       opposition; and

19          (4) there has never been a comprehensive inde-  
20       pendent review of Federal nuclear waste policies.

21       **SEC. 3. PURPOSE.**

22       The purpose of this Act is to establish a commission  
23       to conduct a full independent review of United States nu-  
24       clear waste policy.

1 **SEC. 4. ESTABLISHMENT OF COMMISSION.**

2 (a) IN GENERAL.—The President, in consultation  
3 with the Science Advisor to the President and the Council  
4 on Environmental Quality, shall establish a commission to  
5 be known as the “Nuclear Waste Policy Review Commis-  
6 sion” (referred to in this Act as the “Commission”).

7 (b) REPRESENTATION OF INTEREST GROUPS.—The  
8 membership and structure of the Commission shall be de-  
9 termined by the President with a view towards providing  
10 representation from—

- 11 (1) environmental groups;
- 12 (2) consumer groups;
- 13 (3) taxpayer groups;
- 14 (4) the scientific community, including nuclear-  
15 oriented and other fields such as biology and medi-  
16 cine;
- 17 (5) State and local governments;
- 18 (6) Indian tribes;
- 19 (7) transportation experts;
- 20 (8) management experts;
- 21 (9) Federal, State, and local regulatory agen-  
22 cies;
- 23 (10) utilities; and
- 24 (11) other affected industries.

1 (c) INDEPENDENT STATUS.—The Commission shall  
2 be independent of the Department of Energy and other  
3 Federal agencies.

4 (d) PARTICIPATION BY THE PUBLIC.—The Commis-  
5 sion shall hold public meetings and provide full opportuni-  
6 ties for participation by all interested parties.

7 **SEC. 5. ISSUES TO BE CONSIDERED.**

8 The Commission shall consider all issues related to  
9 United States policy concerning high-level, transuranic,  
10 low-level waste, and other radioactive wastes including—

11 (1) various options for high-level radioactive  
12 waste storage and disposal, including deep geologic  
13 disposal, on-site dry storage, monitored retrievable  
14 storage, centralized interim storage, or any other op-  
15 tions;

16 (2) evaluation of the experiences of other coun-  
17 tries in storing and disposing of radioactive waste;

18 (3) an analysis of funding through the Nuclear  
19 Waste Fund established by section 302 of the Nu-  
20 clear Waste Policy Act of 1982 (42 U.S.C. 10222),  
21 including fee sufficiency and strategies for providing  
22 equity for ratepayer contributions to the Nuclear  
23 Waste Fund;

1           (4) the siting and characterization process for  
2       nuclear waste programs currently in effect and alter-  
3       natives to those programs;

4           (5) technical, managerial, economic, and policy  
5       analyses of the nuclear waste inventory of the Unit-  
6       ed States; and

7           (6) an examination of the classification system  
8       for nuclear waste currently in effect, and options for  
9       reclassification.

10 **SEC. 6. REPORT.**

11       Not later than 2 years after the date of enactment  
12 of this Act, the Commission shall submit to Congress a  
13 report on its review under this Act, including rec-  
14 ommendations for legislative or other action.

15 **SEC. 7. MORATORIUM ON ISSUANCE OF LICENSES.**

16       No Federal agency may issue a license for a facility  
17 for the storage or disposal of radioactive waste (except a  
18 license for temporary on-site storage) until the date on  
19 which the Commission submits its report under section 6.

20 **SEC. 8. TERMINATION OF COMMISSION.**

21       The Commission shall terminate 30 days after the  
22 date on which the Commission submits its report under  
23 section 6.

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated such sums  
3 as are necessary to carry out this Act.

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