

106TH CONGRESS
1ST SESSION

H. R. 1309

To authorize the Secretary of Energy to provide compensation and increased safety for on-site storage of spent nuclear fuel and high-level radioactive waste.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 1999

Mr. COOK introduced the following bill; which was referred to the Committee on Commerce

A BILL

To authorize the Secretary of Energy to provide compensation and increased safety for on-site storage of spent nuclear fuel and high-level radioactive waste.

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 “The Nuclear Waste
5 Protection and Responsible Compensation Act”.

6 **SEC. 2. PURPOSE.**

7 The purposes of this Act are to—

8 (1) ensure the permanent program for disposi-
9 tion of spent nuclear fuel and high-level radioactive

1 waste continues with adequate political support and
2 funding;

3 (2) ensure the continued safety of on-site stor-
4 age of spent nuclear fuel and high-level radioactive
5 waste by expanding both State and local govern-
6 ments rights to ensure citizens and local commu-
7 nities are protected;

8 (3) ensure the Federal government's obligation
9 for disposition of spent nuclear fuel and high-level
10 radioactive waste is met without spending taxpayer
11 funds;

12 (4) ensure the continued safety of on-site stor-
13 age of spent nuclear fuel and high-level radioactive
14 waste by ensuring complete funding; and

15 (5) ensure that spent nuclear fuel and high-
16 level radioactive waste at shutdown nuclear reactors
17 is removed first once the permanent disposition pro-
18 gram is licensed.

19 **SEC. 3. PROTECTING THE SEARCH FOR A LONG-TERM**
20 **OPTION.**

21 No commercial spent nuclear fuel and high-level ra-
22 dioactive waste shall be transported offsite for away-from
23 reactor storage until a final license for a permanent dis-
24 position program is issued by the Nuclear Regulatory
25 Commission.

1 **SEC. 4. STATE AND LOCAL GOVERNMENT AUTHORITY TO**
2 **IMPROVE THE SAFETY OF ON-SITE STORAGE.**

3 State and local governments may negotiate with utili-
4 ties to provide additional protections above the current
5 Federal minimum standards that ensure citizens and local
6 communities are adequately protected from spent nuclear
7 fuel and high-level radioactive waste.

8 **SEC. 5. COMPENSATION FOR CONTINUED ON-SITE**
9 **STORAGE.**

10 (a) **NUCLEAR WASTE ESCROW ACCOUNT.**—Each nu-
11 clear power utility shall, beginning in fiscal year 2000, re-
12 tain the amount the utility would be required to pay into
13 the Nuclear Waste Fund and deposit it into an account
14 in a financial institution of the utilities choice. For pur-
15 poses of this section the account shall be referred to as
16 the “Nuclear Waste Escrow Account”.

17 (1) **ACCOUNT COLLECTION.**—The Secretary of
18 Energy shall collect the entire balance of the Nu-
19 clear Waste Escrow Account from each nuclear
20 power utility on September 30, 2004, and again on
21 September 30, 2009, and deposit the funds in the
22 Nuclear Waste Fund. The Secretary of Energy re-
23 tains future rights to each Nuclear Waste Escrow
24 Account beyond September 30, 2009 and shall col-
25 lect such Accounts when the current Nuclear Waste
26 Fund is lacking sufficient funds to continue the

1 search for long-term permanent disposition of spent
2 nuclear fuel and high-level radioactive waste.

3 (2) INVESTMENT.—Each Nuclear Waste Es-
4 crow Account account shall be invested by the nu-
5 clear power utilities which established it to earn
6 market rates of return. Any interest collected above
7 the Treasury interest rate shall be placed into a
8 Utility On-site Compensation Fund described in sub-
9 section (b).

10 (3) ASSURANCE OF FUNDS.—Each nuclear
11 power utility shall manage its Nuclear Waste Escrow
12 Account in accordance with the requirements of the
13 regulations published at 10 C.F.R. 50.75 relating to
14 assurances provided to the Nuclear Regulatory Com-
15 mission that funds will be available for decommis-
16 sioning.

17 (b) ON-SITE COMPENSATION FUND.—Each nuclear
18 power utility which established a Nuclear Waste Escrow
19 Account shall establish the Utility On-site Compensation
20 Fund referred to in subsection (a)(2). Such fund shall be
21 available to the utility with the following conditions:

22 (1) FUND USE.—The fund shall be used for the
23 on-site storage of spent nuclear fuel and high-level
24 radioactive waste that should have been accepted by

1 the Secretary of Energy under Article VI B of the
2 Standard Contract (10 CFR Part 961).

3 (2) AMOUNTS REMAINING.—Any amounts re-
4 maining in the fund after expenditures under para-
5 graph (1) shall be paid to the Secretary for the
6 Shutdown Reactor Fund established by the Sec-
7 retary under subsection (c).

8 (c) SHUTDOWN REACTOR FUND.—

9 (1) FEDERAL SHUTDOWN REACTOR FUND.—
10 The Secretary shall establish the Federal Shutdown
11 Reactor Fund in which amounts paid to the Sec-
12 retary under subsection (b)(2) shall be deposited.

13 (2) UTILITY SHUTDOWN REACTOR FUND.—A
14 nuclear power utility which has been shut down shall
15 establish a Utility Shutdown Reactor Fund. The
16 Secretary shall pay to each fund an amount from
17 the Federal Shutdown Reactor Fund to enable the
18 fund to be available to pay the costs of on-site stor-
19 age of spent nuclear fuel and high-level radioactive
20 waste at the shutdown reactor.

21 **SEC. 6. PRIORITY FOR SHUTDOWN REACTOR WASTE.**

22 The current spent nuclear fuel and high-level radio-
23 active waste queue as defined in the Standard Contract
24 (10 C.F.R. 961) shall be adjusted to place all spent nu-

- 1 clear fuel and high-level radioactive waste at shutdown nu-
- 2 clear reactors first in the queue.

3 **SEC. 7. DEFINITION.**

- 4 As used in this Act spent nuclear fuel and high-level
- 5 radioactive waste shall be considered non-defense wastes.

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