

106TH CONGRESS  
1ST SESSION

# S. 683

To amend the Nuclear Waste Policy Act of 1982 to allow commercial nuclear utilities that have contracts with the Secretary of Energy under section 302 of that Act to receive credits to offset the cost of storing spent fuel that the Secretary is unable to accept for disposal.

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## IN THE SENATE OF THE UNITED STATES

MARCH 23, 1999

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 amend the Nuclear Waste Policy Act of 1982 to allow commercial nuclear utilities that have contracts with the Secretary of Energy under section 302 of that Act to receive credits to offset the cost of storing spent fuel that the Secretary is unable to accept for disposal.

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 “Independent Spent Nu-  
5       clear Fuel Storage Act of 1999”.

6       **SEC. 2. TABLE OF CONTENTS.**

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Definitions.

Sec. 4. Findings.

Sec. 5. Amendments to the Nuclear Waste Policy Act of 1982.

1 **SEC. 3. DEFINITIONS.**

2 For purposes of this Act—

3 (1) the term “Commission” means the Nuclear  
4 Regulatory Commission; and

5 (2) the term “Secretary” means the Secretary  
6 of the Department of Energy.

7 **SEC. 4. FINDINGS.**

8 The Congress finds that—

9 (1) approximately 35,000 tons of spent nuclear  
10 fuel is currently stored at commercial nuclear reac-  
11 tors across the nation;

12 (2) the deep geologic high-level radioactive  
13 waste and spent nuclear fuel repository envisioned  
14 by the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
15 10101 et seq.) has not been constructed in time to  
16 permit the Secretary to receive and accept high-level  
17 radioactive waste or spent nuclear fuel as con-  
18 templated by sections 123 and 302 of that Act (42  
19 U.S.C. 10143, 10222), with the result that the Sec-  
20 retary will be unable to perform contracts executed  
21 pursuant to section 302(a) of that Act with persons  
22 who generate or hold title to high-level radioactive  
23 waste or spent nuclear fuel;

1           (3) there have been no orders for the develop-  
2           ment or construction of civilian nuclear power gener-  
3           ating facilities since the enactment of the Nuclear  
4           Waste Policy Act of 1982; several such facilities that  
5           were anticipated when the Act was enacted are not  
6           operating now;

7           (4) it does not now appear that a deep geologic  
8           high-level radioactive waste and spent nuclear fuel  
9           repository will be available before the year 2010 or  
10          later;

11          (5) by the time a deep geologic repository is  
12          available many currently operating commercial nu-  
13          clear reactors will need spent fuel storage capacity  
14          beyond the maximum now available in at-reactor  
15          spent fuel storage pools; nuclear utilities have spent  
16          and will spend major sums to construct facilities, in-  
17          cluding dry cask spent fuel storage facilities, for use  
18          in the interim before a deep geologic repository is  
19          available;

20          (6) the sums spent for the purposes described  
21          in paragraph (5) are the same funds that commer-  
22          cial nuclear utilities intended to contribute to the  
23          Nuclear Waste Fund established by section 302 of  
24          the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
25          10222(c));

1           (7) the technology for long-term storage of  
2       spent nuclear fuel, including the technology of dry  
3       cask storage, has improved dramatically since the  
4       enactment of the Nuclear Waste Policy Act of 1982,  
5       and is currently licensed by the Commission and in  
6       operation in ten sites throughout the country;

7           (8) the existing statutory jurisdiction of the  
8       Commission, under the Atomic Energy Act of 1954  
9       (42 U.S.C. 2001 et seq.), the Energy Reorganization  
10      Act of 1974 (42 U.S.C. 5801 et seq.), Executive  
11      Order 11834 (42 U.S.C. 5801 note), the Nuclear  
12      Regulatory Commission Reorganization Plan No. 1  
13      of 1980, and the Commission's various authorization  
14      Acts includes the jurisdiction to review and evaluate  
15      the spent fuel storage capability of commercial nu-  
16      clear utilities that hold or seek licenses to receive  
17      and possess nuclear materials from the Commission;

18          (9) commercial nuclear utilities that hold li-  
19      censes to receive and possess nuclear materials are  
20      generally well suited to maintain the institutional ca-  
21      pability necessary to become stewards of spent nu-  
22      clear fuel during a period of interim storage; and

23          (10) the increased radioactive decay that will  
24      occur in spent nuclear fuel that has been stored for  
25      interim periods prior to deliver to the Secretary pur-

1       suant to section 123 of the Nuclear Waste Policy  
2       Act of 1982 (42 U.S.C. 10143) will ease and facili-  
3       tate its subsequent handling, transportation, and  
4       final disposal.

5   **SEC. 5. AMENDMENTS TO THE NUCLEAR WASTE POLICY**  
6                   **ACT OF 1982.**

7       Section 302 of the Nuclear Waste Policy Act of 1982  
8       (42 U.S.C. 10222) is amended by inserting at the end  
9       thereof the following new subsection:

10       “(f)(1) Persons holding contracts under this section  
11       may, through credits on fee payments under subsection  
12       (a)(2), offset the expenses of providing storage of spent  
13       fuel the Secretary would have accepted if a facility was  
14       available and until the date of the Secretary’s first accept-  
15       ance of that person’s spent fuel at a storage or disposal  
16       facility authorized by this Act.

17       “(2) The credits described in paragraph (1)—

18               “(A) shall be deducted from each remittance of  
19       a person’s fee payments to the Nuclear Waste Fund  
20       from the time that the person meets the conditions  
21       of paragraph (1) until the time that the Secretary  
22       first accepts that person’s spent fuel at a storage or  
23       disposal facility authorized by this Act; and

1           “(B) shall be in an amount determined by the  
2       Secretary to reflect the cost of storage qualifying  
3       under subsection (f)(1).”.

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