

108TH CONGRESS  
2D SESSION

# H. R. 4627

To redirect the Nuclear Waste Fund established under the Nuclear Waste Policy Act of 1982 into research, development, and utilization of risk-decreasing technologies for the onsite storage and eventual reduction of radiation levels of nuclear waste, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2004

Ms. BERKLEY introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Science and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To redirect the Nuclear Waste Fund established under the Nuclear Waste Policy Act of 1982 into research, development, and utilization of risk-decreasing technologies for the onsite storage and eventual reduction of radiation levels of 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 “21st Century Science  
5 for Nuclear Waste Disposal Act of 2004”.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) Under the Nuclear Waste Policy Act of  
4 1982, the storage of high-level radioactive waste,  
5 transuranic waste, and spent nuclear fuel is to be lo-  
6 cated at a central repository.

7 (2) The Department of Energy estimates that  
8 completing the Yucca Mountain central repository  
9 project will cost \$58,000,000,000, making the  
10 project one of the most costly public works projects  
11 in the world.

12 (3) Numerous geological and hydrological condi-  
13 tions found at Yucca Mountain support the conten-  
14 tion that Yucca Mountain is not a suitable site for  
15 a central repository.

16 (4) Public health and safety regulations have  
17 consistently been altered in order to make Yucca  
18 Mountain appear to be a feasible option.

19 (5) Storing high-level radioactive waste in a  
20 central repository at Yucca Mountain would require  
21 the transportation of more than 70,000 tons of nu-  
22 clear waste through 43 States, and through hun-  
23 dreds of cities and towns. Fifty million Americans  
24 live within one half mile of the shipping routes, cre-  
25 ating an unacceptable risk of catastrophic radiation  
26 exposure.

1           (6) Current nuclear power reactor sites can  
2       safely store high-level radioactive waste for another  
3       100 years (according to the Nuclear Regulatory  
4       Commission). By implementing the most advanced  
5       existing technology, nuclear power reactor sites  
6       could store waste for an additional 100 years, thus  
7       eliminating the need to immediately site a central re-  
8       pository.

9           (7) The United States can create solutions to  
10      the long-term problems of storing high-level radio-  
11      active waste by exploring emerging technologies with  
12      the potential to neutralize highly radioactive waste.

13          (8) The research, development, and utilization  
14      in the United States of risk-decreasing technologies  
15      for the safe disposal of nuclear waste is not only fea-  
16      sible, but it is our best alternative to storing high-  
17      level nuclear waste at a central repository.

18          (9) The Nuclear Waste Fund has accumulated  
19      more than \$10,000,000,000 to store high-level nu-  
20      clear radioactive waste in a central repository, a  
21      failed concept. Given the scientific evidence against  
22      the Yucca Mountain site, and the health and safety  
23      problems inherent in the concept of a central high-  
24      level radioactive waste repository, the Nuclear Waste  
25      Fund should be directed toward the research, devel-

1       opment, and utilization of these alternative waste  
2       storage and disposal technologies to better protect  
3       our environment.

4           (10) The insurmountable problems associated  
5       with storing nuclear waste in a central repository re-  
6       quires the Congress to terminate the Yucca Moun-  
7       tain Project and to immediately launch a focused re-  
8       search and development program to develop safe nu-  
9       clear waste disposal technologies.

10   **SEC. 3. NUCLEAR WASTE FUND.**

11       Section 302 of the Nuclear Waste Policy Act of 1982  
12   (42 U.S.C. 10222) is amended—

13           (1) in subsection (a)—

14                (A) by striking “CONTRACTS.—(1) In the”  
15                and all that follows through “described in sub-  
16                section (d).” and inserting “PAYMENTS.—(1)  
17                The Secretary shall provide for payments into  
18                the Nuclear Waste Fund of fees pursuant to  
19                paragraph (2) for use as provided in this sec-  
20                tion.”;

21                (B) by striking paragraphs (3), (5), and  
22                (6) and redesignating paragraph (4) as para-  
23                graph (3); and

24                (C) in paragraph (3), as so redesignated  
25                by subparagraph (B) of this paragraph—

1 (i) by striking “paragraphs (2) and  
2 (3) above” and inserting “paragraph (2)”;

3 (ii) by striking “offset the costs as de-  
4 fined in subsection (d) herein” and insert-  
5 ing “support the uses described in sub-  
6 section (c)”;

7 (iii) by striking “recover the costs in-  
8 curred” and all that follows through “full  
9 cost recovery.” and inserting “support the  
10 uses described in subsection (c), the Sec-  
11 retary shall propose an adjustment to the  
12 fee to fully support those uses. The Sec-  
13 retary shall also annually adjust the fee for  
14 inflation.”; and

15 (iv) by striking “this proposal for  
16 such an adjustment to Congress” and all  
17 that follows through “the Energy Policy  
18 and Conservation Act” and inserting “pro-  
19 posals for fee adjustment to Congress”;

20 (2) by striking subsections (b) and (d);

21 (3) by redesignating subsections (c) and (e) as  
22 subsections (b) and (d), respectively;

23 (4) in subsection (b), as so redesignated by  
24 paragraph (3) of this section—

1 (A) by striking “, (b), and (e)” and insert-  
2 ing “and (d)” in paragraph (1);

3 (B) by inserting “and” at the end to para-  
4 graph (1);

5 (C) by striking “; and” at the end of para-  
6 graph (2) and inserting a period; and

7 (D) by striking paragraph (3);

8 (5) by inserting after subsection (b), as so re-  
9 designated by paragraph (3) of this section, the fol-  
10 lowing new subsection:

11 “(c) USES OF NUCLEAR WASTE FUND.—The Nu-  
12 clear Waste Fund shall be available to the Secretary only  
13 to pay the cost of research, development, and utilization  
14 in the United States of risk-decreasing technologies, with  
15 an emphasis on technologies that—

16 “(1) increase the length of time that nuclear  
17 waste can be safely stored at or near—

18 “(A) in the case of waste existing on the  
19 date of enactment of the 21st Century Science  
20 for Nuclear Waste Disposal Act of 2004, the  
21 site where the waste was located on such date  
22 of enactment; and

23 “(B) in the case of waste not existing on  
24 the date of enactment of the 21st Century

1 Science for Nuclear Waste Disposal Act of  
2 2004, the site where the waste is generated;

3 “(2) require the least amount of transportation  
4 of nuclear waste practicable; and

5 “(3) reduce the level of radiation of the nuclear  
6 waste.

7 The Government shall not use any funds for research, de-  
8 velopment, or implementation of a central high-level radio-  
9 active waste and spent nuclear fuel repository.”; and

10 (6) in subsection (d), as so redesignated by  
11 paragraph (3) of this section, by striking “sub-  
12 section (d)” in paragraph (6) and inserting “sub-  
13 section (c)”.

14 **SEC. 4. REPEALS AND REDESIGNATIONS.**

15 (a) IN GENERAL.—The Nuclear Waste Policy Act of  
16 1982 is amended—

17 (1) by redesignating section 151 as section 10  
18 and moving it to appear after section 9, and by re-  
19 pealing the remainder of title I;

20 (2) by repealing title II;

21 (3) by redesignating sections 302 and 306 as  
22 sections 11 and 12, respectively, and moving them to  
23 appear after section 10, and by repealing the re-  
24 mainder of title III;

25 (4) by repealing title IV; and

1 (5) by repealing title V.

2 (b) CONFORMING AMENDMENTS.—The Nuclear  
3 Waste Policy Act of 1982 is amended—

4 (1) in section 2—

5 (A) by striking paragraphs (1), (2), (4),  
6 (5), (8), (10), (11), (13), (14), (15), (17), (19),  
7 (21), (22), (25), (26), (27), (28), (30), (31),  
8 (32), (33), and (34);

9 (B) by redesignating paragraphs (3), (6),  
10 (7), (9), (12), (16), (18), (20), (23), (24), and  
11 (29) as paragraphs (1), (2), (3), (4), (5), (6),  
12 (7), (10), (11), (12), and (13) respectively; and

13 (C) by inserting after paragraph (7), as so  
14 redesignated by subparagraph (B) of this para-  
15 graph, the following new paragraphs:

16 “(8) RESEARCH.—The term ‘research’ includes  
17 both basic and applied research.

18 “(9) RISK-DECREASING TECHNOLOGIES.—The  
19 term ‘risk- decreasing technologies’ means tech-  
20 nologies that reduce the adverse impact nuclear  
21 waste has on human and ecological health and well-  
22 being through reduction in radiation levels and other  
23 methods.”; and

24 (2) in section 8—



1 (A) by striking “subsection (c)” and in-  
 2 serting “subsection (b)” in subsection (a);

3 (B) by striking subsection (b); and

4 (C) by redesignating subsection (c) as sub-  
 5 section (b).

6 (c) TABLE OF CONTENTS AMENDMENTS.—The items  
 7 in the table of contents of the Nuclear Waste Policy Act  
 8 of 1982 relating to titles I through V are repealed, and  
 9 the following items are inserted after the item relating to  
 10 section 9:

“Sec. 10. Financial arrangements for site closure.

“Sec. 11. Nuclear Waste Fund.

“Sec. 12. Nuclear Regulatory Commission training authorization.”.

11 **SEC. 5. REPEAL OF SPECIAL RULES FOR NUCLEAR DECOM-**  
 12 **MISSIONING COSTS.**

13 (a) IN GENERAL.—Section 468A of the Internal Rev-  
 14 enue Code of 1986 is hereby repealed.

15 (b) CONFORMING AMENDMENTS.—

16 (1) Subparagraph (B) of section 172(f)(1) of  
 17 such Code is amended by striking “or 468A(a)”.

18 (2) The table of sections for subpart C of part  
 19 II of subchapter E of chapter 1 of such Code is  
 20 amended by striking the item relating to section  
 21 468A.

1       (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect on the date of the enactment  
3 of this Act.

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