

108TH CONGRESS
1ST SESSION

S. 1045

To strengthen United States capabilities to safely and securely dispose of
all greater-than-Class C low-level radioactive waste.

IN THE SENATE OF THE UNITED STATES

MAY 13, 2003

Mr. AKAKA (for himself, and Mr. BINGAMAN) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

To strengthen United States capabilities to safely and se-
curely dispose of all greater-than-Class C low-level radio-
active 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 “Low-Level Radioactive
5 Waste Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) section 3(b)(1)(D) of the Low-Level Radio-
9 active Waste Policy Act (42 U.S.C. 2021c(b)(1)(D))

1 requires the Secretary of Energy to safely dispose of
2 all greater-than-Class C low-level radioactive waste
3 (as defined in section 61.55 of title 10, Code of Fed-
4 eral Regulations);

5 (2) the Offsite Source Recovery Program, es-
6 tablished by the Department of Energy to recover
7 and store sources of such waste, is scheduled to
8 cease operation by September 30, 2010;

9 (3) the Department of Energy estimates that
10 about 14,000 sealed sources of such waste will be-
11 come unwanted and will have to be disposed of
12 through the Offsite Source Recovery Program by
13 that date;

14 (4)(A) in February 1987 the Secretary of En-
15 ergy submitted to Congress a comprehensive report
16 making recommendations for ensuring the safe dis-
17 posal of all greater-than-Class C low-level radioactive
18 waste; and

19 (B) 16 years later, it is likely that the informa-
20 tion contained in the report is no longer current and
21 does not reflect the new security threat environment;

22 (5) the Department of Energy—

23 (A) does not have the resources or storage
24 facility to recover and store all unwanted

1 sources of greater-than-Class C low-level radio-
2 active waste; and

3 (B) has not identified a permanent dis-
4 posal facility;

5 (6) it is unlikely that a permanent disposal fa-
6 cility will be operational by the time that the Offsite
7 Source Recovery Program ceases operation;

8 (7) the initial steps in developing a disposal fa-
9 cility (including preparation of an environmental im-
10 pact statement and issuance of a record of decision)
11 could take several years and will require dedicated
12 funding to complete; and

13 (8) before a final decision on the disposal alter-
14 native to be implemented is made, Congress must
15 have an opportunity to review the alternatives under
16 consideration and provide input.

17 **SEC. 3. DEPARTMENT OF ENERGY RESPONSIBILITIES**

18 (a) DESIGNATION OF RESPONSIBILITY.—The Sec-
19 retary of Energy shall designate an entity within the De-
20 partment of Energy to have the responsibility of com-
21 pleting activities needed to develop a facility for safely dis-
22 posing of all greater-than-Class C low-level radioactive
23 waste.

24 (b) CONSULTATION WITH CONGRESS.—In developing
25 a plan for a permanent disposal facility for greater-than-

1 Class C low-level radioactive waste (including preparation
 2 of an environmental impact statement and issuance of a
 3 record of decision), the Secretary of Energy shall consult
 4 with Congress.

5 **SEC. 4. REPORTS.**

6 (a) UPDATE OF 1987 REPORT.—

7 (1) IN GENERAL.—Not later than 1 year after
 8 the date of enactment of this Act, the Secretary of
 9 Energy shall submit to Congress an update of the
 10 report referred to in section 2(4).

11 (2) CONTENTS.—The update shall contain—

12 (A) an identification of the radioactive
 13 waste that is to be disposed of (including the
 14 source of the waste and the volume, concentra-
 15 tion, and other relevant characteristics of the
 16 waste);

17 (B) an identification of the Federal and
 18 non-Federal options for disposal of the waste;

19 (C) a description of the actions proposed
 20 to ensure the safe disposal of the waste;

21 (D) an estimate of the costs of the pro-
 22 posed actions;

23 (E) an identification of the options for en-
 24 suring that the beneficiaries of the activities re-
 25 sulting in the generation of the radioactive

1 waste bear all reasonable costs of disposing of
2 the waste;

3 (F) an identification of any statutory au-
4 thority required for disposal of the waste; and

5 (G) in coordination with the Environ-
6 mental Protection Agency and the Nuclear Reg-
7 ulatory Commission, an identification of any
8 regulatory guidance needed for the disposal of
9 the waste.

10 (b) REPORT ON PERMANENT DISPOSAL FACILITY.—

11 (1) REPORT ON COST AND SCHEDULE FOR
12 COMPLETION OF EIS AND ROD.—Not later than 180
13 days after the date of submission of the update
14 under subsection (a), the Secretary of Energy shall
15 submit to Congress a report containing an estimate
16 of the cost and schedule to complete an environ-
17 mental impact statement and record of decision for
18 a permanent disposal facility for greater-than-Class
19 C radioactive waste.

20 (2) REPORT ON ALTERNATIVES.—Before the
21 Secretary of Energy makes a final decision on the
22 disposal alternative to be implemented, the Secretary
23 of Energy shall—

24 (A) submit to Congress a report that de-
25 scribes all alternatives under consideration; and

1 (B) await action by Congress.

2 (c) REPORT ON SHORT-TERM PLAN.—

3 (1) IN GENERAL.—Not later than December 31,
4 2003, the Secretary of Energy shall submit to Con-
5 gress a plan to ensure the continued recovery and
6 storage of greater-than-Class C low-level radioactive
7 waste until a permanent disposal facility is available.

8 (2) CONTENTS.—The plan shall contain esti-
9 mated cost, resource, and facility needs.

○