

S 784 IS

110th CONGRESS

1st Session

S. 784

To amend the Nuclear Waste Policy Act of 1982 to require commercial nuclear power plant operators to transfer spent nuclear fuel from the spent nuclear fuel pools of the operators into spent nuclear fuel dry casks at independent spent fuel storage installations of the operators that are licensed by the Nuclear Regulatory Commission, to convey to the Secretary of Energy title to all such transferred spent nuclear fuel, to provide for the transfer to the Secretary of the independent spent fuel storage installation operating responsibility of each plant together with the license granted by the Commission for the installation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

March 6, 2007

Mr. REID (for himself, Mr. ENSIGN, and Mr. BENNETT) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Nuclear Waste Policy Act of 1982 to require commercial nuclear power plant operators to transfer spent nuclear fuel from the spent nuclear fuel pools of the operators into spent nuclear fuel dry casks at independent spent fuel storage installations of the operators that are licensed by the Nuclear Regulatory Commission, to convey to the Secretary of Energy title to all such transferred spent nuclear fuel, to provide for the transfer to the Secretary of the independent spent fuel storage installation operating responsibility of each plant together with the license granted by the Commission for the installation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Federal Accountability for Nuclear Waste Storage Act of 2007'.

SEC. 2. DRY CASK STORAGE OF SPENT NUCLEAR FUEL.

(a) In General- Title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10121 et seq.) is amended by adding at the end the following:

'Subtitle I--Dry Cask Storage of Spent Nuclear Fuel

`SEC. 185. DRY CASK STORAGE OF SPENT NUCLEAR FUEL.

`(a) Definitions- In this section:

`(1) CONTRACTOR- The term `contractor' means a person that holds a contract under section 302(a) and is licensed by the Commission to possess spent nuclear power reactor fuel.

`(2) SPENT NUCLEAR FUEL DRY CASK- The term `spent nuclear fuel dry cask' means the container (and all the components and systems associated with the container)--

`(A) in which spent nuclear fuel is stored and naturally cooled at an independent spent fuel storage installation that is licensed by the Commission and located at the power reactor site; and

`(B) with a design that is approved by the Commission by license or rule.

`(3) SPENT NUCLEAR FUEL POOL- The term `spent nuclear fuel pool' means a water-filled container on a nuclear power reactor site in which spent nuclear fuel rods are stored.

`(b) Transfer of Spent Nuclear Fuel-

`(1) IN GENERAL- A contractor shall transfer spent nuclear fuel from spent nuclear fuel pools to spent nuclear fuel dry casks at an independent spent fuel storage installation that is licensed by the Commission and located at the power reactor site in accordance with this section.

`(2) SPENT NUCLEAR FUEL STORED AS OF DATE OF ENACTMENT- Not later than 6 years after the date of enactment of this section, a contractor shall complete the transfer of all spent nuclear fuel that is stored in spent nuclear fuel pools as of the date of enactment of this section.

`(3) SPENT NUCLEAR FUEL STORED AFTER DATE OF ENACTMENT- Not later than 6 years after the date on which spent nuclear fuel is discharged from a reactor, a contractor shall complete the transfer of any spent nuclear fuel that is stored in a spent nuclear fuel pool after the date of enactment of this section.

`(4) INADEQUATE FUNDS OR AVAILABILITY- If funds are not available to complete a transfer under paragraph (2) or (3), or if spent nuclear fuel dry casks suitable for the particular fuel are not available on reasonable terms and conditions, the contractor may apply to the Commission to extend the deadline for the transfer to be completed.

`(5) COMMISSION LICENSING-

`(A) IN GENERAL- The transfer under paragraph (2) or (3) shall be to spent nuclear fuel dry casks generally licensed by the Commission.

`(B) GENERALLY LICENSED SPENT NUCLEAR FUEL DRY CASKS UNAVAILABLE- If generally licensed spent nuclear fuel dry casks described in subparagraph (A) are not available, the deadlines established in paragraphs (2) and (3) may be met by the good faith filing of an application to the Commission for a specific independent spent fuel storage installation license.

`(C) EXPEDITED REVIEW- The Commission shall expedite the review and decision of the Commission on an application received under subparagraph (B) in a manner that is consistent with public health and safety, common defense and security, and the right of an interested person to a hearing under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

`(c) Funding- The Secretary shall make grants to compensate a contractor for expenses incurred in carrying out subsection (b), including costs associated with--

`(1) licensing and construction of an independent spent fuel storage installation located at the power reactor site;

`(2) fabrication and delivery of spent nuclear fuel dry casks;

`(3) transfers of spent nuclear fuel;

`(4) documentation relating to the transfers;

`(5) security; and

`(6) hardening and other safety or security improvements.

`(d) Conveyance of Title-

`(1) CERTIFICATION AND CONVEYANCE OF TITLE-

`(A) CERTIFICATION- The Commission shall certify to the Secretary when safe and secure transfer of spent nuclear fuel has been carried out under paragraph (2) or (3) of subsection (b).

`(B) ACCEPTANCE OF TITLE- On receipt of the certification, the Secretary shall accept the conveyance of title to the spent nuclear fuel dry cask (including the contents of the spent nuclear fuel dry cask) from the contractor.

`(2) RESPONSIBILITY-

`(A) IN GENERAL- A conveyance of title under paragraph (1)(B) shall confer on the Secretary full responsibility (including safety, security, and financial responsibility) for the subsequent possession, stewardship, maintenance, monitoring, and ultimate disposition of all spent nuclear fuel transferred to the Secretary.

`(B) LICENSES- On conveyance of title--

`(i) the general or specific Commission license held by the contractor for the spent nuclear fuel dry cask shall be terminated; and

`(ii) a general license for the spent nuclear fuel dry cask under sections 53 and 81 of the Atomic Energy Act of 1954 (42 U.S.C. 2073, 2111) shall be issued to the Secretary.

`(C) REGULATIONS- Not later than 5 years after the date of enactment of this section, the Commission shall promulgate regulations that establish the terms and conditions for licenses described in subparagraph (B)(ii).

`(e) Administration-

`(1) IN GENERAL- Not later than 5 years after the date of enactment of this section, the Secretary shall establish the capability to carry out subsection (d)(2) in a manner that protects the public health and safety and common defense and security, and complies with all applicable laws.

`(2) CONTRACTS WITH LICENSEES-

`(A) IN GENERAL- Subject to subparagraph (B), the Secretary may contract with a holder of the operating license issued by the Commission for 1 or more of the power reactors located on or adjacent to the spent nuclear fuel dry cask for the performance of all or part of the tasks required to carry out subsection (d)(2).

`(B) EFFECT OF CONTRACT- A contract described in subparagraph (A) shall not relieve the Secretary of the ultimate responsibility of the Secretary under subsection (d)(2) and as a licensee of the Commission.'.

(b) Use of Waste Fund- Section 302(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)) is amended--

(1) in paragraph (5), by striking `and' at the end;

(2) in paragraph (6), by striking the period at the end and inserting `; and'; and

(3) by adding at the end the following:

`(7) the costs incurred in carrying out subsections (c) and (e) of section 185.'.

END