

NUCLEAR WASTE LEGISLATION REVIEW: WIEB (February, 2008)

Summary:

The Administration's "Nuclear Fuel and Disposal Act" was the subject of a Senate Energy Committee hearing in 2006, but was not reported from the Committee or voted on. Since the 2006 mid-term elections, six bills dealing with nuclear waste issues have been introduced. However, with narrow Democratic majorities in both houses, and with Majority Leader Harry Reid (NV) able to determine which bills will be considered on the Senate floor, neither the Administration's bill nor others have made progress towards enactment. Further, with the retirement of Pete Domenici (NM), the nuclear industry will lose its most powerful Senate advocate. None of the bills addressing the nuclear waste issue are expected to make progress in 2008.

Legislative change is more likely regarding climate change. Several bills intended to reduce carbon emissions were introduced in 2007, and could (in current or revised form) be enacted in 2008. The leading candidate, perhaps, is "America's Climate Security Act" (S.2191), introduced by Joe Lieberman (CN) in October 2007. It would establish a "cap and trade" system for carbon emissions. Under the cap, 74% of carbon emissions allowances would be distributed to emitters (including electricity producers), and 26% would be auctioned to entities whose activities involve carbon emissions. Over time, the cap would be lowered, and increasing portions of carbon emissions would be auctioned. While cap and trade does not, in itself, favor one technology (e.g. nuclear) over another (e.g. wind, solar, clean coal), the bill does specify the areas for investment of emission auction proceeds. As proposed, these include various low-carbon energy technologies, not including nuclear.

A national cap and trade policy would more directly value nuclear power's low carbon emissions, but does not address other environmental effects of nuclear power (e.g. aquatic impacts of once-through cooling) or its high up-front costs. Even so, projections of U.S. energy production under S.2191 indicate a 150% increase in nuclear power, from about 775 billion kWh in 2010 to about 1925 kWh in 2050. The nuclear share of total U.S. electricity generation is predicted to increase to 33%¹ by 2050, under the Lieberman-Warner bill.

S. 2551: Nuclear Waste Policy Amendments Act of 2008

Purposes:

- To provide for the safe development of a repository at Yucca Mountain.
- To require periodic system improvements based on advances in technology and understanding.
- To clarify DOE authority to develop infrastructure at Yucca Mountain.
- To provide guidance to NRC.

Sponsor: James M. Inhofe (OK), introduced 1/24/2008

Co-sponsors (6): Craig & Crapo (ID), DeMint (SC), Alexander (TN), Bond (MO).

Action: referred to the Senate Committee on Environment and Public Works

Key provisions:

- Monitor, evaluate, confirm repository performance for 300 years.
- Construction authorization based on reasonable expectation of safety for at least 300 years.
- Provide periodic modifications of the license at intervals of not more than 50 years.
- Ensure the ability to retrieve for 300 years.
- Application to permanently close the repository....meets Section 801 of EPA of 1992.

¹ The total excludes a projected energy savings of 590 billion kWh.

H.R. 3358: Renewing Our Commitment to Safe and Clean Power Act

Purposes:

- To enhance the management and disposal of SNF & HLRW,
- To ensure the expansion of clean nuclear power in the U.S.,
- To reduce greenhouse gas emissions and enhance our domestic energy and security.

Sponsor: Fred Upton (MI-6), introduced 8/03/2007

Co-sponsors (7)

Action: Referred to the House Subcommittee on Energy and Air Quality

Key provisions:

- Re the NWF:
Fees credited to the NWF as “discretionary offsetting collections” to appropriations
Funds may be used for YM infrastructure activities, or transportation to Yucca Mtn.
- Re Waste Confidence:
NRC shall deem that sufficient capacity will be available.

S. 1602: Clean, Reliable, Efficient and Secure Energy Act of 2007

Purposes:

- To improve the energy security of the U.S. by promoting diverse energy supplies and energy efficiency, and for other purposes.

Sponsor: Chuck Hagel (NE), introduced 6/12/2007

Co-sponsors (none)

Action: Referred to the Senate Committee on Energy and Natural Resources

Key provisions: Various, including

- Transfers to DOE specified land for SNF and HLRW disposal.
- Requires DOE to apply for a license to construct and operate the YM repository.
- Instructs DOI to develop a methodology for conducting a national assessment of the geological storage capacity for carbon dioxide.
- Reestablishes the Office of Technology Assessment.
- Title, Section 104: Nuclear Fuel Management and Disposal.....This portion similar to S. 2589, the Admin bill, introduced in the 109th Congress.

S. 37: Nuclear Waste Access to Yucca Act (“New Way to Yucca”)

Purposes:

- To enhance the management and disposal of SNF and HLW,
- To assure protection of public health and safety,
- To assure the territorial integrity and security of the YM repository.

Sponsor: Pete V. Domenici (NM), introduced 5/23/2007

Co-sponsors (12)

Action: referred to the Senate Committee on Energy and Natural Resources

Key provisions:

- Withdraws and transfers to DOE specified lands for a YM repository.
- Directs DOE to apply for a license to construct and operate.
- Authorizes construction of connected infrastructure facilities.
- Requires ROW acquisition for railroad construction and operation.
- Revises requirements for new plant contracts.

H.R. 2282: Nuclear Waste Storage Prohibition Act

Purposes:

- To prohibit the use of GNEP funds for certain nuclear waste storage.

Sponsor: Jean Schmidt (OH-2), introduced 5/10/2007

Co-sponsors (2)

Action: Referred to the House Committee on Energy and Commerce

Key provisions:

- Prohibits DOE from using GNEP funds to transfer SNF to a site not approved for reprocessing.
- Prohibits storage of SNF or HLRW at a site approved for reprocessing.

H.R. 2095: Federal Railroad Safety Improvement Act

Purposes:

- To increase the FRA focus on various rail safety & security issues.

Sponsor: James Oberstar (MN-8), introduced 5/01/2007

Co-sponsors (94)

Action: Referred to the Senate Committee on Commerce, Science, and Transportation

Key provisions:

- Makes FRA the “Federal Railroad *Safety* Administration.
- Provision on employee fatigue, bridge safety, grade crossings, enforcement.

S. 784: Federal Accountability for Nuclear Waste Storage Act of 2007 (“Take Title Bill”

Purposes:

- To require plant operators to transfer SNF from pools to licensed ISFSIs at the plant site.
- To convey title of such SNF to DOE,
- To give DOE operating responsibility for the ISFSIs.

Sponsor: Harry Reid (NV), introduced 3/06/2007

Co-sponsors (2: John Ensign (NV), William Bennett (UT)

Action: Referred to the Senate Committee on Environment and Public Works

Key provisions:

- Plant operators shall license and construct ISFSIs, and transfer SNF to them within 6 years.
- DOE shall compensate the operator, using the NWF

Note: This is a re-working of S.2099, introduced in 2005.

S. 3962: Nuclear Fuel Management and Disposal Act

Purposes:

- To enhance the management and disposal of SNF and HLRW.
- To ensure the territorial integrity of the repository at Yucca Mtn.

Sponsor: Pete V. Domenici (NM), introduced 9/27/2006

Co-sponsors (6): Craig & Crapo (ID), Graham & DeMint (SC), Burr (NC), Hagel (NE)

Action: Referred to Senate Committee on Energy and Natural Resources

- To enhance the management and disposal of SNF and HLRW.

Key provisions:

- Similar to H.R. 5360

Q: Any action since September? Any prospect for hearing or other action in 2008?

Q: Is this (&/or HR 5360, S. 2589) the Administration bill?

Q: Will the Admin make a significant legislative effort in 2008?

Q: Is there an industry counterpart to the Admin bill?

H.R. 5360: Nuclear Fuel Management and Disposal Act

Purposes:

- To enhance the management and disposal of SNF and HLRW.
- To ensure the territorial integrity of the repository at Yucca Mtn.

Sponsor: Joe Barton (TX-6), introduced 5/11/2006

Co-sponsors (none)

Action: Referred to House Subcommittee on Energy and Air Quality

Key provisions:

- Withdraws and transfers to DOE for the Yucca repository.
- Revises NRC construction application and infrastructure requirements.
- Transportation can be conducted under AEA of 1954 rather than HMTA of 1994.
- Deems needed water to be a beneficial use.

S. 2589: Nuclear Fuel Management and Disposal Act (the Admin bill)

Purposes:

- To enhance the management and disposal of SNF and HLRW.
- To ensure the territorial integrity of the repository at Yucca Mtn.

Sponsor: Pete V. Domenici (NM), introduced 4/6/2006

Co-sponsors (1):

Action: Referred to Senate Committee on Energy and Natural Resources

- Referred to Senate Committee on Energy and Natural Resources
- Hearings held & printed: S.Hrg. 109-736