

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.

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## 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

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## 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.

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 “Federal Accountability  
 5 for Nuclear Waste Storage Act of 2007”.

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

7 (a) IN GENERAL.—Title I of the Nuclear Waste Pol-  
 8 icy Act of 1982 (42 U.S.C. 10121 et seq.) is amended  
 9 by adding at the end the following:

10 **“Subtitle I—Dry Cask Storage of**  
 11 **Spent Nuclear Fuel**

12 **“SEC. 185. DRY CASK STORAGE OF SPENT NUCLEAR FUEL.**

13 “(a) DEFINITIONS.—In this section:

14 “(1) CONTRACTOR.—The term ‘contractor’  
 15 means a person that holds a contract under section  
 16 302(a) and is licensed by the Commission to possess  
 17 spent nuclear power reactor fuel.

18 “(2) SPENT NUCLEAR FUEL DRY CASK.—The  
 19 term ‘spent nuclear fuel dry cask’ means the con-  
 20 tainer (and all the components and systems associ-  
 21 ated with the container)—

22 “(A) in which spent nuclear fuel is stored  
 23 and naturally cooled at an independent spent  
 24 fuel storage installation that is licensed by the

1 Commission and located at the power reactor  
2 site; and

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

5 “(3) SPENT NUCLEAR FUEL POOL.—The term  
6 ‘spent nuclear fuel pool’ means a water-filled con-  
7 tainer on a nuclear power reactor site in which spent  
8 nuclear fuel rods are stored.

9 “(b) TRANSFER OF SPENT NUCLEAR FUEL.—

10 “(1) IN GENERAL.—A contractor shall transfer  
11 spent nuclear fuel from spent nuclear fuel pools to  
12 spent nuclear fuel dry casks at an independent spent  
13 fuel storage installation that is licensed by the Com-  
14 mission and located at the power reactor site in ac-  
15 cordance with this section.

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

22 “(3) SPENT NUCLEAR FUEL STORED AFTER  
23 DATE OF ENACTMENT.—Not later than 6 years after  
24 the date on which spent nuclear fuel is discharged  
25 from a reactor, a contractor shall complete the

1 transfer of any spent nuclear fuel that is stored in  
2 a spent nuclear fuel pool after the date of enactment  
3 of this section.

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

11 “(5) COMMISSION LICENSING.—

12 “(A) IN GENERAL.—The transfer under  
13 paragraph (2) or (3) shall be to spent nuclear  
14 fuel dry casks generally licensed by the Com-  
15 mission.

16 “(B) GENERALLY LICENSED SPENT NU-  
17 CLEAR FUEL DRY CASKS UNAVAILABLE.—If  
18 generally licensed spent nuclear fuel dry casks  
19 described in subparagraph (A) are not avail-  
20 able, the deadlines established in paragraphs  
21 (2) and (3) may be met by the good faith filing  
22 of an application to the Commission for a spe-  
23 cific independent spent fuel storage installation  
24 license.

1           “(C) EXPEDITED REVIEW.—The Commis-  
2           sion shall expedite the review and decision of  
3           the Commission on an application received  
4           under subparagraph (B) in a manner that is  
5           consistent with public health and safety, com-  
6           mon defense and security, and the right of an  
7           interested person to a hearing under the Atomic  
8           Energy Act of 1954 (42 U.S.C. 2011 et seq.).

9           “(e) FUNDING.—The Secretary shall make grants to  
10          compensate a contractor for expenses incurred in carrying  
11          out subsection (b), including costs associated with—

12               “(1) licensing and construction of an inde-  
13               pendent spent fuel storage installation located at the  
14               power reactor site;

15               “(2) fabrication and delivery of spent nuclear  
16               fuel dry casks;

17               “(3) transfers of spent nuclear fuel;

18               “(4) documentation relating to the transfers;

19               “(5) security; and

20               “(6) hardening and other safety or security im-  
21               provements.

22          “(d) CONVEYANCE OF TITLE.—

23               “(1) CERTIFICATION AND CONVEYANCE OF  
24               TITLE.—

1           “(A) CERTIFICATION.—The Commission  
2 shall certify to the Secretary when safe and se-  
3 cure transfer of spent nuclear fuel has been car-  
4 ried out under paragraph (2) or (3) of sub-  
5 section (b).

6           “(B) ACCEPTANCE OF TITLE.—On receipt  
7 of the certification, the Secretary shall accept  
8 the conveyance of title to the spent nuclear fuel  
9 dry cask (including the contents of the spent  
10 nuclear fuel dry cask) from the contractor.

11           “(2) RESPONSIBILITY.—

12           “(A) IN GENERAL.—A conveyance of title  
13 under paragraph (1)(B) shall confer on the Sec-  
14 retary full responsibility (including safety, secu-  
15 rity, and financial responsibility) for the subse-  
16 quent possession, stewardship, maintenance,  
17 monitoring, and ultimate disposition of all spent  
18 nuclear fuel transferred to the Secretary.

19           “(B) LICENSES.—On conveyance of title—

20           “(i) the general or specific Commis-  
21 sion license held by the contractor for the  
22 spent nuclear fuel dry cask shall be termi-  
23 nated; and

24           “(ii) a general license for the spent  
25 nuclear fuel dry cask under sections 53

1                   and 81 of the Atomic Energy Act of 1954  
2                   (42 U.S.C. 2073, 2111) shall be issued to  
3                   the Secretary.

4                   “(C) REGULATIONS.—Not later than 5  
5                   years after the date of enactment of this sec-  
6                   tion, the Commission shall promulgate regula-  
7                   tions that establish the terms and conditions for  
8                   licenses described in subparagraph (B)(ii).

9                   “(e) ADMINISTRATION.—

10                   “(1) IN GENERAL.—Not later than 5 years  
11                   after the date of enactment of this section, the Sec-  
12                   retary shall establish the capability to carry out sub-  
13                   section (d)(2) in a manner that protects the public  
14                   health and safety and common defense and security,  
15                   and complies with all applicable laws.

16                   “(2) CONTRACTS WITH LICENSEES.—

17                   “(A) IN GENERAL.—Subject to subpara-  
18                   graph (B), the Secretary may contract with a  
19                   holder of the operating license issued by the  
20                   Commission for 1 or more of the power reactors  
21                   located on or adjacent to the spent nuclear fuel  
22                   dry cask for the performance of all or part of  
23                   the tasks required to carry out subsection  
24                   (d)(2).

1           “(B) EFFECT OF CONTRACT.—A contract  
2           described in subparagraph (A) shall not relieve  
3           the Secretary of the ultimate responsibility of  
4           the Secretary under subsection (d)(2) and as a  
5           licensee of the Commission.”.

6           (b) USE OF WASTE FUND.—Section 302(d) of the  
7           Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d))  
8           is amended—

9           (1) in paragraph (5), by striking “and” at the  
10          end;

11          (2) in paragraph (6), by striking the period at  
12          the end and inserting “; and”; and

13          (3) by adding at the end the following:

14           “(7) the costs incurred in carrying out sub-  
15          sections (c) and (e) of section 185.”.

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