109TH CONGRESS
1ST SESSION

# S. _____

To amend the Nuclear Waste Policy Act of 1982 to require commercial nuclear utilities to transfer spent nuclear fuel from spent nuclear fuel pools into spent nuclear fuel dry casks and convey to the Secretary of Energy title to all spent nuclear fuel thus safely stored.

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IN THE SENATE OF THE UNITED STATES

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

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# A BILL

To amend the Nuclear Waste Policy Act of 1982 to require commercial nuclear utilities to transfer spent nuclear fuel from spent nuclear fuel pools into spent nuclear fuel dry casks and convey to the Secretary of Energy title to all spent nuclear fuel thus safely stored.

*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 ''Spent Nuclear Fuel On-Site Storage Security Act of 2005''.

**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).

''(2) SPENT NUCLEAR FUEL POOL.—The term 'spent nuclear fuel pool' means a water-filled container in which spent nuclear fuel rods are stored.

''(3) 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, in which spent nuclear fuel is stored at a Commission-licensed independent spent fuel storage facility located at the power reactor site. The design of any such spent nuclear fuel dry cask shall be approved by the Commission.

''(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 a Commission-li-

censed independent spent fuel storage facility located at the power reactor site.

''(2) SPENT NUCLEAR FUEL STORED AS OF DATE OF ENACTMENT.—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 subsection not later than 6 years after the date of enactment of this subsection.

''(3) SPENT NUCLEAR FUEL STORED AFTER DATE OF ENACTMENT.—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 subsection not later than 6 years after the date on which the spent nuclear fuel is discharged from the reactor.

''(4) INADEQUATE FUNDS.—If funds are not available to complete a transfer under paragraph (2) or (3), the contractor may apply to the Commission to extend the deadline for the transfer to be completed.

''(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 facility located at the power reactor site;

''(2) construction 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.

''(d) CONVEYANCE OF TITLE.—

''(1) DETERMINATION.—Not later than 30 days after the transfer of spent nuclear fuel from a spent nuclear fuel pool to a spent nuclear fuel dry cask, the Commission shall determine whether the contractor carried out the transfer in full compliance with regulations promulgated by the Commission.

''(2) NONCOMPLIANCE.—If the Commission determines that any technical standard or compliance provision under the regulations was not complied with, the Commission shall—

''(A) notify the contractor; and

''(B) take such actions as are necessary to obtain full compliance.

''(3) CERTIFICATION AND CONVEYANCE OF TITLE.—When the Commission determines that the contractor has fully complied with the regulations—

''(A) the Commission shall certify that safe transfer has been accomplished; and

''(B) the Secretary shall accept the conveyance of title to the spent nuclear fuel dry cask (including the contents of the cask) from the contractor.

''(4) RESPONSIBILITY.—A conveyance of title under paragraph (3)(B) shall confer on the Secretary full responsibility (including financial responsibility) for the possession, stewardship, maintenance, and monitoring of all spent nuclear fuel transferred to the Secretary.''.

(b) FUNDING.—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 provision of grants under section 185(d).''.

**SEC. 3. IMMEDIATE CONVEYANCE OF TITLE TO SPENT NUCLEAR FUEL PREVIOUSLY CERTIFIED TO BE IN COMPLIANCE.**

Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall accept the conveyance of title to all spent nuclear fuel with respect to which, before the date of enactment of this Act, the Nuclear Regulatory Commission has certified that a contractor under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) has completed transfer to spent nuclear fuel dry casks in compliance with applicable regulations in effect as of the date of transfer.