

104TH CONGRESS
1ST SESSION

H. R. 2278

To prohibit the importation into the United States of spent nuclear fuel unless licensed facilities are in operation that have the capacity to store or dispose of all nuclear spent fuel generated by commercial nuclear reactors in the United States and from atomic energy defense activities, and to allow local port authorities to establish health and safety guidelines for safe shipment of spent nuclear fuel.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 1995

Mr. WYDEN (for himself and Mr. BUNN of Oregon) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committees on Economic and Educational Opportunities, Transportation and Infrastructure, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit the importation into the United States of spent nuclear fuel unless licensed facilities are in operation that have the capacity to store or dispose of all nuclear spent fuel generated by commercial nuclear reactors in the United States and from atomic energy defense activities, and to allow local port authorities to establish health and safety guidelines for safe shipment of spent nuclear fuel.

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 “Import Control and
5 Safe Handling of Spent Nuclear Fuel Act of 1995”.

6 **SEC. 2. PROHIBITION ON IMPORTS OF SPENT NUCLEAR**
7 **FUEL.**

8 No spent nuclear fuel may be imported into the
9 United States unless—

10 (1) the Congress by law has approved a reposi-
11 tory or repositories with the capacity to store or dis-
12 pose of all spent nuclear fuel generated by commer-
13 cial nuclear reactors in the United States and from
14 atomic energy defense activities;

15 (2) the appropriate Federal agency or agencies
16 have licensed such repository or repositories for the
17 purpose described in paragraph (1); and

18 (3) the repository or repositories are operating.

19 **SEC. 3. NATIONAL SECURITY EXCEPTIONS.**

20 (a) **PROLIFERATING COUNTRIES.**—The prohibition
21 contained in section 2 shall not apply to imports of spent
22 nuclear fuel from a country if—

23 (1) the President determines that such coun-
24 try—

1 (A) is not a country authorized to possess
2 nuclear weapons under the Treaty on the Non-
3 Proliferation of Nuclear Weapons; and

4 (B) is known or suspected to be producing
5 or developing nuclear weapons; and

6 (2) the President so notifies the Permanent Se-
7 lect Committee on Intelligence of the House of Rep-
8 resentatives and the Select Committee on Intel-
9 ligence of the Senate at least 30 days in advance of
10 the arrival of the imported fuel into the customs ter-
11 ritory of the United States.

12 (b) SAMPLES.—The prohibition contained in section
13 2 shall not apply to samples of spent nuclear fuel imported
14 for testing and evaluation for national security purposes.

15 **SEC. 4. GUIDELINES BY PORT AUTHORITIES TO ENSURE**
16 **SAFE SHIPMENT OF CERTAIN MATERIAL.**

17 (a) IN GENERAL.—Any port authority may—

18 (1) through a public comment process, establish
19 reasonable guidelines to ensure that the unloading,
20 transfer, and shipment of spent nuclear fuel at or
21 through a port under its jurisdiction is conducted in
22 a manner that protects the public health and safety
23 and the environment at, and in the vicinity of, such
24 marine port; and

1 (2) require that any such unloading, transfer,
2 or shipment be in compliance with such guidelines.

3 (b) DESCRIPTIONS OF GUIDELINES.—Guidelines
4 which a port authority may establish include, but are not
5 limited to, the following:

6 (1) Workers must be properly trained (to the
7 satisfaction of any union representing such workers)
8 in the handling of the spent nuclear fuel.

9 (2) A comprehensive response plan covering
10 spent nuclear fuel (including containment in case of
11 fire, spill response, and other contingencies) must be
12 in place before spent nuclear fuel can enter the port.

13 (3) Local communities must be informed of the
14 unloading, transfer, or shipment of the spent nuclear
15 fuel, as well as possible consequences. The guidelines
16 may include and, if requested by local communities
17 in the immediate vicinity of the port over which the
18 port authority has jurisdiction, or local communities
19 through which spent nuclear fuel would pass when
20 transported by rail or motor vehicle from the port,
21 should include, reasonable standards for storage or
22 parking of casks or transport vehicles carrying spent
23 nuclear fuel and prohibitions against the movement
24 of spent nuclear fuel from the port at certain times
25 or under certain weather, traffic, or similar condi-

1 tions that could increase the exposure of the public
2 to radiation or increase the risk of an accident oc-
3 ccurring during the movement of the spent nuclear
4 fuel.

5 (4) Radiation exposure levels for workers may
6 not exceed standards for public exposure previously
7 established by regulation.

8 (c) RELATION TO OTHER REQUIREMENTS.—(1) Sub-
9 section (a) shall apply only to guidelines that are more
10 protective of the public health and safety and the environ-
11 ment than other applicable requirements established under
12 Federal, State, or local law.

13 (2) The existence or enforcement of any requirements
14 under any Federal, State, or local law governing the un-
15 loading, transfer, or shipment of spent nuclear fuel shall
16 not preclude or preempt the adoption or enforcement of
17 guidelines established under subsection (a).

18 **SEC. 5. LIABILITY.**

19 Nothing in this Act shall affect the liability or indem-
20 nification of the port in the handling of nuclear materials.

21 **SEC. 6. DEFINITIONS.**

22 For purposes of this Act—

23 (1) ATOMIC ENERGY DEFENSE ACTIVITY.—The
24 term “atomic energy defense activity” means any ac-
25 tivity of the Secretary of Energy performed in whole

1 or in part in carrying out any of the following func-
2 tions:

3 (A) Naval reactors development.

4 (B) Weapons activities including defense
5 inertial confinement fusion.

6 (C) Verification and control technology.

7 (D) Defense nuclear materials production.

8 (E) Defense nuclear waste and materials
9 byproducts management.

10 (F) Defense nuclear materials security and
11 safeguards and security investigations.

12 (G) Defense research and development.

13 (2) PORT AUTHORITY.—The term “port author-
14 ity” means any local, regional, State, or interstate
15 authority having jurisdiction with respect to the op-
16 eration of a port in the United States.

17 (3) REPOSITORY.—The term “repository” has
18 the meaning given such term by section 2(18) of the
19 Nuclear Waste Policy Act of 1982 (42 U.S.C.
20 10101(18)).

21 (4) SPENT NUCLEAR FUEL.—The term “spent
22 nuclear fuel” has the meaning given such term by
23 section 2(23) of the Nuclear Waste Policy Act of
24 1982 (42 U.S.C. 10101(23)).

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