

104TH CONGRESS
2D SESSION

H. R. 3394

To repeal the Low-Level Radioactive Waste Policy Act and to provide new authority for the disposal of low-level radioactive waste.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 1996

Mr. LEWIS of California (for himself and Mr. STUMP) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To repeal the Low-Level Radioactive Waste Policy Act and to provide new authority for the disposal of low-level radioactive waste.

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 section may be cited as the “Low-Level Radio-
5 active Waste Policy Act of 1996”.

6 **SEC. 2. DEFINITIONS.**

7 As used in this Act:

8 (1) COMPACT.—The term “compact” means a
9 compact entered into by 2 or more States under sec-

1 tion 4 of the Low-Level Radioactive Waste Policy
2 Act.

3 (2) COMPACT REGION.—The term “compact re-
4 gion” means the area consisting of all the States
5 that are members of the compact.

6 (3) DISPOSAL.—The term “disposal” means the
7 permanent isolation of low-level radioactive waste
8 pursuant to the requirements established by the Nu-
9 clear Regulatory Commission.

10 (4) GENERATE.—The term “generate”, when
11 used in relation to low-level radioactive waste, means
12 to produce low-level radioactive waste.

13 (5) LOW-LEVEL RADIOACTIVE WASTE.—The
14 term “low-level radioactive waste” means radioactive
15 material that—

16 (A) is not highly radioactive waste, spent
17 nuclear fuel, or byproduct material (as defined
18 in section 11e.(2) of the Atomic Energy Act of
19 1954 (42 U.S.C. 2014(e)(2)))—

20 (i) owned or generated by the Depart-
21 ment of Energy;

22 (ii) owned or generated by the United
23 States Navy as the result of the decommis-
24 sion of vessels of the United States Navy;

25 or

1 (iii) owned or generated as a result of
2 any research, development, testing, or pro-
3 duction of any atomic weapons;

4 (B) the Nuclear Regulatory Commission,
5 consistent with existing law and in accordance
6 with subparagraph (A), classifies as low-level
7 radioactive waste; and

8 (C) consists of or contains class A, B, or
9 C radioactive waste as defined by regulations
10 published at section 61.55 of title 10, Code of
11 Federal Regulations, as in effect on January
12 26, 1983.

13 (6) SECRETARY.—The term “Secretary”, unless
14 otherwise specified, means the Secretary of the Inte-
15 rior.

16 (7) SITED COMPACT REGION.—The term “sited
17 compact region” means a compact region in which
18 there is located one of the following disposal facili-
19 ties: Barnwell in the State of South Carolina and
20 Richland in the State of Washington. A region
21 ceases to be a sited compact region if, for any rea-
22 son, the disposal facility located in the region ceases
23 to accept waste.

1 (8) STATE.—The term “State” means any
2 State of the United States, the District of Columbia,
3 and the Commonwealth of Puerto Rico.

4 **SEC. 3. DUTY TO DISPOSE OF LOW-LEVEL RADIOACTIVE**
5 **WASTE.**

6 The Secretary shall dispose of low-level radioactive
7 waste generated within any State outside a sited compact
8 region. Each sited compact region shall provide for the
9 disposal of low-level radioactive waste generated within the
10 sited compact region. A State outside a sited compact re-
11 gion may provide for the disposal within that State of any
12 low-level radioactive waste generated within that State, ex-
13 cept that such a State shall not be required to accept low-
14 level radioactive waste generated outside that State, ex-
15 cept under contract with the Secretary under section 5.

16 **SEC. 4. ESTABLISHMENT OF DISPOSAL FACILITY.**

17 The Secretary shall establish a disposal facility for
18 low-level radioactive waste on land owned by the Federal
19 Government, and may contract with the Department of
20 Energy for disposal of low-level radioactive waste at a dis-
21 posal facility established by the Department of Energy for
22 radioactive waste as described in clause (i), (ii), or (iii)
23 of section 2(5)(A).

1 **SEC. 5. ACCEPTANCE OF LOW-LEVEL RADIOACTIVE WASTE.**

2 Not later than January 1, 1997, the Secretary shall
3 accept for disposal any low-level radioactive waste gen-
4 erated within any State outside a sited compact region.
5 Notwithstanding any other provision of law, no later than
6 January 1, 1997, the Secretary shall contract with the
7 Secretary of Energy for the temporary storage of low-level
8 radioactive waste at any facility established by the Depart-
9 ment of Energy for radioactive waste as described in
10 clause (i), (ii), or (iii) of section 2(5)(A) and may contract
11 with the Secretary of Energy for disposal of such waste
12 at any such facility or may contract with any State for
13 disposal of such waste at any licensed disposal facility op-
14 erated to dispose of low-level radioactive waste generated
15 within that State. The Secretary shall take physical pos-
16 session of low-level radioactive waste tendered consistent
17 with this Act by a waste generator or broker or by a State
18 official charged with regulating possession of radioactive
19 materials beginning on January 1, 1997, whether or not
20 a contract with the Secretary of Energy has been exe-
21 cuted.

22 **SEC. 6. RATES FOR DISPOSAL.**

23 The Secretary shall establish by regulation rates for
24 the disposal of low-level radioactive waste accepted for dis-
25 posal. The rates shall provide for recovery of the actual
26 costs of disposal and the administrative costs of the Sec-

1 retary to contract with the Secretary of Energy as pro-
2 vided in section 5. Rates may be based upon volume or
3 activity of waste, or a combination of the two, except that
4 the rate shall not exceed an average rate of \$500 per cubic
5 foot of waste disposed.

6 **SEC. 7. CONFORMING AMENDMENTS.**

7 (a) REPEAL.—The Low-Level Radioactive Waste Pol-
8 icy Act (42 U.S.C. 2021b et seq.) is repealed.

9 (b) DUTIES OF THE SECRETARY OF THE INTE-
10 RIOR.—Section 441 of the Revised Statutes (43 U.S.C.
11 1457) is amended by adding at the end the following:

12 “14. Commercial Low-Level Radioactive Waste
13 Disposal (other than greater than Class C).”.

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