

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 473

To establish as the nuclear energy policy of the United States that no new civilian nuclear power reactors shall be built until adequate waste emplacement capacity is available, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 24 (legislative day, FEBRUARY 22), 1995

Mr. WELLSTONE introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To establish as the nuclear energy policy of the United States that no new civilian nuclear power reactors shall be built until adequate waste emplacement capacity is available, 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 “Nuclear Energy Policy  
5        Act of 1995”.

6        **SEC. 2. FINDINGS.**

7        Congress finds that—

1           (1) a national energy policy that allows the con-  
2           struction and operation of new civilian nuclear power  
3           reactors may serve to aggravate the problem of man-  
4           agement of high-level nuclear waste including spent  
5           nuclear fuel from the reactors;

6           (2) the creation of the nuclear waste has a di-  
7           rect effect on the amount of nuclear waste trans-  
8           ported in interstate commerce; and

9           (3) it is not in the public interest, and it should  
10          not be the policy of the United States, to allow the  
11          construction or operation in the United States of  
12          any additional civilian nuclear power reactor unless  
13          a facility for the permanent emplacement of the  
14          waste exists with enough capacity for the waste that  
15          the reactor is reasonably expected to generate in its  
16          lifetime.

17 **SEC. 3. PURPOSE.**

18          The purpose of this Act is to ensure that the United  
19          States does not aggravate the nuclear waste problem by  
20          permitting the creation of a new generation of civilian nu-  
21          clear power reactors without adequate capacity in a per-  
22          manent waste emplacement facility by establishing as the  
23          nuclear energy policy of the United States that no new  
24          civilian nuclear power reactor shall be built until adequate  
25          waste emplacement capacity is available.

1 **SEC. 4. NUCLEAR ENERGY POLICY OF THE UNITED STATES.**

2 (a) ADEQUATE EMPLACEMENT FACILITY.—No civil-  
3 ian nuclear power reactor shall be built after the date of  
4 enactment of this Act until—

5 (1) there is a facility licensed by the United  
6 States for the permanent emplacement of high-level  
7 radioactive waste (including spent nuclear fuel) from  
8 the reactor; and

9 (2) there is an adequate volume of capacity  
10 within the emplacement facility to accept all of the  
11 high-level radioactive waste (including spent nuclear  
12 fuel) that will be generated by the reactor during the  
13 reasonably foreseeable operational lifetime of the re-  
14 actor.

15 (b) GENERATION OF SPENT FUEL.—At no time shall  
16 the aggregate volume of high-level radioactive waste (in-  
17 cluding spent nuclear fuel) that is generated, or reason-  
18 ably expected to be generated, by all civilian power reac-  
19 tors on which federally authorized construction was begun  
20 after the date of enactment of this Act exceed the total  
21 volume of capacity available in facilities licensed by the  
22 United States for the permanent emplacement of the high-  
23 level radioactive waste (including spent nuclear fuel).

24 **SEC. 5. ENFORCEMENT.**

25 Any affected citizen may enforce this Act by bringing  
26 a civil action in the United States district court for the

- 1 district in which the person resides or in the United States
- 2 District Court for the District of Columbia.

