

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

# S. 544

To establish a Presidential commission on nuclear waste, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 13 (legislative day, MARCH 6), 1995

Mr. BRYAN (for himself and Mr. REID) 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 a Presidential commission on nuclear waste, 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 Waste Inde-  
5        pendent Review Act”.

6        **SEC. 2. FINDINGS.**

7        Congress find that—

8            (1) despite the enactment of the Nuclear Waste  
9        Policy Act of 1982 (42 U.S.C. 10101 et seq.), rate-  
10        payer contributions to the Nuclear Waste Fund es-

1        established by section 302 of the Act (42 U.S.C.  
2        10222) of over \$6,000,000,000, and expenditures of  
3        over \$4,000,000,000, the high-level radioactive waste  
4        program is behind schedule and is the subject of nu-  
5        merous fundamental controversies, including the  
6        very concept of deep geologic storage;

7            (2) the Federal Government's only proposed  
8        transuranic waste disposal facility, the Waste Isola-  
9        tion Pilot Plant (WIPP), is beset with unresolved  
10       engineering, geologic, and certification problems and  
11       suffers from cost overruns;

12           (3) Federal and State efforts to site low-level  
13        radioactive waste disposal sites have failed in many  
14        instances because of technical problems and public  
15        opposition; and

16           (4) there has never been a comprehensive inde-  
17        pendent review of Federal nuclear waste policies.

18        **SEC. 3. PURPOSE.**

19        The purpose of this Act is to establish a commission  
20        to conduct a full independent review of United States nu-  
21        clear waste policy.

22        **SEC. 4. ESTABLISHMENT OF COMMISSION.**

23           (a) IN GENERAL.—The President, in consultation  
24        with the Science Advisor to the President and the Council  
25        on Environmental Quality, shall establish a commission to

1 be known as the “Nuclear Waste Policy Review Commis-  
2 sion” (referred to in this Act as the “Commission”).

3 (b) REPRESENTATION OF INTEREST GROUPS.—The  
4 membership and structure of the Commission shall be de-  
5 termined by the President with a view towards providing  
6 representation from—

7 (1) environmental groups;

8 (2) consumer groups;

9 (3) taxpayer groups;

10 (4) the scientific community, including nuclear-  
11 oriented and other fields such as biology and medi-  
12 cine;

13 (5) State and local governments;

14 (6) Indian tribes;

15 (7) transportation experts;

16 (8) management experts;

17 (9) Federal, State, and local regulatory agen-  
18 cies;

19 (10) utilities; and

20 (11) other affected industries.

21 (c) INDEPENDENT STATUS.—The Commission shall  
22 be independent of the Department of Energy and other  
23 Federal agencies.

1 (d) PARTICIPATION BY THE PUBLIC.—The Commis-  
2 sion shall hold public meetings and provide full opportuni-  
3 ties for participation by all interested parties.

4 **SEC. 5. ISSUES TO BE CONSIDERED.**

5 The Commission shall consider all issues related to  
6 United States policy concerning high-level, transuranic,  
7 low-level waste, and other radioactive wastes including—

8 (1) various options for high-level radioactive  
9 waste storage and disposal, including deep geologic  
10 disposal, on-site dry storage, monitored retrievable  
11 storage, centralized interim storage, or any other op-  
12 tions;

13 (2) evaluation of the experiences of other coun-  
14 tries in storing and disposing of radioactive waste;

15 (3) an analysis of funding through the Nuclear  
16 Waste Fund established by section 302 of the Nu-  
17 clear Waste Policy Act of 1982 (42 U.S.C. 10222),  
18 including fee sufficiency and strategies for providing  
19 equity for ratepayer contributions to the Nuclear  
20 Waste Fund;

21 (4) the siting and characterization process for  
22 nuclear waste programs currently in effect and alter-  
23 natives to those programs;

1           (5) technical, managerial, economic, and policy  
2 analyses of the nuclear waste inventory of the Unit-  
3 ed States; and

4           (6) an examination of the classification system  
5 for nuclear waste currently in effect, and options for  
6 reclassification.

7 **SEC. 6. REPORT.**

8           Not later than 2 years after the date of enactment  
9 of this Act, the Commission shall submit to Congress a  
10 report on its review under this Act, including rec-  
11 ommendations for legislative or other action.

12 **SEC. 7. MORATORIUM ON ISSUANCE OF LICENSES.**

13           No Federal agency may issue a license for a facility  
14 for the storage or disposal of radioactive waste (except a  
15 license for temporary on-site storage) until the date on  
16 which the Commission submits its report under section 6.

17 **SEC. 8. TERMINATION OF COMMISSION.**

18           The Commission shall terminate 30 days after the  
19 date on which the Commission submits its report under  
20 section 6.

21 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

22           There are authorized to be appropriated such sums  
23 as are necessary to carry out this Act.

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