

109TH CONGRESS  
1ST SESSION

# H. R. 526

To redirect the Nuclear Waste Fund established under the Nuclear Waste Policy Act of 1982 into research, development, and utilization of risk-decreasing technologies for the onsite storage and eventual reduction of radiation levels of nuclear waste, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2005

Ms. BERKLEY introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Science and Ways and Means, 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

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## A BILL

To redirect the Nuclear Waste Fund established under the Nuclear Waste Policy Act of 1982 into research, development, and utilization of risk-decreasing technologies for the onsite storage and eventual reduction of radiation levels of 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 “21st Century Science  
5 for Nuclear Waste Disposal Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) Under the Nuclear Waste Policy Act of  
4 1982, the storage of high-level radioactive waste,  
5 transuranic waste, and spent nuclear fuel is to be lo-  
6 cated at a central repository.

7 (2) The Department of Energy estimates that  
8 completing the Yucca Mountain central repository  
9 project will cost \$58,000,000,000, making the  
10 project one of the most costly public works projects  
11 in the world.

12 (3) Numerous geological and hydrological condi-  
13 tions found at Yucca Mountain support the conten-  
14 tion that Yucca Mountain is not a suitable site for  
15 a central repository.

16 (4) Public health and safety regulations have  
17 consistently been altered in order to make Yucca  
18 Mountain appear to be a feasible option.

19 (5) Storing high-level radioactive waste in a  
20 central repository at Yucca Mountain would require  
21 the transportation of more than 70,000 tons of nu-  
22 clear waste through 43 States, and through hun-  
23 dreds of cities and towns. Fifty million Americans  
24 live within one half mile of the shipping routes, cre-  
25 ating an unacceptable risk of catastrophic radiation  
26 exposure.

1           (6) Storage of high level nuclear waste at a cen-  
2           tral repository will do virtually nothing to reduce the  
3           volume of high level waste at nuclear power plants.  
4           The estimated 43,500 metric tons of high level waste  
5           at these plants would be reduced to only 42,500  
6           metric tons during the projected 38 years from  
7           opening to closing of a central repository, with no  
8           plan in place to improve the efficacy of on-site stor-  
9           age facilities located across the Nation.

10           (7) Current nuclear power reactor sites can  
11           safely store high-level radioactive waste for another  
12           100 years (according to the Nuclear Regulatory  
13           Commission). By implementing the most advanced  
14           existing technology, nuclear power reactor sites  
15           could store waste for an additional 100 years, thus  
16           eliminating the need to immediately site a central re-  
17           pository.

18           (8) The United States can create solutions to  
19           the long-term problems of storing high-level radio-  
20           active waste by exploring emerging technologies with  
21           the potential to neutralize highly radioactive waste.

22           (9) The research, development, and utilization  
23           in the United States of risk-decreasing technologies  
24           for the safe disposal of nuclear waste is not only fea-

1 sible, but it is our best alternative to storing high-  
2 level nuclear waste at a central repository.

3 (10) The Nuclear Waste Fund has accumulated  
4 more than \$10,000,000,000 to store high-level nu-  
5 clear radioactive waste in a central repository, a  
6 failed concept. Given the scientific evidence against  
7 the Yucca Mountain site, and the health and safety  
8 problems inherent in the concept of a central high-  
9 level radioactive waste repository, the Nuclear Waste  
10 Fund should be directed toward the research, devel-  
11 opment, and utilization of these alternative waste  
12 storage and disposal technologies to better protect  
13 our environment.

14 (11) The insurmountable problems associated  
15 with storing nuclear waste in a central repository re-  
16 quires the Congress to terminate the Yucca Moun-  
17 tain Project and to immediately launch a focused re-  
18 search and development program to develop safe nu-  
19 clear waste disposal technologies.

20 **SEC. 3. NUCLEAR WASTE FUND.**

21 Section 302 of the Nuclear Waste Policy Act of 1982  
22 (42 U.S.C. 10222) is amended—

23 (1) in subsection (a)—

24 (A) by striking “CONTRACTS.—(1) In the”  
25 and all that follows through “described in sub-

1 section (d).” and inserting “PAYMENTS.—(1)  
2 The Secretary shall provide for payments into  
3 the Nuclear Waste Fund of fees pursuant to  
4 paragraph (2) for use as provided in this sec-  
5 tion.”;

6 (B) by striking paragraphs (3), (5), and  
7 (6) and redesignating paragraph (4) as para-  
8 graph (3); and

9 (C) in paragraph (3), as so redesignated  
10 by subparagraph (B) of this paragraph—

11 (i) by striking “paragraphs (2) and  
12 (3) above” and inserting “paragraph (2)”;

13 (ii) by striking “offset the costs as de-  
14 fined in subsection (d) herein” and insert-  
15 ing “support the uses described in sub-  
16 section (c)”;

17 (iii) by striking “recover the costs in-  
18 curred” and all that follows through “full  
19 cost recovery.” and inserting “support the  
20 uses described in subsection (c), the Sec-  
21 retary shall propose an adjustment to the  
22 fee to fully support those uses. The Sec-  
23 retary shall also annually adjust the fee for  
24 inflation.”; and

1 (iv) by striking “this proposal for  
2 such an adjustment to Congress” and all  
3 that follows through “the Energy Policy  
4 and Conservation Act” and inserting “pro-  
5 posals for fee adjustment to Congress”;

6 (2) by striking subsections (b) and (d);

7 (3) by redesignating subsections (c) and (e) as  
8 subsections (b) and (d), respectively;

9 (4) in subsection (b), as so redesignated by  
10 paragraph (3) of this section—

11 (A) by striking “, (b), and (e)” and insert-  
12 ing “and (d)” in paragraph (1);

13 (B) by inserting “and” at the end to para-  
14 graph (1);

15 (C) by striking “; and” at the end of para-  
16 graph (2) and inserting a period; and

17 (D) by striking paragraph (3);

18 (5) by inserting after subsection (b), as so re-  
19 designated by paragraph (3) of this section, the fol-  
20 lowing new subsection:

21 “(c) USES OF NUCLEAR WASTE FUND.—The Nu-  
22 clear Waste Fund shall be available to the Secretary only  
23 to pay the cost of research, development, and utilization  
24 in the United States of risk-decreasing technologies, with  
25 an emphasis on technologies that—

1           “(1) increase the length of time that nuclear  
2 waste can be safely stored at or near—

3           “(A) in the case of waste existing on the  
4 date of enactment of the 21st Century Science  
5 for Nuclear Waste Disposal Act, the site where  
6 the waste was located on such date of enact-  
7 ment; and

8           “(B) in the case of waste not existing on  
9 the date of enactment of the 21st Century  
10 Science for Nuclear Waste Disposal Act, the  
11 site where the waste is generated;

12           “(2) require the least amount of transportation  
13 of nuclear waste practicable; and

14           “(3) reduce the level of radiation of the nuclear  
15 waste.

16 The Government shall not use any funds for research, de-  
17 velopment, or implementation of a central high-level radio-  
18 active waste and spent nuclear fuel repository.”; and

19           (6) in subsection (d), as so redesignated by  
20 paragraph (3) of this section, by striking “sub-  
21 section (d)” in paragraph (6) and inserting “sub-  
22 section (c)”.

23 **SEC. 4. REPEALS AND REDESIGNATIONS.**

24           (a) IN GENERAL.—The Nuclear Waste Policy Act of  
25 1982 is amended—

1           (1) by redesignating section 151 as section 10  
2           and moving it to appear after section 9, and by re-  
3           pealing the remainder of title I;

4           (2) by repealing title II;

5           (3) by redesignating sections 302 and 306 as  
6           sections 11 and 12, respectively, and moving them to  
7           appear after section 10, and by repealing the re-  
8           mainder of title III;

9           (4) by repealing title IV; and

10          (5) by repealing title V.

11          (b) CONFORMING AMENDMENTS.—The Nuclear  
12 Waste Policy Act of 1982 is amended—

13           (1) in section 2—

14                   (A) by striking paragraphs (1), (2), (4),  
15                   (5), (8), (10), (11), (13), (14), (15), (17), (19),  
16                   (21), (22), (25), (26), (27), (28), (30), (31),  
17                   (32), (33), and (34);

18                   (B) by redesignating paragraphs (3), (6),  
19                   (7), (9), (12), (16), (18), (20), (23), (24), and  
20                   (29) as paragraphs (1), (2), (3), (4), (5), (6),  
21                   (7), (10), (11), (12), and (13) respectively; and

22                   (C) by inserting after paragraph (7), as so  
23                   redesignated by subparagraph (B) of this para-  
24                   graph, the following new paragraphs:

1           “(8) RESEARCH.—The term ‘research’ includes  
2 both basic and applied research.

3           “(9) RISK-DECREASING TECHNOLOGIES.—The  
4 term ‘risk-decreasing technologies’ means tech-  
5 nologies that reduce the adverse impact nuclear  
6 waste has on human and ecological health and well-  
7 being through reduction in radiation levels and other  
8 methods.”; and

9           (2) in section 8—

10           (A) by striking “subsection (c)” and in-  
11 serting “subsection (b)” in subsection (a);

12           (B) by striking subsection (b); and

13           (C) by redesignating subsection (c) as sub-  
14 section (b).

15           (c) TABLE OF CONTENTS AMENDMENTS.—The items  
16 in the table of contents of the Nuclear Waste Policy Act  
17 of 1982 relating to titles I through V are repealed, and  
18 the following items are inserted after the item relating to  
19 section 9:

“Sec. 10. Financial arrangements for site closure.

“Sec. 11. Nuclear Waste Fund.

“Sec. 12. Nuclear Regulatory Commission training authorization.”.

20 **SEC. 5. REPEAL OF SPECIAL RULES FOR NUCLEAR DECOM-**  
21 **MISSIONING COSTS.**

22           (a) IN GENERAL.—Section 468A of the Internal Rev-  
23 enue Code of 1986 is hereby repealed.

24           (b) CONFORMING AMENDMENTS.—

1           (1) Subparagraph (B) of section 172(f)(1) of  
2 such Code is amended by striking “or 468A(a)”.

3           (2) The table of sections for subpart C of part  
4 II of subchapter E of chapter 1 of such Code is  
5 amended by striking the item relating to section  
6 468A.

7           (c) EFFECTIVE DATE.—The amendments made by  
8 this section shall take effect on the date of the enactment  
9 of this Act.

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