

Note: This draft of the amendment is keyed to page numbers of the Environment and Public Works' version.

109720.018

AMENDMENT NO. ____

Calendar No. ____

Purpose: To provide for interim storage of spent fuel from civilian nuclear powerplants by onsite storage facilities and other practical means.

IN THE SENATE OF THE UNITED STATES--97th Cong., 2d Sess.

S. 1662

To establish a limited program for Federal storage of spent fuel from civilian nuclear powerplants, to set forth a Federal policy, initiate a program, and establish a national schedule for the disposal of nuclear waste from civilian activities, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

Amendments intended to be proposed by Mr. Thurmond (for himself, Mr. Hollings, Mr. Percy, Mr. Dixon, Mr. D'Amato, Mr. Moynihan, and Mr. Tsongas)

Viz:

1 On page 111, line 17, strike out the word "primary".

2 On page 111, line 21, beginning with "provide", strike
3 out all through line 2 on page 112 and insert in lieu thereof
4 the following: "encourage and expedite the effective use of
5 existing storage facilities and the addition of needed new
6 storage capacity at the site of each civilian nuclear
7 powerplant;"

8 On page 115, line 4, beginning with "acquisition",
9 strike out all through "the" on line 7.

10 On page 115, beginning with line 16, strike out all
11 through line 2 on page 116 and insert in lieu thereof the
12 following:

13 (C) authorize the Secretary to establish systems for
14 the long-term storage and disposal of high-level
15 radioactive waste generated by civilian nuclear

1 activities, and to develop, construct, and put in
2 operation the facilities comprising these systems;

3 On page 116, line 5, immediately after "Federal" insert
4 "long term".

5 On page 122, beginning with line 1, strike out all
6 through line 22 on page 140, and insert in lieu thereof the
7 following:

8 TITLE III--INTERIM STORAGE OF SPENT FUEL FROM CIVILIAN

9 NUCLEAR POWERPLANTS

10 Sec. 301. (a) It is the policy of the Federal Government
11 that--

12 (1) the persons owning and operating civilian nuclear
13 powerplants have the responsibility for providing interim
14 storage of spent fuel from such powerplants, by
15 maximizing, to the extent practical, the effective use of
16 existing storage facilities at the site of each civilian
17 nuclear powerplant, by adding new onsite storage capacity
18 in a timely manner where practical, and by the use of
19 privately owned and operated offsite storage facilities
20 where practical; and

21 (2) the Federal Government has the responsibility to
22 encourage and expedite the effective use of existing
23 storage facilities and the addition of needed new storage
24 capacity at the site of each civilian nuclear powerplant.

25 (b) The policy under subsection (a) shall provide for the
26 utilization of available spent fuel pools at the site of each
27 civilian nuclear powerplant to the extent practical and the
28 addition of new spent fuel storage capacity where practical,
29 either at the site of the powerplant or at a privately owned
30 and operated offsite storage facility.

31 Sec. 302. (a) The Secretary, the Commission, and other

1 appropriate Federal officials shall take such actions as they
2 consider necessary to encourage and expedite the effective
3 use of existing storage facilities and the addition of needed
4 new storage capacity at the site of each civilian nuclear
5 powerplant consistent with--

6 (1) the protection of the public health, safety, and
7 the environment;

8 (2) economic considerations;

9 (3) continued operation of the powerplant; and

10 (4) otherwise applicable law.

11 (b) The Secretary, in consultation with the Commission,
12 shall establish a cooperative program to assist and encourage
13 the private development of alternate technologies for the
14 storage of spent fuel at the sites of civilian nuclear
15 powerplants, with the objective of developing one or more
16 alternate technologies that the Commission can adopt by rule
17 on a generic basis for use at the sites of all civilian
18 nuclear powerplants without the need for additional site-
19 specific approvals by the Commission to the maximum extent
20 practicable. For the purposes of this subsection, "alternate
21 technologies" shall include, but are not limited to, spent
22 fuel storage casks.

23 Sec. 303. (a) Any person filing an application with the
24 Commission after the date of enactment of this Act for a
25 license, or for an amendment to an existing license, to
26 expand the spent fuel storage capacity at the site of a
27 civilian nuclear powerplant, through the use of high-density
28 fuel storage racks, fuel rod compaction, the transshipment of
29 spent fuel to another powerplant within a utility system, the
30 construction of additional spent fuel pool capacity, or by
31 other means, may submit a petition to the Commission for
32 issuance of the license or license amendment on an interim
33 basis prior to the conduct or completion of any required
34 hearing upon such application. Any petition submitted under

1 this section shall include a statement of the reasons why the
2 application for the license or amendment was not submitted
3 sufficiently in advance to eliminate to need for issuance of
4 the license or license amendment on an interim basis.

5 (b) (1) The Commission shall grant the petition submitted
6 under subsection (a) and issue the license or license
7 amendment on an interim basis if the Commission determines
8 that--

9 (A) in all respects other than the conduct or
10 completion of any required hearing, the requirements of
11 law are met;

12 (B) in accordance with such requirements, there is
13 reasonable assurance that the activities authorized by
14 the license or license amendment during the interim
15 period, in accordance with the terms and conditions of
16 such license or license amendment, will provide adequate
17 protection to the public health and safety and the
18 environment during the interim period; and

19 (C) there is a reasonable expectation that refusal to
20 grant the petition will prevent the petitioner from
21 providing in a timely manner adequate capacity for spent
22 fuel storage at the site of the powerplant to maintain a
23 full core reserve storage capability.

24 (2) The Commission may not issue a license or license
25 amendment on an interim basis for the first application
26 received by the Commission for the license or license
27 amendment to expand onsite spent fuel storage capacity by the
28 use of a new technology not previously approved for use at
29 any nuclear powerplant by the Commission.

30 Sec. 304. (a) In any Commission hearing pursuant to
31 section 189 of the Atomic Energy Act of 1954, as amended, on
32 an application for a license, or for an amendment to an
33 existing license, filed after the date of enactment of this
34 Act, to expand the spent fuel storage capacity at the site of

1 a civilian nuclear powerplant, through the use of high-
2 density fuel storage racks, fuel rod compaction, the
3 transshipment of spent fuel to another such powerplant within
4 a utility system, the construction of additional spent fuel
5 pool capacity or dry storage capacity, or by other means, the
6 Commission shall, at the request of any party, provide an
7 opportunity for oral argument with respect to any matter
8 which the Commission determines to be in controversy among
9 the parties. The oral argument shall be preceded by such
10 discovery procedures as the rules of the Commission shall
11 provide. The Commission shall require each party, including
12 the Commission staff, to submit in written form, at the time
13 of the oral argument, all the facts, data, and arguments upon
14 which that party proposes to rely that are known at such time
15 to that party.

16 (b) (1) At the conclusion of any oral argument under
17 subsection (a) of this section, the Commission shall
18 designate any disputed question of fact, together with any
19 remaining questions of law, for resolution in an adjudicatory
20 hearing only if it determines that--

21 (A) there is a genuine and substantial dispute of
22 fact which can only be resolved with sufficient accuracy
23 by the introduction of evidence in an adjudicatory
24 hearing; and

25 (B) the decision of the Commission is likely to
26 depend in whole or in part on the resolution of such
27 dispute.

28 (2) In making a determination under this subsection, the
29 Commission shall designate in writing the specific facts that
30 are in genuine and substantial dispute, the reason why the
31 decision of the agency is likely to depend on the resolution
32 of such facts, and the reason why an adjudicatory hearing is
33 likely to resolve the dispute.

34 (c) No court shall hold unlawful or set aside a decision

1 of the Commission in any proceeding described in subsection
2 (a) because of a failure by it to use a particular procedure
3 pursuant to this section unless--

4 (1) an objection to the procedure used was presented
5 to the Commission in a timely fashion or there are
6 extraordinary circumstances that excuse the failure to
7 present a timely objection, and

8 (2) the court finds that such failure has precluded a
9 fair consideration and informed resolution of a
10 significant issue of the proceeding taken as a whole.

11 On page 166, strike out lines 8 and 9 and insert in lieu
12 thereof the following: ``the repositories authorized by title
13 IV of``.

14 On page 168, line 4, beginning with ``(1)`` , strike out
15 all through ``(2)`` on line 8 and insert in lieu thereof
16 ``(1)``.

17 On page 168, line 13, strike out ``(3)`` and insert in
18 lieu thereof ``(2)``.

19 On page 168, line 16, strike out ``(4)`` and insert in
20 lieu thereof ``(3)``.

21 On page 168, line 20, strike out ``(5)`` and insert in
22 lieu thereof ``(4)``.

23 On page 168, line 22, beginning with ``under`` , strike
24 out all through ``appropriated`` on line 23.

1 On page 168, line 24, strike out ``III,``.

2 On page 168, line 25, beginning with ``all``, strike out
3 all through the comma at the end of the line.

4 On page 169, line 9, strike out ``III,``.

5 On page 170, line 21, strike out ``III,``.

6 On page 171, line 9, strike out ``III,``.

7 On page 174, beginning with line 10, strike out all
8 through line 19.

9 On page 187, line 4, beginning with ``stored``, strike
10 out all through ``facilities`` on line 5 and insert in lieu
11 thereof ``stored``.