

107TH CONGRESS
2^D SESSION

H. R. 4605

To amend the Nuclear Waste Policy Act of 1982 with respect to transportation of nuclear waste.

IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2002

Mr. KUCINICH introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, 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

A BILL

To amend the Nuclear Waste Policy Act of 1982 with respect to transportation of nuclear 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 Act may be cited as the “Nuclear Waste Trans-
5 portation Protection Amendments Act of 2002”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The transportation of nuclear waste to a
9 Yucca Mountain repository would require a massive

1 transportation undertaking. More nuclear waste
2 would be shipped in the first full year of repository
3 operations than has been transported in the entire
4 five-decade history of nuclear waste shipments in the
5 United States.

6 (2) The transportation of this waste would re-
7 quire over 96,000 truck shipments over four dec-
8 ades. Almost every major east-west interstate high-
9 way and mainline railroad in the country would ex-
10 perience nuclear waste shipments as waste is moved
11 from reactors and other sites in 39 States.

12 (3) The Department of Energy proposes to di-
13 rectly impact 44 States, many of the major metro-
14 politan areas in the Nation, and at least 109 cities
15 with populations exceeding 100,000. Highway ship-
16 ments alone will impact at least 703 counties with
17 a combined population of 123,000,000 people. Na-
18 tionally, between 7,000,000 and 11,000,000 people
19 reside within one-half mile of the anticipated truck
20 or rail routes.

21 (4) This never-before-attempted nuclear waste
22 transportation effort would bring with it a constella-
23 tion of hazards and risks, including potentially seri-
24 ous economic damage and property value losses in
25 cities and communities along shipping routes. Also

1 of concern are the increased security risks from
2 shipments that represent numerous mobile targets
3 within some of the country's most populous and vul-
4 nerable metropolitan areas.

5 (5) Before any nuclear waste shipments occur,
6 the Federal Government must ensure the safety and
7 security of these shipments. This Act requires the
8 Secretary of Energy to develop a comprehensive
9 safety program that establishes new safety and secu-
10 rity measures that greatly exceed the minimal level
11 of protection offered today.

12 **SEC. 3. AMENDMENTS.**

13 Section 180 of the Nuclear Waste Policy Act of 1982
14 (42 U.S.C. 10175) is amended by adding at the end the
15 following new subsections:

16 “(d) COMPREHENSIVE SAFETY PROGRAM.—The Sec-
17 retary shall develop a comprehensive safety program that
18 includes, consistent with this title, driver selection, inde-
19 pendent inspections, bad weather protocols, road condition
20 reporting, safe parking areas, advance notice, real time
21 tracking and monitoring, emergency response, medical
22 preparedness, equipment standards, training and exer-
23 cises, mutual aid agreements, emergency alternative rout-
24 ing, program evaluation, and public information.

1 “(e) PROTECTING POPULATED COMMUNITIES.—The
2 Secretary may not transport high-level radioactive waste
3 through an incorporated community with a population in
4 excess of 50,000 unless the waste originates in that com-
5 munity.

6 “(f) OLDEST FUEL FIRST.—The Secretary shall en-
7 sure that the oldest spent nuclear fuel shall be transported
8 before other spent nuclear fuel.

9 “(g) FULL-SCALE CASK TESTING.—No spent nuclear
10 fuel or high-level radioactive waste may be transported by
11 or for the Secretary under this Act except in packages the
12 design of which has been certified by the Commission and
13 tested at full-scale, including physical tests to destruction,
14 to demonstrate compliance with the Commission perform-
15 ance standards. The Commission shall ensure a stake-
16 holder role in the development of a cask testing program
17 for testing under this subsection, including selection of
18 test facilities, personnel, and peer review.

19 “(h) STATE AND LOCAL ROUTE CONSULTATION.—
20 Affected State, local, and tribal governments shall be con-
21 sulted in the selection of routes for the transportation of
22 spent nuclear fuel and high-level radioactive waste.

23 “(i) PRIVATE CARRIER PROHIBITION.—Spent nu-
24 clear fuel and high-level radioactive waste shall not be
25 transported under this Act by a private sector carrier.

1 “(j) ADVANCE NOTIFICATION.—The Secretary shall
2 provide a minimum of 14 days advance notification to
3 States, Indian tribes, and local communities through
4 whose jurisdiction the Secretary plans to transport spent
5 nuclear fuel and high-level radioactive waste.

6 “(k) SECURITY PRECAUTIONS.—All transportation of
7 spent nuclear fuel and high-level radioactive waste under
8 this Act shall—

9 “(1) if by train, be on a train dedicated solely
10 to such transportation;

11 “(2) include at least 3 armed escorts for each
12 nuclear waste convoy, including a lead vehicle and a
13 trailer vehicle;

14 “(3) be scheduled to avoid regular transpor-
15 tation patterns;

16 “(4) be planned in order to minimize storage
17 times; and

18 “(5) occur at a time when the receiver at the
19 final delivery point will be present to accept ship-
20 ment.”.

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