


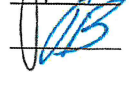
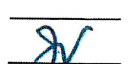



# AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING  
Meeting Date: May 1, 2018

Agenda Item 11D(1)

**Approvals:**

City Manager   
Dept. Head   
Attorney   
Finance 

**Department:** Public Works  
**Prepared By:** Stephen Foster, Emergency Planning Coordinator  
Tom Bonigut, Public Works Director/City Engineer

**Subject:** *CONSIDER CITY POSITION ON FEDERAL BILL NO. H.R. 3929, THE STRANDED NUCLEAR WASTE ACCOUNTABILITY ACT OF 2017.*

**Fiscal Impact:** None.

**Summary:** Staff seeks City Council direction on whether or not to take a position on the subject Federal legislation.

**Discussion:** The subject legislation was introduced in the U.S. House of Representatives in October 2017. If passed, this bill would direct the Department of Energy (DOE) to establish a program to provide compensation to communities in which nuclear waste storage facilities are located. The payments would be \$15 per kilogram of spent nuclear fuel stored at nuclear storage facilities, and the local communities would need to submit annual applications for funding. A similar bill was introduced in 2016 but was not signed into law. The intent of the bill is to compensate communities for their de facto status as interim spent nuclear fuel storage sites due to the Federal government's failure to provide a long-term storage facility for spent nuclear fuel. Note that as defined in the legislation (attached), San Clemente likely would not be eligible for compensation since the San Onofre Nuclear Generating Station site is not within the City's jurisdictional boundaries.

**Recommended Action:** STAFF RECOMMENDS THAT the City Council provide direction on whether or not to take a position on Federal Bill No. H.R. 3929, the Stranded Nuclear Waste Accountability Act of 2017.

**Attachments:** Text of H.R. 3929.

**Notification:** San Clemente Green

\\cf\data\cd\engineering\secure\admin\2018\5-1-18\5-1-18-6r.docx

**H.R.3929 - Stranded Nuclear Waste Accountability Act of 2017**

**H.R.3929 - Stranded Nuclear Waste  
Accountability Act of 2017**

**Text: H.R.3929 — 115th Congress (2017-2018)**

**Introduced in House (10/03/2017)**

115TH CONGRESS  
1ST SESSION

**H. R. 3929**

This bill directs the Department of Energy (DOE) to establish a program to provide compensation to communities in which a nuclear waste storage facility is located.

DOE must provide payments equal to \$15 per kilogram of spent nuclear fuel stored at the nuclear waste facility.

Each local government having a nuclear waste facility within its jurisdictional boundaries must submit an annual application to DOE for compensation.

To direct the Secretary of Energy to carry out a program to provide payments to communities in which a nuclear power plant that has ceased generating electricity and that stores spent nuclear fuel onsite is located, and for other purposes.

---

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 3, 2017

Mr. COURTNEY (for himself and Mr. WELCH) introduced the following bill; which was referred to the Committee on Energy and Commerce

---

## A BILL

To direct the Secretary of Energy to carry out a program to provide payments to communities in which a nuclear power plant that has ceased generating electricity and that stores spent nuclear fuel onsite is located, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Stranded Nuclear Waste Accountability Act of 2017”.

### **SEC. 2. PROGRAM FOR PAYMENTS TO COMMUNITIES THAT ARE IMPACTED BY INTERIM STORAGE OF SPENT NUCLEAR FUEL.**

(a) PROGRAM.—The Secretary of Energy shall establish and carry out a program to make payments to units of general local government within the jurisdictional boundaries of which an eligible civilian nuclear power plant is located.

(b) PAYMENTS.—

(1) AMOUNT.—Except as provided in paragraph (3), a payment made to a unit of general local government under the program established under subsection (a) shall be equal to \$15 per kilogram of spent nuclear fuel stored at the eligible civilian nuclear power plant that is located within the jurisdictional boundaries of such unit of general local government.

(2) NUMBER AND FREQUENCY.—For each eligible civilian nuclear power plant, the Secretary may only make one payment to one unit of general local government per fiscal year under the program established under subsection (a).

(3) PRO RATA REDUCTION.—For any fiscal year, the Secretary shall, on a pro rata basis, reduce the amount paid to a unit of general local government under the program established under subsection (a) as necessary to ensure, to the extent possible, that a payment is made to a unit of general local government with respect to each eligible civilian nuclear power plant for that fiscal year.

(4) ANNUAL APPLICATION.—In order to be eligible to receive a payment under the program established under subsection (a) for a fiscal year, a unit of general local government shall submit an application to the Secretary.

(c) DEFINITIONS.—In this Act:

(1) CIVILIAN NUCLEAR POWER REACTOR.—The term “civilian nuclear power reactor” has the meaning given such term in section 2(6) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(6)).

(2) ELIGIBLE CIVILIAN NUCLEAR POWER PLANT.—The term “eligible civilian nuclear power plant” means a site at which—

(A) each civilian nuclear power reactor located at such site has ceased generating electricity prior to the date of enactment of this Act; and

(B) spent nuclear fuel is being stored.

(3) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(4) SPENT NUCLEAR FUEL.—The term “spent nuclear fuel” has the meaning given such term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)).

(5) UNIT OF GENERAL LOCAL GOVERNMENT.—The term “unit of general local government” has the meaning given such term in section 2(28) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(28)).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$100,000,000 for the program established under subsection (a) for each of fiscal years 2018 through 2024.