To foster bilateral engagement and scientific analysis of storing nuclear waste in permanent repositories in the Great Lakes Basin.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2015

Ms. STABENOW (for herself, Mr. PETERS, Mr. KIRK, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To foster bilateral engagement and scientific analysis of storing nuclear waste in permanent repositories in the Great Lakes Basin.

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 “Stop Nuclear Waste
5 by Our Lakes Act of 2015”.

6 SEC. 2. FINDINGS.

7 Congress makes the following findings:

8 (1) Ontario Power Generation is proposing to
9 build the Deep Geologic Repository to dispose of
low- and intermediate-level nuclear waste less than 1 mile from Lake Huron in Kincardine, Ontario, Canada.

(2) Members of Congress, citizens of the United States, and citizens of Canada have expressed concern with the proposal to permanently store 7,000,000 cubic feet of nuclear waste in the Great Lakes Basin.

(3) These boundary waters are protected from pollution under the Treaty Between the United States and Great Britain Relating to Boundary Waters and Questions Arising Between the United States and Canada, signed at Washington January 11, 1909, and entered into force May 5, 1910 (36 Stat. 2448; TS 548) (commonly referred to as the “Boundary Waters Treaty of 1909”).

(4) Article VII of the Boundary Waters Treaty of 1909 established the International Joint Commission, which has jurisdiction over any case involving the use, obstruction, or diversion of boundary waters.

(5) Under Article IX of the Boundary Waters Treaty of 1909, either the United States or Canada may request the International Joint Commission to conduct an examination and issue a report for any
question or matter of difference involving the rights, obligations, or interests of either party.

(6) Under Article X of the Boundary Waters Treaty of 1909, any questions or matters of difference between the United States and Canada involving rights, obligations, or interests either in relation to each other or to their respective inhabitants, may be referred for decision to the International Joint Commission by the consent of the two Parties.

SEC. 3. INTERNATIONAL JOINT COMMISSION.

(a) DEEP GEOLOGICAL REPOSITORY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall request that, pursuant to Article IX of the Boundary Waters Treaty of 1909, the International Joint Commission—

(1) conduct a review of the long-term impacts of the location of the Deep Geological Repository, including an examination of the conclusions reached in the Environmental Assessment Report issued by the Joint Review Panel on May 6, 2015 (CEAA Reference No. 17520), and whether those conclusions would adequately protect Lake Huron and the other Great Lakes from the risks posed by the operation of the Deep Geological Repository for low and intermediate-level nuclear waste; and
(2) issue a report on the findings of the Com-
mission to the Governments of the United States
and Canada.

(b) **Disposal of High-Level Nuclear Waste.**—
In the event the Government of Canada decides to perma-
nently dispose of high-level nuclear waste at a site in close
proximity to the Deep Geological Repository or another
site in the Great Lakes Basin—

(1) the Secretary of State shall request that,
pursuant to Article IX of the Boundary Waters
Treaty of 1909, the International Joint Commission
conduct a study on the risks to the Great Lakes
Basin of storing high-level nuclear waste in close
proximity to the Deep Geological Repository or an-
other site in the Great Lakes Basin; and

(2) the Secretary of State shall invoke Article
X of the Boundary Waters Treaty of 1909 to bring
the matter before the International Joint Commiss-
ion.

**Sec. 4. International Negotiations.**

The Secretary of State shall undertake negotiations
with the Government of Canada—

(1) to delay the final decision on the Deep Geo-
logic Repository until after the International Joint
Commission delivers the report issued pursuant to 
section 3(a)(2); and

(2)(A) to delay any final decision to store high-
level nuclear waste in close proximity to the Deep 
Geological Repository or another site in the Great 
Lakes Basin until after the International Joint 
Commission conducts the study described under sec-
tion 3(b); and

(B) to consent to bringing the matter of such 
disposal of high-level nuclear waste before the Inter-
national Joint Commission pursuant to Article X of 
the Boundary Waters Treaty of 1909.

SEC. 5. DEFINITIONS.

In this Act:

(1) DEEP GEOLOGIC REPOSITORY.—The term 
“Deep Geologic Repository” means the proposal by 
Ontario Power Generation to dispose of 7,000,000 
cubic feet of low- and intermediate-level nuclear 
waste at the Bruce Nuclear Power Plant in 
Kincardine, Ontario.

(2) GREAT LAKES BASIN.—The term “Great 
Lakes Basin” means—

(A) Lake Ontario, Lake Erie, Lake Huron 
(including Lake St. Clair), Lake Michigan, and 
Lake Superior;
(B) the connecting channels (Saint Mary’s River, Saint Clair River, Detroit River, Niagara River, and Saint Lawrence River to the Canadian Border); and

(C) all streams, rivers, lakes, and other bodies of water within the drainage basin of the lakes listed in subparagraph (A).