

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2699  
OFFERED BY MS. MATSUI OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Storage and Transpor-  
3 tation Of Residual and Excess Nuclear Fuel Act of 2019”,  
4 or the “STORE Nuclear Fuel Act of 2019”.

**5 SEC. 2. INTERIM STORAGE.**

6       (a) IN GENERAL.—Title I of the Nuclear Waste Pol-  
7 icy Act of 1982 (42 U.S.C. 10121 et seq.) is amended  
8 by adding at the end the following:

**9           “Subtitle I—Interim Storage**

**10 “SEC. 190. DEFINITIONS.**

11       “In this subtitle:

12           “(1) CONTRACT HOLDER.—The term ‘contract  
13 holder’ means any person who—

14                   “(A) generates or holds title to spent nu-  
15 clear fuel and high-level radioactive waste gen-  
16 erated at a civilian nuclear power reactor; and

1           “(B) has entered into a contract for the  
2 disposal of spent nuclear fuel and high-level ra-  
3 dioactive waste under section 302(a).

4           “(2) EMERGENCY DELIVERY.—

5           “(A) IN GENERAL.—The term ‘emergency  
6 delivery’ means spent nuclear fuel and high-  
7 level radioactive waste accepted by the Sec-  
8 retary for storage prior to the date provided in  
9 the contractual delivery commitment schedule of  
10 the standard contract for disposal of spent nu-  
11 clear fuel and radioactive waste pursuant to  
12 section 302(a).

13           “(B) INCLUSION.—The term ‘emergency  
14 delivery’ may include, at the discretion of the  
15 Secretary, spent nuclear fuel and high-level ra-  
16 dioactive waste generated by an atomic energy  
17 defense activity that is required to be removed  
18 from a Department of Energy facility—

19           “(i) pursuant to a compliance agree-  
20 ment; or

21           “(ii) to eliminate an imminent and se-  
22 rious threat to the health and safety of the  
23 public or the common defense and security.

24           “(3) PRIORITY WASTE.—The term ‘priority  
25 waste’ means—

1                   “(A) any emergency delivery; and

2                   “(B) spent nuclear fuel or high-level radio-  
3                   active waste from a civilian nuclear power reac-  
4                   tor that has been permanently shut down.

5                   “(4) STORAGE FACILITY.—The term ‘storage  
6                   facility’ means a facility for the consolidated storage  
7                   of spent nuclear fuel and high-level radioactive waste  
8                   from multiple contract holders or the Secretary  
9                   pending the disposal of the spent nuclear fuel and  
10                  high-level radioactive waste in a repository.

11 **“SEC. 191. PROGRAM FOR STORAGE FACILITIES.**

12                  “(a) ESTABLISHMENT OF PROGRAM.—The Secretary  
13 shall establish a program under which the Secretary  
14 may—

15                   “(1) site, construct, and operate one or more  
16                   storage facilities licensed by the Commission under  
17                   the Atomic Energy Act of 1954; and

18                   “(2) store, pursuant to a storage contract, high-  
19                   level radioactive waste or spent nuclear fuel at a  
20                   storage facility for which a non-Federal entity holds  
21                   a license issued by the Commission under such Act.

22                  “(b) INTERIM STORAGE AGREEMENTS AUTHOR-  
23                  IZED.—

24                   “(1) IN GENERAL.—The Secretary may enter  
25                   into an agreement with any contract holder for ac-

1       ceptance of title pursuant to section 302(a), subse-  
2       quent transportation, and interim storage of high-  
3       level radioactive waste or spent nuclear fuel (includ-  
4       ing to expedite such acceptance of title, transpor-  
5       tation, and storage of such waste or spent fuel from  
6       facilities that have ceased commercial operation) at  
7       a storage facility under this section.

8               “(2) PRIORITY WASTE.—In entering into agree-  
9       ments under paragraph (1), the Secretary shall  
10       prioritize acceptance of priority waste.

11       “(c) PRIORITY.—

12               “(1) IN GENERAL.—Except as provided in para-  
13       graph (2), the Secretary shall prioritize storage au-  
14       thorized under subsection (a)(2).

15               “(2) EXCEPTION.—

16               “(A) DETERMINATION.—Paragraph (1)  
17       shall not apply if the Secretary determines that  
18       it will be faster and less expensive to site, con-  
19       struct, and operate a facility authorized under  
20       subsection (a)(1), in comparison with a facility  
21       authorized under subsection (a)(2).

22               “(B) NOTIFICATION.—Not later than 30  
23       days after the Secretary makes a determination  
24       described in subparagraph (A), the Secretary

1           shall submit to Congress written notification of  
2           such determination.

3           “(d) REQUEST FOR PROPOSALS.—

4           “(1) IN GENERAL.—Not later than 180 days  
5           after the date of enactment of this subtitle, the Sec-  
6           retary shall issue a request for proposals for storage  
7           authorized under subsection (a)(2)—

8                   “(A) to obtain any license from the Com-  
9                   mission and any other Federal or State entity  
10                  that is necessary for the construction of one or  
11                  more storage facilities;

12                  “(B) to safely transport spent nuclear fuel  
13                  and high-level radioactive waste, as applicable,  
14                  to such storage facilities; and

15                  “(C) to safely store spent nuclear fuel and  
16                  high-level radioactive waste, as applicable, at  
17                  such storage facilities, pending the construction  
18                  and operation of a repository.

19           “(2) GUIDELINES.—

20                  “(A) IN GENERAL.—The request for pro-  
21                  posals under paragraph (1) shall include gen-  
22                  eral guidelines for storage facilities consistent  
23                  with each requirement of section 112(a) that  
24                  the Secretary determines to be applicable to  
25                  storage under this section.

1                   “(B) REVISIONS.—The Secretary may re-  
2                   vise the general guidelines as necessary, con-  
3                   sistent with this section.

4                   “(e) REVIEW OF PROPOSALS.—The Secretary shall  
5 review each proposal submitted pursuant to subsection (d)  
6 to evaluate—

7                   “(1) the extent to which the applicable States,  
8                   affected units of local government, and affected In-  
9                   dian tribes support the proposal;

10                  “(2) the likelihood that the proposed site for  
11 the storage facility is suitable for site evaluation  
12 under the guidelines included under subsection  
13 (d)(2);

14                  “(3) a reasonable comparative evaluation of the  
15 proposed site and other proposed sites;

16                  “(4) the extent to which spent nuclear fuel and  
17 high-level radioactive waste are, or are planned to  
18 be, stored or disposed of within the State;

19                  “(5) the extent to which the proposal would—

20                         “(A) enhance the reliability and flexibility  
21 of the system for the disposal of spent nuclear  
22 fuel and high-level radioactive waste, including  
23 co-location with a proposed repository; and

1           “(B) minimize the effects on the public of  
2           transportation and handling of spent nuclear  
3           fuel and high-level radioactive waste;

4           “(6) potential conflicts with—

5           “(A) any compliance agreement requiring  
6           removal of spent nuclear fuel and high-level ra-  
7           dioactive waste from a site; or

8           “(B) a statutory prohibition on the storage  
9           or disposal of spent nuclear fuel and high-level  
10          radioactive waste at a site; and

11          “(7) any other criteria, including criteria relat-  
12          ing to technical or safety specifications, that the  
13          Secretary determines to be appropriate.

14          “(f) SITE SELECTION.—

15               “(1) DETERMINATION OF SUITABILITY.—After  
16               conducting a review under subsection (e) and any  
17               additional site investigation that the Secretary deter-  
18               mines to be appropriate, the Secretary shall deter-  
19               mine whether a site is suitable for site evaluation  
20               under the guidelines included under subsection  
21               (d)(2).

22               “(2) SELECTION OF SITE FOR EVALUATION.—  
23               From the sites determined to be suitable for site  
24               evaluation under paragraph (1), the Secretary shall  
25               select at least 1 site for site evaluation, giving pri-

1 ority to sites that have been proposed to be co-lo-  
2 cated with a repository, after—

3 “(A) holding a public hearing in the vicin-  
4 ity of each site; and

5 “(B) notifying Congress.

6 “(3) COOPERATIVE AGREEMENT.—On selection  
7 of a site for evaluation under paragraph (2), the  
8 Secretary may enter into a cooperative agreement  
9 with the State, affected units of local government,  
10 and affected Indian tribes, as applicable, that in-  
11 cludes—

12 “(A) terms of financial and technical as-  
13 sistance to enable each applicable unit of gov-  
14 ernment to monitor, review, evaluate, comment  
15 on, obtain information on, make recommenda-  
16 tions on, and mitigate any effects from, site  
17 evaluation activities; and

18 “(B) any other term that the Secretary de-  
19 termines to be appropriate.

20 “(4) CONSENT-BASED APPROVAL.—

21 “(A) IN GENERAL.—If the Secretary deter-  
22 mines, based on site evaluation under this sub-  
23 section, that a site is suitable for developing a  
24 storage facility, the Secretary may select the

1 site for developing such a facility if the Sec-  
2 retary enters into a consent agreement with—

3 “(i) the State in which the site is pro-  
4 posed to be located;

5 “(ii) each affected unit of local gov-  
6 ernment; and

7 “(iii) any affected Indian tribe.

8 “(B) BINDING EFFECT.—A consent agree-  
9 ment entered into under subparagraph (A)—

10 “(i) shall be binding on the parties;

11 and

12 “(ii) shall not be amended or revoked  
13 except by mutual agreement of the par-  
14 ties.”.

15 (b) CONFORMING AMENDMENT.—The table of con-  
16 tents for the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
17 10101 note) is amended by adding after the item relating  
18 to section 180 the following:

“SUBTITLE I—INTERIM STORAGE

“Sec. 190. Definitions.

“Sec. 191. Program for storage facilities.”.

19 **SEC. 3. LIMITATION ON COLLECTION OF FEES.**

20 Section 302(a)(4) of the Nuclear Waste Policy Act  
21 of 1982 (42 U.S.C. 10222(a)(4)) is amended—

22 (1) in the first sentence, by striking “(4) Not  
23 later than” and inserting the following:

1 “(4) COLLECTION AND PAYMENT OF FEES.—

2 “(A) IN GENERAL.—Not later than”; and

3 (2) by adding at the end the following:

4 “(B) LIMITATION ON COLLECTION.—The  
5 Secretary may not collect a fee established  
6 under paragraph (2), including a fee established  
7 under paragraph (2) and adjusted pursuant to  
8 subparagraph (A), until the date on which the  
9 Commission issues a final decision approving or  
10 disapproving the issuance of a construction au-  
11 thorization for a repository under section  
12 114(d).”.

13 **SEC. 4. FUNDING.**

14 Section 302(d) of the Nuclear Waste Policy Act of  
15 1982 (42 U.S.C. 10222(d)) is amended—

16 (1) in paragraph (5), by striking “; and” and  
17 inserting a semicolon;

18 (2) in paragraph (6), by striking the period at  
19 the end and inserting a semicolon; and

20 (3) by inserting after paragraph (6) the fol-  
21 lowing:

22 “(7) carrying out subtitle I of title I, other than  
23 consent agreements under section 191(f)(4), except  
24 that the Secretary may not expend for such purpose  
25 in a fiscal year amounts totaling more than 25 per-

1 cent of the interest generated by the Fund in such  
2 fiscal year; and  
3 “(8) consent agreements under section  
4 191(f)(4).”.

