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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. 3136

To direct the Secretary of Energy to establish a program for the interim storage of high-level radioactive waste and spent nuclear fuel, and for other purposes.

June 5, 2019

IN THE HOUSE OF REPRESENTATIVES

Ms. MATSUI introduced the following bill; which was referred to the Committee on Energy and Commerce.

A BILL

To direct the Secretary of Energy to establish a program for the interim storage of high-level radioactive waste and spent nuclear fuel, and for other purposes.

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 “Storage and Transpor-
5 tation Of Residual and Excess Nuclear Fuel Act of 2019”,
6 or the “STORE Nuclear Fuel Act of 2019”.

1 **SEC. 2. INTERIM STORAGE.**

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

5 **“Subtitle I—Interim Storage**

6 **“SEC. 190. DEFINITIONS.**

7 “In this subtitle:

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

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

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

16 “(2) EMERGENCY DELIVERY.—

17 “(A) IN GENERAL.—The term ‘emergency
18 delivery’ means spent nuclear fuel and high-
19 level radioactive waste accepted by the Sec-
20 retary for storage prior to the date provided in
21 the contractual delivery commitment schedule of
22 the standard contract for disposal of spent nu-
23 clear fuel and radioactive waste pursuant to
24 section 302(a).

25 “(B) INCLUSION.—The term ‘emergency
26 delivery’ may include, at the discretion of the

1 Secretary, spent nuclear fuel and high-level ra-
2 dioactive waste generated by an atomic energy
3 defense activity that is required to be removed
4 from a Department of Energy facility—

5 “(i) pursuant to a compliance agree-
6 ment; or

7 “(ii) to eliminate an imminent and se-
8 rious threat to the health and safety of the
9 public or the common defense and security.

10 “(3) PRIORITY WASTE.—The term ‘priority
11 waste’ means—

12 “(A) any emergency delivery; and

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

16 “(4) STORAGE FACILITY.—The term ‘storage
17 facility’ means a facility for the consolidated storage
18 of spent nuclear fuel and high-level radioactive waste
19 from multiple contract holders or the Secretary
20 pending the disposal of the spent nuclear fuel and
21 high-level radioactive waste in a repository.

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

23 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary
24 shall establish a program under which the Secretary
25 may—

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

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

8 “(b) INTERIM STORAGE AGREEMENTS AUTHOR-
9 IZED.—

10 “(1) IN GENERAL.—The Secretary may enter
11 into an agreement with any contract holder for ac-
12 ceptance of title pursuant to section 302(a), subse-
13 quent transportation, and interim storage of high-
14 level radioactive waste or spent nuclear fuel (includ-
15 ing to expedite such acceptance of title, transpor-
16 tation, and storage of such waste or spent fuel from
17 facilities that have ceased commercial operation) at
18 a storage facility under this section.

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

22 “(c) PRIORITY.—

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

1 “(2) EXCEPTION.—

2 “(A) DETERMINATION.—Paragraph (1)
3 shall not apply if the Secretary determines that
4 it will be faster and less expensive to site, con-
5 struct, and operate a facility authorized under
6 subsection (a)(1), in comparison with a facility
7 authorized under subsection (a)(2).

8 “(B) NOTIFICATION.—Not later than 30
9 days after the Secretary makes a determination
10 described in subparagraph (A), the Secretary
11 shall submit to Congress written notification of
12 such determination.

13 “(d) REQUEST FOR PROPOSALS.—

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

18 “(A) to obtain any license from the Com-
19 mission and any other Federal or State entity
20 that is necessary for the construction of 1 or
21 more storage facilities;

22 “(B) to safely transport spent nuclear fuel
23 and high-level radioactive waste, as applicable,
24 to such storage facilities; and

1 “(C) to safely store spent nuclear fuel and
2 high-level radioactive waste, as applicable, at
3 such storage facilities, pending the construction
4 and operation of a repository.

5 “(2) GUIDELINES.—

6 “(A) IN GENERAL.—The request for pro-
7 posals under paragraph (1) shall include gen-
8 eral guidelines for storage facilities consistent
9 with each requirement of section 112(a) that
10 the Secretary determines to be applicable to
11 storage under this section.

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

15 “(e) REVIEW OF PROPOSALS.—The Secretary shall
16 review each proposal submitted pursuant to subsection (d)
17 to evaluate—

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

21 “(2) the likelihood that the proposed site for
22 the storage facility is suitable for site evaluation
23 under the guidelines included under subsection
24 (d)(2);

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

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

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

7 “(A) enhance the reliability and flexibility
8 of the system for the disposal of spent nuclear
9 fuel and high-level radioactive waste, including
10 co-location with a proposed repository; and

11 “(B) minimize the effects on the public of
12 transportation and handling of spent nuclear
13 fuel and high-level radioactive waste;

14 “(6) potential conflicts with—

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

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

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

24 “(f) SITE SELECTION.—

1 “(1) DETERMINATION OF SUITABILITY.—After
2 conducting a review under subsection (e) and any
3 additional site investigation that the Secretary deter-
4 mines to be appropriate, the Secretary shall deter-
5 mine whether a site is suitable for site evaluation
6 under the guidelines included under subsection
7 (d)(2).

8 “(2) SELECTION OF SITE FOR EVALUATION.—
9 From the sites determined to be suitable for site
10 evaluation under paragraph (1), the Secretary shall
11 select at least 1 site for site evaluation, giving pri-
12 ority to sites that have been proposed to be co-lo-
13 cated with a repository, after—

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

16 “(B) notifying Congress.

17 “(3) COOPERATIVE AGREEMENT.—On selection
18 of a site for evaluation under paragraph (2), the
19 Secretary may enter into a cooperative agreement
20 with the State, affected units of local government,
21 and affected Indian tribes, as applicable, that in-
22 cludes—

23 “(A) terms of financial and technical as-
24 sistance to enable each applicable unit of gov-
25 ernment to monitor, review, evaluate, comment

1 on, obtain information on, make recommenda-
2 tions on, and mitigate any effects from, site
3 evaluation activities; and

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

6 “(4) CONSENT-BASED APPROVAL.—

7 “(A) IN GENERAL.—If the Secretary deter-
8 mines, based on site evaluation under this sub-
9 section, that a site is suitable for developing a
10 storage facility, the Secretary may select the
11 site for developing such a facility if the Sec-
12 retary enters into a consent agreement with—

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

15 “(ii) each affected unit of local gov-
16 ernment; and

17 “(iii) any affected Indian tribe.

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

20 “(i) shall be binding on the parties;
21 and

22 “(ii) shall not be amended or revoked
23 except by mutual agreement of the par-
24 ties.”.

1 (b) CONFORMING AMENDMENT.—The table of con-
2 tents for the Nuclear Waste Policy Act of 1982 (42 U.S.C.
3 10101 note) is amended by adding after the item relating
4 to section 180 the following:

“SUBTITLE I—INTERIM STORAGE

“Sec. 190. Definitions.

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

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

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

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

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

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

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

13 “(B) LIMITATION ON COLLECTION.—The
14 Secretary may not collect a fee established
15 under paragraph (2), including a fee established
16 under paragraph (2) and adjusted pursuant to
17 subparagraph (A), until the date on which the
18 Commission issues a final decision approving or
19 disapproving the issuance of a construction au-
20 thorization for a repository under section
21 114(d).”.

1 **SEC. 4. FUNDING.**

2 Section 302(d) of the Nuclear Waste Policy Act of
3 1982 (42 U.S.C. 10222(d)) is amended—

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

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

8 (3) by inserting after paragraph (6) the fol-
9 lowing:

10 “(7) carrying out subtitle I of title I, other than
11 consent agreements under section 191(f)(4), except
12 that the Secretary may not expend for such purpose
13 in a fiscal year amounts totaling more than 25 per-
14 cent of the interest generated by the Fund in such
15 fiscal year; and

16 “(8) consent agreements under section
17 191(f)(4).”.