

AMENDMENT TO H.R. 3053
OFFERED BY M____. _____

Beginning on page 7, line 1, strike section 103 and insert the following:

1 **SEC. 103. CONDITIONS FOR MRS AGREEMENTS.**

2 (a) AMENDMENT.—Section 143 of the Nuclear Waste
3 Policy Act of 1982 (42 U.S.C. 10163) is amended to read
4 as follows:

5 **“SEC. 143. CONDITIONS FOR MRS AGREEMENTS.**

6 “(a) IN GENERAL.—The Secretary may not enter
7 into an MRS agreement under section 142(b)(2) unless—

8 “(1) the monitored retrievable storage facility
9 with respect to which the MRS agreement applies
10 has been licensed by the Commission under the
11 Atomic Energy Act of 1954 (42 U.S.C. 2011 et
12 seq.);

13 “(2) the non-Federal entity that is a party to
14 the MRS agreement has approval to store Depart-
15 ment-owned civilian waste at such facility from each
16 of—

17 “(A) the Governor of the State in which
18 the facility is located;

1 “(B) any unit of general local government
2 with jurisdiction over the area in which the fa-
3 cility is located; and

4 “(C) any affected Indian tribe;

5 “(3) except as provided in subsection (b), the
6 Commission has issued a final repository decision;
7 and

8 “(4) the MRS agreement provides that the
9 quantity of high-level radioactive waste and spent
10 nuclear fuel at the site of the facility at any one
11 time will not exceed the limits described in section
12 148(d)(3) and (4).

13 “(b) INITIAL AGREEMENT.—

14 “(1) AUTHORIZATION.—The Secretary may
15 enter into one MRS agreement under section
16 142(b)(2) before the Commission has issued a final
17 repository decision.

18 “(2) FUNDING.—There are authorized to be ap-
19 propriated to carry out this subsection—

20 “(A) for each of fiscal years 2020 through
21 2022, the greater of—

22 “(i) \$50,000,000; or

23 “(ii) the amount that is equal to 10
24 percent of the amounts appropriated from
25 the Waste Fund in that fiscal year; and

1 “(B) for each of fiscal years 2023 through
2 2025, the amount that is equal to 10 percent
3 of the amounts appropriated from the Waste
4 Fund in that fiscal year.

5 “(3) PRIORITY.—

6 “(A) IN GENERAL.—An MRS agreement
7 entered into pursuant to paragraph (1) shall, to
8 the extent allowable under this Act (including
9 under the terms of the standard contract estab-
10 lished in section 691.11 of title 10, Code of
11 Federal Regulations), provide for prioritization
12 of the storage of Department-owned civilian
13 waste that originated from facilities that have
14 ceased commercial operation.

15 “(B) NO EFFECT ON STANDARD CON-
16 TRACT.—Nothing in subparagraph (A) shall be
17 construed to amend or otherwise alter the
18 standard contract established in section 691.11
19 of title 10, Code of Federal Regulations.

20 “(4) CONDITIONS.—

21 “(A) NO STORAGE.—Except as provided in
22 subparagraph (B), the Secretary may not store
23 any Department-owned civilian waste at the ini-
24 tial MRS facility until the Commission has
25 issued a final repository decision.

1 “(B) EXCEPTION.—

2 “(i) FINDING.—The Secretary, in con-
3 sultation with the Chairman of the Com-
4 mission, may make a finding that a final
5 repository decision is imminent, which
6 finding shall be updated not less often
7 than quarterly until the date on which the
8 Commission issues a final repository deci-
9 sion.

10 “(ii) STORAGE.—If the Secretary
11 makes a finding under clause (i), the Sec-
12 retary may store Department-owned civil-
13 ian waste at the initial MRS facility in ac-
14 cordance with this section.

15 “(iii) NOTICE.—Not later than seven
16 days after the Secretary makes or updates
17 a finding under clause (i), the Secretary
18 shall submit to Congress written notifica-
19 tion of such finding.

20 “(iv) REPORTING.—In addition to the
21 requirements of section 114(c), if the Sec-
22 retary makes a finding under clause (i),
23 the Secretary shall submit to Congress the
24 report described in such section 114(c) not
25 later than 1 month after the Secretary

1 makes such finding and monthly thereafter
2 until the date on which the Commission
3 issues a final repository decision.

4 “(C) NO EFFECT ON FEDERAL DISPOSAL
5 POLICY.—Nothing in this subsection affects the
6 Federal responsibility for the disposal of high-
7 level radioactive waste and spent nuclear fuel,
8 or the definite Federal policy with regard to the
9 disposal of such waste and spent fuel, estab-
10 lished under subtitle A, as described in section
11 111(b).

12 “(c) DEFINITIONS.—For purposes of this section:

13 “(1) FINAL REPOSITORY DECISION.—The term
14 ‘final repository decision’ means a final decision ap-
15 proving or disapproving the issuance of a construc-
16 tion authorization for a repository under section
17 114(d)(1).

18 “(2) INITIAL MRS FACILITY.—The term ‘initial
19 MRS facility’ means the monitored retrievable stor-
20 age facility with respect to which an MRS agreement
21 is entered into pursuant to subsection (b)(1).”.

22 (b) CONFORMING AMENDMENT.—The item relating
23 to section 143 in the table of contents for the Nuclear
24 Waste Policy Act of 1982 is amended to read as follows:

“Sec. 143. Conditions for MRS agreements.”.

Page 8, after line 14, insert the following:

1 (2) in the matter preceding paragraph (1), by
2 striking “for a monitored retrievable storage facil-
3 ity” and inserting “for any monitored retrievable
4 storage facility authorized under section 142”;

Page 9, after line 10, insert the following:

5 (C) by inserting “authorized under section
6 142(b)(1)” after “monitored retrievable storage
7 facility”; and

Page 10, after line 11, insert the following new section:

8 **SEC. 108. FINANCIAL ASSISTANCE.**

9 Section 149 of the Nuclear Waste Policy Act of 1982
10 is amended by inserting “authorized under section
11 142(b)(1)” after “a monitored retrievable storage facil-
12 ity”.

Page 22, after line 2, insert the following:

13 (a) STATUS REPORT ON APPLICATION.—Section
14 114(e) of the Nuclear Waste Policy Act of 1982 (42
15 U.S.C. 10134(e)) is amended by striking “the date on
16 which such authorization is granted” and inserting “the
17 date on which the Commission issues a final decision ap-
18 proving or disapproving such application”.

Page 30, after line 14, insert the following new paragraph:

1 (3) in paragraph (3) (as redesignated by para-
2 graph (2) of this subsection), by striking “in the de-
3 sign of the repository or monitored retrievable stor-
4 age facility and”.

Page 44, after line 23, insert the following:

5 **SEC. 603. TRANSPORTATION SAFETY ASSISTANCE.**

6 Section 180(c) of the Nuclear Waste Policy Act of
7 1982 (42 U.S.C. 10175(c)) is amended—

8 (1) by striking “The Secretary” and inserting
9 “(1) TRAINING.—The Secretary”; and

10 (2) by striking “The Waste Fund” and insert-
11 ing the following:

12 “(2) ASSISTANCE.—The Secretary shall, subject to
13 the availability of appropriations, provide in-kind, finan-
14 cial, technical, and other appropriate assistance, for safety
15 activities related to the transportation of high-level radio-
16 active waste or spent nuclear fuel, to any entity receiving
17 technical assistance or funds under paragraph (1).

18 “(3) SOURCE OF FUNDING.—The Waste Fund”.

Page 46, after line 18, insert the following:

1 **SEC. 605. WEST LAKE LANDFILL.**

2 Not later than one year after the date of enactment
3 of this Act, the Administrator of the Environmental Pro-
4 tection Agency shall submit to Congress a report con-
5 taining the final remedy to be implemented at the West
6 Lake Landfill and the expected timeline for implementa-
7 tion of such final remedy.

