

116TH CONGRESS
2D SESSION

H. R. 8572

To require the Secretary of Energy, in coordination with the Secretary of the Treasury, to conduct a study, and submit to Congress a report, on an auction process or other system for selecting and entering into contracts with non-Federal entities for consolidated interim storage facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 9, 2020

Mr. ROUDA (for himself, Mr. NEAL, and Mr. LEVIN of California) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require the Secretary of Energy, in coordination with the Secretary of the Treasury, to conduct a study, and submit to Congress a report, on an auction process or other system for selecting and entering into contracts with non-Federal entities for consolidated interim storage facilities, 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 “Securing America’s
5 Nuclear Waste Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) The Nuclear Waste Policy Act of 1982 (42
4 U.S.C. 10101 et seq.) dictated that the Federal Gov-
5 ernment would identify repositories and begin dis-
6 posal of high-level radioactive waste and spent nu-
7 clear fuel beginning not later than January 31,
8 1998.

9 (2) It has been 60 years since the first civilian
10 nuclear power reactor became operational, and the
11 United States still lacks a long-term management
12 solution for the disposal of spent nuclear fuel and
13 high-level radioactive waste.

14 (3) There are approximately 100 sites across at
15 least 34 States where spent nuclear fuel and high-
16 level radioactive waste is currently stored.

17 (4) The need to develop a long-term nuclear
18 waste storage plan for the United States is well rec-
19 ognized by many experts, institutions, and organiza-
20 tions, including the Department of Energy and the
21 Nuclear Energy Institute.

22 (5) With the future of the repository at the
23 Yucca Mountain site in doubt, providing interim
24 storage for spent nuclear fuel currently in repose at
25 sites of both decommissioned and active civilian nu-
26 clear power reactors has become an imperative.

1 (6) The purpose of a consolidated interim stor-
2 age facility is to begin the process of accepting spent
3 nuclear fuel and high-level radioactive waste, while
4 also developing and perfecting protocols and proce-
5 dures for transportation and storage of such spent
6 nuclear fuel and high-level radioactive waste.

7 (7) In recent decades, Federal agencies have
8 used auctions and other market mechanisms to re-
9 duce costs to taxpayers and allocate resources in ef-
10 ficient and transparent ways.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) CONSOLIDATED INTERIM STORAGE FACIL-
14 ITY.—The term “consolidated interim storage facil-
15 ity” means a facility for the consolidated storage of
16 spent nuclear fuel and high-level radioactive waste
17 generated by multiple persons or the Secretary of
18 Energy pending the disposal of the spent nuclear
19 fuel and high-level radioactive waste in a repository.

20 (2) HIGH-LEVEL RADIOACTIVE WASTE.—The
21 term “high-level radioactive waste” has the meaning
22 given the term in section 2 of the Nuclear Waste
23 Policy Act of 1982 (42 U.S.C. 10101).

1 (3) REPOSITORY.—The term “repository” has
2 the meaning given the term in section 2 of the Nu-
3 clear Waste Policy Act of 1982 (42 U.S.C. 10101).

4 (4) SPENT NUCLEAR FUEL.—The term “spent
5 nuclear fuel” has the meaning given the term in sec-
6 tion 2 of the Nuclear Waste Policy Act of 1982 (42
7 U.S.C. 10101).

8 **SEC. 4. STUDY ON RISKS OF CURRENT STORAGE OF SPENT**
9 **NUCLEAR FUEL AND HIGH-LEVEL RADIO-**
10 **ACTIVE WASTE.**

11 Not later than 1 year after the date of enactment
12 of this Act, the Comptroller General of the United States
13 shall submit to Congress a report on the risks to current
14 storage locations for spent nuclear fuel, including spent
15 nuclear fuel from civilian nuclear power reactors, and
16 high-level radioactive waste, including—

17 (1) risks that are related to global weather pat-
18 terns and geography, including—

19 (A) extreme weather events (including hur-
20 ricanes, tornadoes, and other storms), fires,
21 drought, flooding (whether or not the spent nu-
22 clear fuel is located in a floodplain); and

23 (B) earthquakes and proximity to fault
24 lines;

25 (2) site specific risks, including—

1 (A) whether a site stores its spent nuclear
2 fuel and high-level radioactive waste in spent
3 fuel pools or dry casks;

4 (B) the location of spent nuclear fuel and
5 high-level radioactive waste within the overall
6 layout of the site;

7 (C) how much spent nuclear fuel and high-
8 level radioactive waste is stored on-site;

9 (D) whether any applicable civilian nuclear
10 power reactor is decommissioned, active, or an-
11 other status; and

12 (E) the population of the surrounding
13 area; and

14 (3) a description of how implementation of con-
15 solidated interim storage of spent nuclear fuel and
16 high-level radioactive waste could address the risks
17 described in paragraphs (1) and (2).

18 **SEC. 5. STUDY ON ECONOMIC BENEFITS OF CONSOLIDATED**

19 **INTERIM STORAGE.**

20 Not later than 1 year after the date of enactment
21 of this Act, the Director of the Office of Management and
22 Budget shall conduct a study, and submit to Congress a
23 report, on the economic benefits of consolidated interim
24 storage of spent nuclear fuel and high-level radioactive
25 waste, including economic benefits associated with—

1 (1) job growth; and

2 (2) redeveloping sites of decommissioned civil-
3 ian nuclear power reactors.

4 **SEC. 6. STUDY ON PROCESS FOR CONTRACTS FOR CON-**
5 **SOLIDATED INTERIM STORAGE FACILITIES.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this Act, the Secretary of Energy,
8 in coordination with the Secretary of the Treasury, shall
9 conduct a study, and submit to Congress a report, on an
10 auction process or other system for selecting and entering
11 into contracts with non-Federal entities for consolidated
12 interim storage facilities—

13 (1) that are located at a site without an oper-
14 ating nuclear reactor; and

15 (2) for which a non-Federal entity will hold a
16 license issued by the Nuclear Regulatory Commis-
17 sion.

18 (b) INCLUSIONS.—In conducting the study under
19 subsection (a), the Secretary of Energy, in coordination
20 with the Secretary of the Treasury, shall develop or iden-
21 tify an auction process or other system described in such
22 subsection—

23 (1) that includes—

24 (A) a competitive bidding system; and

25 (B) appropriate bidding methodology;

1 (2) under which the Secretary of Energy may
2 not select and enter into a contract with a non-Fed-
3 eral entity unless—

4 (A) the consolidated interim storage facil-
5 ity with respect to which the contract will apply
6 has been licensed by the Nuclear Regulatory
7 Commission;

8 (B) the Secretary of Energy has approval
9 to store high-level radioactive waste or spent
10 nuclear fuel resulting from civilian nuclear ac-
11 tivities to which the Department of Energy
12 holds title at such consolidated interim storage
13 facility from each of—

14 (i) the State in which the facility is to
15 be located;

16 (ii) any unit of local government with
17 jurisdiction over the area in which the fa-
18 cility is to be located; and

19 (iii) any impacted Indian Tribe; and

20 (C) the Secretary of Energy or the non-
21 Federal entity has conducted 1 or more public
22 hearings in the vicinity of the site where the
23 consolidated interim storage facility is to be lo-
24 cated and in at least 1 other location within the

- 1 State in which such facility is to be located to
- 2 solicit public comments and recommendations.

○