

115TH CONGRESS  
1ST SESSION

# H. R. 4442

To amend the Nuclear Waste Policy Act of 1982 to authorize the Secretary of Energy to enter into contracts for the storage of certain high-level radioactive waste and spent nuclear fuel, take title to certain high-level radioactive waste and spent nuclear fuel, and make certain expenditures from the Nuclear Waste Fund.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2017

Mrs. LOWEY introduced the following bill; which was referred to the  
Committee on Energy and Commerce

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## A BILL

To amend the Nuclear Waste Policy Act of 1982 to authorize the Secretary of Energy to enter into contracts for the storage of certain high-level radioactive waste and spent nuclear fuel, take title to certain high-level radioactive waste and spent nuclear fuel, and make certain expenditures from the Nuclear Waste Fund.

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 “Removing Nuclear  
5        Waste from our Communities Act of 2017”.

1 **SEC. 2. DEFINITION OF INTERIM CONSOLIDATED STORAGE**  
2 **FACILITY.**

3 Section 2 of the Nuclear Waste Policy Act of 1982  
4 (42 U.S.C. 10101) is amended by adding at the end the  
5 following new paragraph:

6 “(35) The term ‘interim consolidated storage  
7 facility’ means a facility that possesses a specific li-  
8 cense issued by the Commission that authorizes stor-  
9 age of high-level radioactive waste or spent nuclear  
10 fuel received from the Secretary or from two or more  
11 persons that generate or hold title to high-level ra-  
12 dioactive waste or spent nuclear fuel generated at a  
13 civilian nuclear power reactor.”.

14 **SEC. 3. INTERIM CONSOLIDATED STORAGE OF HIGH-LEVEL**  
15 **RADIOACTIVE WASTE AND SPENT NUCLEAR**  
16 **FUEL.**

17 (a) STORAGE OF SPENT NUCLEAR FUEL.—Section  
18 135(h) of the Nuclear Waste Policy Act of 1982 (42  
19 U.S.C. 10155(h)) is amended by striking “Notwith-  
20 standing any other provision of law” and inserting “Ex-  
21 cept as provided in section 302, and subtitle I of title I”.

22 (b) INTERIM CONSOLIDATED STORAGE.—Title I of  
23 the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10121  
24 et seq.) is amended by adding at the end the following:

1    **“Subtitle I—Interim Consolidated**  
2                                   **Storage**

3    **“SEC. 190. INTERIM CONSOLIDATED STORAGE.**

4           “(a) IN GENERAL.—The Secretary may enter into  
5 contracts for the storage of high-level radioactive waste  
6 or spent nuclear fuel with any person that holds a license  
7 for an interim consolidated storage facility.

8           “(b) DEFINITION OF HIGH-LEVEL RADIOACTIVE  
9 WASTE.—For purposes of this subtitle and section 302,  
10 the term ‘high-level radioactive waste’ includes Greater  
11 than Class C waste as defined in section 72.3 of title 10,  
12 Code of Federal Regulations. Nothing in this section or  
13 section 191 shall be interpreted to affect existing judicial  
14 interpretation of the term high-level radioactive waste or  
15 to require the disposal of Greater than Class C waste in  
16 a repository.

17    **“SEC. 191. CONTRACTS.**

18           “(a) IN GENERAL.—The Secretary may enter into  
19 new contracts or modify existing contracts with any person  
20 who generates or holds title to high-level radioactive waste  
21 or spent nuclear fuel of domestic origin for the acceptance  
22 of title and subsequent storage of such waste or fuel at  
23 an interim consolidated storage facility, with priority for  
24 storage given to high-level radioactive waste and spent nu-  
25 clear fuel located on sites without an operating nuclear

1 reactor and with over 15 million residents within a 50-  
2 mile radius.

3       “(b) CONTRACT TERMS.—A contract entered into or  
4 modified under this section shall provide that acceptance  
5 by the Secretary, and transfer of title under subsection  
6 (d), of any high-level radioactive waste or spent nuclear  
7 fuel for an interim consolidated storage facility satisfies  
8 the Secretary’s responsibility under a contract entered  
9 into under section 302(a) to accept title to such waste or  
10 fuel for disposal, with respect to such accepted waste or  
11 fuel.

12       “(c) LIMITATION.—The Secretary shall not require a  
13 person to settle claims against the United States for the  
14 breach of a contract entered into under section 302(a) for  
15 the disposal of high-level radioactive waste or spent nu-  
16 clear fuel as a condition precedent of entering into or  
17 modifying a contract under this section.

18       “(d) TITLE TO MATERIAL.—Delivery, and acceptance  
19 by the Secretary, of any high-level radioactive waste or  
20 spent nuclear fuel for an interim consolidated storage fa-  
21 cility shall constitute a transfer to the Secretary of title  
22 to such waste or fuel.”.

23       “(e) NUCLEAR WASTE FUND.—Section 302(d) of the  
24 Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d))  
25 is amended—

1           (1) in paragraph (4), by striking “in a mon-  
2           itored, retrievable storage site” and inserting “in an  
3           interim consolidated storage facility or monitored re-  
4           trievable storage site,”;

5           (2) in paragraph (5)—

6           (A) by striking “a monitored, retrievable  
7           storage site” and inserting “an interim consoli-  
8           dated storage facility site, a monitored retriev-  
9           able storage site,”;

10          (B) by striking “such repository, mon-  
11          itored, retrievable storage facility” and insert-  
12          ing “such repository, interim consolidated stor-  
13          age facility, monitored retrievable storage facil-  
14          ity,”; and

15          (C) by striking “; and” and inserting a  
16          semicolon;

17          (3) by redesignating paragraph (6) as para-  
18          graph (7);

19          (4) by inserting after paragraph (5) the fol-  
20          lowing:

21                 “(6) the fees and costs in connection with the  
22                 storage of high-level radioactive waste or spent nu-  
23                 clear fuel in an interim consolidated storage facility;  
24                 and”;

1           (5) by inserting “For purposes of the preceding  
2 sentence, fees and costs described in paragraph (6)  
3 shall not be considered amounts for the construction  
4 or expansion of any facility.” after “this or subse-  
5 quent legislation.”.

6           (d) APPROPRIATIONS FROM THE WASTE FUND.—  
7 Section 302(e)(2) of the Nuclear Waste Policy Act of 1982  
8 (42 U.S.C. 10222(e)(2)) is amended—

9           (1) by inserting “(A)” before “The Secretary  
10 shall submit”; and

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

12           “(B) Notwithstanding subparagraph (A) and  
13 subject to subparagraph (C), necessary amounts  
14 shall be available to the Secretary from the Waste  
15 Fund without additional appropriations to pay for  
16 the following:

17           “(i) Costs described in subsection (d)(4) in  
18 connection with storage in an interim consoli-  
19 dated storage facility.

20           “(ii) Costs described in subsection (d)(5)  
21 in connection with an interim consolidated stor-  
22 age facility.

23           “(iii) Fees and costs described in sub-  
24 section (d)(6).

1           “(C) The Secretary shall not expend, on fees  
2           for dry modes of storage of high-level radioactive  
3           waste or spent nuclear fuel, amounts totaling more  
4           than the cumulative amount of interest generated by  
5           the Waste Fund each fiscal year, beginning in fiscal  
6           year 2020.”.

7           (e) TECHNICAL AMENDMENTS.—

8           (1) Section 302(d)(1) of the Nuclear Waste  
9           Policy Act of 1982 (42 U.S.C. 10222(d)(1)) is  
10          amended by striking “monitored, retrievable storage  
11          facility” and inserting “monitored retrievable stor-  
12          age facility,”.

13          (2) Section 302(e)(5) of the Nuclear Waste Pol-  
14          icy Act of 1982 (42 U.S.C. 10222(e)(5)) is amended  
15          by striking “under such Act” and inserting “under  
16          such chapter”.

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