AMENDMENT NO. _______ Calendar No._____

Purpose: To authorize the Secretary of Energy to site, construct, and operate consolidated storage facilities to provide storage as needed for spent nuclear fuel and high-level radioactive waste.

IN THE SENATE OF THE UNITED STATES—112th Cong., 2d Sess. (no.) _______ 

(title) ____________________________________________________________

_____________________________________________________________

Referred to the Committee on ______________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by ________________

Viz:

1 On page __, between lines __ and __, insert the following:

2

3 SEC. _____ (a) DEFINITIONS.—In this section:

4 (1) AFFECTED INDIAN TRIBE.—The term “affected Indian tribe” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

5 (2) HIGH-LEVEL RADIOACTIVE WASTE.—The term “high-level radioactive waste” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).
(3) NUCLEAR WASTE FUND.—The term "Nuclear Waste Fund" means the Nuclear Waste Fund established under section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)).

(4) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(5) SPENT NUCLEAR FUEL.—The term "spent nuclear fuel" has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(b) PILOT PROGRAM.—Notwithstanding any provision of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.), the Secretary is authorized, in the current fiscal year and subsequent fiscal years, to conduct a pilot program, through 1 or more private sector partners, to license, construct, and operate 1 or more government or privately owned consolidated storage facilities to provide interim storage as needed for spent nuclear fuel and high-level radioactive waste, with priority for storage given to spent nuclear fuel located on sites without an operating nuclear reactor.

(c) REQUESTS FOR PROPOSALS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue a request for proposals for cooperative agreements—
(1) to obtain any license necessary from the Nuclear Regulatory Commission for the construction of 1 or more consolidated storage facilities;

(2) to demonstrate the safe transportation of spent nuclear fuel and high-level radioactive waste, as applicable; and

(3) to demonstrate the safe storage of spent nuclear fuel and high-level radioactive waste, as applicable, at the 1 or more consolidated storage facilities pending the construction and operation of deep geologic disposal capacity for the permanent disposal of the spent nuclear fuel.

(d) CONSENT-BASED APPROVAL.—Prior to siting a consolidated storage facility pursuant to this section—

(1) the Secretary shall enter into an agreement to host the facility with—

(A) the Governor of the State;

(B) each unit of local government within the jurisdiction of which the facility is proposed to be located; and

(C) each affected Indian tribe; and

(2) Congress shall approve the terms of the agreement and authorize the appropriation of funds from the Nuclear Waste Fund to implement the terms of the agreement.
(e) APPLICABILITY.—In executing this section, the
Secretary shall comply with—

(1) all licensing requirements and regulations of
the Nuclear Regulatory Commission; and

(2) all other applicable laws (including regulations).

(f) PILOT PROGRAM PLAN.—Not later than 120 days
after the date on which the Secretary issues the request
for proposals under subsection (c), the Secretary shall sub-
mit to Congress a plan to carry out this section that in-
cludes—

(1) an estimate of the cost of licensing, con-
structing, and operating a consolidated storage facil-

ity, including the transportation costs, on an annual
basis, over the expected lifetime of the facility;

(2) a schedule for—

(A) obtaining any license necessary to con-
struct and operate a consolidated storage facil-

ity from the Nuclear Regulatory Commission;

(B) constructing the facility;

(C) transporting spent fuel to the facility;

and

(D) removing the spent fuel and decom-
missioning the facility;
(3) an estimate of the cost of any financial assistance, compensation, or incentives proposed to be paid to the host State, Indian tribe, or local government;

(4) an estimate of any future reductions in the damages expected to be paid by the United States for the delay of the Department of Energy in accepting spent fuel expected to result from the pilot program;

(5) recommendations for any additional legislation needed to authorize and implement the pilot program; and

(6) recommendations for a mechanism to ensure that any spent nuclear fuel or high-level radioactive waste stored at a consolidated storage facility pursuant to this section shall move to deep geologic disposal capacity, following a consent-based approval process for that deep geologic disposal capacity consistent with subsection (d), within a reasonable time after the issuance of a license to construct and operate the consolidated storage facility.

(g) PUBLIC PARTICIPATION.—Prior to choosing a site for the construction of a consolidated storage facility under this section, the Secretary shall conduct 1 or more public hearings in the vicinity of each potential site and
1 in at least 1 other location within the State in which the
2 site is located to solicit public comments and recommenda-
3 tions.
4 (h) USE OF NUCLEAR WASTE FUND.—The Secretary
5 may make expenditures from the Nuclear Waste Fund to
6 carry out this section, subject to appropriations.