

Prohibition of federal funds for private interim storage of spent nuclear fuel

At the end of the bill (before the short title), insert the following:

SEC. __. (a) In this section:

(1) The terms “disposal”, “monitored retrievable storage facility”, “repository”, “spent nuclear fuel”, and “storage” have the meanings given the terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(2) The term “monitored retrievable storage” has the same meaning as in subtitle C of title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10161 et seq.).

(b) Notwithstanding any other provision of law, no Federal funds made available under any Act, including amounts made available under the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code (commonly known as the “Judgment Fund”), for any fiscal year may be used for any costs associated with the identification, development, licensing, granting of rights-of-way, construction, operation, decommissioning, or post-decommissioning maintenance and monitoring of any privately owned—

(1) monitored retrievable storage facility;

(2) consolidated interim storage facility that serves the purpose and function of monitored retrievable storage under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.); or

(3) spent nuclear fuel storage facility that—

(A) is not—

(i) colocated at the site of a nuclear fuel production, fabrication, or utilization facility; or

(ii) in operation as of the date of enactment of this Act;
and

(B) serves the purpose and function of monitored retrievable storage under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.).

(c) No funds of the Department of Energy shall be used to pay to any privately owned facility described in subsection (b) any damages awarded in any civil action in an appropriate district court of the United States relating to the prohibition under subsection (b).

At the appropriate place in the report:

The prohibition described in Section ___ extends to contracting for the services of a private company for any storage of spent nuclear fuel at, or transportation of spent nuclear fuel to, a privately owned facility that serves the purpose and function of monitored retrievable storage under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) for the purpose of consolidating the storage of domestic spent nuclear fuel at one or more facilities.

The bill language does not prohibit a manufacturer of nuclear reactors or fabricator of nuclear fuel from accepting spent nuclear fuel at the site where the spent nuclear fuel is fabricated or generated; an operating or decommissioned nuclear power plant from accepting spent nuclear fuel for interim storage at the site of the plant; the use of Federal funds for the costs described in that subsection that are associated with the activities described in paragraphs (1) and (2) of Section ___; the use of Federal funds for storage of spent nuclear fuel at, or the transportation of spent nuclear fuel to, federally owned facilities at Department of Energy sites in existence as of the date of enactment of this Act; or, the transfer of spent nuclear fuel owned by the Department of Energy between Department of Energy sites.

Nothing in Section ___ shall be construed to imply that, prior to the date of enactment of this Act, any privately owned facility described in subsection (b) may receive any funds from the Federal Government for the activities prohibited under that subsection.