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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To prohibit the Nuclear Regulatory Commission from issuing certain licenses for the storage of spent nuclear fuel and high-level radioactive waste, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. NEHLS introduced the following bill; which was referred to the Committee on _____

A BILL

To prohibit the Nuclear Regulatory Commission from issuing certain licenses for the storage of spent nuclear fuel and high-level radioactive waste, 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 “Consolidated Interim
5 Storage Facility Restriction Act of 2025”.

1 **SEC. 2. PROHIBITION ON NUCLEAR REGULATORY COMMIS-**
2 **SION LICENSES FOR CERTAIN STORAGE OF**
3 **SPENT NUCLEAR FUEL AND HIGH-LEVEL RA-**
4 **DIOACTIVE WASTE.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) The nuclear industry of the United States
7 is largely governed and regulated pursuant to au-
8 thorities under the Atomic Energy Act of 1954, the
9 Energy Reorganization Act of 1974, and the Nu-
10 clear Waste Policy Act of 1982.

11 (2) The Commission issues and enforces certain
12 regulations relating to such nuclear industry.

13 (3) Congress maintains the constitutional au-
14 thority to repeal or otherwise prohibit through legis-
15 lation certain actions taken by Federal departments
16 and agencies, including the Commission, under sec-
17 tion 8 of article I of the Constitution (commonly re-
18 ferred to as the “necessary and proper clause”).

19 (4) The Commission has concluded that it pos-
20 sesses the statutory authority to issue a license au-
21 thorizing a private entity to store spent nuclear fuel
22 or high-level radioactive waste at privately owned
23 away from reactor storage sites, commonly referred
24 to as “consolidated interim storage facilities”, and
25 have issued such licenses.

1 (5) The authority of the Commission to issue
2 such licenses has since been challenged in court, re-
3 sulting in a circuit split between the United States
4 Court of Appeals for the 10th Circuit and the
5 United States Court of Appeals for the District of
6 Columbia Circuit, versus the United States Court of
7 Appeals for the 5th Circuit.

8 (6) The transportation and storage of spent nu-
9 clear fuel and high-level radioactive waste pose sig-
10 nificant threats to the health and safety of the pub-
11 lic.

12 (7) Spent nuclear fuel and high-level radioactive
13 waste require stable long-term facilities for safe stor-
14 age, and such storage requires proper oversight from
15 Congress and the Commission to ensure the health
16 and safety of the public.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that the Commission lacks express statutory author-
19 ity to issue a license specified in subsection (a)(4).

20 (c) PROHIBITION ON ISSUANCE OF LICENSES.—Be-
21 ginning on the date of the enactment of this Act, notwith-
22 standing any provision of the Atomic Energy Act of 1954
23 (40 U.S.C. 2011 et seq.), the Nuclear Regulatory Commis-
24 sion may not issue a license authorizing—

1 (1) the interim storage of spent nuclear fuel or
2 high-level radioactive waste at a facility other than—

3 (A) a facility with an operating civilian nu-
4 clear power reactor from which such spent fuel
5 or waste was generated; or

6 (B) a federally owned interim storage facil-
7 ity; or

8 (2) the long-term storage, or permanent dis-
9 posal, of spent nuclear fuel or high-level radioactive
10 waste at a facility other than a federally owned re-
11 pository under such Act.

12 (d) NULLIFICATION OF CURRENT LICENSES.—Any
13 license specified in subsection (c) in effect as of the date
14 of the enactment of this Act shall be deemed null and void.

15 (e) DEFINITIONS.—In this section:

16 (1) CIVILIAN NUCLEAR POWER REACTOR; DIS-
17 POSAL; HIGH-LEVEL RADIOACTIVE WASTE; REPOSI-
18 TORY; SPENT NUCLEAR FUEL; STORAGE.—The terms
19 “civilian nuclear power reactor”, “disposal”, “high-
20 level radioactive waste”, “repository”, “spent nu-
21 clear fuel”, and “storage” have the meanings given
22 those terms in section 2 of the Nuclear Waste Policy
23 Act of 1982 (42 U.S.C. 10101).

24 (2) COMMISSION.—The term “Commission”
25 means the Nuclear Regulatory Commission.