

105TH CONGRESS  
1ST SESSION

# H. R. 1270

To amend the Nuclear Waste Policy Act of 1982.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1997

Mr. UPTON (for himself, Mr. TOWNS, Mr. HASTERT, Mr. CRAPO, Mr. HALL of Texas, Mr. GUTKNECHT, Mr. BURR of North Carolina, Mr. BARTON of Texas, Mr. STEARNS, Mr. KLINK, Mr. RUSH, Mr. KNOLLENBERG, Mr. BONIOR, Mr. TAUZIN, Mr. NORWOOD, Mr. GRAHAM, Mr. MANZULLO, Mr. SHIMKUS, Mr. EHLERS, Mr. STUPAK, Mr. RAMSTAD, Mr. SPRATT, Mr. PICKERING, Mr. BILIRAKIS, Mr. PORTER, Mr. LIPINSKI, Mr. LAHOOD, Mr. FAWELL, Mr. GORDON, Mr. EVERETT, Mr. KILDEE, Mr. BARCIA, Mr. BARTLETT of Maryland, Mr. SKEEN, Mr. WHITFIELD, Mr. LATHAM, Mr. MCHUGH, Mr. SNOWBARGER, Mr. CAMP, Mr. HASTINGS of Washington, Mr. BAKER, Mr. FRELINGHUYSEN, Mr. COOKSEY, Mr. LEVIN, Mr. SESSIONS, Mr. GOSS, Mr. COLLINS, Mr. MANTON, Mrs. ROUKEMA, Mr. CHAMBLISS, Mr. BORSKI, Mr. FATTAH, Mr. HOLDEN, Mr. RIGGS, Mr. CLYBURN, Mr. MORAN of Virginia, Mr. BACHUS, Mr. PACKARD, and Mr. BERRY) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committees on Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Nuclear Waste Policy Act of 1982.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. AMENDMENT OF NUCLEAR WASTE POLICY ACT**  
 2 **OF 1982.**

3 The Nuclear Waste Policy Act of 1982 is amended  
 4 to read as follows:

5 **“SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

6 “(a) **SHORT TITLE.**—This Act may be cited as the  
 7 ‘Nuclear Waste Policy Act of 1997’.

8 “(b) **TABLE OF CONTENTS.**—

“Sec. 1. Short title and table of contents.

“Sec. 2. Definitions.

“Sec. 3. Findings and purposes.

“TITLE I—OBLIGATIONS

“Sec. 101. Obligations of the Secretary of Energy.

“TITLE II—INTEGRATED MANAGEMENT SYSTEM

“Sec. 201. Intermodal transfer.

“Sec. 202. Transportation planning.

“Sec. 203. Transportation requirements.

“Sec. 204. Interim storage.

“Sec. 205. Permanent disposal.

“Sec. 206. Land withdrawal.

“Sec. 207. Private storage facilities.

“TITLE III—LOCAL RELATIONS

“Sec. 301. On-site representative.

“Sec. 302. Benefits agreements.

“Sec. 303. Content of agreements.

“Sec. 304. Acceptance of benefits.

“Sec. 305. Restriction on use of funds.

“Sec. 306. Initial land conveyances.

“TITLE IV—FUNDING AND ORGANIZATION

“Sec. 401. Program funding.

“Sec. 402. Office of Civilian Radioactive Waste Management.

“Sec. 403. Defense contribution.

“TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

“Sec. 501. Compliance with other laws.

“Sec. 502. Water rights.

“Sec. 503. Judicial review of agency actions.

“Sec. 504. Licensing of facility expansions and transshipments.

“Sec. 505. Siting a second repository.

“Sec. 506. Financial arrangements for low-level radioactive waste site closure.

“Sec. 507. Nuclear Regulatory Commission training authorization.

“Sec. 508. Acceptance schedule.

“Sec. 509. Subseabed or ocean water disposal.

“TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

“Sec. 601. Definitions.

“Sec. 602. Nuclear Waste Technical Review Board.

“Sec. 603. Functions.

“Sec. 604. Investigatory powers.

“Sec. 605. Compensation of members.

“Sec. 606. Staff.

“Sec. 607. Support services.

“Sec. 608. Report.

“Sec. 609. Authorization of appropriations.

“Sec. 610. Termination of the board.

“TITLE VII—MANAGEMENT REFORM

“Sec. 701. Management reform initiatives.

“Sec. 702. Reporting.

1 **“SEC. 2. DEFINITIONS.**

2 “For purposes of this Act:

3 “(1) ACCEPT, ACCEPTANCE.—The terms ‘ac-  
4 cept’ and ‘acceptance’ mean the Secretary’s act of  
5 taking possession of spent nuclear fuel or high-level  
6 radioactive waste.

7 “(2) ACCEPTANCE SCHEDULE.—The term ‘ac-  
8 ceptance schedule’ means the schedule established by  
9 the Secretary under section 508 for acceptance of  
10 spent nuclear fuel and high-level radioactive waste.

11 “(3) AFFECTED INDIAN TRIBE.—The term ‘af-  
12 fected Indian tribe’ means any Indian tribe—

13 “(A) within whose reservation boundaries  
14 the interim storage facility or a repository for

1 spent nuclear fuel or high-level radioactive  
2 waste, or both, is proposed to be located; or

3 “(B) whose federally defined possessory or  
4 usage rights to other lands outside of the res-  
5 ervation’s boundaries arising out of congres-  
6 sionally ratified treaties may be substantially  
7 and adversely affected by the locating of such  
8 a facility if the Secretary of the Interior finds,  
9 upon the petition of the appropriate govern-  
10 mental officials of the tribe, that such effects  
11 are both substantial and adverse to the tribe.

12 “(4) AFFECTED UNIT OF LOCAL GOVERN-  
13 MENT.—The term ‘affected unit of local government’  
14 means the unit of local government with jurisdiction  
15 over the site of a repository or interim storage facil-  
16 ity. Such term may, at the discretion of the Sec-  
17 retary, include other units of local government that  
18 are contiguous with such unit.

19 “(5) ATOMIC ENERGY DEFENSE ACTIVITY.—  
20 The term ‘atomic energy defense activity’ means any  
21 activity of the Secretary performed in whole or in  
22 part in carrying out any of the following functions:

23 “(A) Naval reactors development.

24 “(B) Weapons activities including defense  
25 inertial confinement fusion.

1           “(C) Verification and control technology.

2           “(D) Defense nuclear materials produc-  
3           tion.

4           “(E) Defense nuclear waste and materials  
5           byproducts management.

6           “(F) Defense nuclear materials security  
7           and safeguards and security investigations.

8           “(G) Defense research and development.

9           “(6) CIVILIAN NUCLEAR POWER REACTOR.—  
10          The term ‘civilian nuclear power reactor’ means a ci-  
11          vilian nuclear power plant required to be licensed  
12          under section 103 or 104 b. of the Atomic Energy  
13          Act of 1954 (42 U.S.C. 2133, 2134(b)).

14          “(7) COMMISSION.—The term ‘Commission’  
15          means the Nuclear Regulatory Commission.

16          “(8) DEPARTMENT.—The term ‘Department’  
17          means the Department of Energy.

18          “(9) DISPOSAL.—The term ‘disposal’ means the  
19          emplacement in a repository of spent nuclear fuel,  
20          high-level radioactive waste, or other highly radio-  
21          active material with no foreseeable intent of recov-  
22          ery, whether or not such emplacement permits recov-  
23          ery of such material for any future purpose.

24          “(10) DISPOSAL SYSTEM.—The term ‘disposal  
25          system’ means all natural barriers and engineered

1 barriers, and engineered systems and components,  
2 that prevent the release of radionuclides from the re-  
3 pository.

4 “(11) ENGINEERED BARRIERS.—The term ‘en-  
5 gineered barriers’ and ‘engineered systems and com-  
6 ponents,’ means man made components of a disposal  
7 system. Such term includes the spent nuclear fuel or  
8 high-level radioactive waste form, spent nuclear fuel  
9 package or high-level radioactive waste, and other  
10 materials placed over and around such packages.

11 “(12) HIGH-LEVEL RADIOACTIVE WASTE.—The  
12 term ‘high-level radioactive waste’ means—

13 “(A) the highly radioactive material result-  
14 ing from the reprocessing of spent nuclear fuel,  
15 including liquid waste produced directly in re-  
16 processing and any solid material derived from  
17 such liquid waste that contains fission products  
18 in sufficient concentrations;

19 “(B) the highly radioactive material result-  
20 ing from atomic energy defense activities; and

21 “(C) other highly radioactive material that  
22 the Commission, consistent with existing law,  
23 determines by rule requires permanent isola-  
24 tion.

1           “(13) FEDERAL AGENCY.—The term ‘Federal  
2 agency’ means any Executive agency, as defined in  
3 section 105 of title 5, United States Code.

4           “(14) INDIAN TRIBE.—The term ‘Indian tribe’  
5 means any Indian tribe, band, nation, or other orga-  
6 nized group or community of Indians recognized as  
7 eligible for the services provided to Indians by the  
8 Secretary of the Interior because of their status as  
9 Indians including any Alaska Native village, as de-  
10 fined in section 3(c) of the Alaska Native Claims  
11 Settlement Act (43 U.S.C. 1602(c)).

12           “(15) INTEGRATED MANAGEMENT SYSTEM.—  
13 The term ‘integrated management system’ means  
14 the system developed by the Secretary for the ac-  
15 ceptance, transportation, storage, and disposal of  
16 spent nuclear fuel and high-level radioactive waste.

17           “(16) INTERIM STORAGE FACILITY.—The term  
18 ‘interim storage facility’ means a facility designed  
19 and constructed for the receipt, handling, possession,  
20 safeguarding, and storage of spent nuclear fuel and  
21 high-level radioactive waste in accordance with title  
22 II of this Act.

23           “(17) INTERIM STORAGE FACILITY SITE.—The  
24 term ‘interim storage facility site’ means the specific  
25 site within Area 25 of the Nevada Test Site that is

1 designated by the Secretary and withdrawn and re-  
2 served in accordance with this Act for the location  
3 of the interim storage facility.

4 “(18) LOW-LEVEL RADIOACTIVE WASTE.—The  
5 term ‘low-level radioactive waste’ means radioactive  
6 material that—

7 “(A) is not spent nuclear fuel, high-level  
8 radioactive waste, transuranic waste, or byprod-  
9 uct material as defined in section 11 e.(2) of  
10 the Atomic Energy Act of 1954 (42 U.S.C.  
11 2014(e)(2)); and

12 “(B) the Commission, consistent with ex-  
13 isting law, classifies as low-level radioactive  
14 waste.

15 “(19) METRIC TONS URANIUM.—The terms  
16 ‘metric tons uranium’ and ‘MTU’ means the amount  
17 of uranium in the original unirradiated fuel element  
18 whether or not the spent nuclear fuel has been re-  
19 processed.

20 “(20) NUCLEAR WASTE FUND.—The terms  
21 ‘Nuclear Waste Fund’ and ‘waste fund’ mean the  
22 nuclear waste fund established in the United States  
23 Treasury prior to the date of enactment of this Act  
24 under section 302(c) of the Nuclear Waste Policy  
25 Act of 1982.

1           “(21) OFFICE.—The term ‘Office’ means the  
2 Office of Civilian Radioactive Waste Management es-  
3 tablished within the Department prior to the date of  
4 enactment of this Act under the provisions of the  
5 Nuclear Waste Policy Act of 1982.

6           “(22) PROGRAM APPROACH.—The term ‘pro-  
7 gram approach’ means the Civilian Radioactive  
8 Waste Management Program Plan, dated May 1996,  
9 as modified by this Act, and as amended from time  
10 to time by the Secretary in accordance with this Act.

11           “(23) REPOSITORY.—The term ‘repository’  
12 means a system designed and constructed under title  
13 II of this Act for the permanent geologic disposal of  
14 spent nuclear fuel and high-level radioactive waste,  
15 including both surface and subsurface areas at  
16 which spent nuclear fuel and high-level radioactive  
17 waste receipt, handling, possession, safeguarding,  
18 and storage are conducted.

19           “(24) SECRETARY.—The term ‘Secretary’  
20 means the Secretary of Energy.

21           “(25) SITE CHARACTERIZATION.—The term  
22 ‘site characterization’ means activities, whether in a  
23 laboratory or in the field, undertaken to establish  
24 the geologic condition and the ranges of the param-  
25 eters of a candidate site relevant to the location of

1 a repository, including borings, surface excavations,  
2 excavations of exploratory facilities, limited sub-  
3 surface lateral excavations and borings, and in situ  
4 testing needed to evaluate the licensability of a can-  
5 didate site for the location of a repository, but not  
6 including preliminary borings and geophysical test-  
7 ing needed to assess whether site characterization  
8 should be undertaken.

9 “(26) SPENT NUCLEAR FUEL.—The term  
10 ‘spent nuclear fuel’ means fuel that has been with-  
11 drawn from a nuclear reactor following irradiation,  
12 the constituent elements of which have not been sep-  
13 arated by reprocessing.

14 “(27) STORAGE.—The term ‘storage’ means re-  
15 tention of spent nuclear fuel or high-level radioactive  
16 waste with the intent to recover such waste or fuel  
17 for subsequent use, processing, or disposal.

18 “(28) WITHDRAWAL.—The term ‘withdrawal’  
19 has the same definition as that set forth in the Fed-  
20 eral Land Policy and Management Act (43 U.S.C.  
21 1702 and following).

22 “(29) YUCCA MOUNTAIN SITE.—The term  
23 ‘Yucca Mountain site’ means the area in the State  
24 of Nevada that is withdrawn and reserved in accord-  
25 ance with this Act for the location of a repository.

1 **“SEC. 3. FINDINGS AND PURPOSES.**

2 “(a) FINDINGS.—The Congress finds that—

3 “(1) while spent nuclear fuel can be safely  
4 stored at reactor sites, the expeditious movement to  
5 and storage of such spent nuclear fuel at a central-  
6 ized Federal facility will enhance the nation’s envi-  
7 ronmental protection;

8 “(2) while the Federal Government has the re-  
9 sponsibility to provide for the centralized interim  
10 storage and permanent disposal of spent nuclear fuel  
11 and high-level radioactive waste to protect the public  
12 health and safety and the environment, the costs of  
13 such storage and disposal should be the responsibil-  
14 ity of the generators and owners of such waste and  
15 fuel, including the Federal Government;

16 “(3) in the interests of protecting the public  
17 health and safety, enhancing the nation’s environ-  
18 mental protection, promoting the nation’s energy se-  
19 curity, and ensuring the Secretary’s ability to com-  
20 mence acceptance of spent nuclear fuel and high-  
21 level radioactive waste no later than January 31,  
22 2000, it is necessary for Congress to authorize the  
23 interim storage facility;

24 “(4) deficit-control measures designed to limit  
25 appropriation of general revenues have limited the

1 availability of the Nuclear Waste Fund for its in-  
2 tended purposes; and

3 “(5) the Federal Government has the respon-  
4 sibility to provide for the permanent disposal of  
5 waste generated from United States atomic energy  
6 defense activities.

7 “(b) PURPOSES.—The purposes of this Act are—

8 “(1) to direct the Secretary to develop an inte-  
9 grated management system in accordance with this  
10 Act so that the Department can accept spent nuclear  
11 fuel or high-level radioactive waste for interim stor-  
12 age commencing no later than January 31, 2000,  
13 and for permanent disposal at a repository com-  
14 mencing no later than January 17, 2010;

15 “(2) to provide for the siting, construction, and  
16 operation of a repository for permanent geologic dis-  
17 posal of spent nuclear fuel and high-level radioactive  
18 waste in order to adequately protect the public and  
19 the environment;

20 “(3) to take those actions necessary to ensure  
21 that the consumers of nuclear energy, who are fund-  
22 ing the Secretary’s activities under this Act, receive  
23 the services to which they are entitled and realize  
24 the benefits of enhanced protection of public health  
25 and safety, and the environment, that will ensue

1 from the Secretary's compliance with the obligations  
2 imposed by this Act; and

3 “(4) to provide a schedule and process for the  
4 expeditious and safe development and commence-  
5 ment of operation of an integrated management sys-  
6 tem and any necessary modifications to the trans-  
7 portation infrastructure to ensure that the Secretary  
8 can commence acceptance of spent nuclear fuel and  
9 high-level radioactive waste no later than January  
10 31, 2000.

## 11 **“TITLE I—OBLIGATIONS**

### 12 **“SEC. 101. OBLIGATIONS OF THE SECRETARY OF ENERGY.**

13 “(a) DISPOSAL.—The Secretary shall develop and op-  
14 erate a repository for the permanent geologic disposal of  
15 spent nuclear fuel and high-level radioactive waste.

16 “(b) ACCEPTANCE.—The Secretary shall accept spent  
17 nuclear fuel and high-level radioactive waste for storage  
18 at the interim storage facility pursuant to section 204 in  
19 accordance with the acceptance schedule established under  
20 section 508, beginning not later than January 31, 2000.

21 “(c) TRANSPORTATION.—The Secretary shall provide  
22 for the transportation of spent nuclear fuel and high-level  
23 radioactive waste accepted by the Secretary.

24 “(d) INTEGRATED MANAGEMENT SYSTEM.—The  
25 Secretary shall expeditiously pursue the development of

1 each component of the integrated management system,  
2 and in so doing shall seek to utilize effective private sector  
3 management and contracting practices in accordance with  
4 title VII of this Act.

5 **“TITLE II—INTEGRATED**  
6 **MANAGEMENT SYSTEM**

7 **“SEC. 201. INTERMODAL TRANSFER.**

8 “(a) BEFORE RAIL ACCESS.—Until such time as di-  
9 rect rail access is available to the interim storage facility  
10 site, the Secretary shall utilize heavy-haul truck transport  
11 to move spent nuclear fuel and high-level radioactive waste  
12 from the mainline rail line at Caliente, Nevada, to the in-  
13 terim storage facility site.

14 “(b) CAPABILITY DATE.—The Secretary shall de-  
15 velop the capability to commence rail to truck intermodal  
16 transfer at Caliente, Nevada, no later than January 31,  
17 2000.

18 “(c) ACQUISITIONS.—The Secretary shall acquire  
19 lands and rights-of-way necessary to commence intermodal  
20 transfer at Caliente, Nevada.

21 “(d) REPLACEMENTS.—The Secretary shall acquire  
22 and develop on behalf of, and dedicate to, the City of  
23 Caliente, Nevada, parcels of land and rights-of-way as re-  
24 quired to facilitate replacement of land and city  
25 wastewater disposal activities necessary to commence

1 intermodal transfer pursuant to this Act. Replacement of  
2 land and city wastewater disposal activities shall occur no  
3 later than January 31, 2000.

4 “(e) NOTICE AND MAP.—Within 6 months of the  
5 date of enactment of this Act, the Secretary shall—

6 “(1) publish in the Federal Register a notice  
7 containing a legal description of the sites and rights-  
8 of-way to be acquired under this section; and

9 “(2) file copies of a map of such sites and  
10 rights-of-way with the Congress, the Secretary of the  
11 Interior, the State of Nevada, the Archivist of the  
12 United States, the Board of Lincoln County Com-  
13 missioners, the Board of Nye County Commis-  
14 sioners, and the Caliente City Council.

15 Such map and legal description shall have the same force  
16 and effect as if they were included in this Act. The Sec-  
17 retary may correct clerical and typographical errors and  
18 legal descriptions and make minor adjustments in the  
19 boundaries.

20 “(f) IMPROVEMENTS.—The Secretary shall make im-  
21 provements to existing roadways selected for heavy-haul  
22 truck transport between Caliente, Nevada, and the interim  
23 storage facility site as necessary to facilitate year-round  
24 safe transport of spent nuclear fuel and high-level radio-  
25 active waste.

1 “(g) HEAVY-HAUL TRANSPORTATION ROUTE.—

2 “(1) DESIGNATION OF ROUTE.—The route for  
3 the heavy-haul truck transport of spent nuclear fuel  
4 and high-level radioactive waste shall be as des-  
5 ignated in the map (entitled ‘Heavy-Haul Route’  
6 and on file with the Secretary).

7 “(2) TRUCK TRANSPORTATION.—The Secretary,  
8 in consultation with the State of Nevada and appro-  
9 priate counties and local jurisdictions, shall establish  
10 reasonable terms and conditions pursuant to which  
11 the Secretary may utilize heavy-haul truck transport  
12 to move spent nuclear fuel and high-level radioactive  
13 waste from Caliente, Nevada, to the interim storage  
14 facility site.

15 “(3) IMPROVEMENTS AND MAINTENANCE.—  
16 Notwithstanding any other law—

17 “(A) the Secretary shall be responsible for  
18 any incremental costs related to improving or  
19 upgrading Federal, State, and local roads with-  
20 in the heavy-haul transportation route utilized,  
21 and performing any maintenance activities on  
22 such roads, as necessary, to facilitate year-  
23 round safe transport of spent nuclear fuel and  
24 high-level radioactive waste; and

1           “(B) any such improvement, upgrading, or  
2           maintenance activity shall be funded solely by  
3           appropriations made pursuant to sections 401  
4           and 403 of this Act.

5           “(h) LOCAL GOVERNMENT INVOLVEMENT.—The  
6           Commission shall enter into a Memorandum of Under-  
7           standing with the City of Caliente and Lincoln County,  
8           Nevada, to provide advice to the Commission regarding  
9           intermodal transfer and to facilitate on-site representa-  
10          tion.

11          “(i) NATIONAL ENVIRONMENTAL POLICY ACT OF  
12          1969.—The Secretary’s activities in connection with the  
13          development of intermodal transfer capability, and up-  
14          grading and improvements to, and maintenance of, the  
15          roads within the heavy-haul transportation route shall be  
16          considered preliminary decisionmaking activities. Such ac-  
17          tivities shall not require the preparation of an environ-  
18          mental impact statement under section 102(2)(c) of the  
19          National Environmental Policy Act of 1969 (42 U.S.C.  
20          4332(2)(C)) or any environmental review under subpara-  
21          graph (E) or (F) of section 102(2) of such Act.

22          “(j) REGULATION.—Notwithstanding any other law,  
23          the Secretary’s movement of spent nuclear fuel and high-  
24          level radioactive waste by heavy-haul transport route pur-  
25          suant to this subsection shall be subject to exclusive regu-

1 lation by the Secretary of Transportation and the Com-  
2 mission in accordance with regulatory authority under the  
3 provisions of this Act, chapter 51 of title 49, United States  
4 Code (relating to the transportation of hazardous mate-  
5 rials), and the Atomic Energy Act of 1954 (42 U.S.C.  
6 2011 et seq.).

7 **“SEC. 202. TRANSPORTATION PLANNING.**

8       “(a) **TRANSPORTATION READINESS.**—The Secretary  
9 shall take those actions that are necessary and appropriate  
10 to ensure that the Secretary is able to accept spent nuclear  
11 fuel and high-level radioactive waste beginning not later  
12 than January 31, 2000, and transport such fuel or waste  
13 to mainline transportation facilities. As soon as is prac-  
14 ticable following the enactment of this Act, the Secretary  
15 shall analyze each specific reactor facility in the order of  
16 priority established in the acceptance schedule under sec-  
17 tion 508, and develop a logistical plan to assure the Sec-  
18 retary’s ability to transport spent nuclear fuel and high-  
19 level radioactive waste.

20       “(b) **TRANSPORTATION PLANNING.**—In conjunction  
21 with the development of the logistical plan in accordance  
22 with subsection (a), the Secretary shall update and mod-  
23 ify, as necessary, the Secretary’s transportation institu-  
24 tional plans to ensure that institutional issues are ad-  
25 dressed and resolved on a schedule to support the com-

1 mencement of transportation of spent nuclear fuel and  
2 high-level radioactive waste to the interim storage facility  
3 no later than January 31, 2000. Among other things, such  
4 planning shall provide a schedule and process for address-  
5 ing and implementing, as necessary, transportation rout-  
6 ing plans, transportation contracting plans, transportation  
7 training in accordance with section 203, and transpor-  
8 tation tracking programs.

9 **“SEC. 203. TRANSPORTATION REQUIREMENTS.**

10       “(a) PACKAGE CERTIFICATION.—No spent nuclear  
11 fuel or high-level radioactive waste may be transported by  
12 or for the Secretary under this Act except in packages that  
13 have been certified for such purposes by the Commission.

14       “(b) STATE NOTIFICATION.—The Secretary shall  
15 abide by regulations of the Commission regarding advance  
16 notification of State and local governments prior to trans-  
17 portation of spent nuclear fuel or high-level radioactive  
18 waste under this Act.

19       “(c) TECHNICAL ASSISTANCE.—

20               “(1) IN GENERAL.—The Secretary shall provide  
21 technical assistance and funds to States, affected  
22 units of local government, and Indian tribes through  
23 whose jurisdiction the Secretary plans to transport  
24 substantial amounts of spent nuclear fuel or high-  
25 level radioactive waste for training for public safety

1 officials of appropriate units of local government.  
2 Training shall cover procedures required for safe  
3 routine transportation of these materials, as well as  
4 procedures for dealing with emergency response situ-  
5 ations. The Secretary's duty to provide technical and  
6 financial assistance under this subsection shall be  
7 limited to amounts specified in annual appropria-  
8 tions.

9           “(2) MINIMIZING DUPLICATION OF EFFORT  
10 AND EXPENSES.—The Secretaries of Transportation,  
11 Labor, and Energy, Directors of the Federal Emer-  
12 gency Management Agency and National Institute of  
13 Environmental Health Sciences, Chairman of the  
14 Nuclear Regulatory Commission, and Administrator  
15 of the Environmental Protection Agency shall review  
16 periodically, with the head of each department, agen-  
17 cy, or instrumentality of the Government, all emer-  
18 gency response and preparedness training programs  
19 of that department, agency, or instrumentality to  
20 minimize duplication of effort and expense of the de-  
21 partment, agency, or instrumentality in carrying out  
22 the programs and shall take necessary action to  
23 minimize duplication.

24           “(d) USE OF PRIVATE CARRIERS.—The Secretary, in  
25 providing for the transportation of spent nuclear fuel and

1 high level radioactive waste under this Act, shall by con-  
2 tract use private industry to the fullest extent possible in  
3 each aspect of such transportation. The Secretary shall  
4 use direct Federal services for such transportation only  
5 upon a determination by the Secretary of Transportation,  
6 in consultation with the Secretary, that private industry  
7 is unable or unwilling to provide such transportation serv-  
8 ices at a reasonable cost.

9       “(e) TRANSFER OF TITLE.—Acceptance by the Sec-  
10 retary of any spent nuclear fuel or high-level radioactive  
11 waste shall constitute a transfer of title to the Secretary.

12 **“SEC. 204. INTERIM STORAGE.**

13       “(a) AUTHORIZATION.—The Secretary shall design,  
14 construct, and operate a facility for the interim storage  
15 of spent nuclear fuel and high-level radioactive waste at  
16 the interim storage facility site. The interim storage facil-  
17 ity shall be subject to licensing pursuant to the Atomic  
18 Energy Act of 1954 (42 U.S.C. 2011 et seq.) in accord-  
19 ance with the Commission’s regulations governing the li-  
20 censing of independent spent fuel storage installations and  
21 shall commence operation in phases by January 31, 2000.

22       “(b) DESIGN.—The design of the interim storage fa-  
23 cility shall provide for the use of storage technologies li-  
24 censed or certified by the Commission for use at the in-  
25 terim storage facility as necessary to ensure compatibility

1 between the interim storage facility and contract holders'  
2 spent nuclear fuel and facilities, and to facilitate the Sec-  
3 retary's ability to meet the Secretary's obligations under  
4 this Act.

5       “(c) LICENSING.—

6           “(1) PHASES.—The interim storage facility  
7 shall be licensed by the Commission in two phases  
8 in order to commence operations no later than Janu-  
9 ary 31, 2000.

10           “(2) FIRST PHASE.—No later than 12 months  
11 after the date of enactment of this Act, the Sec-  
12 retary shall submit to the Commission an application  
13 for a license for the first phase of the interim stor-  
14 age facility. The license issued for the first phase of  
15 the interim storage facility shall have a term of 20  
16 years. The interim storage facility licensed in the  
17 first phase shall have a capacity of not more than  
18 10,000 MTU. The Commission shall issue a final de-  
19 cision granting or denying the application for the  
20 first phase license no later than 16 months from the  
21 date of the submittal of the application for such li-  
22 cense.

23           “(3) SECOND PHASE.—Upon the issuance of  
24 the license for the first phase of the interim storage  
25 facility under paragraph (2), the Secretary shall sub-

1 mit to the Commission an application for a license  
2 for the second phase interim storage facility. The li-  
3 cense for the second phase facility shall authorize a  
4 storage capacity of 40,000 MTU. The license for the  
5 second phase shall have an initial term of up to 100  
6 years, and shall be renewable for additional terms  
7 upon application of the Secretary.

8 “(d) ADDITIONAL AUTHORITY.—

9 “(1) CONSTRUCTION.—For the purpose of com-  
10 plying with subsection (a), the Secretary may com-  
11 mence site preparation for the interim storage facil-  
12 ity as soon as practicable after the date of enact-  
13 ment of this Act and shall commence construction of  
14 the first phase of the interim storage facility subse-  
15 quent to submittal of the license application except  
16 that the Commission shall issue an order suspending  
17 such construction at any time if the Commission de-  
18 termines that such construction poses an unreason-  
19 able risk to public health and safety or the environ-  
20 ment. The Commission shall terminate all or part of  
21 such order upon a determination that the Secretary  
22 has taken appropriate action to eliminate such risk.

23 “(2) FACILITY USE.—Notwithstanding any oth-  
24 erwise applicable licensing requirement, the Sec-  
25 retary may utilize any facility owned by the Federal

1 Government on the date of enactment of this Act  
2 and within the boundaries of the interim storage fa-  
3 cility site, in connection with an imminent and sub-  
4 stantial endangerment to public health and safety at  
5 the interim storage facility prior to commencement  
6 of operations during the second phase.

7 “(3) ACCEPTANCE OF FUEL AND WASTE.—

8 “(A) GENERAL RULE.—In each year, once  
9 the Secretary has achieved the annual accept-  
10 ance rate for spent nuclear fuel from civilian  
11 nuclear power reactors established pursuant to  
12 the contracts executed under the Nuclear Waste  
13 Policy Act of 1982 (as set forth in the Sec-  
14 retary’s annual capacity report dated March  
15 1995 (DOE/RW–0457)), the Secretary—

16 “(i) may, additionally, accept spent  
17 nuclear fuel or high-level radioactive waste  
18 of domestic origin from civilian nuclear  
19 power reactors which have permanently  
20 ceased operation; and

21 “(ii) except as provided in subpara-  
22 graph (B), shall accept at least 25 percent  
23 of the difference between such annual ac-  
24 ceptance rate and the annual rate under  
25 the acceptance schedule established under

1 section 508 for spent nuclear fuel from ci-  
2 vilian power reactors of—

3 “(I) spent nuclear fuel from for-  
4 eign research reactors; and

5 “(II) spent nuclear fuel from  
6 naval reactors and high-level radio-  
7 active waste from atomic energy de-  
8 fense activities.

9 “(B) EXCEPTION.—If the annual rate  
10 under the acceptance schedule established  
11 under section 508 is not achieved, the accept-  
12 ance rate of the Secretary of the materials de-  
13 scribed in subclauses (I) and (II) of subpara-  
14 graph (A)(ii) shall be the greater of the accept-  
15 ance rate prescribed by subparagraph (A) and  
16 calculated on the basis of the amount of spent  
17 nuclear fuel and high-level radioactive waste ac-  
18 tually received or 5 percent of the total amount  
19 of spent nuclear fuel and high-level radioactive  
20 waste actually accepted.

21 “(e) NATIONAL ENVIRONMENTAL POLICY ACT OF  
22 1969.—

23 “(1) PRELIMINARY DECISIONMAKING ACTIVI-  
24 TIES.—The Secretary’s activities under this section,  
25 including the selection of a site for the interim stor-

1 age facility, the preparation and submittal of any li-  
2 cense application, and the construction and oper-  
3 ation of any facility shall be considered preliminary  
4 decisionmaking activities for purposes of the Na-  
5 tional Environmental Policy Act of 1969 (42 U.S.C.  
6 4321 et seq.). No such activity shall require the  
7 preparation of an environmental impact statement  
8 under section 102(2)(C) of the National Environ-  
9 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C))  
10 or require any environmental review under subpara-  
11 graph (E) or (F) of such Act.

12 “(2) ENVIRONMENTAL IMPACT STATEMENT.—

13 “(A) FINAL DECISION.—A final decision of  
14 the Commission to grant or deny a license ap-  
15 plication for the first or second phase of the in-  
16 terim storage facility shall be accompanied by  
17 an Environmental Impact Statement prepared  
18 under section 102(2)(C) of the National Envi-  
19 ronmental Policy Act of 1969 (42 U.S.C.  
20 4332(2)(C)). In preparing such Environmental  
21 Impact Statement, the Commission—

22 “(i) shall assume that 40,000 MTU  
23 will be stored at the facility; and

24 “(ii) shall analyze the impacts of the  
25 transportation of spent nuclear fuel and

1 high-level radioactive waste to the interim  
2 storage facility in a generic manner.

3 “(B) CONSIDERATIONS.—Such Environ-  
4 mental Impact Statement shall not consider—

5 “(i) the need for the interim storage  
6 facility, including any individual compo-  
7 nent thereof;

8 “(ii) the time of the initial availability  
9 of the interim storage facility;

10 “(iii) any alternatives to the storage  
11 of spent nuclear fuel and high-level radio-  
12 active waste at the interim storage facility;

13 “(iv) any alternatives to the site of  
14 the facility as designated by the Secretary  
15 in accordance with subsection (a);

16 “(v) any alternatives to the design cri-  
17 teria for such facility or any individual  
18 component thereof, as specified by the Sec-  
19 retary in the license application; or

20 “(vi) the environmental impacts of the  
21 storage of spent nuclear fuel and high-level  
22 radioactive waste at the interim storage fa-  
23 cility beyond the initial term of the license  
24 or the term of the renewal period for which  
25 a license renewal application is made.

1           “(f) JUDICIAL REVIEW.—Judicial review of the Com-  
2 mission’s environmental impact statement under the Na-  
3 tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
4 et seq.) shall be consolidated with judicial review of the  
5 Commission’s licensing decision. No court shall have juris-  
6 diction to enjoin the construction or operation of the in-  
7 terim storage facility prior to its final decision on review  
8 of the Commission’s licensing action.

9           “(g) WASTE CONFIDENCE.—The Secretary’s obliga-  
10 tion to construct and operate the interim storage facility  
11 in accordance with this section and the Secretary’s obliga-  
12 tion to develop an integrated management system in ac-  
13 cordance with the provisions of this Act, shall provide suf-  
14 ficient and independent grounds for any further findings  
15 by the Commission of reasonable assurance that spent nu-  
16 clear fuel and high-level radioactive waste will be disposed  
17 of safely and on a timely basis for purposes of the Com-  
18 mission’s decision to grant or amend any license to operate  
19 any civilian nuclear power reactor under the Atomic En-  
20 ergy Act of 1954 (42 U.S.C. 2011 et seq.).

21           “(h) SAVINGS CLAUSE.—Nothing in this Act shall af-  
22 fect the Commission’s procedures for the licensing of any  
23 technology for the dry storage of spent nuclear fuel at the  
24 site of any civilian nuclear power reactor as adopted by  
25 the Commission under section 218 of the Nuclear Waste

1 Policy Act of 1982, as in effect prior to the enactment  
2 of the Nuclear Waste Policy Act of 1997. The establish-  
3 ment of such procedures shall not preclude the licensing,  
4 under any applicable procedures or rules of the Commis-  
5 sion in effect prior to such establishment, of any tech-  
6 nology for the storage of civilian spent nuclear fuel at the  
7 site of any civilian nuclear power reactor.

8 **“SEC. 205. PERMANENT DISPOSAL.**

9 “(a) SITE CHARACTERIZATION.—

10 “(1) GUIDELINES.—The guidelines promul-  
11 gated by the Secretary and published at 10 CFR  
12 part 960 are annulled and revoked and the Sec-  
13 retary shall make no assumptions or conclusions  
14 about the licensability of the Yucca Mountain site as  
15 a repository by reference to such guidelines.

16 “(2) SITE CHARACTERIZATION ACTIVITIES.—  
17 The Secretary shall carry out appropriate site char-  
18 acterization activities at the Yucca Mountain site in  
19 accordance with the Secretary’s program approach  
20 to site characterization if the Secretary modifies or  
21 eliminates those site characterization activities de-  
22 signed to demonstrate the suitability of the site  
23 under the guidelines referenced in paragraph (1).

24 “(3) DATE.—No later than December 31,  
25 2002, the Secretary shall apply to the Commission

1 for authorization to construct a repository that will  
2 commence operations no later than January 17,  
3 2010. If, at any time prior to the filing of such ap-  
4 plication, the Secretary determines that the Yucca  
5 Mountain site cannot satisfy the Commission’s regu-  
6 lations applicable to the licensing of a geologic re-  
7 pository, the Secretary shall terminate site charac-  
8 terization activities at the site, notify Congress and  
9 the State of Nevada of the Secretary’s determination  
10 and the reasons therefor, and recommend to Con-  
11 gress not later than 6 months after such determina-  
12 tion further actions, including the enactment of leg-  
13 islation, that may be needed to manage the Nation’s  
14 spent nuclear fuel and high-level radioactive waste.

15 “(4) MAXIMIZING CAPACITY.—In developing an  
16 application for authorization to construct the reposi-  
17 tory, the Secretary shall seek to maximize the capac-  
18 ity of the repository.

19 “(b) LICENSING.—Within one year of the date of en-  
20 actment of this Act, the Commission shall amend its regu-  
21 lations governing the disposal of spent nuclear fuel and  
22 high-level radioactive waste in geologic repositories to the  
23 extent necessary to comply with this Act. Subject to sub-  
24 section (c), such regulations shall provide for the licensing  
25 of the repository according to the following procedures:

1           “(1) CONSTRUCTION AUTHORIZATION.—The  
2 Commission shall grant the Secretary a construction  
3 authorization for the repository upon determining  
4 that there is reasonable assurance that spent nuclear  
5 fuel and high-level radioactive waste can be disposed  
6 of in the repository—

7           “(A) in conformity with the Secretary’s ap-  
8 plication, the provisions of this Act, and the  
9 regulations of the Commission;

10           “(B) without unreasonable risk to the  
11 health and safety of the public; and

12           “(C) consistent with the common defense  
13 and security.

14           “(2) LICENSE.—Following substantial comple-  
15 tion of construction and the filing of any additional  
16 information needed to complete the license applica-  
17 tion, the Commission shall issue a license to dispose  
18 of spent nuclear fuel and high-level radioactive waste  
19 in the repository if the Commission determines that  
20 the repository has been constructed and will oper-  
21 ate—

22           “(A) in conformity with the Secretary’s ap-  
23 plication, the provisions of this Act, and the  
24 regulations of the Commission;

1           “(B) without unreasonable risk to the  
2 health and safety of the public; and

3           “(C) consistent with the common defense  
4 and security.

5           “(3) CLOSURE.—After emplacing spent nuclear  
6 fuel and high-level radioactive waste in the reposi-  
7 tory and collecting sufficient confirmatory data on  
8 repository performance to reasonably confirm the  
9 basis for repository closure consistent with the Com-  
10 mission’s regulations applicable to the licensing of a  
11 repository, as modified in accordance with this Act,  
12 the Secretary shall apply to the Commission to  
13 amend the license to permit permanent closure of  
14 the repository. The Commission shall grant such li-  
15 cense amendment upon finding that there is reason-  
16 able assurance that the repository can be perma-  
17 nently closed—

18           “(A) in conformity with the Secretary’s ap-  
19 plication to amend the license, the provisions of  
20 this Act, and the regulations of the Commis-  
21 sion;

22           “(B) without unreasonable risk to the  
23 health and safety of the public; and

24           “(C) consistent with the common defense  
25 and security.

1           “(4) POST-CLOSURE.—The Secretary shall take  
2           those actions necessary and appropriate at the  
3           Yucca Mountain site to prevent any activity at the  
4           site subsequent to repository closure that poses an  
5           unreasonable risk of—

6                   “(A) breaching the repository’s engineered  
7                   or geologic barriers: or

8                   “(B) increasing the exposure of individual  
9                   members of the public to radiation beyond the  
10                  release standard established in subsection  
11                  (d)(1).

12           “(c) MODIFICATION OF REPOSITORY LICENSING  
13           PROCEDURE.—The Commission’s regulations shall pro-  
14           vide for the modification of the repository licensing proce-  
15           dure, as appropriate, in the event that the Secretary seeks  
16           a license to permit the emplacement in the repository, on  
17           a retrievable basis, of only that quantity of spent nuclear  
18           fuel or high-level radioactive waste that is necessary to  
19           provide the Secretary with sufficient confirmatory data on  
20           repository performance to reasonably confirm the basis for  
21           repository closure consistent with applicable regulations.

22           “(d) LICENSING STANDARDS.—Notwithstanding any  
23           other provision of law, the Administrator of the Environ-  
24           mental Protection Agency shall not promulgate, by rule  
25           or otherwise, standards for protection of the public from

1 releases of radioactive materials or radioactivity from the  
2 repository and any such standards existing on the date  
3 of enactment of this Act shall not be incorporated in the  
4 Commission's licensing regulations. The Commission's re-  
5 pository licensing determinations for the protection of the  
6 public shall be based solely on a finding whether the repos-  
7 itory can be operated in conformance with the overall sys-  
8 tem performance standard established in paragraph  
9 (1)(A) and applied in accordance with the provisions of  
10 paragraph (1)(B). The Commission shall amend its regu-  
11 lations in accordance with subsection (b) to incorporate  
12 each of the following licensing standards:

13           “(1) RELEASE STANDARD.—

14                   “(A) ESTABLISHMENT OF OVERALL SYS-  
15           TEM PERFORMANCE STANDARD.—The standard  
16           for protection of the public from release of ra-  
17           dioactive material or radioactivity from the re-  
18           pository shall prohibit releases that would ex-  
19           pose an average member of the general popu-  
20           lation in the vicinity of the Yucca Mountain site  
21           to an annual dose in excess of 100 millirems  
22           unless the Commission determines by rule that  
23           such standard would constitute an unreasonable  
24           risk to health and safety and establishes by rule  
25           another standard which will protect health and

1 safety. Such standard shall constitute an overall  
2 system performance standard.

3 “(B) APPLICATION OF OVERALL SYSTEM  
4 PERFORMANCE STANDARD.—The Commission  
5 shall issue the license if it finds reasonable as-  
6 surance that—

7 “(i) for the first 1,000 years following  
8 the commencement of repository oper-  
9 ations, the overall system performance  
10 standard will be met based on a deter-  
11 ministic or probabilistic evaluation of the  
12 overall performance of the disposal system;  
13 and

14 “(ii) for the period commencing after  
15 the first 1,000 years of operation of the re-  
16 pository and terminating at 10,000 years  
17 after the commencement of operation of  
18 the repository, there is likely to be compli-  
19 ance with the overall system performance  
20 standard based on regulatory insight  
21 gained through the use of a probabilistic  
22 integrated performance model that uses  
23 best estimate assumptions, data, and  
24 methods.

1           “(2) HUMAN INTRUSION.—The Commission  
2 shall assume that, following repository closure, the  
3 inclusion of engineered barriers and the Secretary’s  
4 post-closure actions at the Yucca Mountain site, in  
5 accordance with subsection (b)(3), shall be sufficient  
6 to—

7           “(A) prevent any human activity at the  
8 site that poses an unreasonable risk of breach-  
9 ing the repository’s engineered or geologic bar-  
10 riers; and

11           “(B) prevent any increase in the exposure  
12 of individual members of the public to radiation  
13 beyond allowable limits as specified in para-  
14 graph (1).

15           “(e) NATIONAL ENVIRONMENTAL POLICY ACT.—

16           “(1) SUBMISSION OF STATEMENT.—Construc-  
17 tion and operation of the repository shall be consid-  
18 ered a major Federal action significantly affecting  
19 the quality of the human environment for purposes  
20 of the National Environmental Policy Act of 1969  
21 (42 U.S.C. 4321 et seq.). The Secretary shall submit  
22 an environmental impact statement on the construc-  
23 tion and operation of the repository to the Commis-  
24 sion with the application for construction authoriza-  
25 tion.

1           “(2) CONSIDERATIONS.—For purposes of com-  
2           plying with the requirements of the National Envi-  
3           ronmental Policy Act of 1969 and this section, the  
4           Secretary shall not consider in the environmental  
5           impact statement the need for the repository, alter-  
6           native sites or designs for the repository, the time of  
7           the initial availability of the repository, or any alter-  
8           natives to the isolation of spent nuclear fuel and  
9           high-level radioactive waste in a repository.

10           “(3) ADOPTION BY COMMISSION.—The Sec-  
11           retary’s environmental impact statement and any  
12           supplements thereto shall, to the extent practicable,  
13           be adopted by the Commission in connection with  
14           the issuance by the Commission of a construction  
15           authorization under subsection (b)(1), a license  
16           under subsection (b)(2), or a license amendment  
17           under subsection (b)(3). To the extent such state-  
18           ment or supplement is adopted by the Commission,  
19           such adoption shall be deemed to also satisfy the re-  
20           sponsibilities of the Commission under the National  
21           Environmental Policy Act of 1969, and no further  
22           consideration shall be required, except that nothing  
23           in this subsection shall affect any independent re-  
24           sponsibilities of the Commission to protect the public  
25           health and safety under the Atomic Energy Act of

1 1954 (42 U.S.C. 2011 et seq.). In any such state-  
2 ment prepared with respect to the repository, the  
3 Commission shall not consider the need for a reposi-  
4 tory, the time of initial availability of the repository,  
5 alternate sites to the Yucca Mountain site, or non-  
6 geologic alternatives to such site.

7 “(f) JUDICIAL REVIEW.—No court shall have juris-  
8 diction to enjoin issuance of the Commission repository  
9 licensing regulations prior to its final decision on review  
10 of such regulations.

11 **“SEC. 206. LAND WITHDRAWAL.**

12 “(a) WITHDRAWAL AND RESERVATION.—

13 “(1) WITHDRAWAL.—Subject to valid existing  
14 rights, the interim storage facility site and the  
15 Yucca Mountain site, as described in subsection (b),  
16 are withdrawn from all forms of entry, appropria-  
17 tion, and disposal under the public land laws, includ-  
18 ing the mineral leasing laws, the geothermal leasing  
19 laws, the material sale laws, and the mining laws.

20 “(2) JURISDICTION.—Jurisdiction of any land  
21 within the interim storage facility site and the Yucca  
22 Mountain site managed by the Secretary of the Inte-  
23 rior or any other Federal officer is transferred to the  
24 Secretary.

1           “(3) RESERVATION.—The interim storage facil-  
2           ity site and the Yucca Mountain site are reserved for  
3           the use of the Secretary for the construction and op-  
4           eration, respectively, of the interim storage facility  
5           and the repository and activities associated with the  
6           purposes of this title.

7           “(b) LAND DESCRIPTION.—

8           “(1) BOUNDARIES.—The boundaries depicted  
9           on the map entitled ‘Interim Storage Facility Site  
10          Withdrawal Map,’ dated July 28, 1995, and on file  
11          with the Secretary, are established as the boundaries  
12          of the Interim Storage Facility site.

13          “(2) BOUNDARIES.—The boundaries depicted  
14          on the map entitled ‘Yucca Mountain Site With-  
15          drawal Map,’ dated July 28, 1995, and on file with  
16          the Secretary, are established as the boundaries of  
17          the Yucca Mountain site.

18          “(3) NOTICE AND MAPS.—Within 6 months of  
19          the date of enactment of this Act, the Secretary  
20          shall—

21                 “(A) publish in the Federal Register a no-  
22                 tice containing a legal description of the interim  
23                 storage facility site; and

24                 “(B) file copies of the maps described in  
25                 paragraph (1), and the legal description of the

1 interim storage facility site with the Congress,  
2 the Secretary of the Interior, the Governor of  
3 Nevada, and the Archivist of the United States.

4 “(4) NOTICE AND MAPS.—Concurrent with the  
5 Secretary’s application to the Commission for au-  
6 thority to construct the repository, the Secretary  
7 shall—

8 “(A) publish in the Federal Register a no-  
9 tice containing a legal description of the Yucca  
10 Mountain site; and

11 “(B) file copies of the maps described in  
12 paragraph (2), and the legal description of the  
13 Yucca Mountain site with the Congress, the  
14 Secretary of the Interior, the Governor of Ne-  
15 vada, and the Archivist of the United States.

16 “(5) CONSTRUCTION.—The maps and legal de-  
17 scriptions of the interim storage facility site and the  
18 Yucca Mountain site referred to in this subsection  
19 shall have the same force and effect as if they were  
20 included in this Act. The Secretary may correct cler-  
21 ical and typographical errors in the maps and legal  
22 descriptions and make minor adjustments in the  
23 boundaries of the sites.

1 **“SEC. 207. PRIVATE STORAGE FACILITIES.**

2 “(a) COMMISSION ACTION.—Upon application by one  
3 or more private entities for a license for an independent  
4 spent fuel storage installation not located at the site of  
5 a civilian nuclear power reactor, the Commission shall re-  
6 view such license application and issue a license for one  
7 or more such facilities at the earliest practicable date, to  
8 the extent permitted by the applicable provisions of law  
9 and regulation.

10 “(b) SECRETARY’S ACTIONS.—The Secretary shall  
11 encourage efforts to develop private facilities for the stor-  
12 age of spent nuclear fuel by providing any requested infor-  
13 mation and assistance, as appropriate, to the developers  
14 of such facilities and to State and local governments and  
15 Indian Tribes within whose jurisdictions such facilities  
16 may be located, and shall cooperate with the developers  
17 of such facilities to facilitate compatibility between such  
18 facilities and the integrated management system.

19 “(c) OBLIGATION.—The Secretary shall satisfy the  
20 Secretary’s obligations under this Act notwithstanding the  
21 development of private facilities for the storage of spent  
22 nuclear fuel or high-level radioactive waste.

23 **“TITLE III—LOCAL RELATIONS**

24 **“SEC. 301. ON-SITE REPRESENTATIVE.**

25 The Secretary shall offer to Nye County, Nevada, an  
26 opportunity to designate a representative to conduct on-

1 site oversight activities at such site. Reasonable expenses  
2 of such representatives shall be paid by the Secretary.

3 **“SEC. 302. BENEFITS AGREEMENTS.**

4 “(a) IN GENERAL.—

5 “(1) SEPARATE AGREEMENTS.—The Secretary  
6 shall offer to enter into separate agreements with  
7 Nye County, Nevada, and Lincoln County, Nevada,  
8 concerning the integrated management system.

9 “(2) AGREEMENT CONTENT.—Any agreement  
10 shall contain such terms and conditions, including  
11 such financial and institutional arrangements, as the  
12 Secretary and agreement entity determine to be rea-  
13 sonable and appropriate and shall contain such pro-  
14 visions as are necessary to preserve any right to par-  
15 ticipation or compensation of Nye County, Nevada,  
16 and Lincoln County, Nevada.

17 “(b) AMENDMENT.—An agreement entered into  
18 under subsection (a) may be amended only with the mu-  
19 tual consent of the parties to the amendment and termi-  
20 nated only in accordance with subsection (c).

21 “(c) TERMINATION.—The Secretary shall terminate  
22 an agreement under subsection (a) if any element of the  
23 integrated management system may not be completed.

1       “(d) LIMITATION.—Only 1 agreement each for Nye  
2 County, Nevada, and Lincoln County, Nevada, may be in  
3 effect at any one time.

4       “(e) JUDICIAL REVIEW.—Decisions of the Secretary  
5 under this section are not subject to judicial review.

6       **“SEC. 303. CONTENT OF AGREEMENTS.**

7       “(a) IN GENERAL.—

8               “(1) SCHEDULE.—The Secretary shall make  
9 payments to the party of a benefits agreement under  
10 section 302(a) in accordance with the following  
11 schedule:

                                  “BENEFITS SCHEDULE

                                  [Amounts in millions]

Event	County
(A) Annual payments prior to first receipt of fuel .....	\$2.5
(B) Upon first spent fuel receipt .....	\$5
(C) Annual payments after first spent fuel receipt until closure of facility .....	\$5

12               “(2) DEFINITIONS.—For purposes of this sec-  
13 tion, the term—

14                       “(A) ‘spent fuel’ means high-level radio-  
15 active waste or spent nuclear fuel; and

16                       “(B) ‘first spent fuel receipt’ does not in-  
17 clude receipt of spent fuel or high-level radio-  
18 active waste for purposes of testing or oper-  
19 ational demonstration.

20               “(3) ANNUAL PAYMENTS.—Annual payments  
21 prior to first spent fuel receipt under line (A) of the

1 benefit schedule shall be made on the date of execu-  
2 tion of the benefits agreement and thereafter on the  
3 anniversary date of such execution. Annual pay-  
4 ments after the first spent fuel receipt until closure  
5 of the facility under line (C) of the benefit schedule  
6 shall be made on the anniversary date of such first  
7 spent fuel receipt.

8 “(4) REDUCTION.—If the first spent fuel pay-  
9 ment under line (B) is made within 6 months after  
10 the last annual payment prior to the receipt of spent  
11 fuel under line (A) of the benefit schedule, such first  
12 spent fuel payment under line (B) of the benefit  
13 schedule shall be reduced by an amount equal to  $\frac{1}{12}$   
14 of such annual payment under line (A) of the benefit  
15 schedule for each full month less than 6 that has not  
16 elapsed since the last annual payment under line (A)  
17 of the benefit schedule.

18 “(b) CONTENTS.—A benefits agreement under sec-  
19 tion 302 shall provide that—

20 “(1) the parties to the agreement shall share  
21 with one another information relevant to the licens-  
22 ing process for the interim storage facility or reposi-  
23 tory, as it becomes available; and

24 “(2) the affected unit of local government that  
25 is party to such agreement may comment on the de-

1       velopment of the integrated management system and  
2       on documents required under law or regulations gov-  
3       erning the effects of the system on the public health  
4       and safety.

5       “(c) CONSTRUCTION.—The signature of the Sec-  
6       retary on a valid benefits agreement under section 302  
7       shall constitute a commitment by the United States to  
8       make payments in accordance with such agreement.

9       **“SEC. 304. ACCEPTANCE OF BENEFITS.**

10       “(a) CONSENT.—The acceptance or use of any of the  
11       benefits provided under this title by any affected unit of  
12       local government shall not be deemed to be an expression  
13       of consent, express, or denied, either under the Constitu-  
14       tion of the State of Nevada or any law thereof, to the  
15       siting of the interim storage facility or repository in the  
16       State of Nevada, any provision of such Constitution or  
17       laws to the contrary notwithstanding.

18       “(b) ARGUMENTS.—Neither the United States nor  
19       any other entity may assert any argument based on legal  
20       or equitable estoppel, or acquiescence, or waiver, or con-  
21       sensual involvement, in response to any decision by the  
22       State of Nevada, to oppose the siting in Nevada of the  
23       interim storage facility or repository premised upon or re-  
24       lated to the acceptance or use of benefits under this title.

1       “(c) LIABILITY.—No liability of any nature shall ac-  
2       crue to be asserted against the State of Nevada, its Gov-  
3       ernor, any official thereof, or any official of any govern-  
4       mental unit thereof, premised solely upon the acceptance  
5       or use of benefits under this title.

6       **“SEC. 305. RESTRICTION ON USE OF FUNDS.**

7       “None of the funding provided under section 303  
8       may be used—

9               “(1) directly or indirectly to influence legislative  
10       action on any matter pending before Congress or a  
11       State legislature or for any lobbying activity as pro-  
12       vided in section 1913 of title 18, United States  
13       Code;

14              “(2) for litigation purposes; and

15              “(3) to support multistate efforts or other coali-  
16       tion-building activities inconsistent with the purposes  
17       of this Act.

18       **“SEC. 306. INITIAL LAND CONVEYANCES.**

19       “(a) CONVEYANCE OF PUBLIC LANDS.—Within 120  
20       days of the date of enactment of this Act, the Secretary  
21       of the Interior, or other agency with jurisdiction over the  
22       public lands described in subsection (b), shall convey the  
23       public lands described in subsection (b) to the appropriate  
24       county, unless the county notifies the Secretary of the In-  
25       terior or the head of such other appropriate agency in

1 writing within 60 days of such date of enactment that it  
2 elects not to take title to all or any part of the property,  
3 except that any lands conveyed to the County of Nye,  
4 County of Lincoln, or the City of Caliente under this sub-  
5 section that are subject to a Federal grazing permit or  
6 a similar federally granted privilege shall be conveyed be-  
7 tween 60 and 120 days of the earliest time the Federal  
8 agency administering or granting the privilege would be  
9 able to legally terminate such privilege under the statutes  
10 and regulations existing at the date of enactment of this  
11 Act, unless the Federal agency, county or city, and the  
12 affected holder of the privilege negotiate an agreement  
13 that allows for an earlier conveyance.

14       “(b) SPECIAL CONVEYANCES.—Subject to valid exist-  
15 ing rights and notwithstanding any other law, the Sec-  
16 retary of the Interior or the head of the other appropriate  
17 agency shall convey:

18               “(1) To the County of Nye, Nevada, the follow-  
19 ing public lands depicted on the maps dated October  
20 11, 1995, and on file with the Secretary:

21                       Map 1: Proposed Pahrump Industrial Park

22                       Site

23                       Map 2: Proposed Lathrop Wells (Gate  
24                       510) Industrial Park Site

25                       Map 3: Pahrump Landfill Sites

1                   Map 4: Amargosa Valley Regional Landfill  
2                   Site

3                   Map 5: Amargosa Valley Municipal Land-  
4                   fill Site

5                   Map 6: Beatty Landfill/Transfer station  
6                   Site

7                   Map 7: Round Mountain Landfill Site

8                   Map 8: Tonopah Landfill Site

9                   Map 9: Gabbs Landfill Site.

10                  “(2) To the County of Lincoln, Nevada, the fol-  
11                  lowing public lands depicted on the maps dated Oc-  
12                  tober 11, 1995, and on file with the Secretary:

13                         Map 2: Lincoln County, Parcel M, Indus-  
14                         trial Park Site, Jointly with the City of Caliente

15                         Map 3: Lincoln County, Parcels F and G,  
16                         Mixed Use, Industrial Sites

17                         Map 4: Lincoln County, Parcels H and I,  
18                         Mixed Use and Airport Expansion Sites

19                         Map 5: Lincoln County, Parcels J and K,  
20                         Mixed Use, Airport and Landfill Expansion  
21                         Sites

22                         Map 6: Lincoln County, Parcels E and L,  
23                         Mixed Use, Airport and Industrial Expansion  
24                         Sites.

1           “(3) To the City of Caliente, Nevada, the fol-  
2           lowing public lands depicted on the maps dated Oc-  
3           tober 11, 1995, and on file with the Secretary:

4                     Map 1: City of Caliente, Parcels A, B, C  
5                     and D, Community Growth, Landfill Expansion  
6                     and Community Recreation Sites

7                     Map 2: City of Caliente, Parcel M, Indus-  
8                     trial Park Site, jointly with Lincoln County.

9           “(c) NATIONAL ENVIRONMENTAL POLICY ACT OF  
10          1969.—The activities of the Secretary and the head of any  
11          other Federal agency in connection with subsections (a)  
12          and (b) shall be considered preliminary decision making  
13          activities. No such activity shall require the preparation  
14          of an environmental impact statement under section  
15          102(2)(C) of the National Environmental Policy Act of  
16          1969 (42 U.S.C. 4332(2)(C)) or any environmental review  
17          under subparagraph (E) or (F) of section 102(2) of such  
18          Act.

## 19                     **“TITLE IV—FUNDING AND** 20                     **ORGANIZATION**

### 21          **“SEC. 401. PROGRAM FUNDING.**

22                     “(a) CONTRACTS.—

23                             “(1) AUTHORITY OF SECRETARY.—In the per-  
24                     formance of the Secretary’s functions under this  
25                     Act, the Secretary is authorized to enter into con-

1 tracts with any person who generates or holds title  
2 to spent nuclear fuel or high-level radioactive waste  
3 of domestic origin for the acceptance of title and  
4 possession, transportation, interim storage, and dis-  
5 posal of such spent fuel or waste upon the payment  
6 of fees in accordance with paragraphs (2) and (3).  
7 Fees assessed pursuant to this paragraph shall be  
8 paid to the Treasury of the United States and shall  
9 be available for use by the Secretary pursuant to  
10 this section until expended.

11 “(2) ANNUAL FEES.—

12 “(A) ELECTRICITY.—Under a contract en-  
13 tered into under paragraph (1) there shall be a  
14 fee for electricity generated by civilian nuclear  
15 power reactors and sold on or after the date of  
16 enactment of this Act. The aggregate amount of  
17 such fees collected during each fiscal year shall  
18 be no greater than the annual level of appro-  
19 priations for expenditures on the possession,  
20 transportation, interim storage, and disposal of  
21 such spent fuel or waste consistent with sub-  
22 section (d) for that fiscal year, minus—

23 “(i) any unobligated balance of fees  
24 collected during the previous fiscal year;

1                   “(ii) such appropriations required to  
2                   be funded by the Federal Government pur-  
3                   suant to section 403; and

4                   “(iii) the amount of one-time fees re-  
5                   ceived pursuant to paragraph (3).

6                   The Secretary shall determine the level of the  
7                   annual fee for each civilian nuclear power reac-  
8                   tor based on the amount of electricity generated  
9                   and sold, except that the annual fee shall not  
10                  exceed 1.0 mill per kilowatt-hour generated and  
11                  sold. Fees assessed pursuant to this subpara-  
12                  graph shall be paid to the Treasury of the Unit-  
13                  ed States and shall be available for use by the  
14                  Secretary pursuant to this section until ex-  
15                  pended.

16                  “(B) EXPENDITURES IF SHORTFALL.—If,  
17                  during any fiscal year, the aggregate amount of  
18                  fees assessed pursuant to subparagraph (A) is  
19                  less than the annual level of appropriations for  
20                  expenditures on those activities specified in sub-  
21                  section (d) for that fiscal year, minus—

22                  “(i) any unobligated balance collected  
23                  pursuant to this section during the pre-  
24                  vious fiscal year;

1           “(ii) such appropriations required to  
2           be funded by the Federal Government pur-  
3           suant to section 403 ; and

4           “(iii) the amount of one-time fees re-  
5           ceived pursuant to paragraph (3).

6           the Secretary may make expenditures from the  
7           Nuclear Waste Fund up to the level of the fees  
8           assessed.

9           “(C) BUDGET PRIORITIES IF SHORT-  
10          FALL.—If, during any fiscal year, the provisions  
11          of subparagraph (B) come into effect—

12           “(i) the Secretary, for purposes of  
13           preparing annual requests for appropria-  
14           tions and allocating appropriated funds  
15           among competing requirements under the  
16           Nuclear Waste Policy Act of 1997, shall  
17           accord—

18           “(I) the activities leading to an  
19           operating repository the highest prior-  
20           ity; and

21           “(II) the activities leading to an  
22           operating interim storage facility  
23           under section 204 the next highest  
24           priority; and

1           “(ii) the Commission, for purposes of  
2           preparing annual requests for appropria-  
3           tions and allocating appropriated funds  
4           among competing requirements under the  
5           Nuclear Waste Policy Act of 1997, shall  
6           accord—

7                         “(I) the activities leading to an  
8                         operating repository the highest prior-  
9                         ity; and

10                        “(II) the activities leading to an  
11                        operating interim storage facility  
12                        under section 204 the next highest  
13                        priority.

14                        “(D) RULES.—The Secretary shall, by  
15                        rule, establish procedures necessary to imple-  
16                        ment this paragraph.

17                        “(3) ONE-TIME FEE.—The one-time fee col-  
18                        lected under contracts executed under section 302(a)  
19                        of the Nuclear Waste Policy Act of 1982 before the  
20                        date of enactment of this Act on spent nuclear fuel,  
21                        or high-level radioactive waste derived from spent  
22                        nuclear fuel, which fuel was used to generate elec-  
23                        tricity in a civilian nuclear power reactor before  
24                        April 7, 1983, shall be paid to the Treasury. The  
25                        Secretary shall collect all such fees before the expira-

1       tion of fiscal year 2002. The Commission shall sus-  
2       pend the license of any licensee who fails or refuses  
3       to pay the full amount of the fee referred to in this  
4       paragraph and the license shall remain suspended  
5       until the full amount of the fee referred to in this  
6       paragraph is paid. In paying such a fee, the person  
7       delivering such spent nuclear fuel or high-level radio-  
8       active wastes, to the Secretary shall have no further  
9       financial obligation under this paragraph to the Fed-  
10      eral Government for the long-term storage and per-  
11      manent disposal of such spent nuclear fuel or high-  
12      level radioactive waste.

13      “(b) ADVANCE CONTRACTING REQUIREMENT.—

14          “(1) IN GENERAL.—

15              “(A) LICENSE ISSUANCE AND RENEWAL.—

16              The Commission shall not issue or renew a li-  
17              cense to any person to use a utilization or pro-  
18              duction facility under the authority of section  
19              103 or 104 of the Atomic Energy Act of 1954  
20              (42 U.S.C. 2133, 2134) unless—

21                  “(i) such person has entered into a  
22                  contract under subsection (a) with the Sec-  
23                  retary; or

24                  “(ii) the Secretary affirms in writing  
25                  that such person is actively and in good

1           faith negotiating with the Secretary for a  
2           contract under subsection (a).

3           “(B) PRECONDITION.—The Commission,  
4           as it deems necessary or appropriate, may re-  
5           quire as a precondition to the issuance or re-  
6           newal of a license under section 103 or 104 of  
7           the Atomic Energy Act of 1954 (42 U.S.C.  
8           2133, 2134) that the applicant for such license  
9           shall have entered into an agreement with the  
10          Secretary for the disposal of spent nuclear fuel  
11          and high-level radioactive waste that may result  
12          from the use of such license.

13          “(2) DISPOSAL IN REPOSITORY.—Except as  
14          provided in paragraph (1), no spent nuclear fuel or  
15          high-level radioactive waste generated or owned by  
16          any person (other than a department of the United  
17          States referred to in section 101 or 102 of title 5,  
18          United States Code) may be disposed of by the Sec-  
19          retary in the repository unless the generator or  
20          owner of such spent fuel or waste has entered into  
21          a contract under subsection (a) with the Secretary  
22          by not later than the date on which such generator  
23          or owner commences generation of, or takes title to,  
24          such spent fuel or waste.

1           “(3) ASSIGNMENT.—The rights and duties of a  
2 party to a contract entered into under this section  
3 may be assignable with transfer of title to the spent  
4 nuclear fuel or high-level radioactive waste involved.

5           “(4) DISPOSAL CONDITION.—No spent nuclear  
6 fuel or high-level radioactive waste generated or  
7 owned by any department of the United States re-  
8 ferred to in section 101 or 102 of title 5, United  
9 States Code, may be stored or disposed of by the  
10 Secretary at the interim storage facility or repository  
11 in the integrated management system developed  
12 under this Act unless, in each fiscal year, such de-  
13 partment funds its appropriate portion of the costs  
14 of such storage and disposal as specified in section  
15 403.

16           “(c) NUCLEAR WASTE FUND.—

17           “(1) IN GENERAL.—The Nuclear Waste Fund  
18 established in the Treasury of the United States  
19 under section 302(c) of the Nuclear Waste Policy  
20 Act of 1982 shall continue in effect under this Act  
21 and shall consist of—

22           “(A) all receipts, proceeds, and recoveries  
23 realized by the Secretary before the date of en-  
24 actment of this Act;

1           “(B) any appropriations made by the Con-  
2           gress before the date of enactment of the Nu-  
3           clear Waste Policy Act of 1997 to the Nuclear  
4           Waste Fund; and

5           “(C) all interest paid on amounts invested  
6           by the Secretary of the Treasury under para-  
7           graph (3)(B).

8           “(2) USE.—The Nuclear Waste Fund shall be  
9           used only for purposes of the integrated manage-  
10          ment system.

11          “(3) ADMINISTRATION OF NUCLEAR WASTE  
12          FUND.—

13                 “(A) IN GENERAL.—The Secretary of the  
14                 Treasury shall hold the Nuclear Waste Fund  
15                 and, after consultation with the Secretary, an-  
16                 nually report to the Congress on the financial  
17                 condition and operations of the Nuclear Waste  
18                 Fund during the preceding fiscal year.

19                 “(B) AMOUNTS IN EXCESS OF CURRENT  
20                 NEEDS.—If the Secretary determines that the  
21                 Nuclear Waste Fund contains at any time  
22                 amounts in excess of current needs, the Sec-  
23                 retary may request the Secretary of the Treas-  
24                 ury to invest such amounts, or any portion of  
25                 such amounts as the Secretary determines to be

1           appropriate, in obligations of the United  
2           States—

3                   “(i) having maturities determined by  
4                   the Secretary of the Treasury to be appro-  
5                   priate to the needs of the Nuclear Waste  
6                   Fund; and

7                   “(ii) bearing interest at rates deter-  
8                   mined to be appropriate by the Secretary  
9                   of the Treasury, taking into consideration  
10                  the current average market yield on out-  
11                  standing marketable obligations of the  
12                  United States with remaining periods to  
13                  maturity comparable to the maturities of  
14                  such investments, except that the interest  
15                  rate on such investments shall not exceed  
16                  the average interest rate applicable to ex-  
17                  isting borrowings.

18                  “(C) EXEMPTION.—Receipts, proceeds,  
19                  and recoveries realized by the Secretary under  
20                  this section, and expenditures of amounts from  
21                  the Nuclear Waste Fund, shall be exempt from  
22                  annual apportionment under the provisions of  
23                  subchapter II of chapter 15 of title 31, United  
24                  States Code.

1       “(d) USE OF APPROPRIATED FUNDS.—During each  
2 fiscal year, the Secretary may make expenditures of funds  
3 collected after the date of enactment of this Act under  
4 this section and section 403, up to the level of appropria-  
5 tions for that fiscal year pursuant to subsection (f) only  
6 for purposes of the integrated management system.

7       “(e) PROHIBITION ON USE OF APPROPRIATIONS AND  
8 NUCLEAR WASTE FUND.—The Secretary shall not make  
9 expenditures of funds collected pursuant to this section or  
10 section 403 to design or construct systems and compo-  
11 nents for the transportation, storage, or disposal of spent  
12 nuclear fuel from civilian nuclear power reactors.

13       “(f) APPROPRIATIONS.—

14               “(1) BUDGET.—The Secretary shall submit the  
15 budget for implementation of the Secretary’s respon-  
16 sibilities under this Act to the Office of Management  
17 and Budget triennially along with the budget of the  
18 Department of Energy submitted at such time in ac-  
19 cordance with chapter 11 of title 31, United States  
20 Code. The budget shall consist of the estimates  
21 made by the Secretary of expenditures under this  
22 Act and other relevant financial matters for the suc-  
23 ceeding 3 fiscal years, and shall be included in the  
24 budget of the United States Government.



1 pervision of the Secretary. The Director of the Office shall  
2 be directly responsible to the Secretary.

3 “(c) AUDITS.—

4 “(1) STANDARD.—The Office of Civilian Radio-  
5 active Waste Management, its contractors, and sub-  
6 contractors at all tiers, shall conduct, or have con-  
7 ducted, audits and examinations of their operations  
8 in accordance with the usual and customary prac-  
9 tices of private corporations engaged in large nuclear  
10 construction projects consistent with its role in the  
11 program.

12 “(2) TIME.—The management practices and  
13 performances of the Office of Civilian Radioactive  
14 Waste Management shall be audited every 5 years  
15 by an independent management consulting firm with  
16 significant experience in similar audits of private  
17 corporations engaged in large nuclear construction  
18 projects. The first such audit shall be conducted 5  
19 years after the date of enactment of this Act.

20 “(3) COMPTROLLER GENERAL.—The Comptrol-  
21 ler General of the United States shall annually make  
22 an audit of the Office, in accordance with such regu-  
23 lations as the Comptroller General may prescribe.  
24 The Comptroller General shall have access to such  
25 books, records, accounts, and other materials of the

1 Office as the Comptroller General determines to be  
2 necessary for the preparation of such audit. The  
3 Comptroller General shall submit to the Congress a  
4 report on the results of each audit conducted under  
5 this section.

6 “(4) TIME.—No audit contemplated by this  
7 subsection shall take longer than 30 days to con-  
8 duct. An audit report shall be issued in final form  
9 no longer than 60 days after the audit is com-  
10 menced.

11 “(5) PUBLIC DOCUMENTS.—All audit reports  
12 shall be public documents and available to any indi-  
13 vidual upon request.

14 **“SEC. 403. DEFENSE CONTRIBUTION.**

15 “(a) ALLOCATION.—No later than one year from the  
16 date of enactment of this Act, acting pursuant to section  
17 553 of title 5, United States Code, the Secretary shall  
18 issue a final rule establishing the appropriate portion of  
19 the costs of managing spent nuclear fuel and high-level  
20 radioactive waste under this Act allocable to the interim  
21 storage or permanent disposal of spent nuclear fuel, high-  
22 level radioactive waste from atomic energy defense activi-  
23 ties, and spent nuclear fuel from foreign research reactors.  
24 The share of costs allocable to the management of spent  
25 nuclear fuel, high-level radioactive waste from atomic en-

1 ergy defense activities, and spent nuclear fuel from foreign  
2 research reactors shall include—

3           “(1) an appropriate portion of the costs associ-  
4           ated with research and development activities with  
5           respect to development of the interim storage facility  
6           and repository; and

7           “(2) interest on the principal amounts due cal-  
8           culated by reference to the appropriate Treasury bill  
9           rate as if the payments were made at a point in time  
10          consistent with the payment dates for spent nuclear  
11          fuel and high-level radioactive waste under the con-  
12          tracts.

13          “(b) APPROPRIATION REQUEST.—In addition to any  
14          request for an appropriation from the Nuclear Waste  
15          Fund, the Secretary shall request annual appropriations  
16          from general revenues in amounts sufficient to pay the  
17          costs of the management of spent nuclear fuel and high-  
18          level radioactive waste from atomic energy defense activi-  
19          ties as established under subsection (a).

20          “(c) REPORT.—In conjunction with the annual report  
21          submitted to Congress under section 702, the Secretary  
22          shall advise the Congress annually of the amount of spent  
23          nuclear fuel and high-level radioactive waste from atomic  
24          energy defense activities requiring management in the in-  
25          tegrated management system.

1       “(d) AUTHORIZATION.—There is authorized to be ap-  
2       propriated to the Secretary, from general revenues, for  
3       carrying out the purposes of this Act, such sums as may  
4       be necessary to pay the costs of the management of spent  
5       nuclear fuel and high-level radioactive waste from atomic  
6       energy defense activities as established under subsection  
7       (a).

8                   **“TITLE V—GENERAL AND**  
9                   **MISCELLANEOUS PROVISIONS**

10       **“SEC. 501. COMPLIANCE WITH OTHER LAWS.**

11       “‘If the requirements of any law are inconsistent with  
12       or duplicative of the requirements of the Atomic Energy  
13       Act and this Act of 1954 (42 U.S.C. 2011 et seq.), the  
14       Secretary shall comply only with the requirements of the  
15       Atomic Energy Act of 1954 and this Act in implementing  
16       the integrated management system. Any requirement of  
17       a State or political subdivision of a State is preempted  
18       if—

19                   “(1) complying with such requirement and a re-  
20       quirement of this Act is impossible; or

21                   “(2) such requirement, as applied or enforced,  
22       is an obstacle to accomplishing or carrying out this  
23       Act or a regulation under this Act.

1 **“SEC. 502. WATER RIGHTS.**

2 “(a) NO FEDERAL RESERVATION.—Nothing in this  
3 Act or any other Act of Congress shall constitute or be  
4 construed to constitute either an express or implied Fed-  
5 eral reservation of water or water rights for any purpose  
6 arising under this Act.

7 “(b) ACQUISITION AND EXERCISE OF WATER  
8 RIGHTS UNDER NEVADA LAW.—The United States may  
9 acquire and exercise such water rights as it deems nec-  
10 essary to carry out its responsibilities under this Act pur-  
11 suant to the substantive and procedural requirements of  
12 the State of Nevada. Nothing in this Act shall be con-  
13 strued to authorize the use of eminent domain by the  
14 United States to acquire water rights for such lands.

15 “(c) EXERCISE OF WATER RIGHTS GENERALLY  
16 UNDER NEVADA LAWS.—Nothing in this Act shall be con-  
17 strued to limit the exercise of water rights as provided  
18 under Nevada State laws.

19 **“SEC. 503. JUDICIAL REVIEW OF AGENCY ACTIONS.**

20 “(a) JURISDICTION OF UNITED STATES COURTS OF  
21 APPEALS.—

22 “(1) ORIGINAL AND EXCLUSIVE JURISDIC-  
23 TION.—Except for review in the Supreme Court of  
24 the United States, and except as otherwise provided  
25 in this Act, the United States courts of appeals shall

1 have original and exclusive jurisdiction over any civil  
2 action—

3 “(A) for review of any final decision or ac-  
4 tion of the Secretary, the President, or the  
5 Commission under this Act;

6 “(B) alleging the failure of the Secretary,  
7 the President, or the Commission to make any  
8 decision, or take any action, required under this  
9 Act;

10 “(C) challenging the constitutionality of  
11 any decision made, or action taken, under any  
12 provision of this Act; or

13 “(D) for review of any environmental im-  
14 pact statement prepared or environmental as-  
15 sessment made pursuant to the National Envi-  
16 ronmental Policy Act of 1969 (42 U.S.C. 4321  
17 et seq.) with respect to any action under this  
18 Act or alleging a failure to prepare such state-  
19 ment with respect to any such action.

20 “(2) VENUE.—The venue of any proceeding  
21 under this section shall be in the judicial circuit in  
22 which the petitioner involved resides or has its prin-  
23 cipal office, or in the United States Court of Appeals  
24 for the District of Columbia.

1       “(b) DEADLINE FOR COMMENCING ACTION.—A civil  
2 action for judicial review described under subsection (a)(1)  
3 may be brought no later than 180 days after the date of  
4 the decision or action or failure to act involved, as the  
5 case may be, except that if a party shows that the party  
6 did not know of the decision or action complained of or  
7 of the failure to act, and that a reasonable person acting  
8 under the circumstances would not have known of such  
9 decision, action, or failure to act, such party may bring  
10 a civil action no later than 180 days after the date such  
11 party acquired actual or constructive knowledge of such  
12 decision, action, or failure to act.

13       “(c) APPLICATION OF OTHER LAW.—The provisions  
14 of this section relating to any matter shall apply in lieu  
15 of the provisions of any other Act relating to the same  
16 matter.

17 **“SEC. 504. LICENSING OF FACILITY EXPANSIONS AND**  
18 **TRANSSHIPMENTS.**

19       “(a) ORAL ARGUMENT.—In any Commission hearing  
20 under section 189 of the Atomic Energy Act of 1954 (42  
21 U.S.C. 2239) on an application for a license, or for an  
22 amendment to an existing license, filed after January 7,  
23 1983, to expand the spent nuclear fuel storage capacity  
24 at the site of a civilian nuclear power reactor, through the  
25 use of high-density fuel storage racks, fuel rod compac-

1 tion, the transshipment of spent nuclear fuel to another  
2 civilian nuclear power reactor within the same utility sys-  
3 tem, the construction of additional spent nuclear fuel pool  
4 capacity or dry storage capacity, or by other means, the  
5 Commission shall, at the request of any party, provide an  
6 opportunity for oral argument with respect to any matter  
7 which the Commission determines to be in controversy  
8 among the parties. The oral argument shall be preceded  
9 by such discovery procedures as the rules of the Commis-  
10 sion shall provide. The Commission shall require each  
11 party, including the Commission staff, to submit in writ-  
12 ten form, at the time of the oral argument, a summary  
13 of the facts, data, and arguments upon which such party  
14 proposes to rely that are known at such time to such  
15 party. Only facts and data in the form of sworn testimony  
16 or written submission may be relied upon by the parties  
17 during oral argument. Of the materials that may be sub-  
18 mitted by the parties during oral argument, the Commis-  
19 sion shall only consider those facts and data that are sub-  
20 mitted in the form of sworn testimony or written submis-  
21 sion.

22 “(b) ADJUDICATORY HEARING.—

23 “(1) DESIGNATION.—At the conclusion of any  
24 oral argument under subsection (a), the Commission  
25 shall designate any disputed question of fact, to-

1       together with any remaining questions of law, for reso-  
2       lution in an adjudicatory hearing only if it deter-  
3       mines that—

4               “(A) there is a genuine and substantial  
5       dispute of fact which can only be resolved with  
6       sufficient accuracy by the introduction of evi-  
7       dence in an adjudicatory hearing; and

8               “(B) the decision of the Commission is  
9       likely to depend in whole or in part on the reso-  
10      lution of such dispute.

11       “(2) DETERMINATION.—In making a deter-  
12      mination under this subsection, the Commission—

13              “(A) shall designate in writing the specific  
14      facts that are in genuine and substantial dis-  
15      pute, the reason why the decision of the agency  
16      is likely to depend on the resolution of such  
17      facts, and the reason why an adjudicatory hear-  
18      ing is likely to resolve the dispute; and

19              “(B) shall not consider—

20              “(i) any issue relating to the design,  
21      construction, or operation of any civilian  
22      nuclear power reactor already licensed to  
23      operate at such site, or any civilian nuclear  
24      power reactor to which a construction per-  
25      mit has been granted at such site, unless

1 the Commission determines that any such  
2 issue substantially affects the design, con-  
3 struction, or operation of the facility or ac-  
4 tivity for which such license application,  
5 authorization, or amendment is being con-  
6 sidered; or

7 “(ii) any siting or design issue fully  
8 considered and decided by the Commission  
9 in connection with the issuance of a con-  
10 struction permit or operating license for a  
11 civilian nuclear power reactor at such site,  
12 unless—

13 “(I) such issue results from any  
14 revision of siting or design criteria by  
15 the Commission following such deci-  
16 sion; and

17 “(II) the Commission determines  
18 that such issue substantially affects  
19 the design, construction, or operation  
20 of the facility or activity for which  
21 such license application, authorization,  
22 or amendment is being considered.

23 “(3) APPLICATION.—The provisions of para-  
24 graph (2)(B) shall apply only with respect to li-  
25 censes, authorizations, or amendments to licenses or

1 authorizations, applied for under the Atomic Energy  
2 Act of 1954 (42 U.S.C. 2011 et seq.) before Decem-  
3 ber 31, 2005.

4 “(4) CONSTRUCTION.—The provisions of this  
5 section shall not apply to the first application for a  
6 license or license amendment received by the Com-  
7 mission to expand onsite spent fuel storage capacity  
8 by the use of a new technology not previously ap-  
9 proved for use at any nuclear power plant by the  
10 Commission.

11 “(c) JUDICIAL REVIEW.—No court shall hold unlaw-  
12 ful or set aside a decision of the Commission in any pro-  
13 ceeding described in subsection (a) because of a failure  
14 by the Commission to use a particular procedure pursuant  
15 to this section unless—

16 “(1) an objection to the procedure used was  
17 presented to the Commission in a timely fashion or  
18 there are extraordinary circumstances that excuse  
19 the failure to present a timely objection; and

20 “(2) the court finds that such failure has pre-  
21 cluded a fair consideration and informed resolution  
22 of a significant issue of the proceeding taken as a  
23 whole.

1 **“SEC. 505. SITING A SECOND REPOSITORY.**

2 “(a) CONGRESSIONAL ACTION REQUIRED.—The Sec-  
3 retary may not conduct site-specific activities with respect  
4 to a second repository unless Congress has specifically au-  
5 thorized and appropriated funds for such activities.

6 “(b) REPORT.—The Secretary shall report to the  
7 President and to Congress on or after January 1, 2007,  
8 but not later than January 1, 2010, on the need for a  
9 second repository.

10 **“SEC. 506. FINANCIAL ARRANGEMENTS FOR LOW-LEVEL**  
11 **RADIOACTIVE WASTE SITE CLOSURE.**

12 “(a) FINANCIAL ARRANGEMENTS.—

13 “(1) STANDARDS AND INSTRUCTIONS.—The  
14 Commission shall establish by rule, regulation, or  
15 order, after public notice, and in accordance with  
16 section 181 of the Atomic Energy Act of 1954 (42  
17 U.S.C. 2231), such standards and instructions as  
18 the Commission may deem necessary or desirable to  
19 ensure in the case of each license for the disposal of  
20 low-level radioactive waste that an adequate bond,  
21 surety, or other financial arrangement (as deter-  
22 mined by the Commission) will be provided by a li-  
23 censee to permit completion of all requirements es-  
24 tablished by the Commission for the decontamina-  
25 tion, decommissioning, site closure, and reclamation  
26 of sites, structures, and equipment used in conjunc-

1       tion with such low-level radioactive waste. Such fi-  
2       nancial arrangements shall be provided and ap-  
3       proved by the Commission, or, in the case of sites  
4       within the boundaries of any agreement State under  
5       section 274 of the Atomic Energy Act of 1954 (42  
6       U.S.C. 2021), by the appropriate State or State en-  
7       tity, prior to issuance of licenses for low-level radio-  
8       active waste disposal or, in the case of licenses in ef-  
9       fect on January 7, 1983, prior to termination of  
10      such licenses.

11           “(2) BONDING, SURETY, OR OTHER FINANCIAL  
12      ARRANGEMENTS.—If the Commission determines  
13      that any long-term maintenance or monitoring, or  
14      both, will be necessary at a site described in para-  
15      graph (1), the Commission shall ensure before termi-  
16      nation of the license involved that the licensee has  
17      made available such bonding, surety, or other finan-  
18      cial arrangements as may be necessary to ensure  
19      that any necessary long-term maintenance or mon-  
20      itoring needed for such site will be carried out by  
21      the person having title and custody for such site fol-  
22      lowing license termination.

23           “(b) TITLE AND CUSTODY.—

24           “(1) AUTHORITY OF SECRETARY.—The Sec-  
25      retary shall have authority to assume title and cus-

1       tody of low-level radioactive waste and the land on  
2       which such waste is disposed of, upon request of the  
3       owner of such waste and land and following termi-  
4       nation of the license issued by the Commission for  
5       such disposal, if the Commission determines that—

6               “(A) the requirements of the Commission  
7               for site closure, decommissioning, and decon-  
8               tamination have been met by the licensee in-  
9               volved and that such licensee is in compliance  
10              with the provisions of subsection (a);

11              “(B) such title and custody will be trans-  
12              ferred to the Secretary without cost to the Fed-  
13              eral Government; and

14              “(C) Federal ownership and management  
15              of such site is necessary or desirable in order to  
16              protect the public health and safety, and the  
17              environment.

18              “(2) PROTECTION.—If the Secretary assumes  
19              title and custody of any such waste and land under  
20              this subsection, the Secretary shall maintain such  
21              waste and land in a manner that will protect the  
22              public health and safety, and the environment.

23              “(c) SPECIAL SITES.—If the low-level radioactive  
24              waste involved is the result of a licensed activity to recover  
25              zirconium, hafnium, and rare earths from source material,

1 the Secretary, upon request of the owner of the site in-  
2 volved, shall assume title and custody of such waste and  
3 the land on which it is disposed when such site has been  
4 decontaminated and stabilized in accordance with the re-  
5 quirements established by the Commission and when such  
6 owner has made adequate financial arrangements ap-  
7 proved by the Commission for the long-term maintenance  
8 and monitoring of such site.

9 **“SEC. 507. NUCLEAR REGULATORY COMMISSION TRAINING**  
10 **AUTHORIZATION.**

11 “The Commission is authorized and directed to pro-  
12 mulgate regulations, or other appropriate regulatory guid-  
13 ance, for the training and qualifications of civilian nuclear  
14 powerplant operators, supervisors, technicians, and other  
15 appropriate operating personnel. Such regulations or guid-  
16 ance shall establish simulator training requirements for  
17 applicants for civilian nuclear powerplant operator licenses  
18 and for operator requalification programs; requirements  
19 governing Commission administration of requalification  
20 examinations; requirements for operating tests at civilian  
21 nuclear powerplant simulators, and instructional require-  
22 ments for civilian nuclear powerplant licensee personnel  
23 training programs.

1 **“SEC. 508. ACCEPTANCE SCHEDULE.**

2 “The acceptance schedule shall be implemented in ac-  
3 cordance with the following:

4 “(1) Acceptance priority ranking shall be deter-  
5 mined by the Department’s annual ‘Acceptance Pri-  
6 ority Ranking’ report.

7 “(2) The Secretary’s spent fuel acceptance rate  
8 shall be no less than the following: 1,200 MTU in  
9 2000 and 1,200 MTU in 2001, 2,000 MTU in 2002  
10 and 2,000 MTU in 2003, 2,700 MTU in 2004, and  
11 3,000 MTU thereafter.

12 “(3) If the Secretary is unable to begin accept-  
13 ance by January 31, 2000 at the rates specified in  
14 paragraph (2), or if the cumulative amount accepted  
15 in any year thereafter is less than that which would  
16 have been accepted under the acceptance rate speci-  
17 fied in paragraph (2), the acceptance schedule shall  
18 be adjusted upward such that within 5 years of the  
19 start of acceptance by the Secretary—

20 “(A) the total quantity accepted by the  
21 Secretary is consistent with the total quantity  
22 that the Secretary would have accepted if the  
23 Secretary had began acceptance in 1998, and

24 “(B) thereafter the acceptance rate is  
25 equivalent to the rate that would be in place

1           pursuant to paragraph (2) above if the Sec-  
2           retary had commenced acceptance in 1998.

3           “(4) The acceptance schedule shall not be af-  
4           fected or modified in any way as a result of the Sec-  
5           retary’s acceptance of any material other than con-  
6           tract holders’ spent nuclear fuel and high-level radio-  
7           active waste.

8   **“SEC. 509. SUBSEABED OR OCEAN WATER DISPOSAL.**

9           “Notwithstanding any other provision of law—

10           “(1) the subseabed or ocean water disposal of  
11           spent nuclear fuel or high-level radioactive waste is  
12           prohibited; and

13           “(2) no funds shall be obligated for any activity  
14           relating to the subseabed or ocean water disposal of  
15           spent nuclear fuel or high-level radioactive waste.

16   **“TITLE VI—NUCLEAR WASTE**  
17   **TECHNICAL REVIEW BOARD**

18   **“SEC. 601. DEFINITIONS.**

19           “For purposes of this title—

20           “(1) CHAIRMAN.—The term ‘Chairman’ means  
21           the Chairman of the Nuclear Waste Technical Re-  
22           view Board.

23           “(2) BOARD.—The term ‘Board’ means the Nu-  
24           clear Waste Technical Review Board continued  
25           under section 602.

1 **“SEC. 602. NUCLEAR WASTE TECHNICAL REVIEW BOARD.**

2       “(a) CONTINUATION OF NUCLEAR WASTE TECH-  
3 NICAL REVIEW BOARD.—The Nuclear Waste Technical  
4 Review Board, established under section 502(a) of the Nu-  
5 clear Waste Policy Act of 1982 as constituted prior to the  
6 date of enactment of this Act, shall continue in effect sub-  
7 sequent to the date of enactment of this Act.

8       “(b) MEMBERS.—

9           “(1) NUMBER.—The Board shall consist of 11  
10 members who shall be appointed by the President  
11 not later than 90 days after December 22, 1987,  
12 from among persons nominated by the National  
13 Academy of Sciences in accordance with paragraph  
14 (3).

15           “(2) CHAIR.—The President shall designate a  
16 member of the Board to serve as Chairman.

17           “(3) NATIONAL ACADEMY OF SCIENCES.—

18           “(A) NOMINATIONS.—The National Acad-  
19 emy of Sciences shall, not later than 90 days  
20 after December 22, 1987, nominate not less  
21 than 22 persons for appointment to the Board  
22 from among persons who meet the qualifica-  
23 tions described in subparagraph (C).

24           “(B) VACANCIES.—The National Academy  
25 of Sciences shall nominate not less than 2 per-  
26 sons to fill any vacancy on the Board from

1 among persons who meet the qualifications de-  
2 scribed in subparagraph (C).

3 “(C) NOMINEES.—

4 (i) Each person nominated for ap-  
5 pointment to the Board shall be—

6 “(I) eminent in a field of science  
7 or engineering, including environ-  
8 mental sciences; and

9 “(II) selected solely on the basis  
10 of established records of distinguished  
11 service.

12 “(ii) The membership of the Board  
13 shall be representatives of the broad range  
14 of scientific and engineering disciplines re-  
15 lated to activities under this title.

16 “(iii) No person shall be nominated  
17 for appointment to the Board who is an  
18 employee of—

19 “(I) the Department of Energy;

20 “(II) a national laboratory under  
21 contract with the Department of En-  
22 ergy; or

23 “(III) an entity performing spent  
24 nuclear fuel or high-level radioactive

1 waste activities under contract with  
2 the Department of Energy.

3 “(4) VACANCIES.—Any vacancy on the Board  
4 shall be filled by the nomination and appointment  
5 process described in paragraphs (1) and (3).

6 “(5) TERMS.—Members of the Board shall be  
7 appointed for terms of 4 years, each such term to  
8 commence 120 days after December 22, 1987, ex-  
9 cept that of the 11 members first appointed to the  
10 Board, 5 shall serve for 2 years and 6 shall serve  
11 for 4 years, to be designated by the President at the  
12 time of appointment.

13 **“SEC. 603. FUNCTIONS.**

14 “The Board shall evaluate the technical and scientific  
15 validity of activities undertaken by the Secretary after De-  
16 cember 22, 1987, including—

17 “(1) site characterization activities; and

18 “(2) activities relating to the packaging or  
19 transportation of spent nuclear fuel or high-level ra-  
20 dioactive waste.

21 **“SEC. 604. INVESTIGATORY POWERS.**

22 “(a) HEARINGS.—Upon request of the Chairman or  
23 a majority of the members of the Board, the Board may  
24 hold such hearings, sit and act at such times and places,  
25 take such testimony, and receive such evidence, as the

1 Board considers appropriate. Any member of the Board  
2 may administer oaths or affirmations to witnesses appear-  
3 ing before the Board.

4 “(b) PRODUCTION OF DOCUMENTS.—

5 “(1) RESPONSE TO INQUIRIES.—Upon the re-  
6 quest of the Chairman or a majority of the members  
7 of the Board, and subject to existing law, the Sec-  
8 retary (or any contractor of the Secretary) shall pro-  
9 vide the Board with such records, files, papers, data,  
10 or information as may be necessary to respond to  
11 any inquiry of the Board under this title.

12 “(2) EXTENT.—Subject to existing law, infor-  
13 mation obtainable under paragraph (1) shall not be  
14 limited to final work products of the Secretary, but  
15 shall include drafts of such products and documenta-  
16 tion of work in progress.

17 **“SEC. 605. COMPENSATION OF MEMBERS.**

18 “(a) IN GENERAL.—Each member of the Board shall  
19 be paid at the rate of pay payable for level III of the Exec-  
20 utive Schedule for each day (including travel time) such  
21 member is engaged in the work of the Board.

22 “(b) TRAVEL EXPENSES.—Each member of the  
23 Board may receive travel expenses, including per diem in  
24 lieu of subsistence, in the same manner as is permitted

1 under sections 5702 and 5703 of title 5, United States  
2 Code.

3 **“SEC. 606. STAFF.**

4 “(a) CLERICAL STAFF.—

5 “(1) AUTHORITY OF CHAIRMAN.—Subject to  
6 paragraph (2), the Chairman may appoint and fix  
7 the compensation of such clerical staff as may be  
8 necessary to discharge the responsibilities of the  
9 Board.

10 “(2) PROVISIONS OF TITLE 5.—Clerical staff  
11 shall be appointed subject to the provisions of title  
12 5, United States Code, governing appointments in  
13 the competitive service, and shall be paid in accord-  
14 ance with the provisions of chapter 51 and sub-  
15 chapter III of chapter 3 of such title relating to clas-  
16 sification and General Schedule pay rates.

17 “(b) PROFESSIONAL STAFF.—

18 “(1) AUTHORITY OF CHAIRMAN.—Subject to  
19 paragraphs (2) and (3), the Chairman may appoint  
20 and fix the compensation of such professional staff  
21 as may be necessary to discharge the responsibilities  
22 of the Board.

23 “(2) NUMBER.—Not more than 10 professional  
24 staff members may be appointed under this sub-  
25 section.

1           “(3) TITLE 5.—Professional staff members may  
2           be appointed without regard to the provisions of title  
3           5, United States Code, governing appointments in  
4           the competitive service, and may be paid without re-  
5           gard to the provisions of chapter 51 and subchapter  
6           III of chapter 53 of such title relating to classifica-  
7           tion and General Schedule pay rates, except that no  
8           individual so appointed may receive pay in excess of  
9           the annual rate of basic pay payable for GS–18 of  
10          the General Schedule.

11   **“SEC. 607. SUPPORT SERVICES.**

12          “(a) GENERAL SERVICES.—To the extent permitted  
13       by law and requested by the Chairman, the Administrator  
14       of General Services shall provide the Board with necessary  
15       administrative services, facilities, and support on a reim-  
16       bursable basis.

17          “(b) ACCOUNTING, RESEARCH, AND TECHNOLOGY  
18       ASSESSMENT SERVICES.—The Comptroller General, the  
19       Librarian of Congress, and the Director of the Office of  
20       Technology Assessment shall, to the extent permitted by  
21       law and subject to the availability of funds, provide the  
22       Board with such facilities, support, funds and services, in-  
23       cluding staff, as may be necessary for the effective per-  
24       formance of the functions of the Board.

1       “(c) **ADDITIONAL SUPPORT.**—Upon the request of  
2 the Chairman, the Board may secure directly from the  
3 head of any department or agency of the United States  
4 information necessary to enable it to carry out this title.

5       “(d) **MAILS.**—The Board may use the United States  
6 mails in the same manner and under the same conditions  
7 as other departments and agencies of the United States.

8       “(e) **EXPERTS AND CONSULTANTS.**—Subject to such  
9 rules as may be prescribed by the Board, the Chairman  
10 may procure temporary and intermittent services under  
11 section 3109(b) of title 5 of the United States Code, but  
12 at rates for individuals not to exceed the daily equivalent  
13 of the maximum annual rate of basic pay payable for GS–  
14 18 of the General Schedule.

15 **“SEC. 608. REPORT.**

16       “The Board shall report not less than 2 times per  
17 year to Congress and the Secretary its findings, conclu-  
18 sions, and recommendations.

19 **“SEC. 609. AUTHORIZATION OF APPROPRIATIONS.**

20       “There are authorized to be appropriated for expendi-  
21 tures such sums as may be necessary to carry out the pro-  
22 visions of this title.

23 **“SEC. 610. TERMINATION OF THE BOARD.**

24       “The Board shall cease to exist not later than one  
25 year after the date on which the Secretary begins disposal

1 of spent nuclear fuel or high-level radioactive waste in the  
2 repository.

3           **“TITLE VII—MANAGEMENT**  
4                           **REFORM**

5           **“SEC. 701. MANAGEMENT REFORM INITIATIVES.**

6           “(a) IN GENERAL.—The Secretary is directed to take  
7 actions as necessary to improve the management of the  
8 civilian radioactive waste management program to ensure  
9 that the program is operated, to the maximum extent  
10 practicable, in like manner as a private business.

11          “(b) SITE CHARACTERIZATION.—The Secretary shall  
12 employ, on an on-going basis, integrated performance  
13 modeling to identify appropriate parameters for the re-  
14 maining site characterization effort and to eliminate stud-  
15 ies of parameters that are shown not to affect long-term  
16 repository performance.

17           **“SEC. 702. REPORTING.**

18          “(a) INITIAL REPORT.—Within 180 days of the date  
19 of enactment of this Act, the Secretary shall report to  
20 Congress on its planned actions for implementing the pro-  
21 visions of this Act, including the development of the Inte-  
22 grated Waste Management System. Such report shall in-  
23 clude—

24                   “(1) an analysis of the Secretary’s progress in  
25           meeting its statutory and contractual obligation to

1 accept title to, possession of, and delivery of spent  
2 nuclear fuel and high-level radioactive waste begin-  
3 ning no later than January 31, 2000, and in accord-  
4 ance with the acceptance schedule;

5 “(2) a detailed schedule and timeline showing  
6 each action that the Secretary intends to take to  
7 meet the Secretary’s obligations under this Act and  
8 the contracts;

9 “(3) a detailed description of the Secretary’s  
10 contingency plans in the event that the Secretary is  
11 unable to meet the planned schedule and timeline;  
12 and

13 “(4) an analysis by the Secretary of its funding  
14 needs for fiscal years 1996 through 2001.

15 “(b) ANNUAL REPORTS.—On each anniversary of the  
16 submittal of the report required by subsection (a), the Sec-  
17 retary shall make annual reports to the Congress for the  
18 purpose of updating the information contained in such re-  
19 port. The annual reports shall be brief and shall notify  
20 the Congress of—

21 “(1) any modifications to the Secretary’s sched-  
22 ule and timeline for meeting its obligations under  
23 this Act;

1           “(2) the reasons for such modifications, and the  
2           status of the implementation of any of the Sec-  
3           retary’s contingency plans; and

4           “(3) the Secretary’s analysis of its funding  
5           needs for the ensuing 5 fiscal years.”.

6 **SEC. 2. CONTINUATION OF CONTRACTS.**

7           Subsequent to the date of enactment of this Act, the  
8           contracts executed under section 302(a) of the Nuclear  
9           Waste Policy Act of 1982 shall continue in effect under  
10          this Act in accordance with their terms except to the ex-  
11          tent that the contracts have been modified by the parties  
12          to the contract.

○