

110TH CONGRESS  
1ST SESSION

# S. 37

To enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to assure protection of public health and safety, to ensure the territorial integrity and security of the repository at Yucca Mountain, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 23, 2007

Mr. DOMENICI (for himself, Mr. CRAIG, Mr. BURR, Mr. CRAPO, Mr. DEMINT, Mr. GRAHAM, Mr. HAGEL, Mr. THOMAS, Ms. MURKOWSKI, Mr. BUNNING, and Mr. MARTINEZ) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to assure protection of public health and safety, to ensure the territorial integrity and security of the repository at Yucca Mountain, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nuclear Waste Access  
5 to Yucca Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) DISPOSAL.—The term “disposal” has the  
4 meaning given the term in section 2 of the Nuclear  
5 Waste Policy Act of 1982 (42 U.S.C. 10101).

6 (2) HIGH-LEVEL RADIOACTIVE WASTE.—The  
7 term “high-level radioactive waste” has the meaning  
8 given the term in section 2 of the Nuclear Waste  
9 Policy Act of 1982 (42 U.S.C. 10101).

10 (3) PROJECT.—The term “Project” means the  
11 Yucca Mountain Project.

12 (4) REPOSITORY.—The term “repository” has  
13 the meaning given the term in section 2 of the Nu-  
14 clear Waste Policy Act of 1982 (42 U.S.C. 10101).

15 (5) SECRETARY.—The term “Secretary” means  
16 the Secretary of Energy.

17 (6) SPENT NUCLEAR FUEL.—The term “spent  
18 nuclear fuel” has the meaning given the term in sec-  
19 tion 2 of the Nuclear Waste Policy Act of 1982 (42  
20 U.S.C. 10101).

21 (7) YUCCA MOUNTAIN SITE.—The term “Yucca  
22 Mountain site” has the meaning given the term in  
23 section 2 of the Nuclear Waste Policy Act of 1982  
24 (42 U.S.C. 10101).

1 **SEC. 3. WITHDRAWAL OF LAND.**

2 (a) LAND WITHDRAWAL; JURISDICTION; RESERVA-  
3 TION; ACQUISITION.—

4 (1) LAND WITHDRAWAL.—Subject to valid ex-  
5 isting rights, and except as otherwise provided in  
6 this Act, the land described in subsection (b) is with-  
7 drawn permanently from any form of entry, appro-  
8 priation, or disposal under the public land laws, in-  
9 cluding, without limitation—

10 (A) the mineral leasing laws;

11 (B) the geothermal leasing laws;

12 (C) materials sales laws; and

13 (D) the mining laws.

14 (2) JURISDICTION.—As of the date of enact-  
15 ment of this Act, any land described in subsection  
16 (b) that is under the jurisdiction of the Secretary of  
17 the Air Force or the Secretary of the Interior shall  
18 be—

19 (A) transferred to the Secretary; and

20 (B) under the jurisdiction of the Secretary.

21 (3) RESERVATION.—The land described in sub-  
22 section (b) is reserved for use by the Secretary for  
23 activities associated with the disposal of high-level  
24 radioactive waste and spent nuclear fuel under the  
25 Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101  
26 et seq.), including—

- 1 (A) development;
- 2 (B) preconstruction testing and perform-
- 3 ance confirmation;
- 4 (C) licensing;
- 5 (D) construction;
- 6 (E) management and operation;
- 7 (F) monitoring;
- 8 (G) closure and post-closure; and
- 9 (H) other such activities associated with
- 10 the disposal of high-level radioactive waste and
- 11 spent nuclear fuel under the Nuclear Waste
- 12 Policy Act of 1982 (42 U.S.C. 10101 et seq.).

13 (b) LAND DESCRIPTION.—

14 (1) BOUNDARIES.—The land referred to in sub-

15 section (a) is the approximately 147,000 acres of

16 land located in Nye County, Nevada, as generally

17 depicted on the map relating to the Project, num-

18 bered YMP-03-024.2, entitled “Proposed Land

19 Withdrawal”, and dated July 21, 2005.

20 (2) LEGAL DESCRIPTION AND MAP.—

21 (A) IN GENERAL.—As soon as practicable

22 after the date of enactment of this Act, the Sec-

23 retary of the Interior shall—

1 (i) publish in the Federal Register a  
2 notice containing a legal description of the  
3 land described in this subsection; and

4 (ii) provide to Congress, the Governor  
5 of the State of Nevada, and the Archivist  
6 of the United States—

7 (I) a copy of the map referred to  
8 in paragraph (1); and

9 (II) the legal description of the  
10 land.

11 (B) TREATMENT.—

12 (i) IN GENERAL.—The map and legal  
13 description referred to in subparagraph  
14 (A) shall have the same force and effect as  
15 if the map and legal description were in-  
16 cluded in this Act.

17 (ii) TECHNICAL CORRECTIONS.—The  
18 Secretary of the Interior may correct any  
19 clerical or typographical error in the map  
20 and legal description referred to in sub-  
21 paragraph (A).

22 (c) REVOCATIONS.—

23 (1) PUBLIC LAND ORDER.—Public Land Order  
24 6802, dated September 25, 1990 (as extended by  
25 Public Land Order 7534), and any condition or

1 memorandum of understanding accompanying the  
2 land order (as so extended), is revoked.

3 (2) RIGHT OF WAY.—The rights-of-way reserva-  
4 tions relating to the Project, numbered N-48602  
5 and N-47748 and dated January 5, 2001, are re-  
6 voked.

7 (d) MANAGEMENT OF WITHDRAWN LAND.—

8 (1) IN GENERAL.—The Secretary, in consulta-  
9 tion with the Secretary of the Air Force and the  
10 Secretary of the Interior, as appropriate, shall man-  
11 age the land withdrawn under subsection (a)(1) in  
12 accordance with—

13 (A) the Federal Land Policy and Manage-  
14 ment Act of 1976 (43 U.S.C. 1701 et seq.);

15 (B) this Act; and

16 (C) other applicable laws.

17 (2) MANAGEMENT PLAN.—

18 (A) DEVELOPMENT.—Not later than 3  
19 years after the date of enactment of this Act,  
20 the Secretary, in consultation with the Sec-  
21 retary of the Air Force and the Secretary of the  
22 Interior, as appropriate, shall develop and sub-  
23 mit to Congress and the State of Nevada a  
24 management plan for the use of the land with-  
25 drawn under subsection (a)(1).

1 (B) PRIORITY.—Subject to subparagraphs  
2 (C), (D), and (E), use of the land withdrawn  
3 under subsection (a)(1) for an activity not re-  
4 lating to the Project shall be subject to such  
5 conditions and restrictions as the Secretary con-  
6 siders to be appropriate to facilitate activities  
7 relating to the Project.

8 (C) AIR FORCE USE.—The management  
9 plan may provide for the continued use by the  
10 Department of the Air Force of the portion of  
11 the land withdrawn under subsection (a)(1) lo-  
12 cated within the Nellis Air Force base test and  
13 training range under such terms and conditions  
14 as may be agreed to by the Secretary and the  
15 Secretary of the Air Force.

16 (D) NEVADA TEST SITE USE.—The man-  
17 agement plan may provide for the continued use  
18 by the National Nuclear Security Administra-  
19 tion of the portion of the land withdrawn under  
20 subsection (a)(1) located within the Nevada test  
21 site of the Administration under such condi-  
22 tions as the Secretary considers to be necessary  
23 to minimize any effect on activities relating to  
24 the Project or other activities of the Adminis-  
25 tration.

1 (E) OTHER USES.—

2 (i) IN GENERAL.—The management  
3 plan shall include provisions—

4 (I) relating to the maintenance of  
5 wildlife habitat on the land withdrawn  
6 under subsection (a)(1); and

7 (II) under which the Secretary  
8 may permit any use not relating to  
9 the Project, as the Secretary considers  
10 to be appropriate, in accordance with  
11 the requirements under clause (ii).

12 (ii) REQUIREMENTS.—

13 (I) GRAZING.—The Secretary  
14 may permit any grazing use to con-  
15 tinue on the land withdrawn under  
16 subsection (a)(1) if the grazing use  
17 was established before the date of en-  
18 actment of this Act, subject to such  
19 regulations, policies, and practices as  
20 the Secretary, in consultation with the  
21 Secretary of the Interior, determines  
22 to be appropriate, and in accordance  
23 with applicable grazing laws and poli-  
24 cies, including—

1 (aa) the Act of June 28,  
2 1934 (commonly known as the  
3 “Taylor Grazing Act”) (43  
4 U.S.C. 315 et seq.);

5 (bb) title IV of the Federal  
6 Land Policy Management Act of  
7 1976 (43 U.S.C. 1751 et seq.);  
8 and

9 (cc) the Public Rangelands  
10 Improvement Act of 1978 (43  
11 U.S.C. 1901 et seq.).

12 (II) HUNTING AND TRAPPING.—

13 The Secretary may permit any hunt-  
14 ing or trapping use to continue on the  
15 land withdrawn under subsection  
16 (a)(1) if the hunting or trapping use  
17 was established before the date of en-  
18 actment of this Act, at such time and  
19 in such zones as the Secretary, in con-  
20 sultation with the Secretary of the In-  
21 terior and the State of Nevada, may  
22 establish, taking into consideration  
23 public safety, national security, ad-  
24 ministration, and public use and en-  
25 joyment of the land.

1 (F) PUBLIC ACCESS.—

2 (i) IN GENERAL.—The management  
3 plan may provide for limited public access  
4 to the portion of the land withdrawn under  
5 subsection (a)(1) that was under the con-  
6 trol of the Bureau of Land Management  
7 on the day before the date of enactment of  
8 this Act.

9 (ii) SPECIFIC USES.—The manage-  
10 ment plan may permit public uses of the  
11 land relating to the Nye County Early  
12 Warning Drilling Program, utility cor-  
13 ridors, and other uses the Secretary, in  
14 consultation with the Secretary of the Inte-  
15 rior, considers to be consistent with the  
16 purposes of the withdrawal under sub-  
17 section (a)(1).

18 (3) MINING.—

19 (A) IN GENERAL.—Surface and subsurface  
20 mining and oil and gas production, including  
21 slant drilling from outside the boundaries of the  
22 land withdrawn under subsection (a)(1), shall  
23 be prohibited at any time on or under the land.

24 (B) EVALUATION OF CLAIMS.—The Sec-  
25 retary of the Interior shall evaluate and adju-

1           dicate the validity of any mining claim relating  
2           to any portion of the land withdrawn under  
3           subsection (a)(1) that was under the control of  
4           the Bureau of Land Management on the day  
5           before the date of enactment of this Act.

6           (C) COMPENSATION.—The Secretary shall  
7           provide just compensation for the acquisition of  
8           any valid property right relating to mining pur-  
9           suant to the withdrawal under subsection  
10          (a)(1).

11          (4) CLOSURES.—If the Secretary, in consulta-  
12          tion with the Secretary of the Air Force and the  
13          Secretary of the Interior, as appropriate, determines  
14          that the health and safety of the public or the na-  
15          tional defense and security require the closure of a  
16          road, trail, or other portion of the land withdrawn  
17          under subsection (a)(1) (including the airspace  
18          above the land), the Secretary—

19                  (A) may close the road, trail, or portion of  
20                  land (including airspace); and

21                  (B) shall provide to the public a notice of  
22                  the closure.

23          (5) IMPLEMENTATION.—The Secretary and the  
24          Secretary of the Air Force or the Secretary of the  
25          Interior, as appropriate, shall implement the man-

1       agement plan developed under paragraph (2) under  
2       such terms and conditions as may be agreed to by  
3       the Secretaries.

4       **SEC. 4. RECEIPT AND STORAGE FACILITIES.**

5       Section 114(b) of the Nuclear Waste Policy Act of  
6       1982 (42 U.S.C. 10134(b)) is amended—

7               (1) by striking “If the President” and inserting  
8       the following:

9               “(1) IN GENERAL.—If the President”; and

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

11              “(2) APPLICATION FOR RECEIPT AND STORAGE  
12       FACILITIES.—

13              “(A) IN GENERAL.—In conjunction with  
14       the submission of an application for a construc-  
15       tion authorization under this subsection, the  
16       Secretary shall apply to the Commission for a  
17       license in accordance with part 72 of title 10,  
18       Code of Federal Regulations (or a successor  
19       regulation), to construct and operate facilities  
20       to receive and store spent nuclear fuel and  
21       high-level radioactive waste at the Yucca Moun-  
22       tain site.

23              “(B) DEADLINE FOR FINAL DECISION BY  
24       COMMISSION.—The Commission shall issue a  
25       final decision approving or disapproving the

1 issuance of the license not later than 18 months  
2 after the date of submission of the application  
3 to the Commission.”.

4 **SEC. 5. REPEAL OF CAPACITY LIMITATION.**

5 Section 114(d) of the Nuclear Waste Policy Act of  
6 1982 (42 U.S.C. 10134(d)) is amended by striking the  
7 second and third sentences.

8 **SEC. 6. INFRASTRUCTURE ACTIVITIES.**

9 Section 114 of the Nuclear Waste Policy Act of 1982  
10 (42 U.S.C. 10134) is amended by adding at the end the  
11 following:

12 “(g) INFRASTRUCTURE ACTIVITIES.—

13 “(1) CONSTRUCTION OF CONNECTED FACILI-  
14 TIES.—At any time after the completion by the Sec-  
15 retary of a final environmental impact statement  
16 that evaluates the activities to be performed under  
17 this subsection, the Secretary may commence the  
18 following activities in connection with any activity or  
19 facility licensed or to be licensed by the Commission  
20 at the Yucca Mountain site:

21 “(A) Preparation of the site for construc-  
22 tion of the facility (including such activities as  
23 clearing, grading, and construction of tem-  
24 porary access roads and borrow areas).

1           “(B) Installation of temporary construc-  
2           tion support facilities (including such items as  
3           warehouse and shop facilities, utilities, concrete  
4           mixing plants, docking and unloading facilities,  
5           and construction support buildings).

6           “(C) Excavation for facility structures.

7           “(D) Construction of service facilities (in-  
8           cluding such facilities as roadways, paving, rail-  
9           road spurs, fencing, exterior utility and lighting  
10          systems, transmission lines, and sanitary sewer-  
11          age treatment facilities).

12          “(E) Construction of structures, systems,  
13          and components that do not prevent or mitigate  
14          the consequences of possible accidents that  
15          could cause undue risk to the health and safety  
16          of the public.

17          “(F) Installation of structural foundations  
18          (including any necessary subsurface prepara-  
19          tion) for structures, systems, and components  
20          that prevent or mitigate the consequences of  
21          possible accidents that could cause undue risk  
22          to the health and safety of the public.

23          “(2) AUTHORIZATION TO RECEIVE AND  
24          STORE.—

25          “(A) DEFINITIONS.—In this paragraph:

1           “(i) DEFENSE WASTE.—The term ‘de-  
2           fense waste’ means high-level radioactive  
3           waste, and spent nuclear fuel, that results  
4           from an atomic energy defense activity.

5           “(ii) LEGACY SPENT NUCLEAR  
6           FUEL.—The term ‘legacy spent nuclear  
7           fuel’ means spent nuclear fuel—

8                       “(I) that is subject to a contract  
9                       entered into pursuant to section 302;  
10                      and

11                     “(II) for which the Secretary de-  
12                     termines that there is not at the time  
13                     of the determination, and will not be  
14                     within a reasonable time after the de-  
15                     termination, sufficient domestic capac-  
16                     ity available to recycle the spent nu-  
17                     clear fuel.

18           “(B) AUTHORIZATION FOR DEFENSE  
19           WASTE.—At any time after the issuance of a li-  
20           cense for receipt and storage facilities under  
21           subsection (b)(2), the Secretary may transport  
22           defense waste to receipt and storage facilities at  
23           the Yucca Mountain site.

24           “(C) AUTHORIZATION FOR LEGACY SPENT  
25           NUCLEAR FUEL.—At any time after the

1 issuance of a construction authorization under  
 2 subsection (d) and the issuance of a license for  
 3 receipt and storage facilities under subsection  
 4 (b)(2), the Secretary may receive and store leg-  
 5 acy spent nuclear fuel and high-level radioactive  
 6 waste at the Yucca Mountain site.”.

7 **SEC. 7. RAIL LINE.**

8 (a) CONSTRUCTION OF RAIL LINE.—The Secretary  
 9 shall acquire rights-of-way within the corridor designated  
 10 in subsection (b) in accordance with this section, and shall  
 11 construct and operate, or cause to be constructed and op-  
 12 erated, a railroad and such facilities as are required to  
 13 transport spent nuclear fuel and high-level radioactive  
 14 waste from existing rail systems to the site of surface fa-  
 15 cilities within the geologic repository operations area for  
 16 the receipt, handling, packaging, and storage of spent nu-  
 17 clear fuel and high-level radioactive waste prior to em-  
 18 placement.

19 (b) ACQUISITION AND WITHDRAWAL OF LAND.—

20 (1) ROUTE DESIGNATION AND ACQUISITION.—

21 (A) RIGHTS-OF-WAY AND FACILITIES.—

22 The Secretary shall acquire such rights-of-way  
 23 and develop such facilities within the corridor  
 24 referred to as “X” on the map dated [\_\_\_\_\_]

1 and on file with the Secretary as are necessary  
2 to carry out subsection (a).

3 (B) RECOMMENDATIONS.—The Secretary  
4 shall consider specific alignment proposals for  
5 the route for the corridor made by the State of  
6 Nevada and the units of local government with-  
7 in whose jurisdiction the route is proposed to  
8 pass.

9 (C) NOTICE AND DESCRIPTION.—Not later  
10 than 180 days after the date of enactment of  
11 this section, the Secretary shall—

12 (i) publish in the Federal Register a  
13 notice containing a legal description of the  
14 corridor; and

15 (ii) file copies of the map referred to  
16 in paragraph (1) and the legal description  
17 of the corridor with—

18 (I) Congress;

19 (II) the Secretary of the Interior;

20 (III) the Governor of the State of  
21 Nevada;

22 (IV) the Board of County Com-  
23 missioners of Lincoln County, Ne-  
24 vada;

1 (V) the Board of County Com-  
2 missioners of Nye County, Nevada;  
3 and

4 (VI) the Archivist of the United  
5 States.

6 (D) ADMINISTRATION.—

7 (i) EFFECT.—The map and legal de-  
8 scription referred to in subparagraph (C)  
9 shall have the same force and effect as if  
10 the map and legal description were in-  
11 cluded in this Act.

12 (ii) CORRECTIONS.—The Secretary  
13 may correct clerical and typographical er-  
14 rors in the map and legal description and  
15 make minor adjustments in the boundaries  
16 of the corridor.

17 (2) WITHDRAWAL AND RESERVATION.—

18 (A) PUBLIC LAND.—Subject to valid exist-  
19 ing rights, the public land depicted on the map  
20 referred to in paragraph (1)(C) is withdrawn  
21 from all forms of entry, appropriation, and dis-  
22 posal under the public land laws, including the  
23 mineral leasing laws, the geothermal laws, the  
24 material sale laws, and the mining laws.

1 (B) ADMINISTRATIVE JURISDICTION.—Ad-  
2 ministrative jurisdiction over the land is trans-  
3 ferred from the Secretary of the Interior to the  
4 Secretary.

5 (C) RESERVATION.—The land is reserved  
6 for the use of the Secretary for the construction  
7 and operation of transportation facilities and  
8 associated activities under title I of the Nuclear  
9 Waste Policy Act of 1982 (42 U.S.C. 10121 et  
10 seq.)

11 (D) MEMORANDUM OF UNDER-  
12 STANDING.—The Secretary may also enter into  
13 a memorandum of understanding with the head  
14 of any other agency having administrative juris-  
15 diction over other Federal land used for pur-  
16 poses of the corridor referred to in paragraph  
17 (1)(A).

18 (e) ENVIRONMENTAL IMPACT.—

19 (1) IN GENERAL.—The Secretary shall comply  
20 with all applicable requirements under the National  
21 Environmental Policy Act of 1969 (42 U.S.C. 4321  
22 et seq.) with respect to activities carried out under  
23 this section.

24 (2) CONSIDERATION OF POTENTIAL IMPACTS.—  
25 To the extent a Federal agency is required to con-

1       sider the potential environmental impact of an activ-  
2       ity carried out under this section, the Federal agen-  
3       cy shall adopt, to the maximum extent practicable,  
4       an environmental impact statement prepared under  
5       this section.

6           (3) EFFECT OF ADOPTION OF STATEMENT.—  
7       The adoption by a Federal agency of an environ-  
8       mental impact statement under paragraph (2) shall  
9       be considered to satisfy the responsibilities of the  
10      Federal agency under the National Environmental  
11      Policy Act of 1969 (42 U.S.C. 4321 et seq.), and no  
12      further consideration under that Act shall be re-  
13      quired by the Federal agency.

14 **SEC. 8. NEW PLANT CONTRACTS.**

15      Section 302(a) of the Nuclear Waste Policy Act of  
16      1982 (42 U.S.C. 10222(a)) is amended by striking para-  
17      graph (5) and inserting the following:

18           “(5) REQUIRED PROVISIONS.—

19           “(A) IN GENERAL.—Except as provided in  
20           subparagraph (B), any contract entered into  
21           under this section shall provide that—

22           “(i) following issuance of a license to  
23           construct and operate facilities to receive  
24           and store spent nuclear fuel at the Yucca  
25           Mountain site, the Secretary shall take

1 title to the high-level radioactive waste or  
2 spent nuclear fuel involved as expeditiously  
3 as practicable upon the request of the gen-  
4 erator or owner of such waste or spent  
5 fuel; and

6 “(ii) in return for the payment of fees  
7 established by this section, the Secretary,  
8 beginning not later than January 31,  
9 1998, shall dispose of the high-level radio-  
10 active waste or spent nuclear fuel involved  
11 as provided in this subtitle.

12 “(B) EXCEPTION.—Notwithstanding sub-  
13 paragraph (A), with respect to a nuclear power  
14 facility for which a license application is filed  
15 with the Commission after January 1, 2008,  
16 under section 103 or 104 of the Atomic Energy  
17 Act of 1954 (42 U.S.C. 2133, 2134), a contract  
18 entered into under this section shall—

19 “(i) except as provided in clause (ii)  
20 and any terms and conditions relating to  
21 spent nuclear fuel generated before the  
22 date of enactment of the Nuclear Fuel  
23 Management and Disposal Act, be con-  
24 sistent with the terms and conditions of  
25 the contract entitled ‘Contract for Disposal

1 of Spent Nuclear Fuel and/or High-Level  
2 Radioactive Waste' that is included in sec-  
3 tion 961.11 of title 10 of the Code of Fed-  
4 eral Regulations (as in effect on the date  
5 of enactment of the Nuclear Fuel Manage-  
6 ment and Disposal Act);

7 “(ii) provide for the taking of title to,  
8 and removal of, high-level waste or spent  
9 nuclear fuel beginning not later than 30  
10 years after the date on which the nuclear  
11 power facility begins commercial oper-  
12 ations; and

13 “(iii) be entered into not later than 60  
14 days after the date on which the license  
15 application is docketed by the Commis-  
16 sion.”.

17 **SEC. 9. NUCLEAR WASTE FUND.**

18 (a) BUDGET ACT ALLOCATIONS.—Effective for fiscal  
19 year 2008 and each fiscal year thereafter, funds appro-  
20 priated from the Nuclear Waste Fund established under  
21 section 302 of the Nuclear Waste Policy Act of 1982 (42  
22 U.S.C. 10222) shall not be subject to—

23 (1) the allocations for discretionary spending  
24 under section 302(a) of the Congressional Budget  
25 Act of 1974 (2 U.S.C. 633(a)); or

1           (2) the suballocations of appropriations commit-  
2           tees under section 302(b) of that Act.

3           (b) FUND USES.—Section 302(d)(4) of the Nuclear  
4 Waste Policy Act of 1982 (42 U.S.C. 10222(d)(4)) is  
5 amended by striking “with” and all that follows through  
6 “storage site” and inserting “with surface facilities within  
7 the geologic repository operations area (including surface  
8 facilities for the receipt, handling, packaging, and storage  
9 of spent nuclear fuel and high-level radioactive waste prior  
10 to emplacement, or transportation to the repository of  
11 spent nuclear fuel or high-level radioactive waste to sur-  
12 face facilities for the receipt, handling, packaging, and  
13 storage of spent nuclear fuel and high-level radioactive  
14 waste prior to emplacement and the transportation, treat-  
15 ing, or packaging of spent nuclear fuel or high-level radio-  
16 active waste to be disposed of in the repository, to be  
17 stored in a monitored retrievable storage site),”.

18 **SEC. 10. WASTE CONFIDENCE.**

19           For purposes of a determination by the Nuclear Reg-  
20 ulatory Commission on whether to grant or amend any  
21 license to operate any civilian nuclear power reactor or  
22 high-level radioactive waste or spent fuel storage or treat-  
23 ment facility under the Atomic Energy Act of 1954 (42  
24 U.S.C. 2011 et seq.), the provisions of this Act (including  
25 the amendments made by this Act) and the obligation of

1 the Secretary to develop a repository in accordance with  
2 the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101  
3 et seq.), shall provide sufficient and independent grounds  
4 for any further findings by the Nuclear Regulatory Com-  
5 mission of reasonable assurances that spent nuclear fuel  
6 and high-level radioactive waste would be disposed of safe-  
7 ly and in a timely manner.

○