

that is after the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

## AMENDMENT No. 4609

On page 27, line 8, strike "by January 31, 1999" and insert "by the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

## AMENDMENT No. 4610

Beginning on page 27, strike line 12 and all that follows through page 29, line 20, and insert the following: "radioactive waste by the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated."

"(2) Immediately on designation of an interim storage facility site by the President under paragraph (1), the Secretary shall proceed".

## AMENDMENT No. 4611

On page 30, line 6, strike "no later than November 30, 1999" and insert "not later than the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

## AMENDMENT No. 4612

On page 31, lines 4 and 5, strike "no later than November 30, 1999" and insert "not later than the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

## AMENDMENT No. 4613

On page 31, lines 6 through 8, strike "No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996" and insert "Not later than the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

## AMENDMENT No. 4614

On page 31, lines 23 through 25, strike "No later than 30 months after the date of enactment of the Nuclear Waste Policy Act of 1996" and insert "Not later than 36 months after the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

## AMENDMENT No. 4615

On page 32, line 15, strike "The license" and all that follows through the period on line 18.

## AMENDMENT No. 4616

On page 32, lines 23 and 24, strike "date of enactment of the Nuclear Waste Policy Act of 1996" and insert "date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

## AMENDMENT No. 4617

On page 33, strike lines 10 through 20 and insert the following:

"(2) EMPLACEMENT OF FUEL AND WASTE.—".

## AMENDMENT No. 4618

On page 39, line 20, strike "No later than February 1, 2002," and insert "By February 1, 2002, or such later date as is consistent with confident identification and designation of Yucca Mountain as a permanent repository site,".

## AMENDMENT No. 4619

On page 39, line 26, strike "geologic repository" and insert "permanent repository site".

## AMENDMENT No. 4620

On page 48, lines 18 and 20, strike "the interim storage facility site and the Yucca Mountain site, as described in subsection (b), are" and insert "the Yucca Mountain site as described in subsection (b), is".

## AMENDMENT No. 4621

On page 48, line 25, strike "the interim storage facility site and".

## AMENDMENT No. 4622

Beginning on page 49, strike line 4 and all that follows through page 51, line 3, and insert the following:

"(3) RESERVATION.—Until any such date as the Yucca Mountain Site may be determined to be unsuitable for use as a repository, the Yucca Mountain site is reserved for the use of the Secretary for the construction and operation of a repository and activities associated with the purposes of this title.

"(b) LAND DESCRIPTIONS.—

"(1) INTERIM STORAGE FACILITY.—Not later than 180 days after the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated, the Secretary shall—

"(A) publish in the Federal Register a notice containing a legal description of the interim storage facility site; and

"(B) establish boundaries of an interim storage facility site proximate to the repository site, depict those boundaries on a map entitled 'Interim Storage Facility Site Withdrawal Map', and file copies of the map and the legal description of the interim storage facility site with Congress, the Secretary of the Interior, the Governor of the State in which the interim storage facility site is situated, and the Archivist of the United States.

"(2) PERMANENT REPOSITORY.—

"(A) IN GENERAL.—The boundaries depicted on the map entitled "Yucca Mountain Site Withdrawal Map," dated March 1995, and on file with the Secretary, are established as the boundaries of the Yucca Mountain site.

"(B) NOTICE AND MAPS.—Concurrent with the Secretary's application to the Commission for authority to construct a repository at the Yucca Mountain site, the Secretary shall—

"(i) publish in the Federal Register a notice containing a legal description of the Yucca Mountain site; and

"(ii) file copies of the map described in subparagraph (A), and the legal description of the Yucca Mountain site with Congress, the Secretary of the Interior, the Governor of the State of Nevada, and the Archivist of the United States.

"(3) CONSTRUCTION.—The maps and legal description of the interim storage facility site and the Yucca Mountain site referred to in this subsection shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites."

## AMENDMENT No. 4623

On page 84, strike lines 15 through 20 and insert the following:

"(2) The Secretary shall ensure that all reasonable effort is made to meet spent fuel emplacement rates of—

"(A) 1,200 MTU in each of the first and second years of operation;

"(B) 2,000 MTU in each of the third and fourth years of operation;

"(C) 2,700 MTU in the fifth year of operation; and

"(D) 3,000 MTU in each year after the fifth year of operation."

## AMENDMENT No. 4624

On page 84, line 22, strike "January 31, 1999" and insert "the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

## AMENDMENT No. 4625

On page 85, line 7, strike "in fiscal year 2000," and insert "within 2 years after the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

## AMENDMENT No. 4626

On page 61, between line 5 and 6, insert the following:

"SEC. 306. COMPENSATION FOR LOSS OF PROPERTY VALUES.

"An owner of property may bring a civil action in United States district court to recover from the Secretary the amount by which the property is diminished in value as a result of the construction or operation of the interim storage facility or the transportation of spent nuclear fuel or high-level radioactive waste under this Act."

## AMENDMENT No. 4627

On page 22, strike lines 12 through 16 and insert the following:

"(b) ADVANCE NOTIFICATION.—

"(1) IN GENERAL.—Not more than 45 nor less than 30 days before the date on which spent nuclear fuel or high-level radioactive waste is to be transported in a State, the Secretary shall provide to the State, to each local government within the jurisdiction of which the spent nuclear fuel or high-level radioactive waste is to be transported, and to each owner of property, resident of property, and operator of a business on property within 50 miles of each point along the route on which the spent nuclear fuel or high-level radioactive waste is to be transported, a notice containing the information described in paragraph (2).

"(2) INFORMATION TO BE PROVIDED.—A notice under paragraph (1) shall describe the precise route on which spent nuclear fuel or high-level radioactive waste is to be transported and describe the date and approximate (within 60 minutes) time of day that the spent nuclear fuel or high-level radioactive waste will pass each tenth mile along the route."

## AMENDMENT No. 4628

On page 100, line 24, strike "annul" and insert "annual".

## AMENDMENT No. 4629

On page 8, lines 10 and 11, strike "specific site within area 25 of the Nevada test".

## AMENDMENT No. 4630

On page 37, strike lines 12 through 24.

## GLENN AMENDMENTS NOS. 4631–4633

(Ordered to lie on the table.)

Mr. GLENN submitted three amendments intended to be proposed by him to the bill S. 1936, supra; as follows:

## AMENDMENT No. 4631

Beginning on page 95, strike line 8 and all that follows through page 97, line 20.

## AMENDMENT No. 4632

Beginning on page 73, strike line 16 and all that follows through page 74, line 3.

## AMENDMENT No. 4633

Beginning on page 43, strike line 19 and all that follows through page 46, line 15, and insert the following:

“(d) ANALYSIS OF SYSTEM PERFORMANCE.—The Commission

## BRYAN AMENDMENTS NOS. 4634–4665

(Ordered to lie on the table.)

Mr. BRYAN submitted 32 amendments intended to be proposed by him to the bill S. 1936, supra; as follows:

## AMENDMENT No. 4634

On page 31, line 5, strike “1999” and insert “2012”.

## AMENDMENT No. 4635

On page 27, line 17, strike “1998” and insert “2023”.

## AMENDMENT No. 4636

On page 31, line 18, strike “15,000” and insert “850”.

## AMENDMENT No. 4637

On page 31, line 18, strike “15,000” and insert “50”.

## AMENDMENT No. 4638

On page 13, after line 13, insert “(3) the protection offered States being considered by the Department of Energy for a permanent repository under section 145 (g) or section 141 (g) of the Nuclear Waste Policy Act of 1982”.

## AMENDMENT No. 4639

On page 13, after line 13, insert “(3) rights reserved for the State of Nevada under the tenth amendment of the United States Constitution.”

## AMENDMENT No. 4640

On page 13, after line 13, insert “(3) commitments made to the citizens of Nevada under the Nuclear Waste Policy Act of 1982.”

## AMENDMENT No. 4641

On page 11, line 24, strike “1999” and insert “2030”.

## AMENDMENT No. 4642

On page 11, line 24, strike “1999” and insert “2020”.

## AMENDMENT No. 4643

On page 11, line 24, strike “1999” and insert “2015”.

## AMENDMENT No. 4644

On page 13, strike line 4 through line 13.

## AMENDMENT No. 4645

On page 11, strike line 19 through line 24.

## AMENDMENT No. 4646

On page 31, line 18, strike “15,000” and insert “455”.

## AMENDMENT No. 4647

On page 31, line 5, strike “1999” and insert “2010”.

## AMENDMENT No. 4648

On page 31, line 18, strike “15,000” and insert “700”.

## AMENDMENT No. 4649

At the end of Title 1, add “(h) Limitation.—Nothing in this Act shall be construed

to subject the United States to financial liability for transportation, storage, or disposal of any waste generated by commercial nuclear utilities.”

## AMENDMENT No. 4650

On page 85, strike line 13 through line 15.

## AMENDMENT No. 4651

Strike section 508.

## AMENDMENT No. 4652

On page 84, strike line 21 through page 85, line 11.

## AMENDMENT No. 4653

On page 79, strike line 20 through page 80 line 8.

## AMENDMENT No. 4654

On page 64, line 6, strike “1.0” and insert “2.5”.

## AMENDMENT No. 4655

On page 95, line 12, strike all after “Business.” through line 16.

## AMENDMENT No. 4656

On page 90, strike section 603.

## AMENDMENT No. 4657

On page 75, strike line 10 through line 20.

## AMENDMENT No. 4658

At the appropriate place, add

**SEC. 1. INDEPENDENT REVIEW.**

(a) ESTABLISHMENT OF COMMISSION.

(1) IN GENERAL.—The President, in consultation with the science advisor to the President and the Council on Environmental Quality, shall establish a commission to be known as the “Nuclear Waste Policy Review Commission” (referred to in this act as the “Commission”).

(2) REPRESENTATION OF INTEREST GROUPS.—The membership and structure of the Commission shall be determined by the President with a view towards providing representation from—

- (A) Environmental groups;
- (B) Consumer groups;
- (C) Taxpayer groups;
- (D) The scientific community, including nuclear-oriented and other fields such as biology and medicine;
- (E) State and local governments;
- (F) Indian tribes;
- (G) Transportation experts;
- (H) Management experts;
- (I) Federal, State, and local regulatory agencies;
- (J) Utilities; and
- (K) Other affected industries.

(3) INDEPENDENT STATUS.—The Commission shall be independent of the Department of Energy and other Federal agencies.

(4) PARTICIPATION BY THE PUBLIC.—The Commission shall hold public meetings and provide full opportunities for participation by all interested parties.

(b) ISSUES TO BE CONSIDERED.

The Commission shall consider all issues related to United States policy concerning high-level, transuranic, low-level waste, and other radioactive wastes including—

- (1) various options for high-level radioactive waste storage and disposal, including deep geologic disposal, on-site dry storage, monitored retrievable storage, centralized interim storage, or any other options;
- (2) evaluation of the experiences of other countries in storing and disposing of radioactive waste;
- (3) an analysis of funding through the Nuclear Waste Fund established by section 302

of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222), including fee sufficiency and strategies for providing equity for ratepayer contributions to the Nuclear Waste Fund;

(4) the siting and characterization process for nuclear waste programs currently in effect and alternatives to those programs;

(5) technical, managerial, economic, and policy analyses of the nuclear waste inventory of the United States; and

(6) an examination of the classification system for nuclear waste currently in effect, and options for reclassification.

(c) REPORT.

Not later than 2 years after the date of enactment of this Act, the Commission shall submit to Congress a report on its review under this Act, including recommendations for legislative or other action.

(d) LIMITATION.

Notwithstanding any other provision of this Act, the Secretary shall take no actions related to interim storage of spent nuclear fuel or high-level radioactive waste until the Commission report has been filed with Congress.

(e) TERMINATION OF COMMISSION.

The Commission shall terminate 30 days after the date on which the Commission submits its report under section 6.

(f) AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.”

## AMENDMENT No. 4659

On page 27, line 8, strike “1999” and insert “2010”.

## AMENDMENT No. 4660

At the appropriate place, add:

**“SEC. 13. PRIVATE PROPERTY RIGHTS PROTECTION.**

(a) FINDINGS.—

The Congress finds that—

(1) the private ownership of property is essential to a free society and is an integral part of the American tradition of liberty and limited government;

(2) the framers of the United States Constitution, in order to protect private property and liberty, devised a framework of Government designed to diffuse power and limit Government;

(3) to further ensure the protection of private property, the fifth amendment to the United States Constitution was ratified to prevent the taking of private property by the Federal Government, except for public use and with just compensation;

(4) the purpose of the takings clause of the fifth amendment of the United States Constitution, as the Supreme Court stated in *Armstrong v. United States*, 364 U.S. 40, 49 (1960), is “to bar Government from forcing some people alone to bear public burdens, which in all fairness and justice, should be borne by the public as a whole”;

(5) the Federal Government has singled out property holders to shoulder the cost that should be borne by the public, in violation of the just compensation requirement of the takings clause of the fifth amendment of the United States Constitution;

(6) there is a need both to restrain the Federal Government in its overzealous regulation of the private sector and to protect private property, which is a fundamental right of the American people; and

(7) the incremental, fact-specific approach that courts now are required to employ in the absence of adequate statutory language to vindicate property rights under the fifth amendment of the United States Constitution has been ineffective and costly and there is a need for Congress to clarify the law and provide an effective remedy.

## (b) DEFINITIONS.—

## (1) "just compensation"—

(A) means compensation equal to the full extent of a property owner's loss, including the fair market value of the private property taken and business losses arising from a taking, whether the taking is by physical occupation or through regulation, exaction, other means; and

(B) shall include compounded interest calculated from the date of the taking until the date the United States tenders payment;

(2) "owner" means the owner or possessor of property or rights in property at the time the taking occurs, including when—

(A) the statute, regulation, rule, order, guideline, policy, or action is passed or promulgated; or

(B) the permit, license, authorization, or governmental permission is denied or suspended;

(3) "private property" or "property" means all property protected under the fifth amendment to the Constitution of the United States, any applicable Federal or State law, or this Act, and includes—

(A) real property, whether vested or unvested, including—

(i) estates in fee, life estates, estates for years, or otherwise;

(ii) inchoate interests in real property such as remainders and future interests;

(iii) personalty that is affixed to or appurtenant to real property;

(iv) easements;

(v) leaseholds;

(vi) recorded liens; and

(vii) contracts or other security interests in, or related to, real property;

(B) the right to use water or the right to receive water, including any recorded lines on such water right;

(C) rents, issues, and profits of land, including minerals, timber, fodder, crops, oil and gas, coal, or geothermal energy;

(D) property rights provided by, or memorialized in, a contract, except that such rights shall not be construed under this title to prevent the United States from prohibiting the formation of contracts deemed to harm the public welfare or to prevent the execution of contracts for—

(i) national security reasons; or

(ii) exigencies that present immediate or reasonably foreseeable threats or injuries to life or property;

(E) any interest defined as property under State law; or

(F) any interest understood to be property based on custom, usage, common law, or mutually reinforcing understandings sufficiently well-grounded in law to back a claim of interest;

(4) "taking of private property", "taking", or "take"—

(A) means any action whereby private property is directly taken as to require compensation under the fifth amendment to the United States Constitution or under this Act, including by physical invasion, regulation, exaction, condition, or other means.

## (c) LIMITATION.—

(1) Notwithstanding any other provision of this Act, the Secretary shall take no actions related to the transportation of spent nuclear fuel or high-level radioactive waste until publishing in the Federal Register a determination that the owners of all property likely to be subject to a taking as a result of such transportation, as defined by this Act, have received just compensation for such taking out of the Nuclear Waste Fund.

(2) Notwithstanding any other provision of this Act, the Secretary shall take no actions related to the interim storage of spent nuclear fuel or high-level radioactive waste until publishing in the Federal Register a determination that the owners of all property

likely to be subject to a taking as a result of such storage, as defined by this Act, have received just compensation for such taking out of the Nuclear Waste Fund."

## AMENDMENT NO. 4661

On page 27, line 8, strike "1999" and insert "2011".

## AMENDMENT NO. 4662

At the appropriate place, add:

**"SEC. . INDEPENDENT REVIEW.**

(a) ESTABLISHMENT OF COMMISSION.

(1) IN GENERAL.—The President, in consultation with the Science Advisor to the President and the Council on Environmental Quality, shall establish a commission to be known as the "Nuclear Waste Policy Review Commission" (referred to in this act as the "Commission").

(2) REPRESENTATION OF INTEREST GROUPS.—The membership and structure of the Commission shall be determined by the President with a view towards providing representation from—

(A) Environmental groups;

(B) Consumer groups;

(C) Taxpayer groups;

(D) The scientific community, including nuclear-oriented and other fields such as biology and medicine;

(E) State and local governments;

(F) Indian tribes;

(G) Transportation experts;

(H) Management experts;

(I) Federal, state, and local regulatory agencies;

(J) Utilities; and

(K) Other affected industries.

(3) INDEPENDENT STATUS.—The Commission shall be independent of the Department of Energy and other Federal agencies.

(4) PARTICIPATION BY THE PUBLIC.—The Commission shall hold public meetings and provide full opportunities for participation by all interested parties.

## (b) ISSUES TO BE CONSIDERED.

The Commission shall consider all issues related to United States policy concerning high-level, transuranic, low-level waste, and other radioactive wastes including—

(1) various options for high-level radioactive waste storage and disposal, including deep geologic disposal, on-site dry storage, monitored retrievable storage, centralized interim storage, or any other options;

(2) evaluation of the experiences of other countries in storing and disposing of radioactive waste;

(3) an analysis of funding through the Nuclear Waste Fund established by section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222), including fee sufficiency and strategies for providing equity for ratepayer contributions to the Nuclear Waste Fund;

(4) the siting and characterization process for nuclear waste programs currently in effect and alternatives to those programs;

(5) technical, managerial, economic, and policy analyses of the nuclear waste inventory of the United States; and

(6) an examination of the classification system for nuclear waste currently in effect, and options for reclassification.

## (c) REPORT.

Not later than 2 years after the date of enactment of this Act, the Commission shall submit to Congress a report on its review under this Act, including recommendations for legislative or other action.

## (d) TERMINATION OF COMMISSION.

The Commission shall terminate 30 days after the date on which the Commission submits its report under section 6.

## (e) AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act."

## AMENDMENT NO. 4663

On page 39, strike line 3 through line 8.

## AMENDMENT NO. 4664

On page 37, strike line 13 through line 24.

## AMENDMENT NO. 4665

On page 37, strike line 5 through line 12.

# THE NUCLEAR WASTE POLICY ACT OF 1982 AMENDMENT ACT OF 1996

## COCHRAN (AND LOTT)

## AMENDMENT NO. 4666

Mr. STEVENS (for Mr. COCHRAN, for himself and Mr. LOTT) proposed an amendment to the bill, S. 1894, supra; as follows:

At the end of the bill, insert:

## SEC. . LEASE TO FACILITATE CONSTRUCTION OF RESERVE CENTER, NAVAL AIR STATION, MERIDIAN, MISSISSIPPI.

(a) LEASE OF PROPERTY FOR CONSTRUCTION OF RESERVE CENTER.—(1) The Secretary of the Navy may lease, without reimbursement, to the State of Mississippi (in this section referred to as the "State"), approximately five acres of real property located at Naval Air Station, Meridian, Mississippi, only for use by the State to construct a reserve center of approximately 22,000 square feet and ancillary supporting facilities.

(2) The term of the lease under this subsection shall expire on the same date that the lease authorized by subsection (b) expires.

(b) LEASEBACK OF RESERVE CENTER.—(1) The Secretary may lease from the State the property and improvements constructed pursuant to subsection (a) for a five-year period. The term of the lease shall begin on the date on which the improvements are available for occupancy, as determined by the Secretary.

(2) Rental payments under the lease under paragraph (1) may not exceed \$200,000 per year, and the total amount of the rental payments for the entire period may not exceed 20 percent of the total cost of constructing the reserve center and ancillary supporting facilities.

(3) Subject to the availability of appropriations for this purpose, the Secretary may use funds appropriated pursuant to an authorization of appropriations for the operation and maintenance of the Naval Reserve to make rental payments required under this subsection.

(c) EFFECT OF TERMINATION OF LEASES.—At the end of the lease term under subsection (b), the State shall convey, without reimbursement, to the United States all right, title, and interest of the State in the reserve center and ancillary supporting facilities subject to the lease.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the leases under this section as the Secretary considers appropriate to protect the interests of the United States.

# THE NUCLEAR WASTE POLICY ACT OF 1982 AMENDMENT ACT OF 1996

## BRYAN AMENDMENTS NOS. 4667–4824

(Ordered to lie on the table.)

Mr. BRYAN submitted 158 amendments intended to be proposed by him to the bill S. 1936, supra; as follows: