

## AMENDMENTS SUBMITTED

THE NUCLEAR WASTE POLICY  
AMENDMENTS ACT OF 2000

## MURKOWSKI AMENDMENT NO. 2808

Mr. LOTT (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 1287) to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes; as follows:

Beginning on page 1, strike all after the enacting clause and insert the following:

**"SECTION 1. SHORT TITLE.**

"This Act may be cited as the 'Nuclear Waste Policy Amendments Act of 2000'.

**"SEC. 2. DEFINITIONS.**

"For purposes of this Act—

"(1) the term 'contract holder' means a party to a contract with the Secretary of Energy for the disposal of spent nuclear fuel or high-level radioactive waste entered into pursuant to section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)); and

"(2) the terms 'Administrator', 'civilian nuclear power reactor', 'Commission', 'Department', 'disposal', 'high-level radioactive waste', 'Indian tribe', 'repository', 'reservation', 'Secretary', 'spent nuclear fuel', 'State', 'storage', 'Waste Fund', and 'Yucca Mountain site' shall have the meanings given such terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

**"TITLE I—STORAGE AND DISPOSAL****"SEC. 101. PROGRAM SCHEDULE.**

"(a) IN GENERAL.—The President, the Secretary, and the Nuclear Regulatory Commission shall carry out their duties under this Act and the Nuclear Waste Policy Act of 1982 by the earliest practicable date consistent with the public interest and applicable provisions of law.

**"(b) MILESTONES.—**

"(1) The Secretary shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the President by December 31, 2001;

"(2) The President shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the Congress by March 31, 2002;

"(3) The Nuclear Regulatory Commission shall make a final decision whether to authorize construction of the repository by January 31, 2006; and

"(4) As provided in subsection (c), the Secretary shall begin receiving waste at the repository site at the earliest practicable date and no later than eighteen months after receiving construction authorization from the Nuclear Regulatory Commission.

**"(c) RECEIPT FACILITIES.—**

"(1) As part of the submission of an application for a construction authorization pursuant to section 114(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(b)), the Secretary shall apply to the Commission to receive and possess spent nuclear fuel and high-level radioactive waste at surface facilities within the geologic repository operations area for the receipt, handling, packaging, and storage prior to emplacement.

"(2) As part of the issuance of the construction authorization under section 114(b) of the Nuclear Waste Policy Act of 1982, the Commission shall authorize construction of surface facilities described in subsection (c)(1) and the receipt and possession of spent nuclear fuel and high-level radioactive waste

at such surface facilities within the geologic repository operations area for the purposes in subsection (c)(1), in accordance with such standards as the Commission finds are necessary to protect the public health and safety.

**"SEC. 102. BACKUP STORAGE CAPACITY.**

"(a) Subject to section 105(d), the Secretary shall enter into a contract under this subsection with any person generating or owning spent nuclear fuel that meets the requirements of section 135(b)(1)(A) and (B) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10155(b)(1)(A) and (B)) to—

"(1) take title at the civilian nuclear power reactor site to such amounts of spent nuclear fuel from the civilian nuclear power reactor as the Commission determines cannot be stored onsite; and

"(2) transport such spent nuclear fuel to, and store such spent nuclear fuel at—

"(A) the repository site after the Commission has authorized construction of the repository without regard to the Secretary's Acceptance Priority Ranking report or Annual Capacity Report; or

"(B) a privately owned and operated independent spent fuel storage facility licensed by the Nuclear Regulatory Commission.

**SEC. 103. REPOSITORY LICENSING.****(a) ADOPTION OF STANDARDS.—**

(1) The Administrator of the Environmental Protection Agency may adopt a rule pursuant to section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note) before June 1, 2001, if, after consultation with the National Academy of Sciences, the Administrator and the Nuclear Regulatory Commission can agree on a standard that will protect public health and safety and the environment and that is reasonable and attainable.

(2) In the absence of an agreement described in paragraph (1), the Administrator may not publish or adopt a rule pursuant to section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note) before June 1, 2001.

**(b) CONSULTATION AND REPORTS TO CONGRESS.—**

(1) Not later than 30 days after the enactment of this Act, the Administrator shall provide the Commission and the National Academy of Sciences—

(A) a detailed written comparison of the provisions of the proposed Environmental Protection Standards for Yucca Mountain, Nevada, published in the Federal Register on August 27, 1999 (64 Fed. Reg. 46,975) with the recommendations made by the National Academy of Sciences in its report, Technical Bases for Yucca Mountain Standards, pursuant to section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note); and

(B) the scientific basis for the proposed rule.

(2) Not later than April 1, 2001, the Commission and the National Academy of Sciences shall, based on the proposed rule and the information provided by the Administrator under paragraph (1), each submit a report to Congress on whether the proposed rule—

(A) is consistent with section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note);

(B) provides a reasonable expectation that the public health and safety and the environment will be adequately protected from the hazards posed by high-level radioactive waste and spent nuclear fuel disposed of in the repository;

(C) is based on the best reasonably obtainable scientific and technical information concerning the need for, and consequences of, the rule; and

(D) imposes the least burden, consistent with obtaining the regulatory objective of

protecting the public health and safety and the environment.

(3) In the event that either the Commission or the National Academy of Sciences finds that the proposed rule does not meet one or more of the criteria listed in paragraph (2), it shall notify the Administrator not later than April 1, 2001 of its finding and the basis for such finding.

(c) APPLICATION OF CONGRESSIONAL REVIEW PROCEDURES.—Any final rule promulgated under section 801(a)(1) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note) shall be treated as a major rule for purposes of chapter 8 of title 5, United States Code, and shall be subject to all the requirements and procedures pertaining to a major rule in such chapter.

"(d) CAPACITY.—Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking 'The Commission decision approving the first such application \* \* \* through the period at the end of the sentence.'

**"SEC. 104. NUCLEAR WASTE FEE.**

The last sentence of section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)) is amended to read as follows:

'The adjusted fee proposed by the Secretary shall be effective upon enactment of a joint resolution or other provision of law specifically approving the adjusted fee.'

**"SEC. 105. SETTLEMENT AGREEMENTS.**

"(a) IN GENERAL.—The Secretary may, upon the request of any person with whom he has entered into a contract under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)), enter into a settlement agreement with the contract holder to—

"(1) relieve any harm caused by the Secretary's failure to meet the Department's commitment, or

"(2) settle any legal claims against the United States arising out of such failure.

"(b) TYPES OF RELIEF.—Pursuant to a settlement agreement entered into under this section, the Secretary may—

"(1) take title to the contract holder's spent nuclear fuel, notwithstanding section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5));

"(2) provide spent nuclear fuel storage casks to the contract holder;

"(3) compensate the contract holder for the cost of providing spent nuclear fuel storage at the contract holders' storage facility; or

"(4) provide any combination of the foregoing.

"(c) SCOPE OF RELIEF.—The Secretary's obligation to provide the relief under subsection (b) shall be consistent with the Secretary's obligation to accept delivery of such spent fuel under the terms of the Secretary's contract with such contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)).

"(d) WAIVER OF CLAIMS.—(1) The Secretary may not enter into a settlement agreement under subsection (a) or (f) or a backup contract under section 102(a) with any contract holder unless the contract holder, as part of such settlement agreement or backup contract, waives any claim for damages against the United States arising out of the Secretary's failure to begin disposing of such person's high-level waste or spent nuclear fuel by January 31, 1998.

"(2) Nothing in this subsection shall be read to require a contract holder to waive any future claim against the United States arising out of the Secretary's failure to meet any new obligation assumed under a settlement agreement or back up storage agreement, including the acceptance of spent fuel and high-level waste in accordance with the acceptance schedule established pursuant to section 106.

“(e) SOURCE OF FUNDS.—Notwithstanding section 302(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)), the Secretary may not make expenditures from the Nuclear Waste Fund for any costs that may be incurred by the Secretary pursuant to a settlement agreement or backup storage contract under this Act except—

“(1) the cost of acquiring and loading spent nuclear fuel casks;

“(2) the cost of transporting spent nuclear fuel from the contract holder's site to the repository; and

“(3) any other cost incurred by the Secretary required to perform a settlement agreement or backup storage contract that would have been incurred by the Secretary under the contracts entered into under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) notwithstanding their amendment pursuant to this Act.

“(f) REACTOR DEMONSTRATION PROGRAM.—(1) Not later than 120 days after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, and notwithstanding Section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)), the Secretary is authorized to take title to the spent nuclear fuel withdrawn from the demonstration reactor remaining from the Cooperative Power Reactor Demonstration Program (Pub. L. No. 87-315, Sec. 109, 75 Stat. 679), the Dairyland Power Cooperative La Crosse Boiling Water Reactor. Immediately upon the Secretary's taking title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage, from the date of taking title until the Secretary removes the spent nuclear fuel from the Dairyland Power Cooperative La Crosse Boiling Water Reactor site. The Secretary's obligation to take title or compensate the holder of the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel under this subsection shall include all of such fuel, regardless of the delivery commitment schedule for such fuel under the Secretary's contract with the Dairyland Power Cooperative as the contract holder under Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) or the acceptance schedule for such fuel under Section 106 of this Act.

“(2) As a condition to the Secretary's taking of title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the contract holder for such fuel shall enter into a settlement agreement containing a waiver of claims against the United States as provided in this section.

“(g) SAVINGS CLAUSE.—(1) Nothing in this section shall limit the Secretary's existing authority to enter into settlement agreements or address shutdown reactors and any associated public health and safety or environmental concerns that may arise.

“(2) Nothing in this Act diminishes obligations imposed upon the Federal Government by the United States District Court of Idaho in an order entered on October 17, 1995 in *United States v. Batt* (No. 91-0054-S-EJL). To the extent this Act imposes obligations on the Federal Government that are greater than those imposed by the court order, the provisions of this Act shall prevail.”

#### “SEC. 106. ACCEPTANCE SCHEDULE.

“(a) PRIORITY RANKING.—Acceptance priority ranking shall be determined by the Department's ‘Acceptance Priority Ranking’ report.

“(b) ACCEPTANCE RATE.—As soon as practicable after construction authorization, but no later than eighteen months after the year of issuance of a license to receive and possess spent nuclear fuel and high-level radioactive waste under section 101(c), the Secretary's total acceptance rate for all spent nuclear fuel and high-level waste shall be a rate no less than the following as measured in metric tonnes uranium (MTU), assuming that each high-level waste canister contains 0.5 MTU: 500 MTU in year 1, 700 MTU in year 2, 1300 MTU in year 3, 2100 MTU in year 4, 3100 MTU in year 5, 3300 MTU in years 6, 7, and 8, 3400 MTU in years 9 through 24, and 3900 MTU in year 25 and thereafter.

“(c) OTHER ACCEPTANCES.—Subject to the conditions contained in the license to receive and possess spent nuclear fuel and high-level radioactive waste issued under section 101(c), of the amounts provided for in paragraph (b) for each year, not less than one-sixth shall be—

“(1) spent nuclear fuel or civilian high-level radioactive waste of domestic origin from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act Amendments of 2000;

“(2) spent nuclear fuel from foreign research reactors, as necessary to promote nonproliferation activities; and

(3) spent nuclear fuel and high-level radioactive waste from research and atomic energy defense activities, including spent nuclear fuel from naval reactors.

*Provided, however,* That the Secretary shall accept not less than 7.5 percent of the total quantity of fuel and high-level radioactive waste accepted in any year from the categories of radioactive materials described in paragraphs (2) and (3) in subsection (c). If sufficient amounts of radioactive materials are not available to utilize this allocation, the Secretary shall allocate this acceptance capacity to other contract holders.

“(4) EFFECT ON SCHEDULE.—The contractual acceptance schedule shall not be modified in any way as a result of the Secretary's acceptance of any material other than contract holders' spent nuclear fuel and high-level radioactive waste.

“(5) MULTI-YEAR SHIPPING CAMPAIGNS.—Consistent with the acceptance schedule, the Secretary shall, in conjunction with contract holders, define a specified multi-year period for each shipping campaign and establish criteria under which the Secretary could accept contract holders' cumulative allocations of spent nuclear fuel during the campaign period at one time and thereby enhance the efficiency and cost-effectiveness of spent nuclear fuel and high-level waste acceptance.

#### “SEC. 107. LOCAL RELATIONS.

“(a) Section 170 of the Nuclear Waste Policy Act of 1982 is amended to read as follows:

##### “SEC. 170. BENEFITS AGREEMENTS.

“(a) IN GENERAL.—

“(1) SEPARATE AGREEMENTS.—The Secretary shall offer to enter into separate agreements with Nye County, Nevada, and Lincoln County, Nevada, concerning the repository program.

“(2) AGREEMENT CONTENT.—Any agreement shall contain such terms and conditions, including such financial and institutional arrangements, as the Secretary and agreement entity determine to be reasonable and appropriate and shall contain such provisions as are necessary to preserve any right to participation or compensation of Nye County, Nevada, and Lincoln County, Nevada.

“(b) AMENDMENT.—An agreement entered into under subsection (a) may be amended only with the mutual consent of the parties to the amendment and terminated only in accordance with subsection (c).

“(c) TERMINATION.—The Secretary shall terminate an agreement under subsection (a) if any element of the repository program may not be completed.

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

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

“(b) Section 171 of the Nuclear Waste Policy Act of 1982 is amended to read as follows:

##### SEC. 171. CONTENT OF AGREEMENTS.

“(a) IN GENERAL.—

“(1) SCHEDULE.—The Secretary, subject to appropriations, shall make payments to the party of a benefits agreement under section 170(a) in accordance with the following schedule:

##### BENEFITS SCHEDULE

[Amounts in millions]

Event	Payment
(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

“(2) DEFINITIONS.—For purposes of this section, the term—

“(A) ‘spent fuel’ means high-level radioactive waste or spent nuclear fuel; and

“(B) ‘first spent fuel receipt’ does not include receipt of spent fuel or high-level radioactive waste for purposes of testing or operational demonstration.

“(3) ANNUAL PAYMENTS.—Annual payments prior to first spent fuel receipt under line (A) of the benefit schedule shall be made on the date of execution of the benefits agreement and thereafter on the anniversary date of such execution. Annual payments after the first spent fuel receipt until closure of the facility under line (C) of the benefit schedule shall be made on the anniversary date of such first spent fuel receipt.

“(4) REDUCTION.—If the first spent fuel payment under line (B) is made within 6 months after the last annual payment prior to the receipt of spent fuel under line (A) of the benefit schedule, such first spent fuel payment under line (B) of the benefit schedule shall be reduced by an amount equal to 1/2 of such annual payment under line (A) of the benefit schedule for each full month less than 6 that has not elapsed since the last annual payment under line (A) of the benefit schedule.

“(b) CONTENTS.—A benefits agreement under section 170 shall provide that—

“(1) the parties to the agreement shall share with one another information relevant to the licensing process for the interim storage facility or repository, as it becomes available; and

“(2) the affected unit of local government that is party to such agreement may comment on the development of the repository program and on documents required under law or regulations governing the effects of the system on the public health and safety.

“(c) CONSTRUCTION.—The signature of the Secretary on a valid benefits agreement under section 170 shall constitute a commitment by the United States to make payments in accordance with such agreement.”

“(c) Section 172 of the Nuclear Waste Policy Act of 1982 is amended to read as follows:

##### “SEC. 172. ACCEPTANCE OF BENEFITS.

“(a) CONSENT.—The acceptance or use of any of the benefits provided under this title by any affected unit of local government shall not be deemed to be an expression of consent, express or implied, either under the Constitution of the State of Nevada or any

law thereof, to the siting of the repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

"(b) ARGUMENTS.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiescence, or waiver, or consensual involvement, in response to any decision by the State of Nevada, to oppose the siting in Nevada of the repository premised upon or related to the acceptance or use of benefits under this title.

"(c) LIABILITY.—No liability of any nature shall accrue to be asserted against the State of Nevada, its Governor, any official thereof, or any official of any governmental unit thereof, premised solely upon the acceptance or use of benefits under this title."

"(d) Section 173 of the Nuclear Waste Policy Act of 1982 is amended to read as follows:

**"SEC. 173. RESTRICTION ON USE OF FUNDS.**

"None of the funding provided under this title may be used—

"(1) directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in section 1913 of title 18, United States Code;

"(2) for litigation purposes; or

"(3) to support multistate efforts or other coalition-building activities inconsistent with the purposes of this Act."

**"SEC. 108. INITIAL LAND CONVEYANCES.**

"(a) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment, all right, title and interest of the United States in the property described in subsection (b), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, County of Lincoln, or the City of Caliente, Nevada, unless the county notifies the Secretary of the Interior or the head of such other appropriate agency in writing within 60 days of such date that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye under this subsection that are subject to Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

"(b) SPECIAL CONVEYANCES.—Subject to valid existing rights and notwithstanding any other law, the Secretary of the Interior or the head of the other appropriate agency shall convey:

"(1) To the County of Nye, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: Proposed Pahrump Industrial Park Site

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

Map 3: Pahrump Landfill Sites

Map 4: Amargosa Valley Regional Landfill Site

Map 5: Amargosa Valley Municipal Landfill Site

Map 6: Beatty Landfill/Transfer station Site

Map 7: Round Mountain Landfill Site

Map 8: Tonopah Landfill Site

Map 9: Gabbs Landfill Site.

"(2) To the County of Nye, Nevada, the following public lands depicted on the maps

dated February 1, 2000, and on file with the Secretary:

Map 1: Beatty

Map 2: Ione/Berlin

Map 3: Manhattan

Map 4: Round Mountain/Smoky Valley

Map 5: Tonopah

Map 6: Armargosa Valley

Map 7: Pahrump

"(3) To the County of Lincoln, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 2: Lincoln County, Parcel M, Industrial Park Site, Jointly with the City of Caliente

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

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

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

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

"(4) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

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

Map 2: City of Caliente, Parcel M, Industrial Park Site, jointly with Lincoln County.

"(5) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: City of Caliente, Industrial Park Site Expansion.

"(c) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in subsection (b) 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.

"(d) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Lincoln or the County of Nye, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

**"TITLE II—TRANSPORTATION**

**"SEC. 201. TRANSPORTATION PLANNING.**

"(a) TRANSPORTATION READINESS.—The Secretary—

"(1) shall take such actions as are necessary and appropriate to ensure that the Secretary is able to transport safely spent nuclear fuel and high-level radioactive waste from any site where such spent nuclear fuel or high-level radioactive waste is generated or stored to the Yucca Mountain site, using routes that minimize, to the maximum practicable extent and consistent with Federal requirements governing transportation of hazardous materials, transportation of spent nuclear fuel and high-level radioactive waste through populated areas; and

"(2) as soon as is practicable following the enactment of this Act, the Secretary shall, in consultation with the Secretary of Transportation and affected States and tribes, and after an opportunity for public comment, develop and implement a comprehensive management plan that ensures safe transportation of spent nuclear fuel and high-level radioactive waste from the sites designated by the contract holders to the Yucca Mountain site.

"(b) TRANSPORTATION PLANNING.—In conjunction with the development of the logistical plan in accordance with subsection (a), the Secretary shall update and modify, as necessary, the Secretary's transportation

institutional plans to ensure that institutional issues are addressed and resolved on a schedule to support the commencement of transportation of spent nuclear fuel and high-level radioactive waste to the Yucca Mountain site no later than January 31, 2006. Among other things, such planning shall provide a schedule and process for addressing and implementing, as necessary, transportation routing plans, transportation contracting plans, transportation training in accordance with section 202, public education regarding transportation of spent nuclear fuel and high-level radioactive waste, and transportation tracking programs.

**"(c) SHIPPING CAMPAIGN TRANSPORTATION PLANS.—**

"(1) IN GENERAL.—The Secretary shall develop a transportation plan for the implementation of each shipping campaign (as that term is defined by the Secretary) from each site at which spent nuclear fuel or high-level nuclear waste is stored, consistent with the principles and procedures stated in Department of Energy Order No. 460.2 and the Program Manager's Guide.

"(2) REQUIREMENTS.—A shipping campaign transportation plan shall—

"(A) be fully integrated with State and tribal government notification, inspection, and emergency response plans along the preferred shipping route or State-designated alternative route identified under subsection (d) (unless the Secretary certifies in the plan that the State or tribal government has failed to cooperate in fully integrating the shipping campaign transportation plan with the applicable State or tribal government plans); and

"(B) be consistent with the principles and procedures developed for the safe transportation of transuranic waste to the Waste Isolation Pilot Plant (unless the Secretary certifies in the plan that a specific principle or procedure is inconsistent with a provision of this Act.)

"(d) SAFE SHIPPING ROUTES AND MODES.—

"(1) IN GENERAL.—The Secretary shall evaluate the relative safety of the proposed shipping routes and shipping modes from each shipping origin to the repository compared with the safety of alternative modes and routes.

"(2) DESIGNATION OF PREFERRED SHIPPING ROUTE AND MODE.—Following the evaluation under paragraph (1)—

"(A) PREFERRED SHIPPING ROUTES.—The Secretary shall select and cause to be used preferred shipping routes for the transportation of spent nuclear fuel and high level radioactive waste from each shipping origin to the repository—

"(i) in accordance with the regulations promulgated by the Secretary of Transportation under authority of the Hazardous Materials Transportation Act (chapter 51 of title 49, United States Code) and by the Nuclear Regulatory Commission under authority of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.),

"(ii) consistent with federal highway bridge and tunnel restrictions regarding radioactive materials, and

"(iii) avoiding highways with down grades of more than seven percent.

"(B) STATE REROUTING.—For purposes of this section, a preferred route shall be an Interstate System highway for which an alternative route is not designated by a State routing agency, or a State-designated route designated by a State routing agency pursuant to section 397.103 of Title 49 Code of Federal Regulations.

"(3) SELECTION OF PRIMARY SHIPPING ROUTE.—If the Secretary designates more than 1 preferred route under paragraph (3), the Secretary shall select a primary route after considering, at a minimum, historical

accident rates, population, significant hazards, shipping time, shipping distance, and mitigating measures such as limits on the speed of shipments.

“(4) USE OF PRIMARY SHIPPING ROUTE AND MODE.—Except in cases of emergency, for all shipments conducted under this Act, the Secretary shall cause the primary shipping route and mode or State-designated alternative route under chapter 51 of title 49, United States Code, to be used. If a route is designated as a primary route for any reactor or Department of Energy facility, the Secretary may use that route to transport spent nuclear fuel or high-level radioactive waste from any other reactor or Department of Energy facility.

“(5) TRAINING AND TECHNICAL ASSISTANCE.—Following selection of the primary shipping routes, or State-designated alternative routes, the Secretary shall focus training and technical assistance under section 202(c) on those routes.

“(6) PREFERRED RAIL ROUTES.—

“(A) REGULATION.—Not later than 1 year after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, the Secretary of Transportation, pursuant to authority under other provisions of law, shall promulgate a regulation establishing procedures for the selection of preferred routes for the transportation of spent nuclear fuel and high-level radioactive waste by rail.

“(B) INTERIM PROVISION.—During the period beginning on the date of enactment of the Nuclear Waste Policy Act of 2000 and ending on the date of issuance of a final regulation under subparagraph (A), rail transportation of spent nuclear fuel and high-level radioactive waste shall be conducted in accordance with regulatory requirements in effect on that date and with this section.

#### “SEC. 202. TRANSPORTATION REQUIREMENTS.

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

“(b) STATE NOTIFICATION.—The Secretary shall abide by regulations of the Commission regarding advance notification of State and tribal governments prior to transportation of spent nuclear fuel or high-level radioactive waste under this Act.

“(c) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—

“(A) STATES AND INDIAN TRIBES.—As provided in paragraph (3), the Secretary shall provide technical assistance and funds to States and Indian tribes for training of public safety officials of appropriate units of State, local, and tribal government. A State shall allocate to local governments within the State a portion of any funds that the Secretary provides to the State for technical assistance and funding.

“(B) EMPLOYEE ORGANIZATIONS.—The Secretary shall provide technical assistance and funds for training directly to nonprofit employee organizations, voluntary emergency response organizations, and joint labor-management organizations that demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste or emergency response or post-emergency response with respect to such transportation.

“(C) TRAINING.—Training under this section—

“(i) shall cover procedures required for safe routine transportation of materials and pro-

cedures for dealing with emergency response situations;

“(ii) shall be consistent with any training standards established by the Secretary of Transportation under subsection (h); and

“(iii) shall include—

“(I) a training program applicable to persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste;

“(II) instruction of public safety officers in procedures for the command and control of the response to any incident involving the waste; and

“(III) instruction of radiological protection and emergency medical personnel in procedures for responding to an incident involving spent nuclear fuel or high-level radioactive waste being transported.

“(2) NO SHIPMENTS IF NO TRAINING.—

“(A) There shall be no shipments by the Secretary of spent nuclear fuel and high-level radioactive waste through the jurisdiction of any State or the reservation lands of any Indian tribe eligible for grants under paragraph 3(B) to the repository until the Secretary has made a determination that personnel in all State, local, and tribal jurisdictions on primary and alternative shipping routes have met acceptable standards of training for emergency responses to accidents involving spent nuclear fuel and high-level radioactive waste, as established by the Secretary, and unless technical assistance and funds to implement procedures for the safe routine transportation and for dealing with emergency response situations under paragraph 1(A) have been available to a State or Indian tribe for at least 3 years prior to any shipment: *Provided, however*, That the Secretary may ship spent nuclear fuel and high-level radioactive waste if technical assistance or funds have not been made available because of—

“(i) an emergency, including the sudden and unforeseen closure of a highway or rail line or the sudden and unforeseen need to remove spent fuel from a reactor because of an accident, or

“(ii) the refusal to accept technical assistance by a State or Indian tribe, or

“(iii) fraudulent actions which violate Federal law governing the expenditure of Federal funds.

“(B) In the event the Secretary is required to transport spent fuel or high-level radioactive waste through a jurisdiction prior to 3 years after the provision of technical assistance or funds to such jurisdiction, the Secretary shall, prior to such shipment, hold meetings in each State and Indian reservation through which the shipping route passes in order to present initial shipment plans and receive comments. Department of Energy personnel trained in emergency response shall escort each shipment. Funds and all Department of Energy training resources shall be made available to States and Indian tribes along the shipping route no later than three months prior to the commencement of shipments: *Provided, however*, That in no event shall such shipments exceed 1,000 metric tons per year: *Provided further*, That no such shipments shall be conducted more than four years after the effective date of the Nuclear Waste Policy Amendments Act of 2000.

“(3) GRANTS.—

“(A) IN GENERAL.—To implement this section, the Secretary may make expenditures from the Nuclear Waste Fund to the extent provided for in appropriation acts.

“(B) GRANTS FOR DEVELOPMENT OF PLANS.—

“(i) IN GENERAL.—The Secretary shall make a grant of at least \$150,000 to each State through the jurisdiction of which and each federally recognized Indian tribe

through the reservation lands of which one or more shipments of spent nuclear fuel or high-level radioactive waste will be made under this Act for the purpose of developing a plan to prepare for such shipments.

“(ii) LIMITATION.—A grant shall be made under clause (i) only to a State or a federally recognized Indian tribe that has the authority to respond to incidents involving shipments of hazardous material.

“(C) GRANTS FOR IMPLEMENTATION OF PLANS.—

“(i) IN GENERAL.—Annual implementation grants shall be made to States and Indian tribes that have developed a plan to prepare for shipments under this Act under subparagraph (B). The Secretary, in submitting the annual departmental budget to Congress for funding of implementation grants under this section, shall be guided by the State and tribal plans developed under subparagraph (B). As part of the Department of Energy's annual budget request, the Secretary shall report to Congress on—

“(I) the funds requested by States and federally recognized Indian tribes to implement this subsection;

“(II) the amount requested by the President for implementation; and

“(III) the rationale for any discrepancies between the amounts requested by States and federally recognized Indian tribes and the amounts requested by the President.

“(ii) ALLOCATION.—Of funds available for grants under this subparagraph for any fiscal year—

“(I) 25 percent shall be allocated by the Secretary to ensure minimum funding and program capability levels in all States and Indian tribes based on plans developed under subparagraph (B); and

“(II) 75 percent shall be allocated to States and Indian tribes in proportion to the number of shipment miles that are projected to be made in total shipments under this Act through each jurisdiction.

“(4) AVAILABILITY OF FUNDS FOR SHIPMENTS.—Funds under paragraph (1) shall be provided for shipments to a repository, regardless of whether the repository is operated by a private entity or by the Department of Energy.

“(5) MINIMIZING DUPLICATION OF EFFORT AND EXPENSES.—The Secretaries of Transportation, Labor, and Energy, Directors of the Federal Emergency Management Agency and National Institute of Environmental Health Sciences, the Nuclear Regulatory Commission, and Administrator of the Environmental Protection Agency shall review periodically, with the head of each department, agency, or instrumentality of the Government, all emergency response and preparedness training programs of that department, agency, or instrumentality to minimize duplication of effort and expense of the department, agency, or instrumentality in carrying out the programs and shall take necessary action to minimize duplication.

“(d) PUBLIC INFORMATION.—The Secretary shall conduct a program, in cooperation with corridor states and tribes, to inform the public regarding the transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis on those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste.

“(e) USE OF PRIVATE CARRIERS.—The Secretary, in providing for the transportation of spent nuclear fuel and high-level radioactive waste under this Act, shall contract with private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct Federal services for such transportation only upon a determination by the Secretary of Transportation, in consultation with the Secretary,

that private industry is unable or unwilling to provide such transportation services at a reasonable cost.

“(f) COMPLIANCE WITH TRANSPORTATION REGULATIONS.—Any person that transports spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Amendments Act of 2000, pursuant to a contract with the Secretary, shall comply with all requirements governing such transportation issued by the Federal, State and local governments, and Indian tribes, in the same way and to the same extent that any person engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by section 5126 of title 49, United States Code.

“(g) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of section 20109 of title 49, United States Code (in the case of employees of railroad carriers) and section 31105 of title 49, United States Code (in the case of employees operating commercial motor vehicles), or the Commission (in the case of all other employees).

“(h) TRAINING STANDARD.—

“(1) REGULATION.—No later than 12 months after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that the employer possess evidence of satisfaction of the applicable training standard before any individual may be employed in the removal and transportation of spent nuclear fuel or high-level radioactive waste.

“(2) SECRETARY OF TRANSPORTATION.—If the Secretary of Transportation determines, in promulgating the regulation required by paragraph (1), that existing Federal regulations establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall, by Memorandum of Understanding, ensure coordination of worker training standards and to avoid duplicative regulation.

“(3) TRAINING STANDARDS CONTENT.—(A) If training standards are required to be promulgated under paragraph (1), such standards shall, among other things deemed necessary and appropriate by the Secretary of Transportation, provide for—

“(i) a specified minimum number of hours of initial off site instruction and actual field experience under the direct supervision of a trained, experienced supervisor;

“(ii) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

“(iii) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

“(B) The Secretary of Transportation may specify an appropriate combination of knowledge, skills, and prior training to ful-

fill the minimum number of hours requirements of subparagraphs (i) and (ii).

“(4) EMERGENCY RESPONDER TRAINING STANDARDS.—The training standards for persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear and high level radioactive waste shall, in accordance with existing regulations, ensure their ability to protect nearby persons, property, or the environment from the effects of accidents involving spent nuclear fuel and high-level radioactive waste.

“(5) AUTHORIZATION.—There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.

#### “TITLE III—DEVELOPMENT OF NATIONAL SPENT NUCLEAR FUEL STRATEGY

##### “SEC. 301. FINDINGS.

“(1) Prior to permanent closure of the geologic repository in Yucca Mountain, Congress must determine whether the spent fuel in the repository should be treated as waste subject to permanent burial or should be considered an energy resource that is needed to meet future energy requirements;

“(2) Future use of nuclear energy may require construction of a second geologic repository unless Yucca Mountain can safely accommodate additional spent fuel. Improved spent fuel strategies may increase the capacity of Yucca Mountain.

“(3) Prior to construction of any second permanent geologic repository, the nation's current plans for permanent burial of spent fuel should be re-evaluated.

##### “SEC. 302. OFFICE OF SPENT NUCLEAR FUEL RESEARCH

“(a) ESTABLISHMENT.—There is hereby established an Office of Spent Nuclear Fuel Research within the Office of Nuclear Energy Science and Technology of the Department of Energy. The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

“(b) ASSOCIATE DIRECTOR.—The Associate Director of the Office of Spent Nuclear Fuel Research shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary. The Associate Director of the Office shall report to the Director of the Office of Nuclear Energy Science and Technology. The first such Associate Director shall be appointed within 90 days of the enactment of the Nuclear Waste Policy Amendments Act of 2000.

“(c) GRANT AND CONTRACT AUTHORITY.—In carrying out his responsibilities under this Section, the Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in (d)(2).

“(d)(1) DUTIES.—The Associate Director of the Office shall involve national laboratories, universities, the commercial nuclear industry, and other organizations to investigate technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste.

“(2) The Associate Director of the Office shall:

“(A) develop a research plan to provide recommendations by 2015;

“(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

“(C) conduct research and development activities for promising technologies;

“(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to the health of the general public or site workers, as well as development of cost-effective technologies;

“(E) require research on both reactor- and accelerator-based transmutation systems;

“(F) require research on advanced processing and separations;

“(G) encourage that research efforts include participation of international collaborators;

“(H) be authorized to fund international collaborators when they bring unique capabilities not available in the United States and their host country is unable to provide for their support;

“(I) ensure that research efforts with this Office are coordinated with research on advanced fuel cycles and reactors conducted within the Office of Nuclear Energy Science and Technology.

“(e) REPORT.—The Associate Director of the Office of Spent Nuclear Fuel Research shall annually prepare and submit a report to the Congress on the activities and expenditures of the Office that discusses progress being made in achieving the objectives of paragraph (b).

#### “TITLE IV—GENERAL AND MISCELLANEOUS

##### “SEC. 401. DECOMMISSIONING PILOT PROGRAM.

“(a) AUTHORIZATION.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas.

“(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

##### “SEC. 402. REPORTS.

“(a) The Secretary is directed to report within 90 days from enactment of this Act regarding all alternatives available to Northern States Power Company and the Federal government which would allow Northern States Power Company to operate the Prairie Island Nuclear Generating Plant until the end of the term of its current NRC licenses, assuming existing state and federal laws remain unchanged.

“(b) Within six months of enactment of this Act, the General Accounting Office is directed to report back to the Senate Committee on Energy and Natural Resources and the House Committee on Commerce on the potential economic impacts to Minnesota ratepayers should the Prairie Island Nuclear Generating Plant cease operations once it has met its state imposed storage limitation, including the costs of new generation, decommissioning costs, and the costs of continued operation of on-site storage of spent fuel storage.”

##### “SEC. 403. SEPARABILITY.

“If any provision of this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.”

#### WYDEN AMENDMENT NO. 2809

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to amendment No. 2808 proposed by Mr. MURKOWSKI, to the bill, S. 1287, *supra*; as follows:

On page 17, between lines 13 and 14, insert the following:

**SEC. 107. LIMITATION ON USE OF THE HANFORD NUCLEAR RESERVATION FOR WASTE STORAGE OR DISPOSAL.**

Notwithstanding any other provision of law, the Hanford Nuclear Reservation in the State of Washington shall not be used for storage or disposal of—

(1) spent nuclear fuel or high-level radioactive waste from any civilian nuclear power reactor; or

(2) any spent nuclear fuel or high-level nuclear waste generated by or in connection with operation of the Fast Flux Test Facility, except for fuel or waste generated solely and directly from production of isotopes for medical diagnosis or treatment.

**BINGAMAN AMENDMENTS NOS. 2810-2812**

(Ordered to lie on the table.)

Mr. BINGAMAN submitted three amendments intended to be proposed by him to amendment No. 2808 proposed by Mr. MURKOWSKI to the bill, S. 1287, supra; as follows:

**AMENDMENT No. 2810**

On page 23, strike line 19 and all that follows through page 25, line 8 and renumbered subsequent sections accordingly.

**AMENDMENT No. 2811**

On page 9, after line 8, add the following:

“(3) Nothing in this Act shall be construed to subject the United States to financial liability for the Secretary’s failure to meet any deadline for the acceptance or emplacement of spent nuclear fuel or high-level radioactive waste for storage or disposal under this Act.”

**AMENDMENT No. 2812**

On page 17, after line 15, add the following:

**“SEC. 109. ONE-TIME FEE.**

“Notwithstanding section 302(c)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)(1)), all receipts, proceeds, and recoveries realized by the Secretary under section 302(a)(3) of such Act that are received before the date on which section 110 of this Act takes effect shall be retained by the Secretary and shall be available for expenditure for purposes of radioactive waste disposal activities under titles I and II of the Nuclear Waste Policy Act of 1982 and section 110 of this Act, without further appropriation, but subject to limitations that may be included in appropriation acts.

**“SEC. 110. REPOSITORY FUNDING.**

“(a) USE OF FUND.—Section 302(e)(2) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(e)(2)) is amended by striking the last two sentences and inserting the following:

“‘The Secretary may make expenditures from the Waste Fund without further appropriation, but subject to limitations that may be included in appropriation acts.’.

“(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of subsequent legislation that amends the discretionary spending limits in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)), except for subsequent legislation that alters or affects such limits in strict conformance with section 251(b) of such Act (2 U.S.C. 901(b)), in effect on the date of enactment of this section.”.

**MURKOWSKI AMENDMENT No. 2813**

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to amendment No. 2808 proposed

by him to the bill, S. 1287, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**“SECTION 1. SHORT TITLE.**

“This Act may be cited as the ‘Nuclear Waste Policy Amendments Act of 2000’.

**“SEC. 2. DEFINITIONS.**

“For purposes of this Act—

“(1) the term ‘contract holder’ means a party to a contract with the Secretary of Energy for the disposal of spent nuclear fuel or high-level radioactive waste entered in pursuant to section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)); and

“(2) the terms ‘Administrator’, ‘civilian nuclear power reactor’, ‘Commission’, ‘Department’, ‘disposal’, ‘high-level radioactive waste’, ‘Indian tribe’, ‘repository’, ‘reservation’, ‘Secretary’, ‘spent nuclear fuel’, ‘State’, ‘storage’, ‘Waste Fund’, and ‘Yucca Mountain site’ shall have the meanings given such terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

**“TITLE I—STORAGE AND DISPOSAL**

**“SEC. 101. PROGRAM SCHEDULE.**

“(a) IN GENERAL.—The President, the Secretary, and the Nuclear Regulatory Commission shall carry out their duties under this Act and the Nuclear Waste Policy Act of 1982 by the earliest practicable date consistent with the public interest and applicable provisions of law.

**“(b) MILESTONES.—**

“(1) The Secretary shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the President by December 31, 2001;

“(2) The President shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the Congress by March 31, 2002;

“(3) The Nuclear Regulatory Commission shall make a final decision whether to authorize construction of the repository by January 31, 2006; and

“(4) As provided in subsection (c), the Secretary shall begin receiving waste at the repository site at the earliest practicable date and no later than eighteen months after receiving construction authorization from the Nuclear Regulatory Commission.

**“(c) RECEIPT FACILITIES.—**

“(1) As part of the submission of an application for a construction authorization pursuant to section 114(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(b)), the Secretary shall apply to the Commission to receive and possess spent nuclear fuel and high-level radioactive waste at surface facilities within the geologic repository operations area for the receipt, handling, packaging, and storage prior to emplacement.

“(2) As part of the issuance of the construction authorization under section 114(b) of the Nuclear Waste Policy Act of 1982, the Commission shall authorize construction of surface facilities described in subsection (c)(1) and the receipt and possession of spent nuclear fuel and high-level radioactive waste at such surface facilities within the geologic repository operations area for the purposes in subsection (c)(1), in accordance with such standards as the Commission finds are necessary to protect the public health and safety.

**“SEC. 102. BACKUP STORAGE CAPACITY.**

“(a) Subject to section 105(d), the Secretary shall enter into a contract under this subsection with any person generating or owning spent nuclear fuel that meets the requirements of section 135(b)(1)(A) and (B) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10155(b)(1)(A) and (B)) to—

“(1) take title at the civilian nuclear power reactor site to such amounts of spent nu-

clear fuel from the civilian nuclear power reactor as the Commission determines cannot be stored onsite; and

“(2) transport such spent nuclear fuel to, and store such spent nuclear fuel at, the repository site after the Commission has authorized construction of the repository without regard to the Secretary’s Acceptance Priority Ranking report or Annual Capacity Report.

**SEC. 103. REPOSITORY LICENSING.**

(a) ADOPTION OF STANDARDS.—Notwithstanding the time schedule in section 801(a)(1) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note), the Administrator shall not publish or adopt public health and safety standards for the protection of the public from releases from radioactive materials stored or disposed of in the repository at the Yucca Mountain site—

(1) except in accordance with this section; and

(2) before June 1, 2001.

(b) CONSULTATION AND REPORTS TO CONGRESS.—

(1) Not later than 30 days after the enactment of this Act, the Administrator shall provide the Commission and the National Academy of Sciences—

(A) a detailed written comparison of the provisions of the proposed Environmental Protection Standards for Yucca Mountain, Nevada, published in the Federal Register on August 27, 1999 (64 Fed. Reg. 46,975) with the recommendations made by the National Academy of Sciences in its report, Technical Bases for Yucca Mountain Standards, pursuant to section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note); and

(B) the scientific basis for the proposed rule.

(2) Not later than April 1, 2001, the Commission and the National Academy of Sciences shall, based on the proposed rule and the information provided by the Administrator under paragraph (1), each submit a report to Congress on whether the proposed rule—

(A) is consistent with section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note);

(B) provide a reasonable expectation that the public health and safety and the environment will be adequately protected from the hazards posed by high-level radioactive waste and spent nuclear fuel disposed of in the repository;

(C) is based on the best reasonably obtainable scientific and technical information concerning the need for, and consequences of, the rule; and

(D) imposes the least burden, consistent with obtaining the regulatory objective of protecting the public health and safety and the environment.

(3) In the event that either the Commission or the National Academy of Sciences finds that the proposed rule does not meet one or more of the criteria listed in paragraph (2), it shall notify the Administrator not later than April 1, 2001 of its finding and the basis for such finding.

(c) APPLICATION OF CONGRESSIONAL REVIEW PROCEDURES.—Any final rule promulgated under section 801(a)(1) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note) shall be treated as a major rule for purposes of chapter 8 of title 5, United States Code, and shall be subject to all the requirements and procedures pertaining to a major rule in such chapter.

“(d) CAPACITY.—Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking ‘The Commission decision approving the first such application . . .’ through the period at the end of the sentence.

**"SEC. 104. NUCLEAR WASTE FEE.**

The last sentence of section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)) is amended to read as follows:

"The adjusted fee proposed by the Secretary shall be effective upon enactment of a joint resolution or other provision of law specifically approving the adjusted fee."

**"SEC. 105. SETTLEMENT AGREEMENTS.**

"(a) IN GENERAL.—The Secretary may, upon the request of any person with whom he has entered into a contract under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)), enter into a settlement agreement with the contract holder to—

"(1) relieve any harm caused by the Secretary's failure to meet the Department's commitment, or

"(2) settle any legal claims against the United States arising out of such failure.

"(b) TYPES OF RELIEF.—Pursuant to a settlement agreement entered into under this section, the Secretary may—

"(1) provide spent nuclear fuel storage casks to the contract holder;

"(2) compensate the contract holder for the cost of providing spent nuclear fuel storage at the contract holders' storage facility; or

"(3) provide any combination of the foregoing.

"(c) SCOPE OF RELIEF.—The Secretary's obligation to provide the relief under subsection (b) shall not exceed the Secretary's obligation to accept delivery of such spent fuel under the terms of the Secretary's contract with such contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)), including any otherwise permissible assignment of rights.

"(d) WAIVER OF CLAIMS.—(1) The Secretary may not enter into a settlement agreement under subsection (a) or (f) or a backup contract under section 102(a) with any contract holder unless the contract holder—

"(A) notifies the Secretary within 180 days after the date of enactment of this Act of its intent to enter into a settlement negotiations, and

"(B) as part of such settlement agreement or backup contract, waives any claim for damages against the United States arising out of the Secretary's failure to begin disposing of such person's high-level waste or spent nuclear fuel by January 31, 1998.

"(2) Nothing in this subsection shall be read to require a contract holder to waive any future claim against the United States arising out of the Secretary's failure to meet any new obligation assumed under a settlement agreement or backup storage agreement, including any obligation related to the movement of spent fuel by the Department.

"(e) SOURCE OF FUNDS.—Notwithstanding section 302(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)), the Secretary may not make expenditures from the Nuclear Waste Fund for any costs that may be incurred by the Secretary pursuant to a settlement agreement or backup storage contract under this Act except—

"(1) the cost of acquiring and loading spent nuclear fuel casks;

"(2) the cost of transporting spent nuclear fuel from the contract holder's site to the repository; and

"(3) any other cost incurred by the Secretary required to perform a settlement agreement or backup storage contract that would have been incurred by the Secretary under the contracts entered into under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) notwithstanding their amendment pursuant to this Act.

"(f) REACTOR DEMONSTRATION PROGRAM.—(1) Not later than 120 days after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, and notwith-

standing Section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)), the Secretary is authorized to take title to the spent nuclear fuel withdrawn from the demonstration reactor remaining from the Cooperative Power Reactor Demonstration Program (Pub. L. No. 87-315, Sec. 109, 75 Stat. 679), the Dairyland Power Cooperative La Crosse Boiling Water Reactor. Immediately upon the Secretary's taking title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage, from the date of taking title until the Secretary removes the spent nuclear fuel from the Dairyland Power Cooperative La Crosse Boiling Water Reactor site. The Secretary's obligation to take title or compensate the holder of the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel under this subsection shall include all of such fuel, regardless of the delivery commitment schedule for such fuel under the Secretary's contract with the Dairyland Power Cooperative as the contract holder under Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) or the acceptance schedule for such fuel under Section 106 of this Act.

"(2) As a condition to the Secretary's taking of title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the contract holder for such fuel shall enter into a settlement agreement containing a waiver of claims against the United States as provided in this section.

"(g) SAVINGS CLAUSE.—(1) Nothing in this section shall limit the Secretary's existing authority to enter into settlement agreements or address shutdown reactors and any associated public health and safety or environmental concerns that may arise.

"(2) Nothing in this Act diminishes obligations imposed upon the Federal Government by the United States District Court of Idaho in an order entered on October 17, 1995 in *United States v. Batt* (No. 91-0054-S-EJL). To the extent this Act imposes obligations on the Federal Government that are greater than those imposed by the court order, the provisions of this Act shall prevail."

**"SEC. 106. ACCEPTANCE SCHEDULE.**

"(a) PRIORITY RANKING.—Acceptance priority ranking shall be determined by the Department's 'Acceptance Priority Ranking' report.

"(b) ACCEPTANCE RATE.—As soon as practicable after construction authorization, but no later than eighteen months after the year of issuance of a licence to receive and possess spent nuclear fuel and high-level radioactive waste under section 101(c), the Secretary's total acceptance rate for all spent nuclear fuel and high-level waste shall be a rate no less than the following as measured in metric tonnes uranium (MTU), assuming that each high-level waste canister contains 0.5 MTU: 500 MTU in year 1, 700 MTU in year 2, 1300 MTU in year 3, 2100 MTU in year 4, 3100 MTU in year 5, 3300 MTU in years 6, 7, and 8, 3400 MTU in years 9 through 24, and 3900 MTU in year 25 and thereafter.

"(c) OTHER ACCEPTANCES.—Subject to the conditions contained in the license to receive and possess spent nuclear fuel and high-level radioactive waste issued under section 101(c), of the amounts provided for in paragraph (b) for each year, not less than one-sixth shall be—

"(1) spent nuclear fuel or civilian high-level radioactive waste of domestic origin

from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act Amendments of 2000;

"(2) spent nuclear fuel from foreign research reactors, as necessary to promote nonproliferation activities; and

"(3) spent nuclear fuel and high-level radioactive waste from research and atomic energy defense activities, including spent nuclear fuel from naval reactors.

*Provided, however,* That the Secretary shall accept not less than 7.5 percent of the total quantity of fuel and high-level radioactive waste accepted in any year from the categories of radioactive materials described in paragraphs (2) and (3) in subsection (c). If sufficient amounts of radioactive materials are not available to utilize this allocation, the Secretary shall allocate this acceptance capacity to other contract holders.

"(4) EFFECT ON SCHEDULE.—The contractual acceptance schedule shall not be modified in any way as a result of the Secretary's acceptance of any material other than contract holders' spent nuclear fuel and high-level radioactive waste.

"(5) MULTI-YEAR SHIPPING CAMPAIGNS.—Consistent with the acceptance schedule, the Secretary shall, in conjunction with contract holders, define a specified multi-year period for each shipping campaign and establish criteria under which the Secretary could accept contract holders' cumulative allocations of spent nuclear fuel during the campaign period at one time and thereby enhance the efficiency and cost-effectiveness of spent nuclear fuel and high-level waste acceptance.

**"SEC. 107. INITIAL LAND CONVEYANCES.**

"(a) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment, all right, title and interest of the United States in the property described in subsection (b), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, County of Lincoln, or the City of Caliente, Nevada, unless the county notifies the Secretary of the Interior or the head of such other appropriate agency in writing within 60 days of such date that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

"(b) SPECIAL CONVEYANCES.—Subject to valid existing rights and notwithstanding any other law, the Secretary of the Interior or the head of the other appropriate agency shall convey:

"(1) To the County of Nye, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: Proposed Pahrump Industrial Park Site

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

Map 3: Pahrump Landfill Sites

Map 4: Amargosa Valley Regional Landfill Site

Map 5: Amargosa Valley Municipal Landfill Site



Map 6: Beatty Landfill/Transfer station Site

Map 7: Round Mountain Landfill Site

Map 8: Tonopah Landfill Site

Map 9: Gabbs Landfill Site.

"(2) To the County of Nye, Nevada, the following public lands depicted on the maps dated February 1, 2000 and on file with the Secretary:

Map 1: Beatty

Map 2: Ione/Berlin

Map 3: Manhattan

Map 4: Round Mountain/Smoky Valley

Map 5: Tonopah

Map 6: Armargosa Valley

Map 7: Pahrump

"(3) To the County of Lincoln, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 2: Lincoln County, Parcel M, Industrial Park Site, Jointly with the City of Caliente

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

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

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

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

"(4) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

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

Map 2: City of Caliente, Parcel M, Industrial Park Site, jointly with Lincoln County.

"(5) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: City of Caliente, Industrial Park Site Expansion.

"(c) CONSTRUCTION.—The maps and legal descriptions of special conveyance referred to in subsection (b) 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.

"(d) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Lincoln or the County of Nye, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

"(e)(1) CONSENT.—The acceptance or use of any of the benefits provided under this title by any affected unit of local government shall not be deemed to be an expression of consent, express or implied, either under the Constitution of the State of Nevada or any law thereof, to the siting of the repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

"(2) ARGUMENTS.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiescence, or waiver, or consensual involvement, in response to any decision by the State of Nevada, to oppose the siting in Nevada of the repository premised upon or related to the acceptance or use of benefits under this title.

"(3) LIABILITY.—No liability of any nature shall accrue to be asserted against the State of Nevada, its Governor, any official thereof, or any official of any governmental unit thereof, premised solely upon the acceptance or use of benefits under this title.

## "TITLE II—TRANSPORTATION

### "SEC. 201. TRANSPORTATION.

Section 180 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10175) is amended to read as follows:

#### "TRANSPORTATION

"SEC. 180. (a) IN GENERAL.—The transportation of spent nuclear fuel and high-level radioactive waste from any civilian nuclear power reactor to any other civilian nuclear power reactor or to any Department of Energy Facility, by or for the Secretary, or by or for any person who owns or generates spent nuclear fuel or high-level radioactive waste, shall be subject to licensing and regulation by the Commission and the Secretary of Transportation under all applicable provisions of existing law.

"(1) PREFERRED SHIPPING ROUTES.—The Secretary shall select and cause to be used preferred shipping routes for the transportation of spent nuclear fuel and high level radioactive waste from each shipping origin to the repository in accordance with the regulations promulgated by the Secretary of Transportation under authority of Hazardous Materials Transportation Act (chapter 51 of title 49, United State Code) and by the Nuclear Regulatory Commission under authority of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.).

"(2) STATE REROUTING.—For purposes of this section, a preferred route shall be an Interstate System highway for which an alternative route is not designated by a State routing agency, or a State-designated route designated by a State routing agency pursuant to section 397.103 of Title 49, Code of Federal Regulations.

"(b) SHIPPING CONTAINERS.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages—

"(1) the design of which has been certified by the Commission; and

"(2) that have been determined by the Commission to satisfy its quality assurance requirements.

"(c) NOTIFICATION.—The Secretary shall provide advance notification to States and Indian tribes through whose jurisdiction the Secretary plans to transport spent nuclear fuel or high-level radioactive waste.

"(d) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—

"(A) STATES AND INDIAN TRIBES.—As provided in paragraph (3), the Secretary shall provide technical assistance and funds to States and Indian tribes for training of public safety officials or appropriate units of State, local, and tribal government. A State shall allocate to local governments within the State a portion of any funds that the Secretary provides to the State for technical assistance and funding.

"(B) EMPLOYEE ORGANIZATIONS.—The Secretary shall provide technical assistance and funds for training directly to nonprofit employee organizations, voluntary emergency response organizations, and joint labor-management organizations that demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste or emergency response or post-emergency response with respect to such transportation.

"(C) TRAINING.—Training under this section—

"(i) shall cover procedures required for safe routine transportation of materials and procedures for dealing with emergency response situations;

"(ii) shall be consistent with any training standards established by the Secretary of Transportation under subsection (h); and

"(iii) shall include—

"(1) a training program applicable to persons responsible for responding to emergency

situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste;

"(II) instruction of public safety officers in procedures for the command and control of the response to any incident involving the waste; and

"(III) instruction of radiological protection and emergency medical personnel in procedures for responding to an incident involving spent nuclear fuel or high-level radioactive waste being transported.

"(2) NO SHIPMENTS IF NO TRAINING.—

"(A) There shall be no shipments by the Secretary of spent nuclear fuel and high-level radioactive waste through the jurisdiction of any State or the reservation lands of any Indian tribe eligible for grants under paragraph (3)(B) to the repository until the Secretary has made a determination that personnel in all State, local, and tribal jurisdictions on primary and alternative shipping routes have met acceptable standards of training for emergency responses to accidents involving spent nuclear fuel and high-level radioactive waste, as established by the Secretary, and unless technical assistance and funds to implement procedures for the safe routine transportation and for dealing with emergency response situations under paragraph (1)(A) have been available to a State or Indian tribe for at least 3 years prior to any shipment: *Provided, however*, That the Secretary may ship spent nuclear fuel and high-level radioactive waste if technical assistance or funds have not been made available because of—

"(i) an emergency, including the sudden and unforeseen closure of a highway or rail line or the sudden and unforeseen need to remove spent fuel from a reactor because of an accident, or

"(ii) the refusal to accept technical assistance by a State or Indian tribe, or

"(iii) fraudulent actions which violate Federal law governing the expenditure of Federal funds.

"(B) In the event the Secretary is required to transport spent fuel or high-level radioactive waste through a jurisdiction prior to 3 years after the provision of technical assistance or funds to such jurisdiction, the Secretary shall, prior to such shipment, hold meetings in each State and Indian reservation through which the shipping route passes in order to present initial shipment plans and receive comments. Department of Energy personnel trained in emergency response shall escort each shipment. Funds and all Department of Energy training resources shall be made available to States and Indian tribes along the shipping route no later than three months prior to the commencement of shipments: *Provided, however*, That in no event shall such shipments exceed 1,000 metric tons per year: *Provided further*, That no such shipments shall be conducted more than four years after the effective date of the Nuclear Waste Policy Amendments Act of 2000.

"(3) GRANTS.—

"(A) IN GENERAL.—To implement this section, the Secretary may make expenditures from the Nuclear Waste Fund to the extent provided for in appropriation acts.

"(B) GRANTS FOR DEVELOPMENT OF PLANS.—

"(i) IN GENERAL.—The Secretary shall make a grant of at least \$150,000 to each State through the jurisdiction of which and each federally recognized Indian tribe through the reservation lands of which one or more shipments of spent nuclear fuel or high-level radioactive waste will be made under this Act for the purpose of developing a plan to prepare for such shipments.

"(ii) LIMITATION.—A grant shall be made under clause (i) only to a State or a federally recognized Indian tribe that has the authority to respond to incidents involving shipments of hazardous material.



“(C) GRANTS FOR IMPLEMENTATION OF PLANS.—

“(i) In general.—Annual implementation grants shall be made to States and Indian tribes that have developed a plan to prepare for shipments under this Act under subparagraph (B). The Secretary, in submitting the annual departmental budget to Congress for funding of implementation grants under this section, shall be guided by the State and tribal plans developed under subparagraph (B). As part of the Department of Energy's annual budget request, the Secretary shall report to Congress on—

“(I) the funds requested by States and federally recognized Indian tribes to implement this subsection;

“(II) the amount requested by the President for implementation; and

“(III) the rationale for any discrepancies between the amounts requested by States and federal recognized Indian tribes and the amounts requested by the President.

“(ii) ALLOCATION.—Of funds available for grants under this subparagraph for any fiscal year—

“(I) 25 percent shall be allocated by the Secretary to ensure minimum funding and program capability levels in all States and Indian tribes based on plans developed under subparagraph (B); and

“(II) 75 percent shall be allocated to States and Indian tribes in proportion to the number of shipment miles that are projected to be made in total shipments under this Act through each jurisdiction.

“(4) AVAILABILITY OF FUNDS FOR SHIPMENTS.—Funds under paragraph (1) shall be provided for shipments to a repository, regardless of whether the repository is operated by a private entity or by the Department of Energy.

“(5) MINIMIZING DUPLICATION OF EFFORT AND EXPENSES.—The Secretaries of Transportation, Labor, and Energy, Directors of the Federal Emergency Management Agency and National Institute of Environmental Health Sciences, the Nuclear Regulatory Commission, and Administrator of the Environmental Protection Agency shall review periodically, with the head of each department, agency, or instrumentality of the Government, all emergency response and preparedness training programs of that department, agency, or instrumentality to minimize duplication of effort and expense of the department, agency, or instrumentality in carrying out the programs and shall take necessary action to minimize duplication.

“(e) PUBLIC INFORMATION.—The Secretary shall conduct a program, in cooperation with corridor states and tribes, to inform the public regarding the transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis on those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste.

“(f) USE OF PRIVATE CARRIERS.—The Secretary, in providing for the transportation of spent nuclear fuel and high-level radioactive waste under this Act, shall contract with private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct Federal services for such transportation only upon a determination by the Secretary of Transportation, in consultation with the Secretary, that private industry is unable or unwilling to provide such transportation services at a reasonable cost.

“(g) COMPLIANCE WITH TRANSPORTATION REGULATIONS.—Any person that transports spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Amendments Act of 2000, pursuant to a contract with the Secretary, shall comply with

all requirements governing such transportation issued by the Federal, State and local governments, and Indian tribes, in the same way and to the same extent that any person engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by section 5126 of title 49, United States Code.

“(h) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of section 20109 of title 49, United States Code (in the case of employees of railroad carriers) and section 31105 of title 49, United States Code (in the case of employees operating commercial motor vehicles), or the Commission (in the case of all other employees).

“(i) TRAINING STANDARD.—

“(1) REGULATION.—No later than 12 months after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that the employer possess evidence of satisfaction of the applicable training standard before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

“(2) SECRETARY OF TRANSPORTATION.—If the Secretary of Transportation determines, in promulgating the regulation required by paragraph (1), that existing Federal regulations establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall, by Memorandum of Understanding, ensure coordination of worker training standards and to avoid duplicative regulation.

“(3) TRAINING STANDARDS CONTENT.—(A) If training standards are required to be promulgated under paragraph (1), such standards shall, among other things deemed necessary and appropriate by the Secretary of Transportation, provide for—

“(i) a specified minimum number of hours of initial off site instruction and actual field experience under the direct supervision of a trained, experienced supervisor;

“(ii) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

“(iii) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

“(B) The Secretary of Transportation may specify an appropriate combination of knowledge, skills, and prior training to fulfill the minimum number of hours requirements of subparagraphs (i) and (ii).

“(4) EMERGENCY RESPONDER TRAINING STANDARDS.—The training standards for persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear and high level radioactive waste shall, in accordance with existing regulations, ensure their abil-

ity to protect nearby persons, property, or the environment from the effects of accidents involving spent nuclear fuel and high-level radioactive waste.

“(5) AUTHORIZATION.—There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.

### “TITLE III—DEVELOPMENT OF NATIONAL SPENT NUCLEAR FUEL STRATEGY

#### “SEC. 301. FINDINGS.

“(1) Prior to permanent closure of the geologic repository in Yucca Mountain, Congress must determine whether the spent fuel in the repository should be treated as waste subject to permanent burial or should be considered an energy resource that is needed to meet future energy requirements;

“(2) Future use of nuclear energy may require construction of a second geologic repository unless Yucca Mountain can safely accommodate additional spent fuel. Improved spent fuel strategies may increase the capacity of Yucca Mountain.

“(3) Prior to construction of any second permanent geologic repository, the nation's current plans for permanent burial of spent fuel should be re-evaluated.

#### “SEC. 302. OFFICE OF SPENT NUCLEAR FUEL RESEARCH.

“(a) ESTABLISHMENT.—There is hereby established an Office of Spent Nuclear Fuel Research within the Office of Nuclear Energy Science and Technology of the Department of Energy. The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

“(b) ASSOCIATE DIRECTOR.—The Associate Director of the Office of Spent Nuclear Fuel Research shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary. The Associate Director of the Office shall report to the Director of the Office of Nuclear Energy Science and Technology. The first such Associate Director shall be appointed within 90 days of the enactment of the Nuclear Waste Policy Amendments Act of 2000.

“(c) GRANT AND CONTRACT AUTHORITY.—In carrying out his responsibilities under this Section, the Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in (d)(2).

“(d)(1) DUTIES.—The Associate Director of the Office shall involve national laboratories, universities, the commercial nuclear industry, and other organizations to investigate technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste.

“(2) The Associate Director of the Office shall:

“(A) develop a research plan to provide recommendations by 2015;

“(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

“(C) conduct research and development activities for promising technologies;

“(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to the health of the general public or site workers, as well as development of cost-effective technologies;

“(E) require research on both reactor- and accelerator-based transmutation systems;

“(F) require research on advanced processing and separations;

“(G) ensure that research efforts with this Office are coordinated with research on advanced fuel cycles and reactors conducted within the Office of Nuclear Energy Science and Technology.

“(e) REPORT.—The Associate Director of the Office of Spent Nuclear Fuel Research shall annually prepare and submit a report to the Congress on the activities and expenditures of the Office that discusses progress being made in achieving the objectives of paragraph (b).

#### “TITLE IV—GENERAL AND MISCELLANEOUS

##### “SEC. 401. DECOMMISSIONING PILOT PROGRAM.

“(a) AUTHORIZATION.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas.

“(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

##### “SEC. 402. REPORTS.

“(a) The Secretary is directed to report within 90 days from enactment of this Act regarding all alternatives available to Northern States Power Company and the Federal government which would allow Northern States Power Company to operate the Prairie Island Nuclear Generating Plant until the end of the term of its current NRC licenses, assuming existing state and federal laws remain unchanged.

“(b) Within six months of enactment of this Act, the General Accounting Office is directed to report back to the Senate Committee on Energy and Natural Resources and the House Committee on Commerce on the potential economic impacts to Minnesota ratepayers should the Prairie Island Nuclear Generating Plant cease operations once it has met its state imposed storage limitation, including the costs of new generation, decommissioning costs, and the costs of continued operation of on-site storage of spent nuclear fuel storage.”

##### “SEC. 403. SEPARABILITY.

“If any provision of this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.”

##### “SEC. 404. FAST FLUX TEST FACILITY.

“Any spent nuclear fuel associated with the Fast Flux Test Facility at the Hanford Reservation shall be transported and stored at the repository site as soon as practicable after the Commission has authorized the construction of the repository.”

#### CONRAD AMENDMENT NO. 2814

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to amendment No. 2808 proposed by Mr. MURKOWSKI to the bill, S. 1287, *supra*; as follows:

On page 33, line 20, strike “Minnesota” and insert “Minnesota, North Dakota, South Dakota, Wisconsin, and Michigan.”

#### DEWINE AMENDMENT NO. 2815

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to amendment No. 2808 proposed by Mr. MURKOWSKI to the bill, S. 1287, *supra*; as follows:

Strike section 302(b) and all that follows through section 402 and insert the following:

(b) ASSOCIATE DIRECTOR.—

(1) IN GENERAL.—The Associate Director of the Office of Spent Nuclear Fuel Research (referred to in this section as the “Associate Director”) shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high level nuclear radioactive waste, spent nuclear fuel, and depleted uranium hexafluoride, subject to the general supervision of the Secretary.

(2) LINE OF AUTHORITY.—The Associate Director shall report to the Director of the Office of Nuclear Energy Science and Technology.

(3) INITIAL APPOINTMENT.—The first Associate Director shall be appointed not later than 90 days after the date of enactment of this Act.

(c) GRANT AND CONTRACT AUTHORITY.—In carrying out the responsibilities of the Secretary under this section, the Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in subsection (d)(2).

(d) DUTIES.—

(1) INVOLVEMENT OF ENTITIES IN THE INVESTIGATION OF TECHNOLOGIES.—The Associate Director shall involve national laboratories, universities, the commercial nuclear industry, and other organizations to investigate technologies for the treatment, recycling, and disposal of spent nuclear fuel and high level radioactive waste.

(2) SPECIFIC ACTIVITIES.—The Associate Director shall—

(A) develop a research plan to provide recommendations by 2015;

(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high level radioactive waste;

(C) conduct research and development activities for promising technologies;

(D) ensure that all activities include as key objectives—

(i) minimization of proliferation concerns and risk to the health of the general public or site workers; and

(ii) development of cost-effective technologies;

(E) require research on reactor-based and accelerator-based transmutation systems;

(F) require research on advanced processing and separations;

(G) encourage that research efforts include participation of international collaborators;

(H) fund international collaborators that bring unique capabilities not available in the United States if the host country is unable to provide support to such a collaborator; and

(I) ensure that research efforts by the Office are coordinated with research on advanced fuel cycles and reactors conducted by the Office of Nuclear Energy Science and Technology.

(e) REPORT.—The Associate Director shall annually submit to Congress a report on the activities and expenditures of the Office that discusses progress being made in achieving the objectives of subsection (b).

#### TITLE IV—GENERAL AND MISCELLANEOUS PROVISIONS

##### SEC. 401. DECOMMISSIONING PILOT PROGRAM.

(a) AUTHORIZATION.—The Secretary may establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas.

(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

##### SEC. 402. REPORTS.

(a) BY THE SECRETARY.—Not later than 90 days after the date of enactment of this Act,

the Secretary shall submit to Congress a report describing all alternatives available to Northern States Power Company and the Federal Government that would allow Northern States Power Company to operate the Prairie Island Nuclear Generating Plant until the end of the term of its current Nuclear Regulatory Commission licenses, based on the assumption that Federal and State laws in effect on the date of enactment of this Act will remain unchanged.

(b) BY THE COMPTROLLER GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Commerce of the House of Representatives a report on the potential economic impacts to Minnesota ratepayers should the Prairie Island Nuclear Generating Plant cease operations once the Plant has met its State-imposed storage limitation, including the costs of new generation, decommissioning costs, and the costs of continued operation of onsite storage of spent nuclear fuel storage.

(c) USEC.—The Secretary shall annually submit to Congress a report on the status of the United States Enrichment Corporation Fund established by section 1308 of the Atomic Energy Act of 1954 (42 U.S.C. 2297b-7) and the Working Capital Account established under section 1316 of the Atomic Energy Act of 1954 (42 U.S.C. 2297b-15).

#### COLLINS (AND OTHERS) AMENDMENT NO. 2816

(Ordered to lie on the table.)

Ms. COLLINS (for herself, Mr. JEFFORDS, Mr. GRAMS, and Ms. SNOWE) submitted an amendment intended to be proposed by them to amendment No. 2808, proposed by Mr. MURKOWSKI to the bill, S. 1287, *supra*; as follows:

On page 6, in the new section 105(b) strike “(I) take title to the contract holder’s spent nuclear fuel, notwithstanding section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5));” and renumber the remaining paragraphs accordingly.

#### NOTICES OF HEARINGS

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on February 9, 2000, in SR-328A at 9 a.m. The purpose of this meeting will be to review dairy policy.

##### COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on February 10, 2000, in SH-216 at 9 a.m. The purpose of this meeting will be to review the findings of the President’s Working Group’s Report on “Over the Counter Derivatives Markets and the Commodity Exchange Act.”

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public a change in the agenda of the hearing previously scheduled before the Committee on Energy and Natural Resources for Thursday, February 10 at 10