

## Union Calendar No. 259

115TH CONGRESS  
1ST SESSION

# H. R. 3053

[Report No. 115–355, Part I]

To amend the Nuclear Waste Policy Act of 1982, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2017

Mr. SHIMKUS introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

OCTOBER 19, 2017

Additional sponsors: Mr. KINZINGER, Mr. HARPER, Mrs. MIMI WALTERS of California, Mr. WALBERG, Mr. CRAMER, Mr. JOHNSON of Ohio, Mrs. McMORRIS RODGERS, Mr. MCKINLEY, Mr. FLORES, Mr. LATTA, Mr. LONG, Mr. LANCE, Mr. UPTON, Mr. COLLINS of New York, Mr. OLSON, Mr. MURPHY of Pennsylvania, Mrs. BLACKBURN, Mr. BARTON, Mr. CARTER of Georgia, Mr. HUDSON, Mrs. DINGELL, Mr. MCNERNEY, Mr. PETERS, Mr. GENE GREEN of Texas, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. MATSUI, Mr. LEWIS of Minnesota, Mr. WILSON of South Carolina, Mr. CLAY, Mr. RUSH, Mr. SCHRADER, Mr. ISSA, Mr. RODNEY DAVIS of Illinois, Mr. FLEISCHMANN, Mr. NEWHOUSE, Mr. COHEN, Mr. ROUZER, Mr. ROHRABACHER, Mr. YOUNG of Alaska, Mr. DUNCAN of South Carolina, Mr. LAHOOD, Mr. HILL, Mr. COURTNEY, Mr. SESSIONS, Mr. ABRAHAM, Mr. HULTGREN, Mr. WESTERMAN, Mr. CALVERT, Mr. KATKO, Mr. ALLEN, Mr. PERRY, Mr. PAULSEN, Mr. MACARTHUR, Mr. MITCHELL, Mr. CARTER of Texas, Mr. DUFFY, Mr. WOMACK, Mr. GROTHMAN, Mr. HUNTER, Mr. BRAT, Mr. THOMPSON of Mississippi, Mr. GALLAGHER, Mr. BROOKS of Alabama, Mr. SCOTT of Virginia, Mr. SMUCKER, Mr. THOMAS J. ROONEY of Florida, Mr. JODY B. HICE of Georgia, Mr. CHABOT, Mr. COMER, Mr. NORMAN, Mr. HUIZENGA, Mr. BUDD, Mr. POE of Texas, Mr. MOOLENAAR, Mr. CRAWFORD, Mr. KELLY of Mississippi, Mrs. BLACK, Mrs. WAGNER, Mr. LIPINSKI, Mr. RICHMOND, Mr. BABIN, Mr. DONOVAN, Mr. BYRNE, Mrs. BUSTOS, Mr.

GOSAR, Mr. CARBAJAL, Mr. LAMALFA, Mr. BRADY of Pennsylvania, Mr. DUNN, Mr. McEACHIN, Mr. GRAVES of Missouri, Mr. BISHOP of Michigan, Mr. VALADAO, Mr. ROSS, Mr. DESJARLAIS, Mr. KELLY of Pennsylvania, Mr. DENT, Mr. COSTELLO of Pennsylvania, Mrs. ROBY, Mr. RATCLIFFE, Mr. SMITH of Missouri, Mr. GIBBS, Mr. EMMER, Mr. KIND, Mr. WILLIAMS, Mr. EVANS, Mr. LUETKEMEYER, Mr. FRANKS of Arizona, and Mr. STIVERS

OCTOBER 19, 2017

Reported from the Committee on Energy and Commerce with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

OCTOBER 19, 2017

The Committees on Natural Resources and Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 26, 2017]

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## **A BILL**

To amend the Nuclear Waste Policy Act of 1982, and for other purposes.

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

3        **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4        (a) *SHORT TITLE.*—*This Act may be cited as the “Nu-*  
 5        *clear Waste Policy Amendments Act of 2017”.*

6        (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 7        *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

**TITLE I—MONITORED RETRIEVABLE STORAGE**

*Sec. 101. Monitored retrievable storage.*  
*Sec. 102. Authorization and priority.*  
*Sec. 103. Conditions for MRS agreements.*  
*Sec. 104. Survey.*  
*Sec. 105. Site selection.*  
*Sec. 106. Benefits agreement.*  
*Sec. 107. Licensing.*  
*Sec. 108. Financial assistance.*

**TITLE II—PERMANENT REPOSITORY**

*Sec. 201. Land withdrawal, jurisdiction, and reservation.*  
*Sec. 202. Application procedures and infrastructure activities.*  
*Sec. 203. Pending repository license application.*  
*Sec. 204. Limitation on planning, development, or construction of defense waste*  
               *repository.*  
*Sec. 205. Sense of Congress regarding transportation routes.*

**TITLE III—DOE CONTRACT PERFORMANCE**

*Sec. 301. Title to material.*

**TITLE IV—BENEFITS TO HOST COMMUNITY**

*Sec. 401. Consent.*  
*Sec. 402. Content of agreements.*  
*Sec. 403. Covered units of local government.*  
*Sec. 404. Termination.*  
*Sec. 405. Priority funding for certain institutions of higher education.*  
*Sec. 406. Disposal of spent nuclear fuel.*  
*Sec. 407. Updated report.*

**TITLE V—FUNDING**

*Sec. 501. Assessment and collection of fees.*  
*Sec. 502. Use of Waste Fund.*  
*Sec. 503. Annual multiyear budget proposal.*  
*Sec. 504. Availability of certain amounts.*

## TITLE VI—MISCELLANEOUS

*Sec. 601. Certain standards and criteria.*

*Sec. 602. Application.*

*Sec. 603. Transportation safety assistance.*

*Sec. 604. Office of Civilian Radioactive Waste Management.*

*Sec. 605. West Lake Landfill.*

*Sec. 606. Subseabed or ocean water disposal.*

*Sec. 607. Sense of Congress regarding storage of nuclear waste near the Great Lakes.*

## **TITLE I—MONITORED RETRIEVABLE STORAGE**

### **SEC. 101. MONITORED RETRIEVABLE STORAGE.**

*(a) PROPOSAL.—Section 141(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10161(b)) is amended—*

*(1) in paragraph (1)—*

*(A) by striking “1985” and inserting “2019”; and*

*(B) by striking “the construction of”;*

*(2) in paragraph (2)—*

*(A) by amending subparagraph (C) to read as follows:*

*“(C) designs, specifications, and cost estimates sufficient to—*

*“(i) solicit bids for the construction of one or more such facilities; and*

*“(ii) enable completion and operation of such a facility as soon as practicable;”;*

*(B) in subparagraph (D), by striking “this Act.” and inserting “this Act; and”; and*

*(C) by adding at the end the following:*

1           “(E) options to enter into MRS agreements with  
2       respect to one or more monitored retrievable storage  
3       facilities.”; and

4           (3) by amending paragraph (4) to read as fol-  
5       lows:

6           “(4) The Secretary shall, not later than 90 days after  
7       the date of enactment of the Nuclear Waste Policy Amend-  
8       ments Act of 2017, publish a request for information to help  
9       the Secretary evaluate options for the Secretary to enter  
10      into MRS agreements with respect to one or more monitored  
11      retrievable storage facilities.”.

12       (b) *ADDITIONAL AMENDMENTS.*—

13           (1) *IN GENERAL.*—Section 141 of the Nuclear  
14       Waste Policy Act of 1982 (42 U.S.C. 10161) is further  
15       amended—

16           (A) in subsection (c)(2)—

17               (i) by striking “If the Congress” and  
18               all that follows through “monitored retriev-  
19               able storage facility, the” and inserting  
20               “The”; and

21               (ii) by striking “construction of such  
22               facility” and inserting “construction of a  
23               monitored retrievable storage facility”; and  
24           (B) by striking subsections (d) through (h).

(2) *DEFINITIONS.*—Section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101) is amended—

(A) in paragraph (34), by striking “the storage facility” and inserting “a storage facility”; and

(B) by adding at the end the following:

“(35) The term ‘MRS agreement’ means a cooperative agreement, contract, or other mechanism that the Secretary considers appropriate to support the storage of Department-owned civilian waste in one or more monitored retrievable storage facilities as authorized under section 142(b)(2).

“(36) The term ‘Department-owned civilian waste’ means high-level radioactive waste, or spent nuclear fuel, resulting from civilian nuclear activities, to which the Department holds title.”.

(3) *TECHNICAL AMENDMENTS.*—Section 146 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10166) is amended—

(A) in subsection (a), by striking “such subsection” and inserting “subsection (f) of such section”; and

(B) in subsection (b), by striking “this subsection” and inserting “this section”.

1 **SEC. 102. AUTHORIZATION AND PRIORITY.**

2       *Section 142 of the Nuclear Waste Policy Act of 1982*  
 3 *(42 U.S.C. 10162) is amended by striking subsection (b)*  
 4 *and inserting the following:*

5       “(b) *AUTHORIZATION.—Subject to the requirements of*  
 6 *this subtitle, the Secretary is authorized to—*

7               “(1) *site, construct, and operate one or more*  
 8 *monitored retrievable storage facilities; and*

9               “(2) *store, pursuant to an MRS agreement, De-*  
 10 *partment-owned civilian waste at a monitored re-*  
 11 *trievable storage facility for which a non-Federal en-*  
 12 *tity holds a license described in section 143(1).*

13       “(c) *PRIORITY.—*

14               “(1) *IN GENERAL.—Except as provided in para-*  
 15 *graph (2), the Secretary shall prioritize storage of De-*  
 16 *partment-owned civilian waste at a monitored re-*  
 17 *trievable storage facility authorized under subsection*  
 18 *(b)(2).*

19               “(2) *EXCEPTION.—*

20               “(A) *DETERMINATION.—Paragraph (1)*  
 21 *shall not apply if the Secretary determines that*  
 22 *it will be faster and less expensive to site, con-*  
 23 *struct, and operate a facility authorized under*  
 24 *subsection (b)(1), in comparison to a facility au-*  
 25 *thorized under subsection (b)(2).*

1                   “(B) *NOTIFICATION.*—Not later than 30  
 2                   days after the Secretary makes a determination  
 3                   described in subparagraph (A), the Secretary  
 4                   shall submit to Congress written notification of  
 5                   such determination.”.

6 **SEC. 103. CONDITIONS FOR MRS AGREEMENTS.**

7           (a) *AMENDMENT.*—Section 143 of the Nuclear Waste  
 8           Policy Act of 1982 (42 U.S.C. 10163) is amended to read  
 9           as follows:

10 **“SEC. 143. CONDITIONS FOR MRS AGREEMENTS.**

11           “(a) *IN GENERAL.*—The Secretary may not enter into  
 12           an MRS agreement under section 142(b)(2) unless—

13                   “(1) the monitored retrievable storage facility  
 14                   with respect to which the MRS agreement applies has  
 15                   been licensed by the Commission under the Atomic  
 16                   Energy Act of 1954 (42 U.S.C. 2011 et seq.);

17                   “(2) the non-Federal entity that is a party to the  
 18                   MRS agreement has approval to store Department-  
 19                   owned civilian waste at such facility from each of—

20                           “(A) the Governor of the State in which the  
 21                           facility is located;

22                           “(B) any unit of general local government  
 23                           with jurisdiction over the area in which the fa-  
 24                           cility is located; and

25                           “(C) any affected Indian tribe;



1           “(3) *except as provided in subsection (b), the*  
 2           *Commission has issued a final repository decision;*  
 3           *and*

4           “(4) *the MRS agreement provides that the quan-*  
 5           *tity of high-level radioactive waste and spent nuclear*  
 6           *fuel at the site of the facility at any one time will not*  
 7           *exceed the limits described in section 148(d)(3) and*  
 8           *(4).*

9           “(b) *INITIAL AGREEMENT.—*

10           “(1) *AUTHORIZATION.—The Secretary may enter*  
 11           *into one MRS agreement under section 142(b)(2) be-*  
 12           *fore the Commission has issued a final repository de-*  
 13           *cision.*

14           “(2) *FUNDING.—There are authorized to be ap-*  
 15           *propriated to carry out this subsection—*

16           “(A) *for each of fiscal years 2020 through*  
 17           *2022, the greater of—*

18           “(i) *\$50,000,000; or*

19           “(ii) *the amount that is equal to 10*  
 20           *percent of the amounts appropriated from*  
 21           *the Waste Fund in that fiscal year; and*

22           “(B) *for each of fiscal years 2023 through*  
 23           *2025, the amount that is equal to 10 percent of*  
 24           *the amounts appropriated from the Waste Fund*  
 25           *in that fiscal year.*

1 “(3) *PRIORITY.*—

2 “(A) *IN GENERAL.*—An MRS agreement en-  
3 tered into pursuant to paragraph (1) shall, to  
4 the extent allowable under this Act (including  
5 under the terms of the standard contract estab-  
6 lished in section 691.11 of title 10, Code of Fed-  
7 eral Regulations), provide for prioritization of  
8 the storage of Department-owned civilian waste  
9 that originated from facilities that have ceased  
10 commercial operation.

11 “(B) *NO EFFECT ON STANDARD CON-*  
12 *TRACT.*—Nothing in subparagraph (A) shall be  
13 construed to amend or otherwise alter the stand-  
14 ard contract established in section 691.11 of title  
15 10, Code of Federal Regulations.

16 “(4) *CONDITIONS.*—

17 “(A) *NO STORAGE.*—Except as provided in  
18 subparagraph (B), the Secretary may not store  
19 any Department-owned civilian waste at the ini-  
20 tial MRS facility until the Commission has  
21 issued a final repository decision.

22 “(B) *EXCEPTION.*—

23 “(i) *FINDING.*—The Secretary, in con-  
24 sultation with the Chairman of the Com-  
25 mission, may make a finding that a final

1            *repository decision is imminent, which*  
2            *finding shall be updated not less often than*  
3            *quarterly until the date on which the Com-*  
4            *mission issues a final repository decision.*

5            “(ii) *STORAGE.*—*If the Secretary*  
6            *makes a finding under clause (i), the Sec-*  
7            *retary may store Department-owned civil-*  
8            *ian waste at the initial MRS facility in ac-*  
9            *cordance with this section.*

10           “(iii) *NOTICE.*—*Not later than seven*  
11           *days after the Secretary makes or updates a*  
12           *finding under clause (i), the Secretary shall*  
13           *submit to Congress written notification of*  
14           *such finding.*

15           “(iv) *REPORTING.*—*In addition to the*  
16           *requirements of section 114(c), if the Sec-*  
17           *retary makes a finding under clause (i), the*  
18           *Secretary shall submit to Congress the re-*  
19           *port described in such section 114(c) not*  
20           *later than 1 month after the Secretary*  
21           *makes such finding and monthly thereafter*  
22           *until the date on which the Commission*  
23           *issues a final repository decision.*

24           “(C) *NO EFFECT ON FEDERAL DISPOSAL*  
25           *POLICY.*—*Nothing in this subsection affects the*

1       *Federal responsibility for the disposal of high-*  
 2       *level radioactive waste and spent nuclear fuel, or*  
 3       *the definite Federal policy with regard to the*  
 4       *disposal of such waste and spent fuel, established*  
 5       *under subtitle A, as described in section 111(b).*

6       “(c) *DEFINITIONS.—For purposes of this section:*

7               “(1) *FINAL REPOSITORY DECISION.—The term*  
 8       *‘final repository decision’ means a final decision ap-*  
 9       *proving or disapproving the issuance of a construc-*  
 10       *tion authorization for a repository under section*  
 11       *114(d)(1).*

12               “(2) *INITIAL MRS FACILITY.—The term ‘initial*  
 13       *MRS facility’ means the monitored retrievable storage*  
 14       *facility with respect to which an MRS agreement is*  
 15       *entered into pursuant to subsection (b)(1).”.*

16       “(b) *CONFORMING AMENDMENT.—The item relating to*  
 17       *section 143 in the table of contents for the Nuclear Waste*  
 18       *Policy Act of 1982 is amended to read as follows:*

*“Sec. 143. Conditions for MRS agreements.”.*

19       **SEC. 104. SURVEY.**

20       *Section 144 of the Nuclear Waste Policy Act of 1982*  
 21       *(42 U.S.C. 10164) is amended—*

22               *(1) by striking “After the MRS Commission sub-*  
 23       *mits its report to the Congress under section 143, the”*  
 24       *and inserting “(a) IN GENERAL.—The”;*

1           (2) *in the matter preceding paragraph (1), by*  
 2           *striking “for a monitored retrievable storage facility”*  
 3           *and inserting “for any monitored retrievable storage*  
 4           *facility authorized under section 142”;*

5           (3) *in paragraph (6), by striking “; and” and*  
 6           *inserting a semicolon;*

7           (4) *in paragraph (7), by striking the period at*  
 8           *the end and inserting “; and”; and*

9           (5) *by adding after paragraph (7) the following:*

10           *“(8) be acceptable to State authorities, affected*  
 11           *units of local government, and affected Indian tribes.*

12           *“(b) REQUEST FOR PROPOSALS.—The Secretary shall*  
 13           *issue a request for proposals for an MRS agreement author-*  
 14           *ized under section 142(b)(2) before conducting a survey and*  
 15           *evaluation under subsection (a), and shall consider any*  
 16           *proposals received in response to such request in making*  
 17           *the evaluation.”.*

18   **SEC. 105. SITE SELECTION.**

19           *Section 145 of the Nuclear Waste Policy Act of 1982*  
 20           *(42 U.S.C. 10165) is amended—*

21           (1) *in subsection (a)—*

22                   (A) *by striking “select the site evaluated”*  
 23                   *and inserting “select a site evaluated”;*

24                   (B) *by striking “the most”; and*

1                   (C) by inserting “authorized under section  
 2                   142(b)(1)” after “monitored retrievable storage  
 3                   facility”; and  
 4                   (2) by striking subsection (g).

5 **SEC. 106. BENEFITS AGREEMENT.**

6           Section 147 of the Nuclear Waste Policy Act of 1982  
 7 (42 U.S.C. 10167) is amended—

8                   (1) by inserting “the Secretary intends to con-  
 9                   struct and operate under section 142(b)(1)” after  
 10                   “storage facility”; and

11                   (2) by inserting “or once a non-Federal entity  
 12                   enters into an MRS agreement under section  
 13                   142(b)(2),” after “section 145,”.

14 **SEC. 107. LICENSING.**

15           (a) *REVIEW OF LICENSE APPLICATION.*—Section  
 16 148(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
 17 10168(c)) is amended by striking “section 142(b)” and in-  
 18 serting “section 142(b)(1)”.

19           (b) *LICENSING CONDITIONS.*—Section 148(d) of the  
 20 Nuclear Waste Policy Act of 1982 (42 U.S.C. 10168(d)) is  
 21 amended—

22                   (1) in paragraph (1), by striking “has issued a  
 23                   license for the construction of a repository under sec-  
 24                   tion 115(d)” and inserting “has issued a final deci-  
 25                   sion approving or disapproving the issuance of a con-

1        *struction authorization for a repository under section*  
 2        *114(d)(1)”; and*  
 3                *(2) in paragraph (2), by striking “or construc-*  
 4        *tion of the repository ceases”.*

5    **SEC. 108. FINANCIAL ASSISTANCE.**

6        *Section 149 of the Nuclear Waste Policy Act of 1982*  
 7        *is amended by inserting “authorized under section*  
 8        *142(b)(1)” after “a monitored retrievable storage facility”.*

9                                **TITLE II—PERMANENT**  
 10                              **REPOSITORY**

11    **SEC. 201. LAND WITHDRAWAL, JURISDICTION, AND RES-**  
 12                              **ERVATION.**

13        *(a) LAND WITHDRAWAL, JURISDICTION, AND RES-*  
 14        *ERVATION.—*

15                *(1) LAND WITHDRAWAL.—Subject to valid exist-*  
 16        *ing rights and except as provided otherwise in this*  
 17        *section, the lands described in subsection (c) are with-*  
 18        *drawn permanently from all forms of entry, appro-*  
 19        *priation, and disposal under the public land laws, in-*  
 20        *cluding the mineral leasing laws, the geothermal leas-*  
 21        *ing laws, and the mining laws.*

22                *(2) JURISDICTION.—Except as otherwise pro-*  
 23        *vided in this section, jurisdiction over the withdrawal*  
 24        *is vested in the Secretary. There are transferred to the*  
 25        *Secretary the lands within the withdrawal under the*

1     *jurisdiction of the Secretary concerned on the effective*  
 2     *date described in subsection (j)(1).*

3             (3) *RESERVATION.—The withdrawal is reserved*  
 4     *for use by the Secretary for development,*  
 5     *preconstruction testing and performance confirma-*  
 6     *tion, licensing, construction, management and oper-*  
 7     *ation, monitoring, closure, postclosure, and other ac-*  
 8     *tivities associated with the disposal of high-level ra-*  
 9     *dioactive waste and spent nuclear fuel under the Nu-*  
 10    *clear Waste Policy Act of 1982 (42 U.S.C. 10101 et*  
 11    *seq.).*

12            (b) *REVOCATION AND MODIFICATION OF PUBLIC LAND*  
 13    *ORDERS AND RIGHTS-OF-WAY.—*

14             (1) *PUBLIC LAND ORDER REVOCATION.—Public*  
 15     *Land Order 6802 of September 25, 1990, as extended*  
 16     *by Public Land Order 7534, and any conditions or*  
 17     *memoranda of understanding accompanying those*  
 18     *land orders, are revoked.*

19             (2) *RIGHT-OF-WAY RESERVATIONS.—Project*  
 20     *right-of-way reservations N-48602 and N-47748 of*  
 21     *January 2001, are revoked.*

22            (c) *LAND DESCRIPTION.—*

23             (1) *BOUNDARIES.—The lands and interests in*  
 24     *lands withdrawn and reserved by this section com-*  
 25     *prise the approximately 147,000 acres of land in Nye*



1       County, Nevada, as generally depicted on the Yucca  
2       Mountain Project Map, YMP-03-024.2, entitled  
3       “Proposed Land Withdrawal” and dated July 21,  
4       2005.

5               (2) *LEGAL DESCRIPTION AND MAP.*—Not later  
6       than 120 days after the date of enactment of this Act,  
7       the Secretary of the Interior shall—

8                       (A) publish in the Federal Register a notice  
9                       containing a legal description of the withdrawal;  
10                      and

11                     (B) file copies of the maps described in  
12                     paragraph (1) and the legal description of the  
13                     withdrawal with the Congress, the Governor of  
14                     the State of Nevada, and the Archivist of the  
15                     United States.

16               (3) *TECHNICAL CORRECTIONS.*—The maps and  
17       legal description referred to in this subsection have  
18       the same force and effect as if they were included in  
19       this section. The Secretary of the Interior may correct  
20       clerical and typographical errors in the maps and  
21       legal description.

22               (d) *RELATIONSHIP TO OTHER RESERVATIONS.*—The  
23       provisions of subtitle A of title XXX of the Military Lands  
24       Withdrawal Act of 1999 (sections 3011–3023 of Public Law  
25       106–65) and of Public Land Order 2568 do not apply to

1 *the lands withdrawn and reserved for use by the Secretary*  
 2 *under subsection (a). This Act does not apply to any other*  
 3 *lands withdrawn for use by the Department of Defense*  
 4 *under subtitle A of title XXX of the Military Lands With-*  
 5 *drawal Act of 1999.*

6 *(e) MANAGEMENT RESPONSIBILITIES.—*

7 *(1) GENERAL AUTHORITY.—The Secretary shall*  
 8 *manage the lands withdrawn by subsection (a) con-*  
 9 *sistent with the Federal Land Policy and Manage-*  
 10 *ment Act of 1976 (43 U.S.C. 1701 et seq.), this sec-*  
 11 *tion, and other applicable law. The Secretary shall*  
 12 *consult with the Secretary concerned in discharging*  
 13 *that responsibility.*

14 *(2) MANAGEMENT PLAN.—*

15 *(A) DEVELOPMENT.—The Secretary, after*  
 16 *consulting with the Secretary concerned, shall*  
 17 *develop a management plan for the use of the*  
 18 *withdrawal. Within 3 years after the date of en-*  
 19 *actment of this Act, the Secretary shall submit*  
 20 *the management plan to the Congress and the*  
 21 *State of Nevada.*

22 *(B) PRIORITY OF YUCCA MOUNTAIN*  
 23 *PROJECT-RELATED ISSUES.—Subject to subpara-*  
 24 *graphs (C) and (D), any use of the withdrawal*  
 25 *for activities not associated with the Project is*

1       *subject to conditions and restrictions that the*  
2       *Secretary considers necessary or desirable to per-*  
3       *mit the conduct of Project-related activities.*

4               (C) *DEPARTMENT OF THE AIR FORCE*  
5       *USES.—The management plan may provide for*  
6       *the continued use by the Department of the Air*  
7       *Force of the portion of the withdrawal within the*  
8       *Nellis Air Force Base Test and Training Range*  
9       *under terms and conditions on which the Sec-*  
10       *retary and the Secretary of the Air Force agree*  
11       *concerning Air Force activities.*

12              (D) *OTHER NON-YUCCA-MOUNTAIN-PROJECT*  
13       *USES.—The management plan shall provide for*  
14       *the maintenance of wildlife habitat and shall*  
15       *provide that the Secretary may permit non-*  
16       *Project-related uses that the Secretary considers*  
17       *appropriate, including domestic livestock grazing*  
18       *and hunting and trapping in accordance with*  
19       *the following requirements:*

20                   (i) *GRAZING.—The Secretary may per-*  
21                   *mit grazing to continue where established*  
22                   *before the effective date described in sub-*  
23                   *section (j)(1), subject to regulations, poli-*  
24                   *cies, and practices that the Secretary, after*  
25                   *consulting with the Secretary of the Inte-*

1            *rior, determines to be necessary or appro-*  
2            *priate. The management of grazing shall be*  
3            *conducted in accordance with applicable*  
4            *grazing laws and policies, including—*

5                    *(I) the Act commonly known as*  
6                    *the “Taylor Grazing Act” (43 U.S.C.*  
7                    *315 et seq.);*

8                    *(II) title IV of the Federal Land*  
9                    *Policy and Management Act of 1976*  
10                   *(43 U.S.C. 1751 et seq.); and*

11                   *(III) the Public Rangelands Im-*  
12                   *provement Act of 1978 (43 U.S.C. 1901*  
13                   *et seq.).*

14                   *(ii) HUNTING AND TRAPPING.—The*  
15                   *Secretary may permit hunting and trap-*  
16                   *ping within the withdrawal where estab-*  
17                   *lished before the effective date described in*  
18                   *subsection (k)(1), except that the Secretary,*  
19                   *after consulting with the Secretary of the*  
20                   *Interior and the State of Nevada, may des-*  
21                   *ignate zones where, and establish periods*  
22                   *when, no hunting or trapping is permitted*  
23                   *for reasons of public safety, national secu-*  
24                   *rity, administration, or public use and en-*  
25                   *joyment.*

1                   (E) MINING.—

2                   (i) IN GENERAL.—*Except as provided*  
3                   *in clause (ii), surface or subsurface mining*  
4                   *or oil or gas production, including slant*  
5                   *drilling from outside the boundaries of the*  
6                   *withdrawal, is not permitted at any time*  
7                   *on lands on or under the withdrawal. The*  
8                   *Secretary of the Interior shall evaluate and*  
9                   *adjudicate the validity of all unpatented*  
10                   *mining claims on the portion of the with-*  
11                   *drawal that, on the date of enactment of*  
12                   *this Act, was under the control of the Bu-*  
13                   *reau of Land Management. The Secretary*  
14                   *shall provide just compensation for the ac-*  
15                   *quisition of any valid property right.*

16                   (ii) CIND-R-LITE MINE.—*Patented*  
17                   *Mining Claim No. 27–83–0002, covering the*  
18                   *Cind–R–Lite Mine, shall not be affected by*  
19                   *establishment of the withdrawal set forth in*  
20                   *subsection (a)(1). In that event, the Sec-*  
21                   *retary shall provide just compensation.*

22                   (F) LIMITED PUBLIC ACCESS.—*The man-*  
23                   *agement plan may provide for limited public ac-*  
24                   *cess to the portion of the withdrawal under Bu-*  
25                   *reau of Land Management control on the effec-*

1           *tive date described in subsection (j)(1). Permitted*  
2           *uses may include continuation of the Nye Coun-*  
3           *ty Early Warning Drilling Program, utility cor-*  
4           *ridors, and other uses the Secretary, after con-*  
5           *sulting with the Secretary of the Interior, con-*  
6           *siders consistent with the purposes of the with-*  
7           *drawal.*

8           (3) *CLOSURE.*—*If the Secretary, after consulting*  
9           *with the Secretary concerned, determines that the*  
10          *health and safety of the public or the common defense*  
11          *and security require the closure of a road, trail, or*  
12          *other portion of the withdrawal, or the airspace above*  
13          *the withdrawal, the Secretary may effect and main-*  
14          *tain the closure and shall provide notice of the clo-*  
15          *sure.*

16          (4) *IMPLEMENTATION.*—*The Secretary and the*  
17          *Secretary concerned shall implement the management*  
18          *plan developed under paragraph (2) under terms and*  
19          *conditions on which they agree.*

20          (f) *IMMUNITY.*—*The United States and its depart-*  
21          *ments and agencies shall be held harmless and shall not*  
22          *be liable for damages to persons or property suffered in the*  
23          *course of any mining, mineral leasing, or geothermal leas-*  
24          *ing activity conducted on the withdrawal.*

1       (g) *LAND ACQUISITION.*—*The Secretary may acquire*  
 2 *lands and interests in lands within the withdrawal. Those*  
 3 *lands and interests in lands may be acquired by donation,*  
 4 *purchase, lease, exchange, easement, rights-of-way, or other*  
 5 *appropriate methods using donated or appropriated funds.*  
 6 *The Secretary of the Interior shall conduct any exchange*  
 7 *of lands within the withdrawal for Federal lands outside*  
 8 *the withdrawal.*

9       (h) *MATERIAL REQUIREMENTS.*—*Notwithstanding*  
 10 *any other provision of law, no Federal, State, Interstate,*  
 11 *or local requirement, either substantive or procedural, that*  
 12 *is referred to in section 6001(a) of the Solid Waste Disposal*  
 13 *Act (42 U.S.C. 6961(a)) applies with respect to any mate-*  
 14 *rial—*

15               (1) *as such material is transported to a reposi-*  
 16 *tory for disposal at such repository; or*

17               (2) *as, or after, such material is disposed of in*  
 18 *a repository.*

19       (i) *DEFINITIONS.*—

20               (1) *NUCLEAR WASTE POLICY ACT OF 1982 DEFINI-*  
 21 *TIONS.*—*For purposes of this section, the terms “dis-*  
 22 *posal”, “high-level radioactive waste”, “repository”,*  
 23 *“Secretary”, and “spent nuclear fuel” have the mean-*  
 24 *ing given those terms in section 2 of the Nuclear*  
 25 *Waste Policy Act of 1982 (42 U.S.C. 10101).*

1           (2) *OTHER DEFINITIONS.—For purposes of this*  
 2           *section—*

3                   (A) *the term “withdrawal” means the geo-*  
 4                   *graphic area consisting of the land described in*  
 5                   *subsection (c);*

6                   (B) *the term “Secretary concerned” means*  
 7                   *the Secretary of the Air Force or the Secretary*  
 8                   *of the Interior, or both, as appropriate; and*

9                   (C) *the term “Project” means the Yucca*  
 10                  *Mountain Project.*

11          (j) *EFFECTIVE DATE.—*

12                  (1) *IN GENERAL.—Except as provided in para-*  
 13                  *graph (2), this section shall take effect on the date on*  
 14                  *which the Nuclear Regulatory Commission issues a*  
 15                  *final decision approving the issuance of a construc-*  
 16                  *tion authorization for a repository under section*  
 17                  *114(d)(1) of the Nuclear Waste Policy Act of 1982 (42*  
 18                  *U.S.C. 10134(d)) (as so designated by this Act).*

19                  (2) *EXCEPTIONS.—Subsections (c), (e)(2)(A), (h),*  
 20                  *(i), and (j) shall take effect on the date of enactment*  
 21                  *of this Act.*

22   **SEC. 202. APPLICATION PROCEDURES AND INFRASTRUC-**  
 23           **TURE ACTIVITIES.**

24          (a) *STATUS REPORT ON APPLICATION.—Section*  
 25          *114(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C.*



1 10134(c)) is amended by striking “the date on which such  
 2 authorization is granted” and inserting “the date on which  
 3 the Commission issues a final decision approving or dis-  
 4 approving such application”.

5 (b) *APPLICATION PROCEDURES AND INFRASTRUCTURE*  
 6 *ACTIVITIES*.—Section 114(d) of the Nuclear Waste Policy  
 7 Act of 1982 (42 U.S.C. 10134(d)) is amended—

8 (1) by striking “The Commission shall consider”  
 9 and inserting the following:

10 “(1) *APPLICATIONS FOR CONSTRUCTION AUTHOR-*  
 11 *IZATION*.—The Commission shall consider”;

12 (2) by striking “the expiration of 3 years after  
 13 the date of the submission of such application” and  
 14 inserting “30 months after the date of enactment of  
 15 the Nuclear Waste Policy Amendments Act of 2017”;

16 (3) by striking “70,000 metric tons” each place  
 17 it appears and inserting “110,000 metric tons”; and

18 (4) by adding at the end the following new para-  
 19 graphs:

20 “(2) *APPLICATIONS TO AMEND*.—If the Commis-  
 21 sion issues a construction authorization for a reposi-  
 22 tory pursuant to paragraph (1) and the Secretary  
 23 submits an application to amend such authorization,  
 24 the Commission shall consider the application to  
 25 amend using expedited, informal procedures, includ-

1     *ing discovery procedures that minimize the burden on*  
2     *the parties to produce documents. The Commission*  
3     *shall issue a final decision on such application to*  
4     *amend within 1 year after the date of submission of*  
5     *such application, except that the Commission may ex-*  
6     *tend such deadline by not more than 6 months if, not*  
7     *less than 30 days before such deadline, the Commis-*  
8     *sion complies with the reporting requirements estab-*  
9     *lished in subsection (e)(2).*

10         “(3) *INFRASTRUCTURE ACTIVITIES.*—

11                 “(A) *IN GENERAL.*—*At any time before or*  
12                 *after the Commission issues a final decision ap-*  
13                 *proving or disapproving the issuance of a con-*  
14                 *struction authorization for a repository pursuant*  
15                 *to paragraph (1), the Secretary may undertake*  
16                 *infrastructure activities that the Secretary con-*  
17                 *siders necessary or appropriate to support con-*  
18                 *struction or operation of a repository at the*  
19                 *Yucca Mountain site or transportation to such*  
20                 *site of spent nuclear fuel and high-level radio-*  
21                 *active waste. Infrastructure activities include*  
22                 *safety upgrades, site preparation, the construc-*  
23                 *tion of a rail line to connect the Yucca Mountain*  
24                 *site with the national rail network (including*  
25                 *any facilities to facilitate rail operations), and*

1       *construction, upgrade, acquisition, or operation*  
2       *of electrical grids or facilities, other utilities,*  
3       *communication facilities, access roads, and non-*  
4       *nuclear support facilities.*

5               “(B) *ENVIRONMENTAL ANALYSIS.*—*If the*  
6       *Secretary determines that an environmental*  
7       *analysis is required under the National Environ-*  
8       *mental Policy Act of 1969 with respect to an in-*  
9       *frastructure activity undertaken under this*  
10       *paragraph, the Secretary need not consider alter-*  
11       *native actions or a no-action alternative. To the*  
12       *extent any other Federal agency must consider*  
13       *the potential environmental impact of such an*  
14       *infrastructure activity, the agency shall adopt, to*  
15       *the extent practicable, any environmental anal-*  
16       *ysis prepared by the Secretary under this sub-*  
17       *paragraph without further action. Such adoption*  
18       *satisfies the responsibilities of the adopting agen-*  
19       *cy under the National Environmental Policy Act*  
20       *of 1969, and no further action is required by the*  
21       *agency.*

22               “(C) *NO GROUNDS FOR DISAPPROVAL.*—*The*  
23       *Commission may not disapprove, on the grounds*  
24       *that the Secretary undertook an infrastructure*  
25       *activity under this paragraph—*

1                   “(i) the issuance of a construction au-  
 2                   thorization for a repository pursuant to  
 3                   paragraph (1);

4                   “(ii) a license to receive and possess  
 5                   spent nuclear fuel and high-level radioactive  
 6                   waste; or

7                   “(iii) any other action concerning the  
 8                   repository.”.

9           (c) *CONNECTED ACTIONS*.—Section 114(f)(6) of the  
 10 *Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(f)(6))*  
 11 *is amended by striking “or nongeologic alternatives to such*  
 12 *site” and inserting “nongeologic alternatives to such site,*  
 13 *or an action connected or otherwise related to the repository*  
 14 *to the extent the action is undertaken outside the geologic*  
 15 *repository operations area and does not require a license*  
 16 *from the Commission”.*

17 **SEC. 203. PENDING REPOSITORY LICENSE APPLICATION.**

18           *Nothing in this Act or the amendments made by this*  
 19 *Act shall be construed to require the Secretary to amend*  
 20 *or otherwise modify an application for a construction au-*  
 21 *thorization described in section 114(d) of the Nuclear Waste*  
 22 *Policy Act of 1982 (42 U.S.C. 10134(d)) pending as of the*  
 23 *date of enactment of this Act.*

1 **SEC. 204. LIMITATION ON PLANNING, DEVELOPMENT, OR**  
2 **CONSTRUCTION OF DEFENSE WASTE REPOSI-**  
3 **TORY.**

4 (a) *LIMITATION.*—*The Secretary of Energy may not*  
5 *take any action relating to the planning, development, or*  
6 *construction of a defense waste repository until the date on*  
7 *which the Nuclear Regulatory Commission issues a final*  
8 *decision approving or disapproving the issuance of a con-*  
9 *struction authorization for a repository under section*  
10 *114(d)(1) of the Nuclear Waste Policy Act of 1982 (42*  
11 *U.S.C. 10134(d)) (as so designated by this Act).*

12 (b) *DEFINITIONS.*—*In this section—*

13 (1) *the terms “atomic energy defense activity”,*  
14 *“high-level radioactive waste”, “repository”, and*  
15 *“spent nuclear fuel” have the meanings given those*  
16 *terms in section 2 of the Nuclear Waste Policy Act of*  
17 *1982 (42 U.S.C. 10101); and*

18 (2) *the term “defense waste repository” means*  
19 *the repository for high-level radioactive waste and*  
20 *spent nuclear fuel derived from the atomic energy de-*  
21 *fense activities of the Department of Energy, as de-*  
22 *scribed in the draft plan of the Department titled*  
23 *“Draft Plan for a Defense Waste Repository” pub-*  
24 *lished on December 16, 2016.*

1 **SEC. 205. SENSE OF CONGRESS REGARDING TRANSPOR-**  
 2 **TATION ROUTES.**

3 *It is the sense of Congress that the Secretary of Energy*  
 4 *should consider routes for the transportation of spent nu-*  
 5 *clear fuel or high-level radioactive waste transported by or*  
 6 *for the Secretary under subtitle A of title I of the Nuclear*  
 7 *Waste Policy Act of 1982 (42 U.S.C. 10131 et seq.) to the*  
 8 *Yucca Mountain site that, to the extent practicable, avoid*  
 9 *Las Vegas, Nevada.*

10 **TITLE III—DOE CONTRACT**  
 11 **PERFORMANCE**

12 **SEC. 301. TITLE TO MATERIAL.**

13 *Section 123 of the Nuclear Waste Policy Act of 1982*  
 14 *(42 U.S.C. 10143) is amended—*

15 *(1) by striking “Delivery” and inserting “(a) IN*  
 16 *GENERAL.—Delivery”;*

17 *(2) by striking “repository constructed under*  
 18 *this subtitle” and inserting “repository or monitored*  
 19 *retrievable storage facility”; and*

20 *(3) by adding at the end the following new sub-*  
 21 *section:*

22 *“(b) CONTRACT MODIFICATION.—The Secretary may*  
 23 *enter into new contracts or negotiate modifications to exist-*  
 24 *ing contracts, with any person who generates or holds title*  
 25 *to high-level radioactive waste or spent nuclear fuel of do-*  
 26 *mestic origin, for acceptance of title, subsequent transpor-*

1 *tation, and storage of such high-level radioactive waste or*  
 2 *spent nuclear fuel (including to expedite such acceptance*  
 3 *of title, transportation, and storage of such waste or fuel*  
 4 *from facilities that have ceased commercial operation) at*  
 5 *a monitored retrievable storage facility authorized under*  
 6 *subtitle C.”.*

7 ***TITLE IV—BENEFITS TO HOST***  
 8 ***COMMUNITY***

9 ***SEC. 401. CONSENT.***

10 *Section 170 of the Nuclear Waste Policy Act of 1982*  
 11 *(42 U.S.C. 10173) is amended—*

12 *(1) in subsection (c), by striking “shall offer”*  
 13 *and inserting “may offer”;*

14 *(2) in subsection (d), by striking “shall” and in-*  
 15 *serting “may”;*

16 *(3) in subsection (e)—*

17 *(A) by inserting a comma after “reposi-*  
 18 *tory”; and*

19 *(B) by inserting “per State,” after “facil-*  
 20 *ity”; and*

21 *(4) by adding at the end the following new sub-*  
 22 *section:*

23 *“(g) CONSENT.—The acceptance or use of any of the*  
 24 *benefits provided under a benefits agreement under this sec-*  
 25 *tion by the State of Nevada shall not be considered to be*

1 *an expression of consent, express or implied, to the siting*  
 2 *of a repository in such State.”.*

3 **SEC. 402. CONTENT OF AGREEMENTS.**

4 (a) *BENEFITS SCHEDULE.*—*The table in section*  
 5 *171(a)(1) of the Nuclear Waste Policy Act of 1982 (42*  
 6 *U.S.C. 10173a(a)(1)) is amended to read as follows:*

*“BENEFITS SCHEDULE*

<i>Event</i>	<i>MRS</i>	<i>Repository</i>
<i>(A) Annual payments prior to first spent fuel receipt .....</i>	<i>\$5,000,000</i>	<i>\$15,000,000</i>
<i>(B) Upon first spent fuel receipt .....</i>	<i>\$10,000,000</i>	<i>The amount described in section 302(f)(1)(B)</i>
<i>(C) Annual payments after first spent fuel receipt until closure of the facility .....</i>	<i>\$10,000,000</i>	<i>The amounts described in section 302(f)(1)(C)”. in section 302(f)(1)(C)”.</i>

7 (b) *RESTRICTIONS ON USE.*—*Section 171(a) of the Nu-*  
 8 *clear Waste Policy Act of 1982 (42 U.S.C. 10173a(a)) is*  
 9 *amended—*

10 (1) *in paragraph (6), by striking “paragraph*  
 11 *(7)” and inserting “paragraphs (7) and (8)”;* and

12 (2) *by adding at the end the following new para-*  
 13 *graph:*

14 “(8) *None of the payments under this section may be*  
 15 *used—*



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

5           “(B) for litigation purposes; or

6           “(C) to support multistate efforts or other coal-  
7           ition-building activities inconsistent with the siting,  
8           construction, or operation of the monitored retrievable  
9           storage facility or repository concerned.”.

10          (c) *CONTENTS.*—Section 171(b) of the Nuclear Waste  
11          Policy Act of 1982 (42 U.S.C. 10173a(b)) is amended—

12                 (1) by striking paragraph (2);

13                 (2) by redesignating paragraphs (3) through (5)  
14                 as paragraphs (2) through (4), respectively; and

15                 (3) in paragraph (3) (as redesignated by para-  
16                 graph (2) of this subsection), by striking “in the de-  
17                 sign of the repository or monitored retrievable storage  
18                 facility and”.

19          (d) *PAYMENTS FROM THE WASTE FUND.*—Section  
20          171(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
21          10173a(c)) is amended by striking the first sentence and  
22          inserting the following: “The Secretary shall make pay-  
23          ments to the State of Nevada under a benefits agreement  
24          concerning a repository under section 170 from the Waste  
25          Fund.”.

1 **SEC. 403. COVERED UNITS OF LOCAL GOVERNMENT.**

2       (a) *IN GENERAL.*—*The Nuclear Waste Policy Act of*  
 3 *1982 (42 U.S.C. 10101 et seq.) is amended by inserting*  
 4 *after section 172 the following new section:*

5 **“SEC. 172A. COVERED UNITS OF LOCAL GOVERNMENT.**

6       “(a) *BENEFITS AGREEMENT.*—*Not earlier than 1 year*  
 7 *after the date of enactment of this section, the Secretary*  
 8 *may enter into a benefits agreement with any covered unit*  
 9 *of local government concerning a repository for the accept-*  
 10 *ance of high-level radioactive waste or spent nuclear fuel*  
 11 *in the State of Nevada.*

12       “(b) *CONTENT OF AGREEMENTS.*—*In addition to any*  
 13 *benefits to which a covered unit of local government is enti-*  
 14 *tled under this Act, the Secretary shall make payments to*  
 15 *such covered unit of local government that is a party to*  
 16 *a benefits agreement under subsection (a) to mitigate im-*  
 17 *pacts described in section 175(b).*

18       “(c) *PAYMENTS FROM WASTE FUND.*—*The Secretary*  
 19 *shall make payments to a covered unit of local government*  
 20 *under a benefits agreement under this section from the*  
 21 *Waste Fund.*

22       “(d) *RESTRICTION ON USE.*—*None of the payments*  
 23 *made pursuant to a benefits agreement under this section*  
 24 *may be used—*

25               “(1) *directly or indirectly to influence legislative*  
 26 *action on any matter pending before Congress or a*

1       *State legislature or for any lobbying activity as pro-*  
 2       *vided in section 1913 of title 18, United States Code;*

3               “(2) *for litigation purposes; or*

4               “(3) *to support multistate efforts or other coali-*  
 5       *tion-building activities inconsistent with the siting,*  
 6       *construction, or operation of the repository.*

7       “(e) *CONSENT.—The acceptance or use of any of the*  
 8       *benefits provided under a benefits agreement under this sec-*  
 9       *tion by any covered unit of local government shall not be*  
 10       *considered to be an expression of consent, express or im-*  
 11       *plied, to the siting of a repository in the State of Nevada.*

12       “(f) *COVERED UNIT OF LOCAL GOVERNMENT DE-*  
 13       *FINED.—In this section, the term ‘covered unit of local gov-*  
 14       *ernment’ means—*

15               “(1) *any affected unit of local government with*  
 16       *respect to a repository; and*

17               “(2) *any unit of general local government in the*  
 18       *State of Nevada.”.*

19       (b) *CONFORMING AMENDMENTS.—*

20               (1) *BENEFITS AGREEMENT.—Section 170(a)(4)*  
 21       *of the Nuclear Waste Policy Act of 1982 (42 U.S.C.*  
 22       *10173(a)(4)) is amended—*

23               (A) *by inserting “made available pursuant*  
 24       *to a benefits agreement under this section” after*  
 25       *“under this subtitle”; and*

1                   (B) by striking “with a benefits agreement  
2                   under this section” and inserting “with such  
3                   benefits agreement”.

4                   (2) *LIMITATION.*—Section 170(e) of the Nuclear  
5                   Waste Policy Act of 1982 (42 U.S.C. 10173(e)) is fur-  
6                   ther amended by inserting “under this section” after  
7                   “may be in effect”.

8                   (3) *TABLE OF CONTENTS.*—The table of contents  
9                   for the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
10                  10101 note) is amended by adding after the item re-  
11                  lating to section 172, the following:

“Sec. 172A. Covered units of local government.”.

12 **SEC. 404. TERMINATION.**

13                  Section 173 of the Nuclear Waste Policy Act of 1982  
14                  (42 U.S.C. 10173c) is amended—

15                  (1) in subsection (a)—

16                         (A) by striking “under this title if” and in-  
17                         serting “under this title”;

18                         (B) in paragraph (1), by inserting “con-  
19                         cerning a repository or a monitored retrievable  
20                         storage facility, if” before “the site under consid-  
21                         eration”; and

22                         (C) in paragraph (2), by striking “the Sec-  
23                         retary determines that the Commission cannot  
24                         license the facility within a reasonable time”  
25                         and inserting “concerning a repository, if the

1           *Commission issues a final decision disapproving*  
 2           *the issuance of a construction authorization for*  
 3           *a repository under section 114(d)(1)”; and*  
 4           *(2) by amending subsection (b) to read as fol-*  
 5           *lows:*

6           “(b) *TERMINATION BY STATE OR INDIAN TRIBE.—A*  
 7           *State, covered unit of local government (as defined in sec-*  
 8           *tion 172A), or Indian tribe may only terminate a benefits*  
 9           *agreement under this title—*

10           *“(1) concerning a repository or a monitored re-*  
 11           *trievable storage facility, if the Secretary disqualifies*  
 12           *the site under consideration for its failure to comply*  
 13           *with technical requirements established by the Sec-*  
 14           *retary in accordance with this Act; or*

15           *“(2) concerning a repository, if the Commission*  
 16           *issues a final decision disapproving the issuance of a*  
 17           *construction authorization for a repository under sec-*  
 18           *tion 114(d)(1).”.*

19   **SEC. 405. PRIORITY FUNDING FOR CERTAIN INSTITUTIONS**  
 20           **OF HIGHER EDUCATION.**

21           (a) *IN GENERAL.—Subtitle G of the Nuclear Waste*  
 22           *Policy Act of 1982 (42 U.S.C. 10174 et seq.) is amended*  
 23           *by adding at the end the following new section:*

1 **“SEC. 176. PRIORITY FUNDING FOR CERTAIN INSTITUTIONS**  
 2 **OF HIGHER EDUCATION.**

3 “(a) *IN GENERAL.*—*In providing any funding to in-*  
 4 *stitutions of higher education from the Waste Fund, the Sec-*  
 5 *retary shall prioritize institutions of higher education that*  
 6 *are located in the State of Nevada.*

7 “(b) *DEFINITION.*—*In this section, the term ‘institu-*  
 8 *tion of higher education’ has the meaning given that term*  
 9 *in section 101 of the Higher Education Act of 1965 (20*  
 10 *U.S.C. 1001).’.*

11 (b) *CONFORMING AMENDMENT.*—*The table of contents*  
 12 *for the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101*  
 13 *note) is amended by adding after the item relating to sec-*  
 14 *tion 175, the following:*

“Sec. 176. Priority funding for certain institutions of higher education.”.

15 **SEC. 406. DISPOSAL OF SPENT NUCLEAR FUEL.**

16 *Section 122 of the Nuclear Waste Policy Act of 1982*  
 17 *(42 U.S.C. 10142) is amended by adding at the end the*  
 18 *following: “Any economic benefits derived from the retrieval*  
 19 *of spent nuclear fuel pursuant to this section shall be shared*  
 20 *with the State in which the repository is located, affected*  
 21 *units of local government, and affected Indian tribes.”.*

22 **SEC. 407. UPDATED REPORT.**

23 *Section 175(a) of the Nuclear Waste Policy Act of 1982*  
 24 *(42 U.S.C. 10174a(a)) is amended by striking “Nuclear*

1 *Waste Policy Amendments Act of 1987*” and inserting “Nu-  
 2 *clear Waste Policy Amendments Act of 2017*”.

## 3 ***TITLE V—FUNDING***

### 4 ***SEC. 501. ASSESSMENT AND COLLECTION OF FEES.***

5 (a) *IN GENERAL.*—Section 302(a)(4) of the Nuclear  
 6 *Waste Policy Act of 1982* (42 U.S.C. 10222(a)(4)) is  
 7 amended—

8 (1) *in the first sentence—*

9 (A) *by striking “(4) Not later than” and in-*  
 10 *serting the following:*

11 “(4) *ASSESSMENT, COLLECTION, AND PAYMENT*  
 12 *OF FEES.*—

13 “(A) *ASSESSMENT OF FEES.*—*Not later*  
 14 *than*”;

15 (B) *by striking “the date of enactment of*  
 16 *this Act” and inserting “the date of enactment of*  
 17 *the Nuclear Waste Policy Amendments Act of*  
 18 *2017”*; and

19 (C) *by striking “collection and payment”*  
 20 *and inserting “assessment”*;

21 (2) *in the second sentence, by striking “collection*  
 22 *of the fee” and inserting “such amount”*;

23 (3) *in the third sentence, by striking “are being*  
 24 *collected” and inserting “will result from such*  
 25 *amounts”*;

1           (4) *in the fifth sentence, by striking “a period of*  
 2           *90 days of continuous session” and all that follows*  
 3           *through the period at the end and inserting “the date*  
 4           *that is 180 days after the date of such transmittal.”;*  
 5           *and*

6           (5) *by adding at the end the following:*

7                   “(B)   COLLECTION   AND   PAYMENT   OF  
 8           FEES.—

9                   “(i) *IN GENERAL.—Not later than 180*  
 10                   *days after the date of enactment of Nuclear*  
 11                   *Waste Policy Amendments Act of 2017, the*  
 12                   *Secretary shall establish procedures for the*  
 13                   *collection and payment of the fees estab-*  
 14                   *lished by paragraph (2) and paragraph (3),*  
 15                   *or adjusted pursuant to subparagraph (A).*

16                   “(ii) *LIMITATION ON COLLECTION.—*  
 17                   *The Secretary may not collect a fee estab-*  
 18                   *lished under paragraph (2), including a fee*  
 19                   *established under paragraph (2) and ad-*  
 20                   *justed pursuant to subparagraph (A)—*

21                   “(I) *until the date on which the*  
 22                   *Commission issues a final decision ap-*  
 23                   *proving or disapproving the issuance*  
 24                   *of a construction authorization for a*  
 25                   *repository under section 114(d)(1); and*



1                   “(II) after such date, in an  
2                   amount that will cause the total  
3                   amount of fees collected under this sub-  
4                   section in any fiscal year to exceed 90  
5                   percent of the amounts appropriated  
6                   for that fiscal year for purposes de-  
7                   scribed in subsection (d).

8                   “(iii) *PAYMENT OF FULL AMOUNTS.*—  
9                   *Notwithstanding the noncollection of a fee*  
10                  *by the Secretary pursuant to clause (ii) in*  
11                  *any fiscal year, a person who has entered*  
12                  *into a contract with the Secretary under*  
13                  *this subsection shall pay any uncollected*  
14                  *amounts when determined necessary by the*  
15                  *Secretary, subject to clause (ii), for purposes*  
16                  *described in subsection (d).’’.*

17                **(b) *AUTHORITY TO MODIFY CONTRACTS.***—*The Sec-*  
18                *retary of Energy may seek to modify a contract entered into*  
19                *under section 302(a) of the Nuclear Waste Policy Act of*  
20                *1982 (42 U.S.C. 10222(a)) before the date of enactment of*  
21                *this Act to ensure that the contract complies with the provi-*  
22                *sions of such section, as amended by this Act.*

23                **(c) *TECHNICAL AND CONFORMING AMENDMENTS.***—  
24                *Section 302(a) of the Nuclear Waste Policy Act of 1982 (42*  
25                *U.S.C. 10222(a)) is amended—*

1           (1) in paragraph (1), by striking “paragraphs  
2           (2) and (3)” and inserting “paragraphs (2), (3), and  
3           (4)”;

4           (2) in paragraph (3), by striking “126(b)”; and  
5           (3) in paragraph (4), by striking “insure” and  
6           inserting “ensure”.

7 **SEC. 502. USE OF WASTE FUND.**

8           (a) *IN GENERAL*.—Section 302(d) of the Nuclear  
9           Waste Policy Act of 1982 (42 U.S.C. 10222(d)) is amend-  
10          ed—

11           (1) in paragraph (1), by striking “maintenance  
12           and monitoring” and all that follows through the  
13           semicolon at the end and inserting “maintenance and  
14           monitoring of any repository or test and evaluation  
15           facility constructed under this Act;”;

16           (2) in paragraph (4), by striking “to be disposed  
17           of” and all that follows through the semicolon at the  
18           end and inserting “to be disposed of in a repository  
19           or to be used in a test and evaluation facility;”;

20           (3) in paragraph (5), by striking “at a reposi-  
21           tory site” and all that follows through the end and in-  
22           serting “at a repository site or a test and evaluation  
23           facility site and necessary or incident to such reposi-  
24           tory or test and evaluation facility;”;

1           (4) in paragraph (6), by striking the period at  
2           the end and inserting “; and”; and

3           (5) by inserting after paragraph (6) the fol-  
4           lowing:

5           “(7) payments under benefits agreements for a  
6           repository entered into under section 170 or 172A.”.

7           (b) *CONFORMING AMENDMENTS.*—Section 117(d) of  
8           the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10137(d))  
9           is amended by inserting “designated with respect to a repos-  
10          itory” after “such representatives”.

11       **SEC. 503. ANNUAL MULTIYEAR BUDGET PROPOSAL.**

12          Section 302(e)(2) of the Nuclear Waste Policy Act of  
13       1982 (42 U.S.C. 10222(e)(2)) is amended by striking “tri-  
14       ennially” and inserting “annually”.

15       **SEC. 504. AVAILABILITY OF CERTAIN AMOUNTS.**

16          Section 302 of the Nuclear Waste Policy Act of 1982  
17       (42 U.S.C. 10222) is amended by adding at the end the  
18       following:

19          “(f) *AVAILABILITY OF CERTAIN AMOUNTS.*—

20               “(1) *IN GENERAL.*—Notwithstanding any other  
21       provision of this section, for the purposes described in  
22       subsection (d) that are specified in subparagraphs (A)  
23       through (E) of this paragraph, the following amounts  
24       from the Waste Fund shall be available to the Sec-  
25       retary without further appropriation:

1           “(A) *An amount equal to 1 percent of 2017*  
2           *Waste Fund amounts, on the date on which high-*  
3           *level radioactive waste or spent nuclear fuel is*  
4           *received at the Yucca Mountain site, and in each*  
5           *of the 25 years thereafter, for costs associated*  
6           *with construction and operation of a repository*  
7           *or facilities at the Yucca Mountain site.*

8           “(B) *An amount equal to 1 percent of 2017*  
9           *Waste Fund amounts, on the date on which high-*  
10          *level radioactive waste or spent nuclear fuel is*  
11          *received at the Yucca Mountain site, to make*  
12          *payments under a benefits agreement entered*  
13          *into under section 170 with the State of Nevada*  
14          *concerning a repository.*

15          “(C) *An amount equal to 0.1 percent of*  
16          *2017 Waste Fund amounts, on the date that is*  
17          *one year after the date on which high-level radio-*  
18          *active waste or spent nuclear fuel is received at*  
19          *the Yucca Mountain site, and in each year there-*  
20          *after until closure of the repository, to make pay-*  
21          *ments under a benefits agreement entered into*  
22          *under section 170 with the State of Nevada con-*  
23          *cerning a repository.*

24          “(D) *An amount equal to 20 percent of*  
25          *2017 Waste Fund amounts, on the date on which*

1        *monitoring of the repository during the decom-*  
 2        *missioning period commences, for waste package*  
 3        *and drip shield fabrication activities.*

4                *“(E) An amount equal to the amount of*  
 5        *any fee collected pursuant to subsection (a)(3)*  
 6        *after the date of enactment of the Nuclear Waste*  
 7        *Policy Amendments Act of 2017, on the date on*  
 8        *which such fee is collected, for costs associated*  
 9        *with construction and operation of a repository*  
 10        *or facilities at the Yucca Mountain site.*

11                *“(2) 2017 WASTE FUND AMOUNTS.—For purposes*  
 12        *of this subsection, the term ‘2017 Waste Fund*  
 13        *amounts’ means the amounts in the Waste Fund on*  
 14        *the date of enactment of the Nuclear Waste Policy*  
 15        *Amendments Act of 2017.”.*

## 16        ***TITLE VI—MISCELLANEOUS***

### 17        ***SEC. 601. CERTAIN STANDARDS AND CRITERIA.***

18                *(a) GENERALLY APPLICABLE STANDARDS AND CRI-*  
 19        *TERIA.—*

20                *(1) ENVIRONMENTAL PROTECTION AGENCY*  
 21        *STANDARDS.—*

22                *(A) DETERMINATION AND REPORT.—Not*  
 23        *later than 2 years after the Nuclear Regulatory*  
 24        *Commission has issued a final decision approv-*  
 25        *ing or disapproving the issuance of a construc-*

tion authorization for a repository under section 114(d)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) (as so designated by this Act), the Administrator of the Environmental Protection Agency shall—

(i) determine if the generally applicable standards promulgated under section 121(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10141(a)) should be updated; and

(ii) submit to Congress a report on such determination.

(B) *RULE.*—If the Administrator of the Environmental Protection Agency determines, under subparagraph (A), that the generally applicable standards promulgated under section 121(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10141(a)) should be updated, the Administrator, not later than 2 years after submission of the report under subparagraph (A)(ii), shall, by rule, promulgate updated generally applicable standards under such section.

(2) *COMMISSION REQUIREMENTS AND CRITERIA.*—Not later than 2 years after the Administrator of the Environmental Protection Agency pro-

1        *mulgates updated generally applicable standards pur-*  
 2        *suant to paragraph (1)(B), the Commission shall, by*  
 3        *rule, promulgate updated technical requirements and*  
 4        *criteria under section 121(b) of the Nuclear Waste*  
 5        *Policy Act of 1982 (42 U.S.C. 10141(b)) as necessary*  
 6        *to be consistent with such updated generally applica-*  
 7        *ble standards.*

8        *(b) SITE-SPECIFIC STANDARDS AND CRITERIA.—Noth-*  
 9        *ing in this section shall affect the standards, technical re-*  
 10       *quirements, and criteria promulgated by the Administrator*  
 11       *of the Environmental Protection Agency and the Nuclear*  
 12       *Regulatory Commission for the Yucca Mountain site under*  
 13       *section 801 of the Energy Policy Act of 1992 (42 U.S.C.*  
 14       *10141 note).*

15       **SEC. 602. APPLICATION.**

16       *Section 135 of the Nuclear Waste Policy Act of 1982*  
 17       *(42 U.S.C. 10155) is amended by striking subsection (h)*  
 18       *and redesignating subsection (i) as subsection (h).*

19       **SEC. 603. TRANSPORTATION SAFETY ASSISTANCE.**

20       *Section 180(c) of the Nuclear Waste Policy Act of 1982*  
 21       *(42 U.S.C. 10175(c)) is amended—*

22                *(1) by striking “(c) The Secretary” and inserting*  
 23        *the following:*

24                *“(c) TRAINING AND ASSISTANCE.—*

25                        *“(1) TRAINING.—The Secretary”; and*

1           (2) by striking “*The Waste Fund*” and inserting  
2           *the following*:

3           “(2) *ASSISTANCE.—The Secretary shall, subject*  
4           *to the availability of appropriations, provide in-kind,*  
5           *financial, technical, and other appropriate assistance,*  
6           *for safety activities related to the transportation of*  
7           *high-level radioactive waste or spent nuclear fuel, to*  
8           *any entity receiving technical assistance or funds*  
9           *under paragraph (1).*

10           “(3) *SOURCE OF FUNDING.—The Waste Fund*”.

11   **SEC. 604. OFFICE OF CIVILIAN RADIOACTIVE WASTE MAN-**  
12                           **AGEMENT.**

13           (a) *AMENDMENT TO THE NUCLEAR WASTE POLICY*  
14   *ACT OF 1982.—Subsection (b) of section 304 of the Nuclear*  
15   *Waste Policy Act of 1982 (42 U.S.C. 10224(b)) is amended*  
16   *to read as follows:*

17           “(b) *DIRECTOR.—*

18           “(1) *FUNCTIONS.—The Director of the Office*  
19           *shall be responsible for carrying out the functions of*  
20           *the Secretary under this Act. The Director of the Of-*  
21           *fice shall report directly to the Secretary.*

22           “(2) *QUALIFICATIONS.—The Director of the Of-*  
23           *fice shall be appointed from among persons who have*  
24           *extensive expertise and experience in organizational*  
25           *and project management.*



1           “(3) *TENURE.*—*The Director of the Office may*  
 2           *serve not more than two 5-year terms.*

3           “(4) *SERVICE DURING INTERIM PERIOD.*—*Upon*  
 4           *expiration of the Director’s term, the Director may*  
 5           *continue to serve until the earlier of—*

6                     “(A) *the date on which a new Director is*  
 7                     *confirmed; or*

8                     “(B) *the date that is one year after the date*  
 9                     *of such expiration.*

10           “(5) *REMOVAL.*—*The President may remove the*  
 11           *Director only for inefficiency, neglect of duty, or mal-*  
 12           *feasance in office. If the President removes the Direc-*  
 13           *tor, the President shall submit to Congress a state-*  
 14           *ment explaining the reason for such removal.”.*

15           (b) *TRANSFER OF FUNCTIONS.*—

16                     (1) *AMENDMENT.*—*Section 203(a) of the Depart-*  
 17                     *ment of Energy Organization Act (42 U.S.C.*  
 18                     *7133(a)) is amended by striking paragraph (8).*

19                     (2) *TRANSFER OF FUNCTIONS.*—*The functions*  
 20                     *described in the paragraph (8) stricken by the amend-*  
 21                     *ment made by paragraph (1) shall be transferred to*  
 22                     *and performed by the Office of Civilian Radioactive*  
 23                     *Waste Management, as provided in section 304 of the*  
 24                     *Nuclear Waste Policy Act of 1982 (42 U.S.C. 10224).*

1       (c) *TECHNICAL AMENDMENT.*—Section 2(17) of the  
 2 *Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(17))*  
 3 *is amended by striking “section 305” and inserting “section*  
 4 *304”.*

5 **SEC. 605. WEST LAKE LANDFILL.**

6       *Not later than one year after the date of enactment*  
 7 *of this Act, the Administrator of the Environmental Protec-*  
 8 *tion Agency shall submit to Congress a report containing*  
 9 *the final remedy to be implemented at the West Lake Land-*  
 10 *fill and the expected timeline for implementation of such*  
 11 *final remedy.*

12 **SEC. 606. SUBSEABED OR OCEAN WATER DISPOSAL.**

13       (a) *PROHIBITION.*—Section 5 of the *Nuclear Waste*  
 14 *Policy Act of 1982 (42 U.S.C. 10104)* is amended—

15               (1) *by striking “Nothing in this Act” and insert-*  
 16 *ing:*

17       “(a) *EFFECT ON MARINE PROTECTION, RESEARCH,*  
 18 *AND SANCTUARIES ACT OF 1972.*—*Nothing in this Act”;*  
 19 *and*

20               (2) *by adding at the end the following new sub-*  
 21 *section:*

22       “(b) *SUBSEABED OR OCEAN WATER DISPOSAL.*—*Not-*  
 23 *withstanding any other provision of law—*

1           “(1) *the subseabed or ocean water disposal of*  
2           *spent nuclear fuel or high-level radioactive waste is*  
3           *prohibited; and*

4           “(2) *no funds shall be obligated for any activity*  
5           *relating to the subseabed or ocean water disposal of*  
6           *spent nuclear fuel or high-level radioactive waste.”.*

7           ***(b) REPEAL.—Section 224 of the Nuclear Waste Policy***  
8           ***Act of 1982, and the item relating thereto in the table of***  
9           ***contents for such Act, are repealed.***

10   ***SEC. 607. SENSE OF CONGRESS REGARDING STORAGE OF***  
11           ***NUCLEAR WASTE NEAR THE GREAT LAKES.***

12           *It is the Sense of Congress that the Governments of*  
13           *the United States and Canada should not allow permanent*  
14           *or long-term storage of spent nuclear fuel or other radio-*  
15           *active waste near the Great Lakes.*

Union Calendar No. 259

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 3053**

[Report No. 115-355, Part I]

**A BILL**

To amend the Nuclear Waste Policy Act of 1982,  
and for other purposes.

OCTOBER 19, 2017

Reported from the Committee on Energy and Commerce  
with an amendment

OCTOBER 19, 2017

The Committees on Natural Resources and Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed