

AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MR. PAULSEN OF MINNESOTA

At the end of the bill, add the following new title:

1 **TITLE VIII—CERTIFICATION OF**
2 **COMMITMENT TO YUCCA**
3 **MOUNTAIN**

4 **SEC. 801. CERTIFICATION OF COMMITMENT TO YUCCA**
5 **MOUNTAIN.**

6 (a) IN GENERAL.—Subtitle E of title I of the Nuclear
7 Waste Policy Act of 1982 (42 U.S.C. 10172 et seq.) is
8 amended by adding at the end the following:

9 **“SEC. 162. CERTIFICATION OF COMMITMENT TO YUCCA**
10 **MOUNTAIN SITE.**

11 “(a) DEFINITION OF DEFENSE WASTE.—In this sec-
12 tion, the term ‘defense waste’ means—

13 “(1) transuranic waste;

14 “(2) high-level radioactive waste;

15 “(3) spent nuclear fuel;

16 “(4) special nuclear materials;

17 “(5) greater-than-class C, low-level radioactive
18 waste; and

1 “(6) any other waste arising from the produc-
2 tion, storage, or maintenance of nuclear weapons
3 (including components of nuclear weapons).

4 “(b) CERTIFICATION OF COMMITMENT.—Not later
5 than 30 days after the date of enactment of this section,
6 the President shall publish in the Federal Register a no-
7 tice that the President certifies that the Yucca Mountain
8 site is the selected site for the development of a repository
9 for the disposal of high-level radioactive waste and spent
10 nuclear fuel, in accordance with section 160.

11 “(c) FAILURE TO PUBLISH CERTIFICATION; REV-
12 OCATION OF CERTIFICATION.—If the President fails to
13 publish the certification of the President in accordance
14 with subsection (b), or if the President revokes the certifi-
15 cation of the President after the date described in that
16 subsection, not later than 1 year after the date described
17 in subsection (b), or the date of revocation, as appropriate,
18 and in accordance with subsection (d)—

19 “(1) each entity that is required under section
20 302 to make a payment to the Secretary shall not
21 be required to make any additional payment; and

22 “(2) each entity that has made a payment
23 under section 302 shall receive from the Secretary of
24 the Treasury, from amounts available in the Nuclear
25 Waste Fund, an amount equal to the aggregate

1 amount of the payments made by the entity (includ-
2 ing interest on the aggregate amount of the pay-
3 ments) to the Secretary for deposit in the Nuclear
4 Waste Fund.

5 “(d) USE OF RETURNED PAYMENTS.—

6 “(1) IN GENERAL.—Subject to paragraph (2),
7 of the aggregate amount of payments returned to an
8 entity described in subsection (c)(2)—

9 “(A) 75 percent shall be used by the entity
10 to provide rebates to ratepayers of the entity;
11 and

12 “(B) 25 percent shall be used by the entity
13 to carry out upgrades to nuclear power facilities
14 of the entity to enhance the storage and secu-
15 rity of materials used to generate nuclear
16 power.

17 “(2) DEFENSE WASTE.—In the case of a pay-
18 ment required to be paid to an entity for the storage
19 of defense waste, the Secretary shall use the amount
20 required to be paid to the entity to meet the penalty
21 payment obligation of the Secretary under sub-
22 section (e)(2) to the State in which the entity is lo-
23 cated.

24 “(e) DISPOSITION OF DEFENSE WASTE.—

1 “(1) IN GENERAL.—Not later than January 1,
2 2017, the Secretary shall initiate the transportation
3 of defense waste from each State in which defense
4 waste is located to the Yucca Mountain site.

5 “(2) PENALTY.—

6 “(A) IN GENERAL.—Subject to subpara-
7 graph (B), if the Secretary fails to initiate the
8 transportation of defense waste in accordance
9 with paragraph (1), the Secretary shall pay to
10 each State in which defense waste is located
11 \$1,000,000 for each day that the defense waste
12 is located in the State until the date on which
13 the Secretary initiates the transportation of the
14 defense waste under paragraph (1).

15 “(B) MAXIMUM AMOUNT.—Subject to sub-
16 section (c)(2), for each calendar year, the Sec-
17 retary shall not pay to any State described in
18 subparagraph (A) an amount greater than
19 \$100,000,000.

20 “(C) REQUIRED USE OF PAYMENTS.—A
21 State that receives amounts through a payment
22 from the Secretary under this paragraph shall
23 use the amounts—

24 “(i) to help offset the loss in commu-
25 nity investments that results from the con-

1 tinued storage of defense waste in the
2 State; and

3 “(ii) to help mitigate the public health
4 risks that result from the continued stor-
5 age of defense waste in the State.

6 “(f) DETERMINATION BY COMMISSION TO GRANT OR
7 AMEND LICENSES.—In determining whether to grant or
8 amend any license to operate any civilian nuclear power
9 reactor, or high-level radioactive waste or spent fuel stor-
10 age or treatment facility, under the Atomic Energy Act
11 of 1954 (42 U.S.C. 2011 et seq.), the responsibilities of
12 the President and the Secretary described in this subtitle
13 shall be considered to be sufficient and independent
14 grounds for the Commission to determine the existence of
15 reasonable assurances that spent nuclear fuel and high-
16 level radioactive waste would be disposed of safely and in
17 a timely manner by the entity that is the subject of the
18 determination.

19 “(g) EFFECTS.—

20 “(1) TERMINATION OF PAYMENT REQUIRE-
21 MENT; ACCEPTANCE OF RETURNED PAYMENTS.—

22 With respect to an entity that receives a benefit
23 under paragraph (1) or (2) of subsection (c)—

1 “(A) the entity shall not be considered by
2 the Commission to be in violation under section
3 302(b); and

4 “(B) the Commission shall not refuse to
5 take any action with respect to a current or
6 prospective license of the entity on the grounds
7 that the entity has cancelled or rescinded a con-
8 tract to which the entity is a party as the result
9 of—

10 “(i) the failure by the entity to make
11 a payment to the Secretary under section
12 302; or

13 “(ii) the acceptance by the entity of
14 amounts described in subsection (c)(2).

15 “(2) DISPOSITION OF WASTE.—Nothing in this
16 section affects the responsibility of the Federal Gov-
17 ernment under any Act (including regulations) with
18 respect to the ultimate disposition of high-level ra-
19 dioactive waste and spent nuclear fuel.”.

20 (b) CONFORMING AMENDMENT.—The table of con-
21 tents of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
22 prec. 10101) is amended by adding at the end of the items
23 relating to subtitle E of title I the following:

“Sec. 162. Certification of commitment to Yucca Mountain site.”.

