

118TH CONGRESS
2D SESSION

H. R. 9786

To establish a new organization to manage nuclear waste, provide a consent-based process for siting nuclear waste facilities, ensure adequate funding for managing nuclear waste, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2024

Mr. LEVIN (for himself, Mr. PFLUGER, and Mr. PETERS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish a new organization to manage nuclear waste, provide a consent-based process for siting nuclear waste facilities, ensure adequate funding for managing nuclear waste, 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
5 “Nuclear Waste Administration Act of 2024”.

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

Sec. 1. Short title; table of contents.

TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

- Sec. 101. Findings.
- Sec. 102. Purposes.
- Sec. 103. Definitions.
- Sec. 104. Rule of construction.

TITLE II—NUCLEAR WASTE ADMINISTRATION

- Sec. 201. Establishment.
- Sec. 202. Principal officers.
- Sec. 203. Other officers.
- Sec. 204. Inspector General.
- Sec. 205. Nuclear Waste Oversight Board.
- Sec. 206. Conforming amendments.

TITLE III—FUNCTIONS

- Sec. 301. Transfer of functions.
- Sec. 302. Transfer of contracts.
- Sec. 303. Nuclear waste facilities.
- Sec. 304. Siting nuclear waste facilities.
- Sec. 305. Storage facilities.
- Sec. 306. Repositories.
- Sec. 307. Updated standards and criteria.
- Sec. 308. Licensing nuclear waste facilities.
- Sec. 309. Defense waste.
- Sec. 310. Transportation.

TITLE IV—FUNDING AND LEGAL PROCEEDINGS

- Sec. 401. Working Capital Fund.
- Sec. 402. Nuclear Waste Fund.
- Sec. 403. Full cost recovery.
- Sec. 404. Judicial review.
- Sec. 405. Litigation authority.
- Sec. 406. Liabilities.

TITLE V—ADMINISTRATIVE AND SAVINGS PROVISIONS

- Sec. 501. Administrative powers of Administrator.
- Sec. 502. Personnel.
- Sec. 503. Offices.
- Sec. 504. Mission plan.
- Sec. 505. Annual reports.
- Sec. 506. Savings provisions; terminations.
- Sec. 507. Technical assistance in the field of spent fuel storage and disposal.
- Sec. 508. Nuclear Waste Technical Review Board.
- Sec. 509. Application of volume limitation.

1 **TITLE I—FINDINGS, PURPOSES,** 2 **AND DEFINITIONS**

3 **SEC. 101. FINDINGS.**

4 Congress finds that—

1 (1) the Nuclear Waste Policy Act of 1982 (42
2 U.S.C. 10101 et seq.)—

3 (A) made the Federal Government respon-
4 sible for providing for the permanent disposal
5 of nuclear waste;

6 (B) vested the responsibility for siting,
7 constructing, and operating a permanent geo-
8 logic repository for the disposal of nuclear
9 waste in the Secretary of Energy; and

10 (C) authorized the Secretary to enter into
11 binding contracts with the generators and own-
12 ers of nuclear waste pursuant to which the Sec-
13 retary is obligated to have begun disposing of
14 the nuclear waste not later than January 31,
15 1998;

16 (2) in 1987, Congress designated the Yucca
17 Mountain site as the site for the first repository and
18 precluded consideration of other sites;

19 (3) in 2002, the Secretary found the Yucca
20 Mountain site to be suitable for the development of
21 the repository, the President recommended the site
22 to Congress, and Congress enacted a joint resolution
23 approving the Yucca Mountain site for the reposi-
24 tory;

1 (4) in 2008, the Secretary applied to the Nu-
2 clear Regulatory Commission for a license to con-
3 struct a repository at the Yucca Mountain site;

4 (5) in 2009, the Secretary found the Yucca
5 Mountain site to be unworkable and abandoned ef-
6 forts to construct a repository at the site;

7 (6) in 2010, the Secretary, at the request of the
8 President, established the Blue Ribbon Commission
9 on America’s Nuclear Future to conduct a com-
10 prehensive review of the nuclear waste management
11 policies of the United States and recommend a new
12 strategy for managing the nuclear waste of the
13 United States; and

14 (7) the Blue Ribbon Commission on America’s
15 Nuclear Future recommended that Congress estab-
16 lish a new nuclear waste management organization
17 and adopt a new consent-based siting approach to
18 siting nuclear waste facilities.

19 **SEC. 102. PURPOSES.**

20 The purposes of this Act are—

21 (1) to establish a new nuclear waste manage-
22 ment organization;

23 (2) to transfer to the new organization the
24 functions of the Secretary under the Nuclear Waste
25 Policy Act of 1982 (42 U.S.C. 10101 et seq.) relat-

1 ing to the siting, licensing, construction, and oper-
2 ation of nuclear waste facilities;

3 (3) to establish a new consensual process for
4 the siting of nuclear waste facilities;

5 (4) to provide for one or more Federal storage
6 facilities for nuclear waste pending completion of a
7 repository; and

8 (5) to ensure that—

9 (A) the generators and owners of nuclear
10 waste pay the full cost of the program; and

11 (B) funds collected for the program are
12 used for that purpose.

13 **SEC. 103. DEFINITIONS.**

14 In this Act:

15 (1) **ADMINISTRATION.**—The term “Administra-
16 tion” means the Nuclear Waste Administration es-
17 tablished by section 201.

18 (2) **ADMINISTRATOR.**—The term “Adminis-
19 trator” means the Nuclear Waste Administrator ap-
20 pointed under section 202(a).

21 (3) **AFFECTED INDIAN TRIBE.**—The term “af-
22 fected Indian Tribe” means any Indian Tribe—

23 (A) within the reservation boundaries of
24 which a repository or storage facility is pro-
25 posed to be located; or

1 (B) that has federally defined possessory
2 or usage rights to other land outside of the res-
3 ervation boundaries that—

4 (i) arise out of a congressionally rati-
5 fied treaty; and

6 (ii) the Secretary of the Interior finds,
7 on petition of an appropriate governmental
8 official of the Indian Tribe, may be sub-
9 stantially and adversely affected by the re-
10 pository or storage facility.

11 (4) AFFECTED UNIT OF GENERAL LOCAL GOV-
12 ERNMENT.—

13 (A) IN GENERAL.—The term “affected
14 unit of general local government” means the
15 unit of general local government that has juris-
16 diction over the site of a repository or storage
17 facility.

18 (B) INCLUSION.—The term “affected unit
19 of general local government” may include, at
20 the discretion of the Administrator, units of
21 general local government that are contiguous
22 with the unit that has jurisdiction over the site
23 of a repository or storage facility.

24 (5) CIVILIAN NUCLEAR POWER REACTOR.—The
25 term “civilian nuclear power reactor” has the mean-

1 ing given the term in section 2 of the Nuclear Waste
2 Policy Act of 1982 (42 U.S.C. 10101).

3 (6) COMMISSION.—The term “Commission”
4 means the Nuclear Regulatory Commission.

5 (7) COMPLIANCE AGREEMENT.—The term
6 “compliance agreement” means a legally enforceable
7 agreement between the Secretary and a Federal or
8 State agency requiring the removal of nuclear waste
9 from a Department of Energy facility.

10 (8) CONTRACT HOLDER.—The term “contract
11 holder” means any person who has entered into a
12 contract for the disposal of nuclear waste under sec-
13 tion 302(a) of the Nuclear Waste Policy Act of 1982
14 (42 U.S.C. 10222(a)) or this Act.

15 (9) DEFENSE WASTE.—The term “defense
16 waste” means nuclear waste generated by an atomic
17 energy defense activity (as defined in section 2 of
18 the Nuclear Waste Policy Act of 1982 (42 U.S.C.
19 10101)).

20 (10) DISPOSAL.—The term “disposal” has the
21 meaning given the term in section 2 of the Nuclear
22 Waste Policy Act of 1982 (42 U.S.C. 10101).

23 (11) EMERGENCY DELIVERY.—

24 (A) IN GENERAL.—The term “emergency
25 delivery” means nuclear waste accepted by the

1 Administrator for storage prior to the date pro-
2 vided in the contractual delivery commitment
3 schedule pursuant to article V.D. of the stand-
4 ard contract for disposal of nuclear waste codi-
5 fied in section 961.11 of title 10, Code of Fed-
6 eral Regulations.

7 (B) INCLUSION.—The term “emergency
8 delivery” may include, at the discretion of the
9 Administrator, nuclear waste that is required to
10 be removed from a Department of Energy facil-
11 ity—

12 (i) pursuant to a compliance agree-
13 ment; or

14 (ii) to eliminate an imminent and seri-
15 ous threat to the health and safety of the
16 public or the common defense and security.

17 (12) HIGH-LEVEL RADIOACTIVE WASTE.—The
18 term “high-level radioactive waste” means, as appli-
19 cable—

20 (A) high-level radioactive waste (as defined
21 in section 2 of the Nuclear Waste Policy Act of
22 1982 (42 U.S.C. 10101)); or

23 (B) in the case of the West Valley Dem-
24 onstration Project, high level radioactive waste
25 (as defined in section 6 of the West Valley

1 Demonstration Project Act (42 U.S.C. 2021a
2 note; Public Law 96–368)).

3 (13) INDIAN TRIBE.—The term “Indian Tribe”
4 has the meaning given the term “Indian tribe” in
5 section 2 of the Nuclear Waste Policy Act of 1982
6 (42 U.S.C. 10101).

7 (14) MISSION PLAN.—The term “mission plan”
8 means the comprehensive report required under sec-
9 tion 504.

10 (15) NUCLEAR WASTE.—The term “nuclear
11 waste” means—

12 (A) spent nuclear fuel; and

13 (B) high-level radioactive waste.

14 (16) NUCLEAR WASTE ACTIVITIES.—The term
15 “nuclear waste activities” has the meaning given the
16 term in section 11 of the Atomic Energy Act of
17 1954 (42 U.S.C. 2014).

18 (17) NUCLEAR WASTE FACILITY.—The term
19 “nuclear waste facility” means—

20 (A) a repository; and

21 (B) a storage facility.

22 (18) NUCLEAR WASTE FUND.—The term “Nu-
23 clear Waste Fund” means the separate fund in the
24 Treasury established by section 302(c) of the Nu-

1 clear Waste Policy Act of 1982 (42 U.S.C.
2 10222(c)).

3 (19) OVERSIGHT BOARD.—The term “Oversight
4 Board” means the Nuclear Waste Oversight Board
5 established by section 205.

6 (20) PRIORITY WASTE.—The term “priority
7 waste” means—

8 (A) any emergency delivery; and

9 (B) spent nuclear fuel removed from a ci-
10 vilian nuclear power reactor that, as of the date
11 of enactment of this Act, is stored at a civilian
12 nuclear power reactor site that has been perma-
13 nently shut down.

14 (21) PUBLIC LIABILITY.—The term “public li-
15 ability” has the meaning given the term in section
16 11 of the Atomic Energy Act of 1954 (42 U.S.C.
17 2014).

18 (22) REPOSITORY.—The term “repository” has
19 the meaning given the term in section 2 of the Nu-
20 clear Waste Policy Act of 1982 (42 U.S.C. 10101).

21 (23) RESERVATION.—The term “reservation”
22 has the meaning given the term in section 2 of the
23 Nuclear Waste Policy Act of 1982 (42 U.S.C.
24 10101).

1 (24) SECRETARY.—The term “Secretary”
2 means the Secretary of Energy.

3 (25) SITE CHARACTERIZATION.—

4 (A) IN GENERAL.—The term “site charac-
5 terization” means the site-specific activities that
6 the Administrator determines necessary to sup-
7 port an application to the Commission for a li-
8 cense to construct a repository or storage facil-
9 ity under this Act.

10 (B) REPOSITORY SITE CHARACTERIZA-
11 TION.—In the case of a site for a repository,
12 the term “site characterization” may include
13 borings, surface excavations, excavations of ex-
14 ploratory shafts, subsurface lateral excavations
15 and borings, and in situ testing needed to
16 evaluate the suitability of a candidate site for
17 the location of a repository.

18 (C) STORAGE SITE CHARACTERIZATION.—
19 In the case of a site being considered solely for
20 an above-ground storage facility, the term “site
21 characterization” does not include subsurface
22 borings and excavations that the Administrator
23 determines are uniquely associated with under-
24 ground disposal and unnecessary to evaluate

1 the suitability of a candidate site for the loca-
2 tion of an above-ground storage facility.

3 (D) PRELIMINARY ACTIVITIES.—The term
4 “site characterization” does not include prelimi-
5 nary borings and geophysical testing needed to
6 assess whether site characterization should be
7 undertaken.

8 (26) SPENT NUCLEAR FUEL.—The term “spent
9 nuclear fuel” has the meaning given the term in sec-
10 tion 2 of the Nuclear Waste Policy Act of 1982 (42
11 U.S.C. 10101).

12 (27) STORAGE.—The term “storage” means the
13 temporary retention of nuclear waste with the intent
14 to recover such waste for subsequent use, processing,
15 or disposal.

16 (28) STORAGE FACILITY.—The term “storage
17 facility” means a facility for the consolidated interim
18 storage of nuclear waste from multiple contract
19 holders or the Secretary.

20 (29) UNIT OF GENERAL LOCAL GOVERN-
21 MENT.—The term “unit of general local govern-
22 ment” has the meaning given the term in section 2
23 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
24 10101).

1 (30) WORKING CAPITAL FUND.—The term
2 “Working Capital Fund” means the Nuclear Waste
3 Administration Working Capital Fund established by
4 section 401.

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

9 **SEC. 104. RULE OF CONSTRUCTION.**

10 The use of the term “nuclear waste” in this Act to
11 mean high-level radioactive waste and spent nuclear fuel
12 does not mean (and shall not be construed to mean) that
13 spent nuclear fuel is, or should be, classified as or other-
14 wise considered to be “waste” or “radioactive waste” for
15 purposes of this Act or any other law, including the Solid
16 Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly
17 known as the “Resource Conservation and Recovery Act
18 of 1976”).

19 **TITLE II—NUCLEAR WASTE**
20 **ADMINISTRATION**

21 **SEC. 201. ESTABLISHMENT.**

22 (a) ESTABLISHMENT.—There is established an inde-
23 pendent agency in the executive branch to be known as
24 the “Nuclear Waste Administration”.

1 (b) PURPOSES.—The purposes of the Administration
2 are—

3 (1) to discharge the responsibility of the Fed-
4 eral Government under the Nuclear Waste Policy
5 Act of 1982 (42 U.S.C. 10101 et seq.) to provide for
6 the permanent disposal of nuclear waste;

7 (2) to protect the public health and safety and
8 the environment in discharging the responsibility
9 under paragraph (1); and

10 (3) to ensure that the costs of activities under
11 paragraph (1) are borne by the persons responsible
12 for generating the nuclear waste.

13 **SEC. 202. PRINCIPAL OFFICERS.**

14 (a) ADMINISTRATOR.—

15 (1) APPOINTMENT.—There shall be at the head
16 of the Administration a Nuclear Waste Adminis-
17 trator, who shall be appointed by the President, by
18 and with the advice and consent of the Senate, from
19 among persons who are, by reason of education, ex-
20 perience, and attainments, exceptionally well quali-
21 fied to perform the duties of the Administrator.

22 (2) TERM.—The term of service of the Admin-
23 istrator shall be 6 years, except that the Adminis-
24 trator may continue to serve after the expiration of
25 that term until reappointed or a successor is ap-

1 pointed and has been confirmed and taken the oath
2 of office.

3 (3) REAPPOINTMENT.—An Administrator may
4 serve more than 1 term.

5 (4) FUNCTIONS AND POWERS.—The functions
6 and powers of the Administration shall be vested in
7 and exercised by the Administrator.

8 (5) SUPERVISION AND DIRECTION.—The Ad-
9 ministration shall be administrated under the super-
10 vision and direction of the Administrator, who shall
11 be responsible for the efficient and coordinated man-
12 agement of the Administration.

13 (6) DELEGATION.—The Administrator may,
14 from time to time and to the extent permitted by
15 law, delegate such functions of the Administrator as
16 the Administrator determines to be appropriate.

17 (7) COMPENSATION.—The President shall fix
18 the total annual compensation of the Administrator
19 in an amount that—

20 (A) is sufficient to recruit and retain a
21 person of demonstrated ability and achievement
22 in managing large corporate or governmental
23 organizations; and

24 (B) does not exceed the maximum amount
25 of annual compensation payable to a member of

1 the Senior Executive Service under subsection
2 (b) of section 5382 of title 5, United States
3 Code.

4 (b) DEPUTY ADMINISTRATOR.—

5 (1) APPOINTMENT.—The Administrator shall
6 appoint a Deputy Administrator from among per-
7 sons who are, by reason of education, experience,
8 and attainments, exceptionally well qualified to per-
9 form the duties of the Deputy Administrator.

10 (2) DUTIES.—The Deputy Administrator
11 shall—

12 (A) perform such functions as the Admin-
13 istrator shall from time to time assign or dele-
14 gate; and

15 (B) act as the Administrator during the
16 absence or disability of the Administrator or in
17 the event of a vacancy in the office of the Ad-
18 ministrator.

19 (3) COMPENSATION.—The President shall fix
20 the total annual compensation of the Deputy Admin-
21 istrator in an amount that—

22 (A) is sufficient to recruit and retain a
23 person of demonstrated ability and achievement
24 in managing large corporate or governmental
25 organizations; and

1 (B) does not exceed the total annual com-
2 pensation paid to the Administrator.

3 **SEC. 203. OTHER OFFICERS.**

4 (a) ESTABLISHMENT.—There shall be in the Admin-
5 istration—

6 (1) a General Counsel;

7 (2) a Chief Financial Officer, who shall be ap-
8 pointed from among individuals who possess dem-
9 onstrated ability in general management of, and
10 knowledge of and extensive practical experience in,
11 financial management practices in large govern-
12 mental or business entities; and

13 (3) not more than 3 Assistant Administrators,
14 who shall perform such functions as the Adminis-
15 trator shall specify from time to time.

16 (b) APPOINTMENT.—Officers appointed under this
17 section shall—

18 (1) be appointed by the Administrator;

19 (2) be considered career appointees; and

20 (3) be subject to section 161 d. of the Atomic
21 Energy Act of 1954 (42 U.S.C. 2201(d)).

22 (c) ORDER OF SUCCESSION.—The Administrator
23 may designate the order in which the officers appointed
24 pursuant to this section shall act for, and perform the
25 functions of, the Administrator during the absence or dis-

1 ability of the Administrator and the Deputy Administrator
2 or in the event of vacancies in the offices of the Adminis-
3 trator and the Deputy Administrator.

4 **SEC. 204. INSPECTOR GENERAL.**

5 There shall be in the Administration an Inspector
6 General, who shall be appointed by the President, by and
7 with the advice and consent of the Senate, in accordance
8 with section 403 of title 5, United States Code.

9 **SEC. 205. NUCLEAR WASTE OVERSIGHT BOARD.**

10 (a) ESTABLISHMENT.—There is established an inde-
11 pendent establishment in the executive branch, to be
12 known as the “Nuclear Waste Oversight Board”—

13 (1) to oversee—

14 (A) the receipt, disbursement, and use of
15 funds in the Working Capital Fund and the
16 Nuclear Waste Fund;

17 (B) the adequacy of the fees collected
18 under section 302(a) of the Nuclear Waste Pol-
19 icy Act of 1982 (42 U.S.C. 10222(a)) to ensure
20 the full recovery of the costs incurred by the
21 Federal Government in carrying out activities
22 under this Act and the Nuclear Waste Policy
23 Act of 1982 (42 U.S.C. 10101 et seq.); and

24 (C) the performance of the Administrator
25 in—

1 (i) fulfilling contracts with contract
2 holders; and

3 (ii) complying with the mission plan;

4 (2) to review the annual management reports
5 and financial statements submitted by the Adminis-
6 trator under section 505;

7 (3) to review, on an ongoing basis—

8 (A) the progress made by the Adminis-
9 trator in siting, constructing, and operating nu-
10 clear waste facilities under this Act;

11 (B) the use of funds made available to the
12 Administrator under this Act;

13 (C) whether the fees collected from con-
14 tract holders are sufficient to ensure full cost
15 recovery or require adjustment; and

16 (D) the liability of the United States to
17 contract holders;

18 (4) to identify any problems that may impede
19 the implementation of this Act; and

20 (5) to recommend to the Administrator, the
21 President, or Congress, as appropriate, any actions
22 that may be needed to ensure the implementation of
23 this Act.

24 (b) MEMBERS.—The Oversight Board shall be com-
25 posed of 5 members appointed by the President, by and

1 with the advice and consent of the Senate, from among
2 prominent United States citizens of integrity and reputa-
3 tion who, based on the training, experience, and attain-
4 ments of the individuals, are exceptionally well qualified
5 to evaluate and oversee the administration of this Act.

6 (c) POLITICAL AFFILIATION.—Not more than 3
7 members of the Oversight Board may be members of the
8 same political party.

9 (d) TERMS.—

10 (1) IN GENERAL.—Except as provided in para-
11 graphs (2) and (3), each member shall serve a term
12 of 5 years.

13 (2) INITIAL TERMS.—

14 (A) STARTING DATE.—The term of the
15 first 5 members appointed to the Oversight
16 Board shall be treated as having started on the
17 first July 1 after the date of enactment of this
18 Act.

19 (B) STAGGERED TERM.—Of the 5 mem-
20 bers first appointed to the Board under sub-
21 paragraph (A)—

22 (i) 1 shall be appointed for a term of
23 1 year;

24 (ii) 1 shall be appointed for a term of
25 2 years;

1 (iii) 1 shall be appointed for a term of
2 3 years;

3 (iv) 1 shall be appointed for a term of
4 4 years; and

5 (v) 1 shall be appointed for a term of
6 5 years.

7 (3) EXTENSION OF TERM.—

8 (A) IN GENERAL.—Subject to subpara-
9 graph (B), a member of the Oversight Board
10 may continue to serve after the expiration of
11 the term of the member until a successor is ap-
12 pointed, has been confirmed, and has taken the
13 oath of office.

14 (B) LIMITATION.—No member of the
15 Oversight Board may serve beyond the end of
16 the session of the Congress in which the term
17 of the member expires.

18 (4) VACANCIES.—A member of the Oversight
19 Board appointed to fill a vacancy occurring before
20 the expiration of the term for which the predecessor
21 of the member was appointed shall be appointed only
22 for the remainder of the term of the predecessor.

23 (5) REAPPOINTMENT.—A member of the Over-
24 sight Board may be reappointed for an additional

1 term by the President, by and with the advice and
2 consent of the Senate.

3 (e) REMOVAL.—The President may remove any mem-
4 ber of the Oversight Board for inefficiency, neglect of
5 duty, or malfeasance in office.

6 (f) CHAIR.—The President shall designate 1 member
7 of the Oversight Board as Chair of the Oversight Board.

8 (g) ACTING CHAIR.—The Chair designated under
9 subsection (f) may from time to time designate any other
10 member of the Oversight Board to act in the place and
11 stead of the Chair during the absence.

12 (h) QUORUM.—3 members of the Oversight Board
13 shall constitute a quorum for the purpose of doing busi-
14 ness.

15 (i) EQUAL RESPONSIBILITY AND AUTHORITY.—Each
16 member of the Oversight Board, including the Chair, shall
17 have—

18 (1) equal responsibility and authority in all de-
19 cisions and actions of the Oversight Board;

20 (2) full access to all information relating to the
21 performance of the duties and responsibilities of the
22 member; and

23 (3) 1 vote.

1 (j) CONFLICT OF INTEREST.—Notwithstanding any
2 applicable Federal ethics law, no member of the Oversight
3 Board shall—

4 (1) be employed by the Administration or the
5 Department of Energy; or

6 (2) have a financial interest in (including an
7 employment relationship with) any contract holder
8 or contractor of the Administration.

9 (k) COMPENSATION.—

10 (1) IN GENERAL.—Each member of the Over-
11 sight Board shall be paid at the rate of pay payable
12 for level III of the Executive Schedule in subchapter
13 II of chapter 53 of title 5, United States Code, for
14 each day (including travel time) the member is en-
15 gaged in the work of the Oversight Board.

16 (2) TRAVEL EXPENSES.—Each member of the
17 Oversight Board may receive travel expenses, includ-
18 ing per diem in lieu of subsistence, in accordance
19 with sections 5702 and 5703 of title 5, United
20 States Code.

21 (l) MEETINGS.—The Oversight Board shall meet at
22 least once every 90 days.

23 (m) REPORTS.—The Oversight Board shall report
24 the findings, conclusions, and recommendations of the

1 Oversight Board to the Administrator, the President, and
2 Congress not less than once per year.

3 (n) RESPONSE BY THE ADMINISTRATOR.—Not later
4 than 45 days after the date on which the Oversight Board
5 submits a report to the Administrator under subsection
6 (m), the Administrator shall transmit to the Oversight
7 Board, in writing—

8 (1) a statement of whether the Administrator
9 accepts or rejects, in whole or in part, the rec-
10 ommendations submitted by the Oversight Board;

11 (2) a description of the actions taken in re-
12 sponse to the recommendations (or an explanation of
13 the reasons for not acting on the recommendations);
14 and

15 (3) the views of the Administrator on the rec-
16 ommendations.

17 (o) PUBLIC AVAILABILITY.—The Administrator shall
18 make all reports under subsection (m) and all responses
19 from the Administrator under subsection (n) available to
20 the public.

21 (p) EXECUTIVE SECRETARY.—The Oversight Board
22 shall appoint and fix the compensation of an Executive
23 Secretary, who shall—

24 (1) assemble and maintain the reports, records,
25 and other papers of the Oversight Board; and

1 (2) perform such functions as the Oversight
2 Board shall from time to time assign or delegate to
3 the Executive Secretary.

4 (q) ADDITIONAL STAFF.—

5 (1) APPOINTMENT.—The Oversight Board may
6 appoint and fix the compensation of such additional
7 clerical and professional staff as may be necessary to
8 discharge the responsibilities of the Oversight Board.

9 (2) LIMITATION.—The Oversight Board may
10 appoint not more than 10 clerical or professional
11 staff members under this subsection.

12 (3) SUPERVISION AND DIRECTION.—The cler-
13 ical and professional staff of the Oversight Board
14 shall be under the supervision and direction of the
15 Executive Secretary.

16 (r) STAFF COMPENSATION.—

17 (1) CLERICAL STAFF.—Clerical staff shall be
18 appointed subject to the provisions of title 5, United
19 States Code, governing appointments in the competi-
20 tive service, and shall be paid in accordance with the
21 provisions of chapter 51 and subchapter III of chap-
22 ter 53 of such title relating to classification and
23 General Schedule rates.

24 (2) PROFESSIONAL STAFF.—Professional staff
25 members may be appointed without regard to the

1 provisions of title 5, United States Code, governing
2 appointments in the competitive service, and may be
3 paid without regard to the provisions of chapter 51
4 and subchapter III of chapter 53 of that title relat-
5 ing to classification and General Schedule pay rates,
6 except that no individual so appointed may receive
7 pay in excess of the maximum rate of pay under the
8 General Schedule.

9 (s) ACCESS TO INFORMATION.—

10 (1) DUTY TO INFORM.—The Administrator
11 shall keep the Oversight Board fully and currently
12 informed on all of the activities of the Administra-
13 tion.

14 (2) PRODUCTION OF DOCUMENTS.—The Ad-
15 ministrator shall provide the Oversight Board with
16 any records, files, papers, data, or information re-
17 quested by the Oversight Board.

18 (t) SUPPORT SERVICES.—To the extent permitted by
19 law and requested by the Oversight Board, the Adminis-
20 trator of General Services shall provide the Oversight
21 Board with necessary administrative services, facilities,
22 and support on a reimbursable basis.

23 (u) HEALTH, SAFETY, AND ENVIRONMENTAL REGU-
24 LATION.—Nothing in this section gives the Oversight
25 Board jurisdiction to regulate the activities of the Admin-

1 istration to protect the health and safety of the public or
2 the environment.

3 (v) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Oversight Board
5 from amounts in the Nuclear Waste Fund such sums as
6 are necessary to carry out this section.

7 **SEC. 206. CONFORMING AMENDMENTS.**

8 (a) Section 901(b)(2) of title 31, United States Code,
9 is amended by adding at the end the following:

10 “(H) The Nuclear Waste Administration.”.

11 (b) Section 401 of title 5, United States Code, is
12 amended—

13 (1) in paragraph (1), by inserting “the Nuclear
14 Waste Administration,” after “Export-Import Bank
15 of the United States,”; and

16 (2) in paragraph (3), by inserting “the Nuclear
17 Waste Administrator;” after “Export-Import Bank
18 of the United States;”.

19 **TITLE III—FUNCTIONS**

20 **SEC. 301. TRANSFER OF FUNCTIONS.**

21 There are transferred to and vested in the Adminis-
22 trator all functions vested in the Secretary by the Nuclear
23 Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) relat-
24 ing to—

1 (1) the construction and operation of a reposi-
2 tory and storage facility;

3 (2) entering into and performing contracts for
4 the disposal of nuclear waste under section 302(a) of
5 that Act (42 U.S.C. 10222(a));

6 (3) the collection, adjustment, deposition, and
7 use of fees to offset expenditures for the manage-
8 ment of nuclear waste; and

9 (4) the administration of the Nuclear Waste
10 Fund under section 302(e) of that Act (42 U.S.C.
11 10222(e)), including the issuance of obligations
12 under paragraph (5) of that section.

13 **SEC. 302. TRANSFER OF CONTRACTS.**

14 Each contract for the disposal of nuclear waste en-
15 tered into by the Secretary before the date of enactment
16 of this Act shall continue in effect according to the terms
17 of the contract with the Administrator substituted for the
18 Secretary.

19 **SEC. 303. NUCLEAR WASTE FACILITIES.**

20 (a) IN GENERAL.—In addition to the functions trans-
21 ferred to the Administrator under section 301, the Admin-
22 istrator shall, site, construct, and operate—

23 (1) 1 or more storage facilities for the tem-
24 porary storage of nuclear waste; and

1 (2) 1 or more repositories for the permanent
2 disposal of nuclear waste.

3 (b) INTEGRATED WASTE MANAGEMENT.—The Ad-
4 ministrators shall ensure that efforts to site, construct, and
5 operate 1 or more storage facilities are accompanied by
6 parallel efforts to site, construct, and operate 1 or more
7 repositories.

8 **SEC. 304. SITING NUCLEAR WASTE FACILITIES.**

9 (a) IN GENERAL.—In siting nuclear waste facilities
10 under this Act or performing any function transferred
11 under section 301(1), the Administrator shall employ a
12 process that—

13 (1) allows affected communities to decide
14 whether, and on what terms, the affected commu-
15 nities will host a nuclear waste facility;

16 (2) is open to the public and allows interested
17 persons to be heard in a meaningful way;

18 (3) is flexible and allows decisions to be re-
19 viewed and modified in response to—

20 (A) significant, new information; or

21 (B) significant, new technical, social, or
22 political developments; and

23 (4) is based on sound science and meets public
24 health, safety, and environmental standards.

1 (b) YUCCA MOUNTAIN SITE.—In accordance with
2 subsection (a)(1), the Administrator may not site, con-
3 struct, or operate a nuclear waste facility at the Yucca
4 Mountain site unless the Administrator has first entered
5 into a binding consent agreement with the Governor of
6 the State of Nevada and the governing body of each af-
7 fected unit of local government in accordance with section
8 306(e).

9 **SEC. 305. STORAGE FACILITIES.**

10 (a) ESTABLISHMENT OF STORAGE FACILITY PRO-
11 GRAM.—In addition to the functions transferred to the Ad-
12 ministrator in section 301, the Administrator shall estab-
13 lish a storage program to license, construct, and operate,
14 through 1 or more non-Federal sector partners, 1 or more
15 federally or non-federally owned storage facilities to pro-
16 vide consolidated interim storage for nuclear waste.

17 (b) PROGRAM FOR THE STORAGE OF NUCLEAR
18 WASTE.—

19 (1) REQUEST FOR PROPOSALS.—

20 (A) IN GENERAL.—Not later than 180
21 days after the date of enactment of this Act,
22 the Administrator shall issue a request for pro-
23 posals for cooperative agreements for a facility
24 for the consolidated interim storage of nuclear
25 waste—

1 (i) to obtain any license from the Nu-
2 clear Regulatory Commission and any
3 other Federal or State entity that is nec-
4 essary for the construction of 1 or more
5 storage facilities;

6 (ii) to provide for the safe transpor-
7 tation of spent nuclear fuel and high-level
8 radioactive waste, as applicable; and

9 (iii) to provide for the safe storage of
10 spent nuclear fuel and high-level radio-
11 active waste, as applicable, at the 1 or
12 more storage facilities, pending the con-
13 struction and operation of deep geologic
14 disposal capacity for the permanent dis-
15 posal of the spent nuclear fuel or high-level
16 radioactive waste.

17 (B) GUIDELINES.—

18 (i) IN GENERAL.—The request for
19 proposals under subparagraph (A) shall in-
20 clude general guidelines for the consider-
21 ation of proposed sites for storage facilities
22 consistent with each requirement of section
23 112(a) of the Nuclear Waste Policy Act of
24 1982 (42 U.S.C. 10132(a)), that the Ad-

1 administrator determines to be applicable to
2 storage.

3 (ii) REVISIONS.—The Administrator
4 may revise the general guidelines from
5 time to time, consistent with this section.

6 (2) REVIEWS OF PROPOSALS.—

7 (A) IN GENERAL.—The Administrator
8 shall review each proposal submitted under
9 paragraph (1) to evaluate—

10 (i) the extent to which the applicable
11 States, affected units of general local gov-
12 ernment, and affected Indian Tribes sup-
13 port the proposal;

14 (ii) the likelihood that the proposed
15 site is suitable for site characterization
16 under the guidelines under paragraph
17 (1)(B);

18 (iii) a reasonable comparative evalua-
19 tion of the proposed site and other pro-
20 posed sites;

21 (iv) the extent to which nuclear waste
22 is, or is planned to be, stored or disposed
23 of within the State;

24 (v) the extent to which each proposal
25 would—

1 (I) enhance the reliability and
2 flexibility of the system for the stor-
3 age of nuclear waste; and

4 (II) minimize the impacts of
5 transportation and handling of nu-
6 clear waste;

7 (vi) potential conflicts with—

8 (I) a compliance agreement re-
9 quiring removal of nuclear waste from
10 a site; or

11 (II) a statutory prohibition on
12 the storage or disposal of nuclear
13 waste at a site; and

14 (vii) any other criteria, including cri-
15 teria relating to technical or safety speci-
16 fications, that the Administrator deter-
17 mines to be appropriate.

18 (B) PREFERENCE FOR SITES WILLING TO
19 HOST A CO-LOCATED REPOSITORY AND STOR-
20 AGE FACILITY.—In reviewing proposals sub-
21 mitted under paragraph (1), the Administrator
22 shall give preference to sites proposed to host a
23 storage facility and a co-located repository.

24 (3) SITE CHARACTERIZATION.—

1 (A) DETERMINATION OF SUITABILITY.—
2 After conducting a review under paragraph (2)
3 and any additional site investigation that the
4 Administrator determines to be appropriate, the
5 Administrator shall determine whether the site
6 is suitable for site characterization.

7 (B) SELECTION OF SITE FOR CHARACTER-
8 IZATION.—From the sites determined to be
9 suitable for site characterization under subpara-
10 graph (A), the Administrator shall select at
11 least 1 site for site characterization, giving pri-
12 ority to sites that have been proposed to be co-
13 located with a permanent geological repository,
14 after—

15 (i) holding public hearings in the vi-
16 cinity of each site and at least 1 other lo-
17 cation within the State in which the site is
18 located; and

19 (ii) notifying Congress and the pro-
20 spective host State.

21 (C) COOPERATIVE AGREEMENT.—On selec-
22 tion of a site for characterization under sub-
23 paragraph (B), the Administrator may enter
24 into a cooperative agreement, subject to section
25 401(e), with the State, affected units of general

1 local government, and affected Indian Tribes,
2 as applicable, that includes—

3 (i) terms of financial and technical as-
4 sistance to enable each applicable unit of
5 government to monitor, review, evaluate,
6 comment on, obtain information on, make
7 recommendations on, and mitigate any im-
8 pacts from, site characterization activities;
9 and

10 (ii) any other term that the Adminis-
11 trator determines to be appropriate.

12 (4) SITE SELECTION.—

13 (A) IN GENERAL.—Subject to subpara-
14 graphs (B) and (C), on completion of site char-
15 acterization activities, the Administrator shall—

16 (i) make a final determination for
17 each site of whether the site is suitable for
18 development as a storage facility; and

19 (ii) select 1 or more suitable sites for
20 storage facilities.

21 (B) CONSENT-BASED APPROVAL.—Before
22 selecting a site for developing a storage facility,
23 the Administrator shall enter into a consent
24 agreement, subject to section 401(e), to host
25 the facility with—

1 (i) the Governor or other authorized
2 official of the State in which the site is
3 proposed to be located;

4 (ii) each affected unit of general local
5 government; and

6 (iii) any affected Indian Tribe.

7 (C) BINDING EFFECT.—The consent
8 agreement—

9 (i) shall be binding on the parties,
10 subject to section 401(e); and

11 (ii) shall not be amended or revoked
12 except by mutual agreement of the parties.

13 (5) SUBMISSION OF PROGRAM PLAN.—Not less
14 than 30 days before selecting a site for development
15 of a storage facility under paragraph (4), the Ad-
16 ministrator shall submit to Congress a program plan
17 that includes—

18 (A) a list of the 1 or more sites the Ad-
19 ministrator proposes to select for a storage fa-
20 cility;

21 (B) an estimate of the cost of licensing,
22 constructing, and operating each storage facil-
23 ity, including the transportation costs, on an
24 annual basis, over the expected lifetime of the
25 storage facility;

1 (C) a schedule for—

2 (i) obtaining from the Nuclear Regu-
3 latory Commission any license necessary to
4 construct and operate the storage facility;

5 (ii) constructing the storage facility;

6 (iii) transporting nuclear waste to the
7 storage facility; and

8 (iv) removing the nuclear waste from,
9 and decommissioning of, the storage facil-
10 ity;

11 (D) an estimate of the cost of any financial
12 assistance, compensation, or incentives proposed
13 to be paid to the host State, Indian Tribe, or
14 unit of local government;

15 (E) an estimate of any future reductions in
16 the damages expected to be paid by the United
17 States for the delay of the Department of En-
18 ergy in accepting spent fuel expected to result
19 from the storage facilities developed under this
20 section; and

21 (F) recommendations for any additional
22 legislation needed to authorize and implement
23 the program.

24 (6) SUBMISSION OF LICENSE APPLICATION.—

25 On selection of a site under paragraph (4), the ap-

1 plicant (in the case of a non-Federal facility) or the
2 Administrator (in the case of a federally owned facil-
3 ity) shall submit to the Commission an application
4 for a construction authorization for the storage facil-
5 ity.

6 (7) PRIORITY.—In providing storage under this
7 section, the Administrator shall accept priority waste
8 for storage first. The Administrator shall prioritize
9 accepting such priority waste in the following order:

10 (A) Emergency deliveries.

11 (B) Priority waste described in section
12 103(20)(B) that is located in an area in which
13 the continued storage of the spent nuclear fuel
14 presents a high level of risk to national security
15 or public safety, as determined by the Adminis-
16 trator.

17 (C) Priority waste described in section
18 103(20)(C) that is determined to present a low
19 level of risk to national security or public safe-
20 ty, as determined by the Administrator.

21 **SEC. 306. REPOSITORIES.**

22 (a) SITING GUIDELINES.—

23 (1) ISSUANCE.—Not later than 1 year after the
24 date of enactment of this Act, the Administrator

1 shall issue general guidelines for the consideration of
2 candidate sites for repositories, which shall—

3 (A) update the guidelines issued under sec-
4 tion 112(a) of the Nuclear Waste Policy Act of
5 1982 (42 U.S.C. 10132(a));

6 (B) comply with any applicable require-
7 ments of that section; and

8 (C) require the Administrator to take into
9 account the extent to which a repository
10 would—

11 (i) enhance the reliability and flexi-
12 bility of the system for the disposal of nu-
13 clear waste; and

14 (ii) minimize the impacts of transpor-
15 tation and handling of nuclear waste.

16 (2) REVISIONS.—The Administrator may revise
17 the guidelines in a manner consistent with this sub-
18 section and section 112(a) of the Nuclear Waste
19 Policy Act of 1982 (42 U.S.C. 10132(a)).

20 (b) IDENTIFICATION OF CANDIDATE SITES.—

21 (1) REVIEW OF CANDIDATE SITES.—As soon as
22 practicable after the date of the issuance of the
23 guidelines under subsection (a), the Administrator
24 shall evaluate candidate sites for a repository to de-

1 termine whether the sites are suitable for site char-
2 acterization.

3 (2) SITES ELIGIBLE FOR REVIEW.—The Admin-
4 istrator shall select sites for evaluation under para-
5 graph (1) from among sites recommended by—

6 (A) the Governor or other authorized offi-
7 cial of the State in which the site is located;

8 (B) the governing body of the affected unit
9 of general local government;

10 (C) the governing body of an Indian Tribe
11 within the reservation boundaries of which the
12 site is located; or

13 (D) the Administrator, after consultation
14 with, and with the consent of—

15 (i) the Governor of the State in which
16 the site is located;

17 (ii) the governing body of the affected
18 unit of general local government; and

19 (iii) the governing body of the Indian
20 Tribe, if the site is located within the res-
21 ervation of an Indian Tribe.

22 (3) SITE INVESTIGATIONS.—In evaluating a site
23 under this subsection prior to any determination of
24 the suitability of the site for site characterization,
25 the Administrator—

1 (A) shall use available geophysical, geologi-
2 cal, geochemical, hydrological, and other infor-
3 mation; and

4 (B) shall not perform any preliminary bor-
5 ings or excavations at the site unless necessary
6 to determine the suitability of the site and au-
7 thorized by the landowner.

8 (4) DETERMINATION OF SUITABILITY.—The
9 Administrator shall determine whether a site is suit-
10 able for site characterization based on an environ-
11 mental analysis of the site, which shall include—

12 (A) an evaluation by the Administrator of
13 whether the site is suitable for development as
14 a repository under the guidelines established
15 under subsection (a), including a preliminary
16 safety case that describes the site features and
17 available information that contribute to con-
18 fidence in the suitability and safety of the pro-
19 posed site for a nuclear waste facility;

20 (B) an evaluation by the Administrator of
21 the effects of site characterization activities on
22 public health and safety and the environment;

23 (C) a reasonable comparative evaluation of
24 the proposed site and other proposed sites;

1 (D) a description of the decision process by
2 which the site was recommended;

3 (E) an assessment of the regional and local
4 impacts of locating a repository at the site, in-
5 cluding the extent to which nuclear waste is, or
6 is planned to be, stored or disposed of within
7 the State; and

8 (F) potential conflicts with—

9 (i) a compliance agreement requiring
10 removal of nuclear waste from a site; or

11 (ii) a statutory prohibition on the
12 storage or disposal of nuclear waste at a
13 site.

14 (c) SITE CHARACTERIZATION.—

15 (1) SELECTION OF SITES.—From among the
16 sites determined to be suitable for site characteriza-
17 tion under subsection (b), the Administrator shall
18 select at least 1 site for site characterization as a re-
19 pository.

20 (2) PREFERENCE FOR CO-LOCATED REPOSI-
21 TORY AND STORAGE FACILITY.—In selecting sites
22 for site characterization as a repository, the Admin-
23 istrator shall give preference and priority to sites de-
24 termined to be suitable for co-location of a storage
25 facility and a repository.

1 (3) PUBLIC HEARINGS.—Before selecting a site
2 for site characterization, the Administrator shall—

3 (A) hold public hearings in the vicinity of
4 the site and at least 1 other location within the
5 State in which the site is located—

6 (i) to inform the public of the pro-
7 posed site characterization;

8 (ii) to solicit public comments and rec-
9 ommendations with respect to the proposed
10 site characterization; and

11 (iii) to increase stakeholder engage-
12 ment; and

13 (B) notify Congress.

14 (4) CONSULTATION AND COOPERATION AGREE-
15 MENT.—

16 (A) REQUIREMENT.—Before selecting a
17 site for site characterization, the Administrator
18 shall enter into a consultation and cooperation
19 agreement, subject to section 401(e), with—

20 (i) the Governor of the State in which
21 the site is located;

22 (ii) the governing body of the affected
23 unit of general local government; and

24 (iii) the governing body of any af-
25 fected Indian Tribe.

1 (B) CONTENTS.—The consultation and co-
2 operation agreement shall—

3 (i) provide compensation to the State,
4 any affected units of local government, and
5 any affected Indian Tribes for any adverse
6 economic, social, public health and safety,
7 and environmental impacts associated with
8 site characterization;

9 (ii) provide financial and technical as-
10 sistance to enable the State, affected units
11 of local government, and affected Indian
12 Tribes to monitor, review, evaluate, com-
13 ment on, obtain information on, make rec-
14 ommendations on, and mitigate any im-
15 pacts from site characterization activities;
16 and

17 (iii) include any other term or condi-
18 tion that the Administrator determines to
19 be appropriate.

20 (d) FINAL SITE SUITABILITY DETERMINATION.—

21 (1) DETERMINATION REQUIRED.—On comple-
22 tion of site characterization activities, the Adminis-
23 trator shall make a final determination of whether a
24 candidate site is suitable for development as a repos-
25 itory.

1 (2) BASIS OF DETERMINATION.—In making a
2 determination under paragraph (1), the Adminis-
3 trator shall determine if—

4 (A) the site is scientifically and technically
5 suitable for development as a repository, taking
6 into account—

7 (i) whether the site meets the siting
8 guidelines of the Administrator; and

9 (ii) whether there is reasonable assur-
10 ance that a repository at the site will
11 meet—

12 (I) the radiation protection
13 standards of the Administrator of the
14 Environmental Protection Agency;
15 and

16 (II) the licensing standards of
17 the Commission; and

18 (B) development of a repository at the site
19 is in the national interest.

20 (3) PUBLIC HEARINGS.—Before making a final
21 determination under paragraph (1), the Adminis-
22 trator shall hold public hearings in the vicinity of
23 the site and at least 1 other location within the
24 State in which the site is located to solicit public

1 comments and recommendations on the proposed de-
2 termination.

3 (e) CONSENT AGREEMENTS.—

4 (1) REQUIREMENT.—On making a final deter-
5 mination of site suitability under subsection (d), but
6 before submitting a license application to the Com-
7 mission under subsection (f), the Administrator shall
8 enter into a consent agreement, subject to section
9 401(e), with—

10 (A) the Governor or other authorized offi-
11 cial of the State in which the site is located;

12 (B) the governing body of the affected unit
13 of general local government; and

14 (C) if the site is located on a reservation,
15 the governing body of the affected Indian Tribe.

16 (2) CONTENTS.—The consent agreement
17 shall—

18 (A) contain the terms and conditions on
19 which each State, local government, and Indian
20 Tribe, as applicable, consents to host the repos-
21 itory; and

22 (B) express the consent of each State, local
23 government, and Indian Tribe to host the re-
24 pository.

1 (3) TERMS AND CONDITIONS.—The terms and
2 conditions under paragraph (2)(A)—

3 (A) shall promote the economic and social
4 well-being of the people living in the vicinity of
5 the repository; and

6 (B) may include—

7 (i) financial compensation and incen-
8 tives;

9 (ii) economic development assistance;

10 (iii) operational limitations or require-
11 ments; and

12 (iv) regulatory or other oversight au-
13 thority, to the extent permitted by law.

14 (4) BINDING EFFECT.—The consent agree-
15 ment—

16 (A) shall be binding on the parties, subject
17 to section 401(e); and

18 (B) shall not be amended or revoked ex-
19 cept by mutual agreement of the parties.

20 (f) SUBMISSION OF LICENSE APPLICATION.—On de-
21 termining that a site is suitable under subsection (d) and
22 ratification of a consent agreement under subsection (e),
23 the Administrator shall submit to the Commission an ap-
24 plication for a construction authorization for the reposi-
25 tory.

1 **SEC. 307. UPDATED STANDARDS AND CRITERIA.**

2 Not later than 1 year after the date of enactment
3 of this Act—

4 (1) the Administrator of the Environmental
5 Protection Agency shall, by rule, promulgate up-
6 dated, generally applicable standards for protection
7 of the general environment from offsite releases
8 from radioactive material in repositories, including
9 updates to the standards promulgated under section
10 121(a) of the Nuclear Waste Policy Act of 1982 (42
11 U.S.C. 10141(a)); and

12 (2) the Commission shall, by rule, promulgate
13 updated criteria and requirements described in sec-
14 tion 121(b) of that Act (42 U.S.C. 10141(b)).

15 **SEC. 308. LICENSING NUCLEAR WASTE FACILITIES.**

16 The construction and operation of a storage facility
17 or repository under this Act shall be subject to—

18 (1) all applicable standards for the protection of
19 the general environment from offsite releases of ra-
20 dioactive material;

21 (2) the licensing and regulatory jurisdiction of
22 the Commission, including all applicable criteria and
23 requirements promulgated by the Commission under
24 section 121(b) of the Nuclear Waste Policy Act of
25 1982 (42 U.S.C. 10141(b)); and

1 (3) the terms and conditions of each consent
2 agreement entered into under section 305(b)(4) or
3 section 306(e).

4 **SEC. 309. DEFENSE WASTE.**

5 (a) DISPOSAL AND STORAGE BY ADMINISTRATION.—

6 The Secretary—

7 (1) shall arrange for the Administrator to dis-
8 pose of defense waste in a repository developed
9 under this Act; and

10 (2) may arrange for the Administrator to store
11 defense waste in storage facilities developed under
12 this Act pending disposal in a repository.

13 (b) MEMORANDUM OF AGREEMENT.—The arrange-
14 ments shall be covered by a memorandum of agreement
15 between the Secretary and the Administrator.

16 (c) COSTS.—The portion of the cost of developing,
17 constructing, and operating the repository or storage fa-
18 cilities under this Act that is attributable to defense waste
19 shall be allocated to the Federal Government and paid by
20 the Federal Government into the Working Capital Fund.

21 (d) PROHIBITION.—No defense waste may be stored
22 or disposed of by the Administrator in any storage facility
23 or repository constructed under this Act until funds are
24 appropriated to the Working Capital Fund in an amount
25 equal to the fees that would be paid by contract holders

1 under section 302 of the Nuclear Waste Policy Act of
2 1982 (42 U.S.C. 10222) if such nuclear waste were gen-
3 erated by a contract holder.

4 (e) COMMINGLING DETERMINATION.—

5 (1) REEVALUATION.—Notwithstanding section
6 8 of the Nuclear Waste Policy Act of 1982 (42
7 U.S.C. 10107), the Secretary may reevaluate the de-
8 cision to commingle defense waste with nuclear
9 waste from civilian nuclear power reactors.

10 (2) NOTIFICATION.—Not later than 1 year
11 after the date of enactment of this Act, the Sec-
12 retary shall notify the President and the appropriate
13 committees of Congress of whether the Secretary in-
14 tends to reevaluate the decision under paragraph (1)
15 and the reasons for that intention.

16 (3) SEPARATE NUCLEAR WASTE FACILITIES.—
17 If the Secretary finds, after conducting the reevalua-
18 tion under paragraph (1), that the development of
19 separate nuclear waste facilities for the storage or
20 disposal of defense waste is necessary or appropriate
21 for the efficient management of defense waste, the
22 Administrator may, with the concurrence of the
23 President, site, construct, and operate 1 or more
24 separate nuclear waste facilities for the storage or
25 disposal of defense waste—

1 (A) in the manner described in section
2 305, in the case of storage; or

3 (B) in the manner described in section
4 306, in the case of disposal.

5 **SEC. 310. TRANSPORTATION.**

6 (a) IN GENERAL.—The Administrator may trans-
7 port, subject to compliance with all applicable require-
8 ments of the Department of Transportation and the Com-
9 mission, and shall be responsible for transporting, nuclear
10 waste—

11 (1) from the site of a contract holder to a stor-
12 age facility or repository;

13 (2) from a Department of Energy site to a stor-
14 age facility or repository;

15 (3) from a storage facility to a repository; and

16 (4) in the case of defense waste, from a Depart-
17 ment of Energy site to a repository.

18 (b) CERTIFIED PACKAGES.—No nuclear waste may
19 be transported under this Act except in packages—

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

22 (2) that have been determined by the Commis-
23 sion to satisfy the quality assurance requirements of
24 the Commission.

1 (c) NOTIFICATION.—Prior to any transportation of
2 nuclear waste under this Act, the Administrator shall pro-
3 vide advance notification to States and Indian Tribes
4 through whose jurisdiction the Administrator plans to
5 transport the nuclear waste.

6 (d) TRANSPORTATION ASSISTANCE.—

7 (1) PUBLIC EDUCATION.—The Administrator
8 shall conduct a program to provide information to
9 the public about the transportation of nuclear waste.

10 (2) TRAINING.—

11 (A) IN GENERAL.—The Administrator
12 shall provide financial and technical assistance
13 to States and Indian Tribes through whose ju-
14 risdiction the Administrator plans to transport
15 nuclear waste to train public safety officials and
16 other emergency responders on—

17 (i) procedures required for the safe,
18 routine transportation of nuclear waste;
19 and

20 (ii) procedures for dealing with emer-
21 gency response situations involving nuclear
22 waste, including instruction of—

23 (I) government and Tribal offi-
24 cials and public safety officers in com-
25 mand and control procedures;

1 (II) emergency response per-
2 sonnel; and

3 (III) radiological protection and
4 emergency medical personnel.

5 (B) TIMING.—The Administrator shall
6 provide financial and technical assistance to a
7 State or Indian Tribe under subparagraph (A)
8 at least 5 years before the anticipated date on
9 which the transport of nuclear waste through
10 the jurisdiction of the State or Indian Tribe is
11 to begin.

12 (3) EQUIPMENT.—The Administrator shall pro-
13 vide monetary grants and contributions in-kind to
14 assist States and Indian Tribes through whose juris-
15 diction the Administrator plans to transport nuclear
16 waste for the purpose of acquiring equipment for re-
17 sponding to a transportation incident involving nu-
18 clear waste.

19 (4) TRANSPORTATION SAFETY PROGRAMS.—
20 The Administrator shall provide in-kind, financial,
21 technical, and other appropriate assistance to States
22 and Indian Tribes through whose jurisdiction the
23 Administrator plans to transport nuclear waste for
24 transportation safety programs related to shipments
25 of nuclear waste.

1 **TITLE IV—FUNDING AND LEGAL**
2 **PROCEEDINGS**

3 **SEC. 401. WORKING CAPITAL FUND.**

4 (a) ESTABLISHMENT.—There is established in the
5 Treasury a separate fund, to be known as the “Nuclear
6 Waste Administration Working Capital Fund”, which
7 shall be separate from the Nuclear Waste Fund.

8 (b) CONTENTS.—The Working Capital Fund shall
9 consist of—

10 (1) all fees paid by contract holders pursuant to
11 section 302(a) of the Nuclear Waste Policy Act of
12 1982 (42 U.S.C. 10222(a)) on or after the date of
13 enactment of this Act, which shall be paid into the
14 Working Capital Fund—

15 (A) notwithstanding section 302(c)(1) of
16 the Nuclear Waste Policy Act of 1982 (42
17 U.S.C. 10222(c)(1)); and

18 (B) immediately on the payment of the
19 fees;

20 (2) any appropriations made by Congress to
21 pay the share of the cost of the program established
22 under this Act attributable to defense waste; and

23 (3) interest paid on—

24 (A) the unexpended balance of the Work-
25 ing Capital Fund under subsection (g); and

1 (B) the unexpended balance of the Nuclear
2 Waste Fund pursuant to section 402(b).

3 (c) AVAILABILITY.—All funds deposited in the Work-
4 ing Capital Fund—

5 (1) shall be immediately available to the Admin-
6 istrator to carry out the functions of the Adminis-
7 trator, except to the extent limited in annual author-
8 ization or appropriation Acts;

9 (2) shall remain available until expended; and

10 (3) shall not be subject to apportionment under
11 subchapter II of chapter 15 of title 31, United
12 States Code.

13 (d) USE OF FUND.—Except to the extent limited in
14 annual authorization or appropriation Acts, the Adminis-
15 trator may make expenditures from the Working Capital
16 Fund only for purposes of carrying out functions author-
17 ized by this Act.

18 (e) CONTRACT AUTHORITY.—Any contract or agree-
19 ment that authorizes an expenditure or obligation exceed-
20 ing an amount available in the Working Capital Fund for
21 the expenditure or obligation (including any cooperative
22 agreement, consultation and cooperation agreement, or
23 consent agreement under section 305 or 306) shall be sub-
24 ject to appropriation.

1 (f) PERFORMANCE-BASED FUNDING.—No fees paid
2 by contract holders pursuant to section 302(a) of the Nu-
3 clear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) shall
4 be paid into the Working Capital Fund after December
5 31, 2037, unless the Administrator is operating a nuclear
6 waste facility by that date.

7 (g) UNEXPENDED BALANCE.—If the Administrator
8 determines that the Working Capital Fund contains at
9 any time amounts in excess of current needs, the Adminis-
10 trator may request the Secretary of the Treasury to invest
11 such amounts, or any portion of such amounts as the Ad-
12 ministrator determines to be appropriate, in obligations of
13 the United States in accordance with section 302(e)(3) of
14 the Nuclear Waste Policy Act of 1982 (42 U.S.C.
15 10222(e)(3)).

16 (h) BUDGET.—The Administrator shall submit the
17 budget of the Working Capital Fund, along with the budg-
18 et of the Nuclear Waste Fund pursuant to section
19 302(e)(2) of the Nuclear Waste Policy Act of 1982 (42
20 U.S.C. 10222(e)(2)), to the Office of Management and
21 Budget in accordance with chapter 11 of title 31, United
22 States Code, and both budgets shall be included in the
23 Budget of the United States Government.

1 **SEC. 402. NUCLEAR WASTE FUND.**

2 (a) **ELIMINATION OF LEGISLATIVE VETO.**—Section
3 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42
4 U.S.C. 10222(a)(4)) is amended—

5 (1) in the third sentence, by striking “insure”
6 and inserting “ensure”; and

7 (2) in the fifth sentence by striking “such
8 transmittal unless” and all that follows through the
9 period at the end and inserting “that transmission.”.

10 (b) **INTEREST ON UNEXPENDED BALANCE.**—Not-
11 withstanding section 302 of the Nuclear Waste Policy Act
12 of 1982 (42 U.S.C. 10222), interest accruing on or after
13 the date of enactment of this Act on the unexpended bal-
14 ance of the Nuclear Waste Fund shall be deposited in the
15 Working Capital Fund in accordance with section 401(b)
16 and made available to the Administrator under section
17 401(c).

18 **SEC. 403. FULL COST RECOVERY.**

19 In determining whether insufficient or excess reve-
20 nues are being collected to ensure full cost recovery under
21 section 302(a)(4) of the Nuclear Waste Policy Act of 1982
22 (42 U.S.C. 10222(a)(4)), the Administrator shall—

23 (1) assume that sufficient funds will be appro-
24 priated to the Nuclear Waste Fund to cover the
25 costs attributable to disposal of defense waste; and

1 (2) take into account the additional costs re-
2 sulting from the enactment of this Act.

3 **SEC. 404. JUDICIAL REVIEW.**

4 (a) JURISDICTION.—

5 (1) COURTS OF APPEALS.—Except for review in
6 the Supreme Court, a court of appeals of the United
7 States shall have original and exclusive jurisdiction
8 over any civil action—

9 (A) for review of any final decision or ac-
10 tion of the Administrator or the Commission
11 under this Act;

12 (B) alleging the failure of the Adminis-
13 trator or the Commission to make any decision,
14 or take any action, required under this Act;

15 (C) challenging the constitutionality of any
16 decision made, or action taken, under this Act;
17 or

18 (D) for review of any environmental as-
19 sessment or environmental impact statement
20 prepared pursuant to the National Environ-
21 mental Policy Act of 1969 (42 U.S.C. 4321 et
22 seq.) with respect to any action under this Act,
23 or alleging a failure to prepare any such assess-
24 ment or statement with respect to any such ac-
25 tion.

1 (2) VENUE.—The venue of any proceeding
2 under this section shall be in—

3 (A) the judicial circuit in which the peti-
4 tioner involved resides or has the principal of-
5 fice of the petitioner; or

6 (B) the United States Court of Appeals for
7 the District of Columbia Circuit.

8 (b) DEADLINE FOR COMMENCING ACTION.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), a civil action for judicial review described
11 in subsection (a)(1) may be brought not later than
12 the date that is 180 days after the date of the deci-
13 sion or action or failure to act involved.

14 (2) NO KNOWLEDGE OF DECISION OR AC-
15 TION.—If a party shows that the party did not know
16 of the decision or action complained of (or of the
17 failure to act) and that a reasonable person acting
18 under the circumstances would not have known, the
19 party may bring a civil action not later than 180
20 days after the date the party acquired actual or con-
21 structive knowledge of the decision, action, or failure
22 to act.

23 **SEC. 405. LITIGATION AUTHORITY.**

24 (a) SUPERVISION BY ATTORNEY GENERAL.—The liti-
25 gation of the Administration shall be subject to the super-

1 vision of the Attorney General pursuant to chapter 31 of
2 title 28, United States Code.

3 (b) ATTORNEYS OF ADMINISTRATION.—The Attor-
4 ney General may authorize any attorney of the Adminis-
5 tration to conduct any civil litigation of the Administration
6 in any Federal court, except the Supreme Court.

7 **SEC. 406. LIABILITIES.**

8 (a) PENDING LEGAL PROCEEDINGS.—Any suit,
9 cause of action, or judicial proceeding commenced by or
10 against the Secretary relating to functions or contracts
11 transferred to the Administrator by this Act shall—

12 (1) not abate by reason of the enactment of this
13 Act; and

14 (2) continue in effect with the Administrator
15 substituted for the Secretary.

16 (b) SETTLEMENT OF PENDING LITIGATION; CON-
17 TRACT MODIFICATION.—

18 (1) SETTLEMENT.—The Attorney General, in
19 consultation with the Administrator, shall seek to
20 settle all claims against the United States by a con-
21 tract holder for the breach of a contract for the dis-
22 posal of nuclear waste under section 302(a) of the
23 Nuclear Waste Policy Act of 1982 (42 U.S.C.
24 10222(a)) as a condition precedent of an agreement
25 of the Administrator to take title to and store the

1 nuclear waste of the contract holder at a storage fa-
2 cility.

3 (2) CONTRACT MODIFICATION.—The Adminis-
4 trator shall seek to modify contracts entered into
5 under section 302(a) of the Nuclear Waste Policy
6 Act of 1982 (42 U.S.C. 10222(a)) in accordance
7 with the settlement under paragraph (1).

8 (c) PAYMENT OF JUDGMENTS AND SETTLEMENTS.—
9 Payment of judgments and settlements in cases arising
10 from the failure of the Secretary to meet the deadline of
11 January 31, 1998, to begin to dispose of nuclear waste
12 under contracts entered into under section 302(a)(1) of
13 the Nuclear Waste Policy Act of 1982 (42 U.S.C.
14 10222(a)(1)) shall continue to be paid from the perma-
15 nent judgment appropriation established pursuant to sec-
16 tion 1304 of title 31, United States Code.

17 (d) NEW CONTRACTS.—Notwithstanding section
18 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42
19 U.S.C. 10222(a)(5)), the Administrator shall not enter
20 into any contract after the date of enactment of this Act
21 that obligates the Administrator to begin disposing of nu-
22 clear waste before the Commission has licensed the Ad-
23 ministrator to operate a repository or storage facility.

24 (e) NUCLEAR INDEMNIFICATION.—

1 (1) INDEMNIFICATION AGREEMENTS.—For pur-
2 poses of section 170 of the Atomic Energy Act of
3 1954 (42 U.S.C. 2210) (commonly known as the
4 “Price-Anderson Act”)—

5 (A) any person that conducts nuclear
6 waste activities under a contract with the Ad-
7 ministrator that may involve the risk of public
8 liability shall be treated as a contractor of the
9 Secretary; and

10 (B) the Secretary shall enter into an
11 agreement of indemnification with any person
12 described in subparagraph (A).

13 (2) CONFORMING AMENDMENT.—Section 11 ff.
14 of the Atomic Energy Act of 1954 (42 U.S.C.
15 2014(ff)) is amended by inserting “or the Nuclear
16 Waste Administration” after “Secretary of Energy”.

17 **TITLE V—ADMINISTRATIVE AND** 18 **SAVINGS PROVISIONS**

19 **SEC. 501. ADMINISTRATIVE POWERS OF ADMINISTRATOR.**

20 The Administrator shall have the power—

21 (1) to perform the functions of the Secretary
22 transferred to the Administrator pursuant to this
23 Act;

24 (2) to enter into contracts with any person who
25 generates or holds title to nuclear waste generated

1 in a civilian nuclear power reactor for the acceptance
2 of title, subsequent transportation, storage, and dis-
3 posal of the nuclear waste;

4 (3) to enter into and perform contracts, leases,
5 and cooperative agreements with public agencies,
6 private organizations, Federal agencies, the National
7 Laboratories of the Department of Energy, and per-
8 sons necessary or appropriate to carry out the func-
9 tions of the Administrator;

10 (4) to acquire, in the name of the United
11 States, real estate for the construction, operation,
12 and decommissioning of nuclear waste facilities;

13 (5) to obtain from the Administrator of General
14 Services the services the Administrator of General
15 Services is authorized to provide agencies of the
16 United States, on the same basis as those services
17 are provided to other agencies of the United States;

18 (6) to conduct nongeneric research, develop-
19 ment, and demonstration activities necessary or ap-
20 propriate to carrying out the functions of the Ad-
21 ministrator; and

22 (7) to make such rules and regulations, not in-
23 consistent with this Act, as may be necessary to
24 carry out the functions of the Administrator.

1 **SEC. 502. PERSONNEL.**

2 (a) OFFICERS AND EMPLOYEES.—

3 (1) APPOINTMENT.—In addition to the senior
4 officers described in section 203, the Administrator
5 may appoint and fix the compensation of such offi-
6 cers and employees as may be necessary to carry out
7 the functions of the Administration.

8 (2) COMPENSATION.—Except as provided in
9 paragraph (3), officers and employees appointed
10 under this subsection shall be appointed in accord-
11 ance with the civil service laws and the compensation
12 of the officers and employees shall be fixed in ac-
13 cordance with title 5, United States Code.

14 (3) EXCEPTION.—Notwithstanding paragraph
15 (2), the Administrator may, to the extent the Ad-
16 ministrator determines necessary to discharge the
17 responsibilities of the Administrator—

18 (A) appoint exceptionally well qualified in-
19 dividuals to scientific, engineering, or other crit-
20 ical positions without regard to the provisions
21 of chapter 33 of title 5, United States Code,
22 governing appointments in the competitive serv-
23 ice; and

24 (B) fix the basic pay of any individual ap-
25 pointed under subparagraph (A) at a rate of
26 not more than level I of the Executive Schedule

1 without regard to the civil service laws, except
2 that the total annual compensation of the indi-
3 vidual shall be at a rate of not more than the
4 highest total annual compensation payable
5 under section 104 of title 3, United States
6 Code.

7 (4) MERIT PRINCIPLES.—The Administrator
8 shall ensure that the exercise of the authority grant-
9 ed under paragraph (3) is consistent with the merit
10 principles of section 2301 of title 5, United States
11 Code.

12 (b) EXPERTS AND CONSULTANTS.—The Adminis-
13 trator may obtain the temporary or intermittent services
14 of experts or consultants as authorized by section 3109
15 of title 5, United States Code.

16 (c) ADVISORY COMMITTEES.—

17 (1) ESTABLISHMENT.—The Administrator may
18 establish, in accordance with chapter 10 of title 5,
19 United States Code (commonly referred to as the
20 “Federal Advisory Committee Act”), such advisory
21 committees as the Administrator may consider ap-
22 propriate to assist in the performance of the func-
23 tions of the Administrator.

24 (2) COMPENSATION.—A member of an advisory
25 committee, other than a full-time employee of the

1 Federal Government, may be allowed travel ex-
2 penses, including per diem in lieu of subsistence, as
3 authorized by section 5703 of title 5, United States
4 Code, for individuals in the Government service
5 without pay, while attending meetings of the advi-
6 sory committee or otherwise serving away from the
7 homes or regular place of business of the member at
8 the request of the Administrator.

9 **SEC. 503. OFFICES.**

10 (a) **PRINCIPAL OFFICE.**—The principal office of the
11 Administration shall be in or near the District of Colum-
12 bia.

13 (b) **FIELD OFFICES.**—The Administrator may main-
14 tain such field offices as the Administrator considers nec-
15 essary to carry out the functions of the Administrator.

16 **SEC. 504. MISSION PLAN.**

17 (a) **IN GENERAL.**—The Administrator shall prepare
18 a mission plan, which shall—

19 (1) provide an informational basis sufficient to
20 permit informed decisions to be made in carrying
21 out the functions of the Administrator; and

22 (2) provide verifiable indicators for oversight of
23 the performance of the Administrator.

24 (b) **CONTENTS.**—The mission plan shall include—

1 (1) a description of the actions the Adminis-
2 trator plans to take to carry out the functions of the
3 Administrator under this Act;

4 (2) schedules and milestones for carrying out
5 the functions of the Administrator, which shall pro-
6 vide for the operation of—

7 (A) a storage facility not later than De-
8 cember 31, 2034; and

9 (B) a repository not later than December
10 31, 2060; and

11 (3) an estimate of the amounts that the Admin-
12 istration will need Congress to appropriate from the
13 Nuclear Waste Fund (in addition to amounts ex-
14 pected to be available from the Working Capital
15 Fund) to carry out the functions of the Nuclear
16 Waste Fund, on an annual basis.

17 (c) PROPOSED MISSION PLAN.—Not later than 1
18 year after the date of enactment of this Act, the Adminis-
19 trator shall submit a proposed mission plan for comment
20 to—

21 (1) Congress;

22 (2) the Oversight Board;

23 (3) the Commission;

1 (4) the Nuclear Waste Technical Review Board
2 established by section 502 of the Nuclear Waste Pol-
3 icy Act of 1982 (42 U.S.C. 10262);

4 (5) the States;

5 (6) affected Indian Tribes; and

6 (7) such other interested persons as the Admin-
7 istrator considers appropriate.

8 (d) PUBLIC NOTICE AND COMMENT.—On submitting
9 the proposed mission plan for comment under subsection
10 (c), the Administrator shall—

11 (1) publish a notice in the Federal Register of
12 the availability of the proposed mission plan for pub-
13 lic comment; and

14 (2) provide interested persons an opportunity to
15 comment on the proposed plan.

16 (e) SUBMISSION OF FINAL MISSION PLAN.—After
17 consideration of the comments received, the Administrator
18 shall—

19 (1) revise the proposed mission plan to the ex-
20 tent that the Administrator considers appropriate;
21 and

22 (2) submit the final mission plan, along with a
23 general statement responding to any significant
24 issues raised in the comments received on the pro-

1 posed mission plan, to the appropriate committees of
2 Congress, the President, and the Oversight Board.

3 (f) REVISION OF THE MISSION PLAN.—The Adminis-
4 trator shall—

5 (1) revise the mission plan, as appropriate, to
6 reflect major changes in the planned activities,
7 schedules, milestones, and cost estimates reported in
8 the mission plan; and

9 (2) submit the revised mission plan to Con-
10 gress, the President, and the Oversight Board prior
11 to implementing the proposed changes.

12 **SEC. 505. ANNUAL REPORTS.**

13 (a) IN GENERAL.—The Administrator shall annually
14 prepare and submit to Congress, the President, and the
15 Oversight Board a comprehensive report on the activities
16 and expenditures of the Administration.

17 (b) MANAGEMENT REPORT.—The annual report sub-
18 mitted under subsection (a) shall include—

19 (1) the annual management report required
20 under section 9106 of title 31, United States Code;
21 and

22 (2) the report on any audit of the financial
23 statements of the Administration conducted under
24 section 9105 of title 31, United States Code.

1 **SEC. 506. SAVINGS PROVISIONS; TERMINATIONS.**

2 (a) COMMISSION PROCEEDINGS.—The enactment of
3 this Act shall not affect the pendency of any proceeding
4 on the application for authorization to construct a reposi-
5 tory at the Yucca Mountain site pending on the date of
6 enactment of this Act, but the Administrator shall not pro-
7 ceed with the siting, construction, or operation of a nu-
8 clear waste facility at the Yucca Mountain site except as
9 provided in section 304(b).

10 (b) AUTHORITY OF THE SECRETARY.—This Act shall
11 not transfer or affect the authority of the Secretary with
12 respect to—

13 (1) the maintenance, treatment, packaging, and
14 storage of nuclear waste at Department of Energy
15 sites prior to delivery to, and acceptance by, the Ad-
16 ministrator of such nuclear waste for storage in a
17 storage facility or disposal in a repository;

18 (2) the conduct of generic research, develop-
19 ment, and demonstration activities related to nuclear
20 waste management, including proliferation-resistant
21 advanced fuel recycling and transmutation tech-
22 nologies that minimize environmental and public
23 health and safety impacts; and

24 (3) training and workforce development pro-
25 grams relating to nuclear waste management.

1 (c) TERMINATIONS.—The authority for each function
2 of the Secretary relating to the siting, construction, and
3 operation of repositories or storage facilities not trans-
4 ferred to the Administrator under this Act shall terminate
5 on the date of enactment of this Act, including the author-
6 ity—

7 (1) to provide disposal under subtitle A of title
8 I of the Nuclear Waste Policy Act of 1982 (42
9 U.S.C. 10131 et seq.);

10 (2) to provide interim storage or monitored, re-
11 trievable storage under subtitles B and C of title I
12 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
13 10151 et seq.); and

14 (3) to site or construct a test and evaluation fa-
15 cility under title II of the Nuclear Waste Policy Act
16 of 1982 (42 U.S.C. 10191 et seq.).

17 **SEC. 507. TECHNICAL ASSISTANCE IN THE FIELD OF SPENT**
18 **FUEL STORAGE AND DISPOSAL.**

19 (a) JOINT NOTICE.—Not later than 90 days after the
20 date of enactment of this Act and annually for 5 suc-
21 ceeding years, the Secretary and the Commission shall up-
22 date and publish in the Federal Register the joint notice
23 required by section 223(b) of the Nuclear Waste Policy
24 Act of 1982 (42 U.S.C. 10203(b)).

1 (b) INFORMING FOREIGN GOVERNMENTS.—As soon
2 as practicable after the date of the publication of the an-
3 nual joint notice described in subsection (a), the Secretary
4 of State shall inform the governments of nations and orga-
5 nizations operating nuclear power plants, solicit expres-
6 sions of interest, and transmit any such expressions of in-
7 terest to the Secretary and the Commission, as provided
8 in section 223(e) of the Nuclear Waste Policy Act of 1982
9 (42 U.S.C. 10203(c)).

10 (c) BUDGET REQUESTS.—The President shall in-
11 clude in the budget request of the President for the Com-
12 mission and the Department of Energy for each of fiscal
13 years 2023 through 2027 such funding requests for a pro-
14 gram of cooperation and technical assistance with nations
15 in the fields of spent nuclear fuel storage and disposal as
16 the President determines appropriate in light of expres-
17 sions of interest in the cooperation and assistance.

18 (d) ELIGIBILITY.—Notwithstanding any limitation on
19 cooperation and technical assistance to non-nuclear weap-
20 on states under section 223 of the Nuclear Waste Policy
21 Act of 1982 (42 U.S.C. 10203), the Secretary and the
22 Commission may cooperate with and provide technical as-
23 sistance to nuclear weapon states, if the Secretary and the
24 Commission determine the cooperation and technical as-
25 sistance is in the national interest.

1 **SEC. 508. NUCLEAR WASTE TECHNICAL REVIEW BOARD.**

2 (a) ELIGIBILITY.—Section 502(b)(3)(C)(iii)(I) of the
3 Nuclear Waste Policy Act of 1982 (42 U.S.C.
4 10262(b)(3)(C)(iii)(I)) is amended by inserting “or the
5 Nuclear Waste Administration” after “the Department of
6 Energy”.

7 (b) FUNCTIONS.—Section 503 of the Nuclear Waste
8 Policy Act of 1982 (42 U.S.C. 10263) is amended, in the
9 matter preceding paragraph (1), by striking “1987” and
10 inserting “1987, and the Nuclear Waste Administrator”.

11 (c) PRODUCTION OF DOCUMENTS.—Section 504(b)
12 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
13 10264(b)) is amended by striking “Secretary” each place
14 it appears and inserting “Nuclear Waste Administrator”.

15 (d) REPORTS.—Section 508 of the Nuclear Waste
16 Policy Act of 1982 (42 U.S.C. 10268) is amended, in the
17 first sentence, by striking “Congress and the Secretary”
18 and inserting “Congress, the Nuclear Waste Adminis-
19 trator, and the Nuclear Waste Oversight Board”.

20 (e) TERMINATION.—Section 510 of the Nuclear
21 Waste Policy Act of 1982 (42 U.S.C. 10270) is amended
22 by striking “Secretary” and inserting “Nuclear Waste Ad-
23 ministrator”.

24 **SEC. 509. APPLICATION OF VOLUME LIMITATION.**

25 The volume limitations described in the second and
26 third sentences of section 114(d) of the Nuclear Waste

1 Policy Act of 1982 (42 U.S.C. 10134(d)) shall not apply
2 to any repository to the extent that the consent agreement
3 applicable to the repository provides for the disposal of
4 a greater volume.

○