

.....
(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

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

Mr. LEVIN introduced the following bill; which was referred to the Committee
on _____

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—

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

7 (A) made the Federal Government respon-
8 sible for providing for the permanent disposal
9 of nuclear waste;

10 (B) vested the responsibility for siting,
11 constructing, and operating a permanent geo-
12 logic repository for the disposal of nuclear
13 waste in the Secretary of Energy; and

14 (C) authorized the Secretary to enter into
15 binding contracts with the generators and own-
16 ers of nuclear waste pursuant to which the Sec-
17 retary is obligated to have begun disposing of
18 the nuclear waste not later than January 31,
19 1998;

20 (2) in 1987, Congress designated the Yucca
21 Mountain site as the site for the first repository and
22 precluded consideration of other sites;

23 (3) in 2002, the Secretary found the Yucca
24 Mountain site to be suitable for the development of
25 the repository, the President recommended the site

1 to Congress, and Congress enacted a joint resolution
2 approving the Yucca Mountain site for the reposi-
3 tory;

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

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

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

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

22 **SEC. 102. PURPOSES.**

23 The purposes of this Act are—

24 (1) to establish a new nuclear waste manage-
25 ment organization;

1 (2) to transfer to the new organization the
2 functions of the Secretary under the Nuclear Waste
3 Policy Act of 1982 (42 U.S.C. 10101 et seq.) relat-
4 ing to the siting, licensing, construction, and oper-
5 ation of nuclear waste facilities;

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

8 (4) to provide for one or more Federal storage
9 facilities for nuclear waste pending completion of a
10 repository; and

11 (5) to ensure that—

12 (A) the generators and owners of nuclear
13 waste pay the full cost of the program; and

14 (B) funds collected for the program are
15 used for that purpose.

16 **SEC. 103. DEFINITIONS.**

17 In this Act:

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

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

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

1 (A) within the reservation boundaries of
2 which a repository or storage facility is pro-
3 posed to be located; or

4 (B) that has federally defined possessory
5 or usage rights to other land outside of the res-
6 ervation boundaries that—

7 (i) arise out of a congressionally rati-
8 fied treaty; and

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

14 (4) AFFECTED UNIT OF GENERAL LOCAL GOV-
15 ERNMENT.—

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

21 (B) INCLUSION.—The term “affected unit
22 of general local government” may include, at
23 the discretion of the Administrator, units of
24 general local government that are contiguous

1 with the unit that has jurisdiction over the site
2 of a repository or storage facility.

3 (5) CIVILIAN NUCLEAR POWER REACTOR.—The
4 term “civilian nuclear power reactor” has the mean-
5 ing given the term in section 2 of the Nuclear Waste
6 Policy Act of 1982 (42 U.S.C. 10101).

7 (6) COMMISSION.—The term “Commission”
8 means the Nuclear Regulatory Commission.

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

14 (8) CONTRACT HOLDER.—The term “contract
15 holder” means any person who has entered into a
16 contract for the disposal of nuclear waste under sec-
17 tion 302(a) of the Nuclear Waste Policy Act of 1982
18 (42 U.S.C. 10222(a)) or this Act.

19 (9) DEFENSE WASTE.—The term “defense
20 waste” means nuclear waste generated by an atomic
21 energy defense activity (as defined in section 2 of
22 the Nuclear Waste Policy Act of 1982 (42 U.S.C.
23 10101)).

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

4 (11) EMERGENCY DELIVERY.—

5 (A) IN GENERAL.—The term “emergency
6 delivery” means nuclear waste accepted by the
7 Administrator for storage prior to the date pro-
8 vided in the contractual delivery commitment
9 schedule pursuant to article V.D. of the stand-
10 ard contract for disposal of nuclear waste codi-
11 fied in section 961.11 of title 10, Code of Fed-
12 eral Regulations.

13 (B) INCLUSION.—The term “emergency
14 delivery” may include, at the discretion of the
15 Administrator, nuclear waste that is required to
16 be removed from a Department of Energy facil-
17 ity—

18 (i) pursuant to a compliance agree-
19 ment; or

20 (ii) to eliminate an imminent and seri-
21 ous threat to the health and safety of the
22 public or the common defense and security.

23 (12) HIGH-LEVEL RADIOACTIVE WASTE.—The
24 term “high-level radioactive waste” means, as appli-
25 cable—

1 (A) high-level radioactive waste (as defined
2 in section 2 of the Nuclear Waste Policy Act of
3 1982 (42 U.S.C. 10101)); or

4 (B) in the case of the West Valley Dem-
5 onstration Project, high level radioactive waste
6 (as defined in section 6 of the West Valley
7 Demonstration Project Act (42 U.S.C. 2021a
8 note; Public Law 96–368)).

9 (13) INDIAN TRIBE.—The term “Indian Tribe”
10 has the meaning given the term “Indian tribe” in
11 section 2 of the Nuclear Waste Policy Act of 1982
12 (42 U.S.C. 10101).

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

16 (15) NUCLEAR WASTE.—The term “nuclear
17 waste” means—

18 (A) spent nuclear fuel; and

19 (B) high-level radioactive waste.

20 (16) NUCLEAR WASTE ACTIVITIES.—The term
21 “nuclear waste activities” has the meaning given the
22 term in section 11 of the Atomic Energy Act of
23 1954 (42 U.S.C. 2014).

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

1 (A) a repository; and

2 (B) a storage facility.

3 (18) NUCLEAR WASTE FUND.—The term “Nu-
4 clear Waste Fund” means the separate fund in the
5 Treasury established by section 302(c) of the Nu-
6 clear Waste Policy Act of 1982 (42 U.S.C.
7 10222(c)).

8 (19) OVERSIGHT BOARD.—The term “Oversight
9 Board” means the Nuclear Waste Oversight Board
10 established by section 205.

11 (20) PRIORITY WASTE.—The term “priority
12 waste” means—

13 (A) any emergency delivery; and

14 (B) spent nuclear fuel removed from a ci-
15 vilian nuclear power reactor that, as of the date
16 of enactment of this Act, is stored at a civilian
17 nuclear power reactor site that has been perma-
18 nently shut down.

19 (21) PUBLIC LIABILITY.—The term “public li-
20 ability” has the meaning given the term in section
21 11 of the Atomic Energy Act of 1954 (42 U.S.C.
22 2014).

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

1 (23) RESERVATION.—The term “reservation”
2 has the meaning given the term in section 2 of the
3 Nuclear Waste Policy Act of 1982 (42 U.S.C.
4 10101).

5 (24) SECRETARY.—The term “Secretary”
6 means the Secretary of Energy.

7 (25) SITE CHARACTERIZATION.—

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

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

22 (C) STORAGE SITE CHARACTERIZATION.—
23 In the case of a site being considered solely for
24 an above-ground storage facility, the term “site
25 characterization” does not include subsurface

1 borings and excavations that the Administrator
2 determines are uniquely associated with under-
3 ground disposal and unnecessary to evaluate
4 the suitability of a candidate site for the loca-
5 tion of an above-ground storage facility.

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

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

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

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

23 (29) UNIT OF GENERAL LOCAL GOVERN-
24 MENT.—The term “unit of general local govern-
25 ment” has the meaning given the term in section 2

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

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

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

11 **SEC. 104. RULE OF CONSTRUCTION.**

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

1 **TITLE II—NUCLEAR WASTE**
2 **ADMINISTRATION**

3 **SEC. 201. ESTABLISHMENT.**

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

7 (b) PURPOSES.—The purposes of the Administration
8 are—

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

13 (2) to protect the public health and safety and
14 the environment in discharging the responsibility
15 under paragraph (1); and

16 (3) to ensure that the costs of activities under
17 paragraph (1) are borne by the persons responsible
18 for generating the nuclear waste.

19 **SEC. 202. PRINCIPAL OFFICERS.**

20 (a) ADMINISTRATOR.—

21 (1) APPOINTMENT.—There shall be at the head
22 of the Administration a Nuclear Waste Adminis-
23 trator, who shall be appointed by the President, by
24 and with the advice and consent of the Senate, from
25 among persons who are, by reason of education, ex-

1 perience, and attainments, exceptionally well quali-
2 fied to perform the duties of the Administrator.

3 (2) TERM.—The term of service of the Admin-
4 istrator shall be 6 years, except that the Adminis-
5 trator may continue to serve after the expiration of
6 that term until reappointed or a successor is ap-
7 pointed and has been confirmed and taken the oath
8 of office.

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

11 (4) FUNCTIONS AND POWERS.—The functions
12 and powers of the Administration shall be vested in
13 and exercised by the Administrator.

14 (5) SUPERVISION AND DIRECTION.—The Ad-
15 ministration shall be administrated under the super-
16 vision and direction of the Administrator, who shall
17 be responsible for the efficient and coordinated man-
18 agement of the Administration.

19 (6) DELEGATION.—The Administrator may,
20 from time to time and to the extent permitted by
21 law, delegate such functions of the Administrator as
22 the Administrator determines to be appropriate.

23 (7) COMPENSATION.—The President shall fix
24 the total annual compensation of the Administrator
25 in an amount that—

1 (A) is sufficient to recruit and retain a
2 person of demonstrated ability and achievement
3 in managing large corporate or governmental
4 organizations; and

5 (B) does not exceed the maximum amount
6 of annual compensation payable to a member of
7 the Senior Executive Service under subsection
8 (b) of section 5382 of title 5, United States
9 Code.

10 (b) DEPUTY ADMINISTRATOR.—

11 (1) APPOINTMENT.—The Administrator shall
12 appoint a Deputy Administrator from among per-
13 sons who are, by reason of education, experience,
14 and attainments, exceptionally well qualified to per-
15 form the duties of the Deputy Administrator.

16 (2) DUTIES.—The Deputy Administrator
17 shall—

18 (A) perform such functions as the Admin-
19 istrator shall from time to time assign or dele-
20 gate; and

21 (B) act as the Administrator during the
22 absence or disability of the Administrator or in
23 the event of a vacancy in the office of the Ad-
24 ministrator.

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

4 (A) is sufficient to recruit and retain a
5 person of demonstrated ability and achievement
6 in managing large corporate or governmental
7 organizations; and

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

10 **SEC. 203. OTHER OFFICERS.**

11 (a) ESTABLISHMENT.—There shall be in the Admin-
12 istration—

13 (1) a General Counsel;

14 (2) a Chief Financial Officer, who shall be ap-
15 pointed from among individuals who possess dem-
16 onstrated ability in general management of, and
17 knowledge of and extensive practical experience in,
18 financial management practices in large govern-
19 mental or business entities; and

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

23 (b) APPOINTMENT.—Officers appointed under this
24 section shall—

25 (1) be appointed by the Administrator;

1 (2) be considered career appointees; and

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

4 (c) ORDER OF SUCCESSION.—The Administrator
5 may designate the order in which the officers appointed
6 pursuant to this section shall act for, and perform the
7 functions of, the Administrator during the absence or dis-
8 ability of the Administrator and the Deputy Administrator
9 or in the event of vacancies in the offices of the Adminis-
10 trator and the Deputy Administrator.

11 **SEC. 204. INSPECTOR GENERAL.**

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

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

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

20 (1) to oversee—

21 (A) the receipt, disbursement, and use of
22 funds in the Working Capital Fund and the
23 Nuclear Waste Fund;

24 (B) the adequacy of the fees collected
25 under section 302(a) of the Nuclear Waste Pol-

1 icy Act of 1982 (42 U.S.C. 10222(a)) to ensure
2 the full recovery of the costs incurred by the
3 Federal Government in carrying out activities
4 under this Act and the Nuclear Waste Policy
5 Act of 1982 (42 U.S.C. 10101 et seq.); and

6 (C) the performance of the Administrator
7 in—

8 (i) fulfilling contracts with contract
9 holders; and

10 (ii) complying with the mission plan;

11 (2) to review the annual management reports
12 and financial statements submitted by the Adminis-
13 trator under section 505;

14 (3) to review, on an ongoing basis—

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

18 (B) the use of funds made available to the
19 Administrator under this Act;

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

23 (D) the liability of the United States to
24 contract holders;

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

3 (5) to recommend to the Administrator, the
4 President, or Congress, as appropriate, any actions
5 that may be needed to ensure the implementation of
6 this Act.

7 (b) MEMBERS.—The Oversight Board shall be com-
8 posed of 5 members appointed by the President, by and
9 with the advice and consent of the Senate, from among
10 prominent United States citizens of integrity and reputa-
11 tion who, based on the training, experience, and attain-
12 ments of the individuals, are exceptionally well qualified
13 to evaluate and oversee the administration of this Act.

14 (c) POLITICAL AFFILIATION.—Not more than 3
15 members of the Oversight Board may be members of the
16 same political party.

17 (d) TERMS.—

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

21 (2) INITIAL TERMS.—

22 (A) STARTING DATE.—The term of the
23 first 5 members appointed to the Oversight
24 Board shall be treated as having started on the

1 first July 1 after the date of enactment of this
2 Act.

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

6 (i) 1 shall be appointed for a term of
7 1 year;

8 (ii) 1 shall be appointed for a term of
9 2 years;

10 (iii) 1 shall be appointed for a term of
11 3 years;

12 (iv) 1 shall be appointed for a term of
13 4 years; and

14 (v) 1 shall be appointed for a term of
15 5 years.

16 (3) EXTENSION OF TERM.—

17 (A) IN GENERAL.—Subject to subpara-
18 graph (B), a member of the Oversight Board
19 may continue to serve after the expiration of
20 the term of the member until a successor is ap-
21 pointed, has been confirmed, and has taken the
22 oath of office.

23 (B) LIMITATION.—No member of the
24 Oversight Board may serve beyond the end of

1 the session of the Congress in which the term
2 of the member expires.

3 (4) VACANCIES.—A member of the Oversight
4 Board appointed to fill a vacancy occurring before
5 the expiration of the term for which the predecessor
6 of the member was appointed shall be appointed only
7 for the remainder of the term of the predecessor.

8 (5) REAPPOINTMENT.—A member of the Over-
9 sight Board may be reappointed for an additional
10 term by the President, by and with the advice and
11 consent of the Senate.

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

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

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

21 (h) QUORUM.—3 members of the Oversight Board
22 shall constitute a quorum for the purpose of doing busi-
23 ness.

1 (i) EQUAL RESPONSIBILITY AND AUTHORITY.—Each
2 member of the Oversight Board, including the Chair, shall
3 have—

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

6 (2) full access to all information relating to the
7 performance of the duties and responsibilities of the
8 member; and

9 (3) 1 vote.

10 (j) CONFLICT OF INTEREST.—Notwithstanding any
11 applicable Federal ethics law, no member of the Oversight
12 Board shall—

13 (1) be employed by the Administration or the
14 Department of Energy; or

15 (2) have a financial interest in (including an
16 employment relationship with) any contract holder
17 or contractor of the Administration.

18 (k) COMPENSATION.—

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

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

6 (1) MEETINGS.—The Oversight Board shall meet at
7 least once every 90 days.

8 (m) REPORTS.—The Oversight Board shall report
9 the findings, conclusions, and recommendations of the
10 Oversight Board to the Administrator, the President, and
11 Congress not less than once per year.

12 (n) RESPONSE BY THE ADMINISTRATOR.—Not later
13 than 45 days after the date on which the Oversight Board
14 submits a report to the Administrator under subsection
15 (m), the Administrator shall transmit to the Oversight
16 Board, in writing—

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

20 (2) a description of the actions taken in re-
21 sponse to the recommendations (or an explanation of
22 the reasons for not acting on the recommendations);
23 and

24 (3) the views of the Administrator on the rec-
25 ommendations.

1 (o) PUBLIC AVAILABILITY.—The Administrator shall
2 make all reports under subsection (m) and all responses
3 from the Administrator under subsection (n) available to
4 the public.

5 (p) EXECUTIVE SECRETARY.—The Oversight Board
6 shall appoint and fix the compensation of an Executive
7 Secretary, who shall—

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

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

13 (q) ADDITIONAL STAFF.—

14 (1) APPOINTMENT.—The Oversight Board may
15 appoint and fix the compensation of such additional
16 clerical and professional staff as may be necessary to
17 discharge the responsibilities of the Oversight Board.

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

21 (3) SUPERVISION AND DIRECTION.—The cler-
22 ical and professional staff of the Oversight Board
23 shall be under the supervision and direction of the
24 Executive Secretary.

25 (r) STAFF COMPENSATION.—

1 (1) CLERICAL STAFF.—Clerical staff shall be
2 appointed subject to the provisions of title 5, United
3 States Code, governing appointments in the competi-
4 tive service, and shall be paid in accordance with the
5 provisions of chapter 51 and subchapter III of chap-
6 ter 53 of such title relating to classification and
7 General Schedule rates.

8 (2) PROFESSIONAL STAFF.—Professional staff
9 members may be appointed without regard to the
10 provisions of title 5, United States Code, governing
11 appointments in the competitive service, and may be
12 paid without regard to the provisions of chapter 51
13 and subchapter III of chapter 53 of that title relat-
14 ing to classification and General Schedule pay rates,
15 except that no individual so appointed may receive
16 pay in excess of the maximum rate of pay under the
17 General Schedule.

18 (s) ACCESS TO INFORMATION.—

19 (1) DUTY TO INFORM.—The Administrator
20 shall keep the Oversight Board fully and currently
21 informed on all of the activities of the Administra-
22 tion.

23 (2) PRODUCTION OF DOCUMENTS.—The Ad-
24 ministrator shall provide the Oversight Board with

1 any records, files, papers, data, or information re-
2 quested by the Oversight Board.

3 (t) SUPPORT SERVICES.—To the extent permitted by
4 law and requested by the Oversight Board, the Adminis-
5 trator of General Services shall provide the Oversight
6 Board with necessary administrative services, facilities,
7 and support on a reimbursable basis.

8 (u) HEALTH, SAFETY, AND ENVIRONMENTAL REGU-
9 LATION.—Nothing in this section gives the Oversight
10 Board jurisdiction to regulate the activities of the Admin-
11 istration to protect the health and safety of the public or
12 the environment.

13 (v) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to the Oversight Board
15 from amounts in the Nuclear Waste Fund such sums as
16 are necessary to carry out this section.

17 **SEC. 206. CONFORMING AMENDMENTS.**

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

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

21 (b) Section 401 of title 5, United States Code, is
22 amended—

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

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

4 **TITLE III—FUNCTIONS**

5 **SEC. 301. TRANSFER OF FUNCTIONS.**

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

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

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

15 (3) the collection, adjustment, deposition, and
16 use of fees to offset expenditures for the manage-
17 ment of nuclear waste; and

18 (4) the administration of the Nuclear Waste
19 Fund under section 302(e) of that Act (42 U.S.C.
20 10222(e)), including the issuance of obligations
21 under paragraph (5) of that section.

22 **SEC. 302. TRANSFER OF CONTRACTS.**

23 Each contract for the disposal of nuclear waste en-
24 tered into by the Secretary before the date of enactment
25 of this Act shall continue in effect according to the terms

1 of the contract with the Administrator substituted for the
2 Secretary.

3 **SEC. 303. NUCLEAR WASTE FACILITIES.**

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

7 (1) 1 or more storage facilities for the tem-
8 porary storage of nuclear waste; and

9 (2) 1 or more repositories for the permanent
10 disposal of nuclear waste.

11 (b) INTEGRATED WASTE MANAGEMENT.—The Ad-
12 ministrator shall ensure that efforts to site, construct, and
13 operate 1 or more storage facilities are accompanied by
14 parallel efforts to site, construct, and operate 1 or more
15 repositories.

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

17 (a) IN GENERAL.—In siting nuclear waste facilities
18 under this Act or performing any function transferred
19 under section 301(1), the Administrator shall employ a
20 process that—

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

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

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

3 (A) significant, new information; or

4 (B) significant, new technical, social, or
5 political developments; and

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

8 (b) YUCCA MOUNTAIN SITE.—In accordance with
9 subsection (a)(1), the Administrator may not site, con-
10 struct, or operate a nuclear waste facility at the Yucca
11 Mountain site unless the Administrator has first entered
12 into a binding consent agreement with the Governor of
13 the State of Nevada and the governing body of each af-
14 fected unit of local government in accordance with section
15 306(e).

16 **SEC. 305. STORAGE FACILITIES.**

17 (a) ESTABLISHMENT OF STORAGE FACILITY PRO-
18 GRAM.—In addition to the functions transferred to the Ad-
19 ministrator in section 301, the Administrator shall estab-
20 lish a storage program to license, construct, and operate,
21 through 1 or more non-Federal sector partners, 1 or more
22 federally or non-federally owned storage facilities to pro-
23 vide consolidated interim storage for nuclear waste.

24 (b) PROGRAM FOR THE STORAGE OF NUCLEAR
25 WASTE.—

1 (1) REQUEST FOR PROPOSALS.—

2 (A) IN GENERAL.—Not later than 180
3 days after the date of enactment of this Act,
4 the Administrator shall issue a request for pro-
5 posals for cooperative agreements for a facility
6 for the consolidated interim storage of nuclear
7 waste—

8 (i) to obtain any license from the Nu-
9 clear Regulatory Commission and any
10 other Federal or State entity that is nec-
11 essary for the construction of 1 or more
12 storage facilities;

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

16 (iii) to provide for the safe storage of
17 spent nuclear fuel and high-level radio-
18 active waste, as applicable, at the 1 or
19 more storage facilities, pending the con-
20 struction and operation of deep geologic
21 disposal capacity for the permanent dis-
22 posal of the spent nuclear fuel or high-level
23 radioactive waste.

24 (B) GUIDELINES.—

1 (i) IN GENERAL.—The request for
2 proposals under subparagraph (A) shall in-
3 clude general guidelines for the consider-
4 ation of proposed sites for storage facilities
5 consistent with each requirement of section
6 112(a) of the Nuclear Waste Policy Act of
7 1982 (42 U.S.C. 10132(a)), that the Ad-
8 ministrator determines to be applicable to
9 storage.

10 (ii) REVISIONS.—The Administrator
11 may revise the general guidelines from
12 time to time, consistent with this section.

13 (2) REVIEWS OF PROPOSALS.—

14 (A) IN GENERAL.—The Administrator
15 shall review each proposal submitted under
16 paragraph (1) to evaluate—

17 (i) the extent to which the applicable
18 States, affected units of general local gov-
19 ernment, and affected Indian Tribes sup-
20 port the proposal;

21 (ii) the likelihood that the proposed
22 site is suitable for site characterization
23 under the guidelines under paragraph
24 (1)(B);

1 (iii) a reasonable comparative evalua-
2 tion of the proposed site and other pro-
3 posed sites;

4 (iv) the extent to which nuclear waste
5 is, or is planned to be, stored or disposed
6 of within the State;

7 (v) the extent to which each proposal
8 would—

9 (I) enhance the reliability and
10 flexibility of the system for the stor-
11 age of nuclear waste; and

12 (II) minimize the impacts of
13 transportation and handling of nu-
14 clear waste;

15 (vi) potential conflicts with—

16 (I) a compliance agreement re-
17 quiring removal of nuclear waste from
18 a site; or

19 (II) a statutory prohibition on
20 the storage or disposal of nuclear
21 waste at a site; and

22 (vii) any other criteria, including cri-
23 teria relating to technical or safety speci-
24 fications, that the Administrator deter-
25 mines to be appropriate.

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

7 (3) SITE CHARACTERIZATION.—

8 (A) DETERMINATION OF SUITABILITY.—
9 After conducting a review under paragraph (2)
10 and any additional site investigation that the
11 Administrator determines to be appropriate, the
12 Administrator shall determine whether the site
13 is suitable for site characterization.

14 (B) SELECTION OF SITE FOR CHARACTER-
15 IZATION.—From the sites determined to be
16 suitable for site characterization under subpara-
17 graph (A), the Administrator shall select at
18 least 1 site for site characterization, giving pri-
19 ority to sites that have been proposed to be co-
20 located with a permanent geological repository,
21 after—

22 (i) holding public hearings in the vi-
23 cinity of each site and at least 1 other lo-
24 cation within the State in which the site is
25 located; and

1 (ii) notifying Congress and the pro-
2 spective host State.

3 (C) COOPERATIVE AGREEMENT.—On selec-
4 tion of a site for characterization under sub-
5 paragraph (B), the Administrator may enter
6 into a cooperative agreement, subject to section
7 401(e), with the State, affected units of general
8 local government, and affected Indian Tribes,
9 as applicable, that includes—

10 (i) terms of financial and technical as-
11 sistance to enable each applicable unit of
12 government to monitor, review, evaluate,
13 comment on, obtain information on, make
14 recommendations on, and mitigate any im-
15 pacts from, site characterization activities;
16 and

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

19 (4) SITE SELECTION.—

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

23 (i) make a final determination for
24 each site of whether the site is suitable for
25 development as a storage facility; and

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

3 (B) CONSENT-BASED APPROVAL.—Before
4 selecting a site for developing a storage facility,
5 the Administrator shall enter into a consent
6 agreement, subject to section 401(e), to host
7 the facility with—

8 (i) the Governor or other authorized
9 official of the State in which the site is
10 proposed to be located;

11 (ii) each affected unit of general local
12 government; and

13 (iii) any affected Indian Tribe.

14 (C) BINDING EFFECT.—The consent
15 agreement—

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

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

20 (5) SUBMISSION OF PROGRAM PLAN.—Not less
21 than 30 days before selecting a site for development
22 of a storage facility under paragraph (4), the Ad-
23 ministrator shall submit to Congress a program plan
24 that includes—

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

4 (B) an estimate of the cost of licensing,
5 constructing, and operating each storage facil-
6 ity, including the transportation costs, on an
7 annual basis, over the expected lifetime of the
8 storage facility;

9 (C) a schedule for—

10 (i) obtaining from the Nuclear Regu-
11 latory Commission any license necessary to
12 construct and operate the storage facility;

13 (ii) constructing the storage facility;

14 (iii) transporting nuclear waste to the
15 storage facility; and

16 (iv) removing the nuclear waste from,
17 and decommissioning of, the storage facil-
18 ity;

19 (D) an estimate of the cost of any financial
20 assistance, compensation, or incentives proposed
21 to be paid to the host State, Indian Tribe, or
22 unit of local government;

23 (E) an estimate of any future reductions in
24 the damages expected to be paid by the United
25 States for the delay of the Department of En-

1 ergy in accepting spent fuel expected to result
2 from the storage facilities developed under this
3 section; and

4 (F) recommendations for any additional
5 legislation needed to authorize and implement
6 the program.

7 (6) SUBMISSION OF LICENSE APPLICATION.—
8 On selection of a site under paragraph (4), the ap-
9 plicant (in the case of a non-Federal facility) or the
10 Administrator (in the case of a federally owned facil-
11 ity) shall submit to the Commission an application
12 for a construction authorization for the storage facil-
13 ity.

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

18 (A) Emergency deliveries.

19 (B) Priority waste described in section
20 103(20)(B) that is located in an area in which
21 the continued storage of the spent nuclear fuel
22 presents a high level of risk to national security
23 or public safety, as determined by the Adminis-
24 trator.

1 (C) Priority waste described in section
2 103(20)(C) that is determined to present a low
3 level of risk to national security or public safe-
4 ty, as determined by the Administrator.

5 **SEC. 306. REPOSITORIES.**

6 (a) SITING GUIDELINES.—

7 (1) ISSUANCE.—Not later than 1 year after the
8 date of enactment of this Act, the Administrator
9 shall issue general guidelines for the consideration of
10 candidate sites for repositories, which shall—

11 (A) update the guidelines issued under sec-
12 tion 112(a) of the Nuclear Waste Policy Act of
13 1982 (42 U.S.C. 10132(a));

14 (B) comply with any applicable require-
15 ments of that section; and

16 (C) require the Administrator to take into
17 account the extent to which a repository
18 would—

19 (i) enhance the reliability and flexi-
20 bility of the system for the disposal of nu-
21 clear waste; and

22 (ii) minimize the impacts of transpor-
23 tation and handling of nuclear waste.

24 (2) REVISIONS.—The Administrator may revise
25 the guidelines in a manner consistent with this sub-

1 section and section 112(a) of the Nuclear Waste
2 Policy Act of 1982 (42 U.S.C. 10132(a)).

3 (b) IDENTIFICATION OF CANDIDATE SITES.—

4 (1) REVIEW OF CANDIDATE SITES.—As soon as
5 practicable after the date of the issuance of the
6 guidelines under subsection (a), the Administrator
7 shall evaluate candidate sites for a repository to de-
8 termine whether the sites are suitable for site char-
9 acterization.

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

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

15 (B) the governing body of the affected unit
16 of general local government;

17 (C) the governing body of an Indian Tribe
18 within the reservation boundaries of which the
19 site is located; or

20 (D) the Administrator, after consultation
21 with, and with the consent of—

22 (i) the Governor of the State in which
23 the site is located;

24 (ii) the governing body of the affected
25 unit of general local government; and

1 (iii) the governing body of the Indian
2 Tribe, if the site is located within the res-
3 ervation of an Indian Tribe.

4 (3) SITE INVESTIGATIONS.—In evaluating a site
5 under this subsection prior to any determination of
6 the suitability of the site for site characterization,
7 the Administrator—

8 (A) shall use available geophysical, geologi-
9 cal, geochemical, hydrological, and other infor-
10 mation; and

11 (B) shall not perform any preliminary bor-
12 ings or excavations at the site unless necessary
13 to determine the suitability of the site and au-
14 thorized by the landowner.

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

19 (A) an evaluation by the Administrator of
20 whether the site is suitable for development as
21 a repository under the guidelines established
22 under subsection (a), including a preliminary
23 safety case that describes the site features and
24 available information that contribute to con-

1 fidence in the suitability and safety of the pro-
2 posed site for a nuclear waste facility;

3 (B) an evaluation by the Administrator of
4 the effects of site characterization activities on
5 public health and safety and the environment;

6 (C) a reasonable comparative evaluation of
7 the proposed site and other proposed sites;

8 (D) a description of the decision process by
9 which the site was recommended;

10 (E) an assessment of the regional and local
11 impacts of locating a repository at the site, in-
12 cluding the extent to which nuclear waste is, or
13 is planned to be, stored or disposed of within
14 the State; and

15 (F) potential conflicts with—

16 (i) a compliance agreement requiring
17 removal of nuclear waste from a site; or

18 (ii) a statutory prohibition on the
19 storage or disposal of nuclear waste at a
20 site.

21 (c) SITE CHARACTERIZATION.—

22 (1) SELECTION OF SITES.—From among the
23 sites determined to be suitable for site characteriza-
24 tion under subsection (b), the Administrator shall

1 select at least 1 site for site characterization as a re-
2 pository.

3 (2) PREFERENCE FOR CO-LOCATED REPOSI-
4 TORY AND STORAGE FACILITY.—In selecting sites
5 for site characterization as a repository, the Admin-
6 istrator shall give preference and priority to sites de-
7 termined to be suitable for co-location of a storage
8 facility and a repository.

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

11 (A) hold public hearings in the vicinity of
12 the site and at least 1 other location within the
13 State in which the site is located—

14 (i) to inform the public of the pro-
15 posed site characterization;

16 (ii) to solicit public comments and rec-
17 ommendations with respect to the proposed
18 site characterization; and

19 (iii) to increase stakeholder engage-
20 ment; and

21 (B) notify Congress.

22 (4) CONSULTATION AND COOPERATION AGREE-
23 MENT.—

24 (A) REQUIREMENT.—Before selecting a
25 site for site characterization, the Administrator

1 shall enter into a consultation and cooperation
2 agreement, subject to section 401(e), with—

3 (i) the Governor of the State in which
4 the site is located;

5 (ii) the governing body of the affected
6 unit of general local government; and

7 (iii) the governing body of any af-
8 fected Indian Tribe.

9 (B) CONTENTS.—The consultation and co-
10 operation agreement shall—

11 (i) provide compensation to the State,
12 any affected units of local government, and
13 any affected Indian Tribes for any adverse
14 economic, social, public health and safety,
15 and environmental impacts associated with
16 site characterization;

17 (ii) provide financial and technical as-
18 sistance to enable the State, affected units
19 of local government, and affected Indian
20 Tribes to monitor, review, evaluate, com-
21 ment on, obtain information on, make rec-
22 ommendations on, and mitigate any im-
23 pacts from site characterization activities;
24 and

1 (iii) include any other term or condi-
2 tion that the Administrator determines to
3 be appropriate.

4 (d) FINAL SITE SUITABILITY DETERMINATION.—

5 (1) DETERMINATION REQUIRED.—On comple-
6 tion of site characterization activities, the Adminis-
7 trator shall make a final determination of whether a
8 candidate site is suitable for development as a repos-
9 itory.

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

13 (A) the site is scientifically and technically
14 suitable for development as a repository, taking
15 into account—

16 (i) whether the site meets the siting
17 guidelines of the Administrator; and

18 (ii) whether there is reasonable assur-
19 ance that a repository at the site will
20 meet—

21 (I) the radiation protection
22 standards of the Administrator of the
23 Environmental Protection Agency;
24 and

1 (II) the licensing standards of
2 the Commission; and

3 (B) development of a repository at the site
4 is in the national interest.

5 (3) PUBLIC HEARINGS.—Before making a final
6 determination under paragraph (1), the Adminis-
7 trator shall hold public hearings in the vicinity of
8 the site and at least 1 other location within the
9 State in which the site is located to solicit public
10 comments and recommendations on the proposed de-
11 termination.

12 (e) CONSENT AGREEMENTS.—

13 (1) REQUIREMENT.—On making a final deter-
14 mination of site suitability under subsection (d), but
15 before submitting a license application to the Com-
16 mission under subsection (f), the Administrator shall
17 enter into a consent agreement, subject to section
18 401(e), with—

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

21 (B) the governing body of the affected unit
22 of general local government; and

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

1 (2) CONTENTS.—The consent agreement
2 shall—

3 (A) contain the terms and conditions on
4 which each State, local government, and Indian
5 Tribe, as applicable, consents to host the repos-
6 itory; and

7 (B) express the consent of each State, local
8 government, and Indian Tribe to host the re-
9 pository.

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

12 (A) shall promote the economic and social
13 well-being of the people living in the vicinity of
14 the repository; and

15 (B) may include—

16 (i) financial compensation and incen-
17 tives;

18 (ii) economic development assistance;

19 (iii) operational limitations or require-
20 ments; and

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

23 (4) BINDING EFFECT.—The consent agree-
24 ment—

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

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

5 (f) SUBMISSION OF LICENSE APPLICATION.—On de-
6 termining that a site is suitable under subsection (d) and
7 ratification of a consent agreement under subsection (e),
8 the Administrator shall submit to the Commission an ap-
9 plication for a construction authorization for the reposi-
10 tory.

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

12 Not later than 1 year after the date of enactment
13 of this Act—

14 (1) the Administrator of the Environmental
15 Protection Agency shall, by rule, promulgate up-
16 dated, generally applicable standards for protection
17 of the general environment from offsite releases
18 from radioactive material in repositories, including
19 updates to the standards promulgated under section
20 121(a) of the Nuclear Waste Policy Act of 1982 (42
21 U.S.C. 10141(a)); and

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

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

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

4 (1) all applicable standards for the protection of
5 the general environment from offsite releases of ra-
6 dioactive material;

7 (2) the licensing and regulatory jurisdiction of
8 the Commission, including all applicable criteria and
9 requirements promulgated by the Commission under
10 section 121(b) of the Nuclear Waste Policy Act of
11 1982 (42 U.S.C. 10141(b)); and

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

15 **SEC. 309. DEFENSE WASTE.**

16 (a) **DISPOSAL AND STORAGE BY ADMINISTRATION.**—
17 The Secretary—

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

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

24 (b) **MEMORANDUM OF AGREEMENT.**—The arrange-
25 ments shall be covered by a memorandum of agreement
26 between the Secretary and the Administrator.

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

6 (d) PROHIBITION.—No defense waste may be stored
7 or disposed of by the Administrator in any storage facility
8 or repository constructed under this Act until funds are
9 appropriated to the Working Capital Fund in an amount
10 equal to the fees that would be paid by contract holders
11 under section 302 of the Nuclear Waste Policy Act of
12 1982 (42 U.S.C. 10222) if such nuclear waste were gen-
13 erated by a contract holder.

14 (e) COMMINGLING DETERMINATION.—

15 (1) REEVALUATION.—Notwithstanding section
16 8 of the Nuclear Waste Policy Act of 1982 (42
17 U.S.C. 10107), the Secretary may reevaluate the de-
18 cision to commingle defense waste with nuclear
19 waste from civilian nuclear power reactors.

20 (2) NOTIFICATION.—Not later than 1 year
21 after the date of enactment of this Act, the Sec-
22 retary shall notify the President and the appropriate
23 committees of Congress of whether the Secretary in-
24 tends to reevaluate the decision under paragraph (1)
25 and the reasons for that intention.

1 (3) SEPARATE NUCLEAR WASTE FACILITIES.—
2 If the Secretary finds, after conducting the reevalua-
3 tion under paragraph (1), that the development of
4 separate nuclear waste facilities for the storage or
5 disposal of defense waste is necessary or appropriate
6 for the efficient management of defense waste, the
7 Administrator may, with the concurrence of the
8 President, site, construct, and operate 1 or more
9 separate nuclear waste facilities for the storage or
10 disposal of defense waste—

11 (A) in the manner described in section
12 305, in the case of storage; or

13 (B) in the manner described in section
14 306, in the case of disposal.

15 **SEC. 310. TRANSPORTATION.**

16 (a) IN GENERAL.—The Administrator may trans-
17 port, subject to compliance with all applicable require-
18 ments of the Department of Transportation and the Com-
19 mission, and shall be responsible for transporting, nuclear
20 waste—

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

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

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

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

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

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

7 (2) that have been determined by the Commis-
8 sion to satisfy the quality assurance requirements of
9 the Commission.

10 (c) NOTIFICATION.—Prior to any transportation of
11 nuclear waste under this Act, the Administrator shall pro-
12 vide advance notification to States and Indian Tribes
13 through whose jurisdiction the Administrator plans to
14 transport the nuclear waste.

15 (d) TRANSPORTATION ASSISTANCE.—

16 (1) PUBLIC EDUCATION.—The Administrator
17 shall conduct a program to provide information to
18 the public about the transportation of nuclear waste.

19 (2) TRAINING.—

20 (A) IN GENERAL.—The Administrator
21 shall provide financial and technical assistance
22 to States and Indian Tribes through whose ju-
23 risdiction the Administrator plans to transport
24 nuclear waste to train public safety officials and
25 other emergency responders on—

1 (i) procedures required for the safe,
2 routine transportation of nuclear waste;
3 and

4 (ii) procedures for dealing with emer-
5 gency response situations involving nuclear
6 waste, including instruction of—

7 (I) government and Tribal offi-
8 cials and public safety officers in com-
9 mand and control procedures;

10 (II) emergency response per-
11 sonnel; and

12 (III) radiological protection and
13 emergency medical personnel.

14 (B) TIMING.—The Administrator shall
15 provide financial and technical assistance to a
16 State or Indian Tribe under subparagraph (A)
17 at least 5 years before the anticipated date on
18 which the transport of nuclear waste through
19 the jurisdiction of the State or Indian Tribe is
20 to begin.

21 (3) EQUIPMENT.—The Administrator shall pro-
22 vide monetary grants and contributions in-kind to
23 assist States and Indian Tribes through whose juris-
24 diction the Administrator plans to transport nuclear
25 waste for the purpose of acquiring equipment for re-

1 sponding to a transportation incident involving nu-
2 clear waste.

3 (4) TRANSPORTATION SAFETY PROGRAMS.—
4 The Administrator shall provide in-kind, financial,
5 technical, and other appropriate assistance to States
6 and Indian Tribes through whose jurisdiction the
7 Administrator plans to transport nuclear waste for
8 transportation safety programs related to shipments
9 of nuclear waste.

10 **TITLE IV—FUNDING AND LEGAL** 11 **PROCEEDINGS**

12 **SEC. 401. WORKING CAPITAL FUND.**

13 (a) ESTABLISHMENT.—There is established in the
14 Treasury a separate fund, to be known as the “Nuclear
15 Waste Administration Working Capital Fund”, which
16 shall be separate from the Nuclear Waste Fund.

17 (b) CONTENTS.—The Working Capital Fund shall
18 consist of—

19 (1) all fees paid by contract holders pursuant to
20 section 302(a) of the Nuclear Waste Policy Act of
21 1982 (42 U.S.C. 10222(a)) on or after the date of
22 enactment of this Act, which shall be paid into the
23 Working Capital Fund—

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

4 (B) immediately on the payment of the
5 fees;

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

9 (3) interest paid on—

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

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

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

16 (1) shall be immediately available to the Admin-
17 istrator to carry out the functions of the Adminis-
18 trator, except to the extent limited in annual author-
19 ization or appropriation Acts;

20 (2) shall remain available until expended; and

21 (3) shall not be subject to apportionment under
22 subchapter II of chapter 15 of title 31, United
23 States Code.

24 (d) USE OF FUND.—Except to the extent limited in
25 annual authorization or appropriation Acts, the Adminis-

1 trator may make expenditures from the Working Capital
2 Fund only for purposes of carrying out functions author-
3 ized by this Act.

4 (e) CONTRACT AUTHORITY.—Any contract or agree-
5 ment that authorizes an expenditure or obligation exceed-
6 ing an amount available in the Working Capital Fund for
7 the expenditure or obligation (including any cooperative
8 agreement, consultation and cooperation agreement, or
9 consent agreement under section 305 or 306) shall be sub-
10 ject to appropriation.

11 (f) PERFORMANCE-BASED FUNDING.—No fees paid
12 by contract holders pursuant to section 302(a) of the Nu-
13 clear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) shall
14 be paid into the Working Capital Fund after December
15 31, 2037, unless the Administrator is operating a nuclear
16 waste facility by that date.

17 (g) UNEXPENDED BALANCE.—If the Administrator
18 determines that the Working Capital Fund contains at
19 any time amounts in excess of current needs, the Adminis-
20 trator may request the Secretary of the Treasury to invest
21 such amounts, or any portion of such amounts as the Ad-
22 ministrator determines to be appropriate, in obligations of
23 the United States in accordance with section 302(e)(3) of
24 the Nuclear Waste Policy Act of 1982 (42 U.S.C.
25 10222(e)(3)).

1 (h) BUDGET.—The Administrator shall submit the
2 budget of the Working Capital Fund, along with the budg-
3 et of the Nuclear Waste Fund pursuant to section
4 302(e)(2) of the Nuclear Waste Policy Act of 1982 (42
5 U.S.C. 10222(e)(2)), to the Office of Management and
6 Budget in accordance with chapter 11 of title 31, United
7 States Code, and both budgets shall be included in the
8 Budget of the United States Government.

9 **SEC. 402. NUCLEAR WASTE FUND.**

10 (a) ELIMINATION OF LEGISLATIVE VETO.—Section
11 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42
12 U.S.C. 10222(a)(4)) is amended—

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

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

18 (b) INTEREST ON UNEXPENDED BALANCE.—Not-
19 withstanding section 302 of the Nuclear Waste Policy Act
20 of 1982 (42 U.S.C. 10222), interest accruing on or after
21 the date of enactment of this Act on the unexpended bal-
22 ance of the Nuclear Waste Fund shall be deposited in the
23 Working Capital Fund in accordance with section 401(b)
24 and made available to the Administrator under section
25 401(c).

1 **SEC. 403. FULL COST RECOVERY.**

2 In determining whether insufficient or excess reve-
3 nues are being collected to ensure full cost recovery under
4 section 302(a)(4) of the Nuclear Waste Policy Act of 1982
5 (42 U.S.C. 10222(a)(4)), the Administrator shall—

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

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

11 **SEC. 404. JUDICIAL REVIEW.**

12 (a) JURISDICTION.—

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

17 (A) for review of any final decision or ac-
18 tion of the Administrator or the Commission
19 under this Act;

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

23 (C) challenging the constitutionality of any
24 decision made, or action taken, under this Act;
25 or

1 (D) for review of any environmental as-
2 sessment or environmental impact statement
3 prepared pursuant to the National Environ-
4 mental Policy Act of 1969 (42 U.S.C. 4321 et
5 seq.) with respect to any action under this Act,
6 or alleging a failure to prepare any such assess-
7 ment or statement with respect to any such ac-
8 tion.

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

11 (A) the judicial circuit in which the peti-
12 tioner involved resides or has the principal of-
13 fice of the petitioner; or

14 (B) the United States Court of Appeals for
15 the District of Columbia Circuit.

16 (b) DEADLINE FOR COMMENCING ACTION.—

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

22 (2) NO KNOWLEDGE OF DECISION OR AC-
23 TION.—If a party shows that the party did not know
24 of the decision or action complained of (or of the
25 failure to act) and that a reasonable person acting

1 under the circumstances would not have known, the
2 party may bring a civil action not later than 180
3 days after the date the party acquired actual or con-
4 structive knowledge of the decision, action, or failure
5 to act.

6 **SEC. 405. LITIGATION AUTHORITY.**

7 (a) SUPERVISION BY ATTORNEY GENERAL.—The liti-
8 gation of the Administration shall be subject to the super-
9 vision of the Attorney General pursuant to chapter 31 of
10 title 28, United States Code.

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

15 **SEC. 406. LIABILITIES.**

16 (a) PENDING LEGAL PROCEEDINGS.—Any suit,
17 cause of action, or judicial proceeding commenced by or
18 against the Secretary relating to functions or contracts
19 transferred to the Administrator by this Act shall—

20 (1) not abate by reason of the enactment of this
21 Act; and

22 (2) continue in effect with the Administrator
23 substituted for the Secretary.

24 (b) SETTLEMENT OF PENDING LITIGATION; CON-
25 TRACT MODIFICATION.—

1 (1) SETTLEMENT.—The Attorney General, in
2 consultation with the Administrator, shall seek to
3 settle all claims against the United States by a con-
4 tract holder for the breach of a contract for the dis-
5 posal of nuclear waste under section 302(a) of the
6 Nuclear Waste Policy Act of 1982 (42 U.S.C.
7 10222(a)) as a condition precedent of an agreement
8 of the Administrator to take title to and store the
9 nuclear waste of the contract holder at a storage fa-
10 cility.

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

16 (c) PAYMENT OF JUDGMENTS AND SETTLEMENTS.—
17 Payment of judgments and settlements in cases arising
18 from the failure of the Secretary to meet the deadline of
19 January 31, 1998, to begin to dispose of nuclear waste
20 under contracts entered into under section 302(a)(1) of
21 the Nuclear Waste Policy Act of 1982 (42 U.S.C.
22 10222(a)(1)) shall continue to be paid from the perma-
23 nent judgment appropriation established pursuant to sec-
24 tion 1304 of title 31, United States Code.

1 (d) NEW CONTRACTS.—Notwithstanding section
2 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42
3 U.S.C. 10222(a)(5)), the Administrator shall not enter
4 into any contract after the date of enactment of this Act
5 that obligates the Administrator to begin disposing of nu-
6 clear waste before the Commission has licensed the Ad-
7 ministrator to operate a repository or storage facility.

8 (e) NUCLEAR INDEMNIFICATION.—

9 (1) INDEMNIFICATION AGREEMENTS.—For pur-
10 poses of section 170 of the Atomic Energy Act of
11 1954 (42 U.S.C. 2210) (commonly known as the
12 “Price-Anderson Act”)—

13 (A) any person that conducts nuclear
14 waste activities under a contract with the Ad-
15 ministrator that may involve the risk of public
16 liability shall be treated as a contractor of the
17 Secretary; and

18 (B) the Secretary shall enter into an
19 agreement of indemnification with any person
20 described in subparagraph (A).

21 (2) CONFORMING AMENDMENT.—Section 11 ff.
22 of the Atomic Energy Act of 1954 (42 U.S.C.
23 2014(ff)) is amended by inserting “or the Nuclear
24 Waste Administration” after “Secretary of Energy”.

1 **TITLE V—ADMINISTRATIVE AND**
2 **SAVINGS PROVISIONS**

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

4 The Administrator shall have the power—

5 (1) to perform the functions of the Secretary
6 transferred to the Administrator pursuant to this
7 Act;

8 (2) to enter into contracts with any person who
9 generates or holds title to nuclear waste generated
10 in a civilian nuclear power reactor for the acceptance
11 of title, subsequent transportation, storage, and dis-
12 posal of the nuclear waste;

13 (3) to enter into and perform contracts, leases,
14 and cooperative agreements with public agencies,
15 private organizations, Federal agencies, the National
16 Laboratories of the Department of Energy, and per-
17 sons necessary or appropriate to carry out the func-
18 tions of the Administrator;

19 (4) to acquire, in the name of the United
20 States, real estate for the construction, operation,
21 and decommissioning of nuclear waste facilities;

22 (5) to obtain from the Administrator of General
23 Services the services the Administrator of General
24 Services is authorized to provide agencies of the

1 United States, on the same basis as those services
2 are provided to other agencies of the United States;

3 (6) to conduct nongeneric research, develop-
4 ment, and demonstration activities necessary or ap-
5 propriate to carrying out the functions of the Ad-
6 ministrator; and

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

10 **SEC. 502. PERSONNEL.**

11 (a) OFFICERS AND EMPLOYEES.—

12 (1) APPOINTMENT.—In addition to the senior
13 officers described in section 203, the Administrator
14 may appoint and fix the compensation of such offi-
15 cers and employees as may be necessary to carry out
16 the functions of the Administration.

17 (2) COMPENSATION.—Except as provided in
18 paragraph (3), officers and employees appointed
19 under this subsection shall be appointed in accord-
20 ance with the civil service laws and the compensation
21 of the officers and employees shall be fixed in ac-
22 cordance with title 5, United States Code.

23 (3) EXCEPTION.—Notwithstanding paragraph
24 (2), the Administrator may, to the extent the Ad-

1 administrator determines necessary to discharge the
2 responsibilities of the Administrator—

3 (A) appoint exceptionally well qualified in-
4 dividuals to scientific, engineering, or other crit-
5 ical positions without regard to the provisions
6 of chapter 33 of title 5, United States Code,
7 governing appointments in the competitive serv-
8 ice; and

9 (B) fix the basic pay of any individual ap-
10 pointed under subparagraph (A) at a rate of
11 not more than level I of the Executive Schedule
12 without regard to the civil service laws, except
13 that the total annual compensation of the indi-
14 vidual shall be at a rate of not more than the
15 highest total annual compensation payable
16 under section 104 of title 3, United States
17 Code.

18 (4) MERIT PRINCIPLES.—The Administrator
19 shall ensure that the exercise of the authority grant-
20 ed under paragraph (3) is consistent with the merit
21 principles of section 2301 of title 5, United States
22 Code.

23 (b) EXPERTS AND CONSULTANTS.—The Adminis-
24 trator may obtain the temporary or intermittent services

1 of experts or consultants as authorized by section 3109
2 of title 5, United States Code.

3 (c) ADVISORY COMMITTEES.—

4 (1) ESTABLISHMENT.—The Administrator may
5 establish, in accordance with chapter 10 of title 5,
6 United States Code (commonly referred to as the
7 “Federal Advisory Committee Act”), such advisory
8 committees as the Administrator may consider ap-
9 propriate to assist in the performance of the func-
10 tions of the Administrator.

11 (2) COMPENSATION.—A member of an advisory
12 committee, other than a full-time employee of the
13 Federal Government, may be allowed travel ex-
14 penses, including per diem in lieu of subsistence, as
15 authorized by section 5703 of title 5, United States
16 Code, for individuals in the Government service
17 without pay, while attending meetings of the advi-
18 sory committee or otherwise serving away from the
19 homes or regular place of business of the member at
20 the request of the Administrator.

21 **SEC. 503. OFFICES.**

22 (a) PRINCIPAL OFFICE.—The principal office of the
23 Administration shall be in or near the District of Colum-
24 bia.

1 (b) FIELD OFFICES.—The Administrator may main-
2 tain such field offices as the Administrator considers nec-
3 essary to carry out the functions of the Administrator.

4 **SEC. 504. MISSION PLAN.**

5 (a) IN GENERAL.—The Administrator shall prepare
6 a mission plan, which shall—

7 (1) provide an informational basis sufficient to
8 permit informed decisions to be made in carrying
9 out the functions of the Administrator; and

10 (2) provide verifiable indicators for oversight of
11 the performance of the Administrator.

12 (b) CONTENTS.—The mission plan shall include—

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

16 (2) schedules and milestones for carrying out
17 the functions of the Administrator, which shall pro-
18 vide for the operation of—

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

21 (B) a repository not later than December
22 31, 2060; and

23 (3) an estimate of the amounts that the Admin-
24 istration will need Congress to appropriate from the
25 Nuclear Waste Fund (in addition to amounts ex-

1 pected to be available from the Working Capital
2 Fund) to carry out the functions of the Nuclear
3 Waste Fund, on an annual basis.

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

8 (1) Congress;

9 (2) the Oversight Board;

10 (3) the Commission;

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

14 (5) the States;

15 (6) affected Indian Tribes; and

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

18 (d) PUBLIC NOTICE AND COMMENT.—On submitting
19 the proposed mission plan for comment under subsection
20 (c), the Administrator shall—

21 (1) publish a notice in the Federal Register of
22 the availability of the proposed mission plan for pub-
23 lic comment; and

24 (2) provide interested persons an opportunity to
25 comment on the proposed plan.

1 (e) SUBMISSION OF FINAL MISSION PLAN.—After
2 consideration of the comments received, the Administrator
3 shall—

4 (1) revise the proposed mission plan to the ex-
5 tent that the Administrator considers appropriate;
6 and

7 (2) submit the final mission plan, along with a
8 general statement responding to any significant
9 issues raised in the comments received on the pro-
10 posed mission plan, to the appropriate committees of
11 Congress, the President, and the Oversight Board.

12 (f) REVISION OF THE MISSION PLAN.—The Adminis-
13 trator shall—

14 (1) revise the mission plan, as appropriate, to
15 reflect major changes in the planned activities,
16 schedules, milestones, and cost estimates reported in
17 the mission plan; and

18 (2) submit the revised mission plan to Con-
19 gress, the President, and the Oversight Board prior
20 to implementing the proposed changes.

21 **SEC. 505. ANNUAL REPORTS.**

22 (a) IN GENERAL.—The Administrator shall annually
23 prepare and submit to Congress, the President, and the
24 Oversight Board a comprehensive report on the activities
25 and expenditures of the Administration.

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

3 (1) the annual management report required
4 under section 9106 of title 31, United States Code;
5 and

6 (2) the report on any audit of the financial
7 statements of the Administration conducted under
8 section 9105 of title 31, United States Code.

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

10 (a) COMMISSION PROCEEDINGS.—The enactment of
11 this Act shall not affect the pendency of any proceeding
12 on the application for authorization to construct a reposi-
13 tory at the Yucca Mountain site pending on the date of
14 enactment of this Act, but the Administrator shall not pro-
15 ceed with the siting, construction, or operation of a nu-
16 clear waste facility at the Yucca Mountain site except as
17 provided in section 304(b).

18 (b) AUTHORITY OF THE SECRETARY.—This Act shall
19 not transfer or affect the authority of the Secretary with
20 respect to—

21 (1) the maintenance, treatment, packaging, and
22 storage of nuclear waste at Department of Energy
23 sites prior to delivery to, and acceptance by, the Ad-
24 ministrator of such nuclear waste for storage in a
25 storage facility or disposal in a repository;

1 (2) the conduct of generic research, develop-
2 ment, and demonstration activities related to nuclear
3 waste management, including proliferation-resistant
4 advanced fuel recycling and transmutation tech-
5 nologies that minimize environmental and public
6 health and safety impacts; and

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

9 (c) TERMINATIONS.—The authority for each function
10 of the Secretary relating to the siting, construction, and
11 operation of repositories or storage facilities not trans-
12 ferred to the Administrator under this Act shall terminate
13 on the date of enactment of this Act, including the author-
14 ity—

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

18 (2) to provide interim storage or monitored, re-
19 trievable storage under subtitles B and C of title I
20 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
21 10151 et seq.); and

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

1 **SEC. 507. TECHNICAL ASSISTANCE IN THE FIELD OF SPENT**
2 **FUEL STORAGE AND DISPOSAL.**

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

9 (b) INFORMING FOREIGN GOVERNMENTS.—As soon
10 as practicable after the date of the publication of the an-
11 nual joint notice described in subsection (a), the Secretary
12 of State shall inform the governments of nations and orga-
13 nizations operating nuclear power plants, solicit expres-
14 sions of interest, and transmit any such expressions of in-
15 terest to the Secretary and the Commission, as provided
16 in section 223(e) of the Nuclear Waste Policy Act of 1982
17 (42 U.S.C. 10203(c)).

18 (c) BUDGET REQUESTS.—The President shall in-
19 clude in the budget request of the President for the Com-
20 mission and the Department of Energy for each of fiscal
21 years 2023 through 2027 such funding requests for a pro-
22 gram of cooperation and technical assistance with nations
23 in the fields of spent nuclear fuel storage and disposal as
24 the President determines appropriate in light of expres-
25 sions of interest in the cooperation and assistance.

1 (d) ELIGIBILITY.—Notwithstanding any limitation on
2 cooperation and technical assistance to non-nuclear weap-
3 on states under section 223 of the Nuclear Waste Policy
4 Act of 1982 (42 U.S.C. 10203), the Secretary and the
5 Commission may cooperate with and provide technical as-
6 sistance to nuclear weapon states, if the Secretary and the
7 Commission determine the cooperation and technical as-
8 sistance is in the national interest.

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

10 (a) ELIGIBILITY.—Section 502(b)(3)(C)(iii)(I) of the
11 Nuclear Waste Policy Act of 1982 (42 U.S.C.
12 10262(b)(3)(C)(iii)(I)) is amended by inserting “or the
13 Nuclear Waste Administration” after “the Department of
14 Energy”.

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

19 (c) PRODUCTION OF DOCUMENTS.—Section 504(b)
20 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
21 10264(b)) is amended by striking “Secretary” each place
22 it appears and inserting “Nuclear Waste Administrator”.

23 (d) REPORTS.—Section 508 of the Nuclear Waste
24 Policy Act of 1982 (42 U.S.C. 10268) is amended, in the
25 first sentence, by striking “Congress and the Secretary”

1 and inserting “Congress, the Nuclear Waste Adminis-
2 trator, and the Nuclear Waste Oversight Board”.

3 (e) **TERMINATION.**—Section 510 of the Nuclear
4 Waste Policy Act of 1982 (42 U.S.C. 10270) is amended
5 by striking “Secretary” and inserting “Nuclear Waste Ad-
6 ministrator”.

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

8 The volume limitations described in the second and
9 third sentences of section 114(d) of the Nuclear Waste
10 Policy Act of 1982 (42 U.S.C. 10134(d)) shall not apply
11 to any repository to the extent that the consent agreement
12 applicable to the repository provides for the disposal of
13 a greater volume.