

117TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To establish a new organization to manage nuclear waste, provide a consensual 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 2022”.

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 repository and pre-
18 cluded 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;

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 recommended
15 that Congress establish a new nuclear waste man-
16 agement organization and adopt a new consensual
17 approach to siting nuclear waste management facili-
18 ties.

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 management facilities;

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

5 (4) to provide for centralized storage of nuclear
6 waste pending completion of a repository; and

7 (5) to ensure that—

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

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

12 **SEC. 103. DEFINITIONS.**

13 In this Act:

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

17 (2) ADMINISTRATOR.—The term “Adminis-
18 trator” means the Administrator of the Administra-
19 tion.

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

22 (A) within the reservation boundaries of
23 which a repository or storage facility is pro-
24 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) NONPRIORITY WASTE.—The term “nonpri-
11 ority waste” means nuclear waste that does not
12 qualify as priority waste.

13 (16) NUCLEAR WASTE.—The term “nuclear
14 waste” means—

15 (A) spent nuclear fuel;

16 (B) high-level radioactive waste; and

17 (C) transuranic waste.

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

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

24 (A) a repository; and

25 (B) a storage facility.

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

6 (20) OVERSIGHT BOARD.—The term “Oversight
7 Board” means the Nuclear Waste Oversight Board
8 established by section 205.

9 (21) PILOT FACILITY.—The term “pilot facil-
10 ity” means the storage facility for priority waste au-
11 thorized by section 303(1).

12 (22) PRIORITY WASTE.—The term “priority
13 waste” means—

14 (A) any emergency delivery; and

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

20 (23) PUBLIC LIABILITY.—The term “public li-
21 ability” has the meaning given the term in section
22 11 of the Atomic Energy Act of 1954 (42 U.S.C.
23 2014).

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

4 (25) RESERVATION.—The term “reservation”
5 has the meaning given the term in section 2 of the
6 Nuclear Waste Policy Act of 1982 (42 U.S.C.
7 10101).

8 (26) SECRETARY.—The term “Secretary”
9 means the Secretary of Energy.

10 (27) SITE CHARACTERIZATION.—

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

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

1 (C) STORAGE SITE CHARACTERIZATION.—

2 In the case of a site being considered solely for
3 an above-ground storage facility, the term “site
4 characterization” does not include subsurface
5 borings and excavations that the Administrator
6 determines are uniquely associated with under-
7 ground disposal and unnecessary to evaluate
8 the suitability of a candidate site for the loca-
9 tion of an above-ground storage facility.

10 (D) PRELIMINARY ACTIVITIES.—The term
11 “site characterization” does not include prelimi-
12 nary borings and geophysical testing needed to
13 assess whether site characterization should be
14 undertaken.

15 (28) SPENT NUCLEAR FUEL.—The term “spent
16 nuclear fuel” has the meaning given the term in sec-
17 tion 2 of the Nuclear Waste Policy Act of 1982 (42
18 U.S.C. 10101).

19 (29) STORAGE.—The term “storage” means re-
20 tention of high-level radioactive waste, spent nuclear
21 fuel, or transuranic waste with the intent to recover
22 that waste or fuel for subsequent use, processing, or
23 disposal.

24 (30) STORAGE FACILITY.—The term “storage
25 facility” means a facility for the consolidated storage

1 of nuclear waste from multiple contract holders or
2 the Secretary pending the disposal of the nuclear
3 waste in a repository.

4 (31) TRANSURANIC WASTE.—The term “trans-
5 uranic waste” has the meaning given the term in
6 section 11 of the Atomic Energy Act of 1954 (42
7 U.S.C. 2014).

8 (32) UNIT OF GENERAL LOCAL GOVERN-
9 MENT.—The term “unit of general local govern-
10 ment” has the meaning given the term in section 2
11 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
12 10101).

13 (33) WORKING CAPITAL FUND.—The term
14 “Working Capital Fund” means the Nuclear Waste
15 Administration Working Capital Fund established by
16 section 401.

17 (34) YUCCA MOUNTAIN SITE.—The term
18 “Yucca Mountain site” has the meaning given the
19 term in section 2 of the Nuclear Waste Policy Act
20 of 1982 (42 U.S.C. 10101).

21 **SEC. 104. RULE OF CONSTRUCTION.**

22 The use of the term “nuclear waste” in this Act to
23 mean high-level radioactive waste and spent nuclear fuel
24 does not mean (and shall not be construed to mean) that
25 spent nuclear fuel is, or should be, classified as or other-

1 wise considered to be “waste” or “radioactive waste” for
2 purposes of this Act or any other law, including the Solid
3 Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly
4 known as the “Resource Conservation and Recovery Act
5 of 1976”).

6 **TITLE II—NUCLEAR WASTE** 7 **ADMINISTRATION**

8 **SEC. 201. ESTABLISHMENT.**

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

12 (b) PURPOSE.—The purposes of the Administration
13 are—

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

18 (2) to protect the public health and safety and
19 the environment in discharging the responsibility
20 under paragraph (1); and

21 (3) to ensure that the costs of activities under
22 paragraph (1) are borne by the persons responsible
23 for generating the nuclear waste.

24 **SEC. 202. PRINCIPAL OFFICERS.**

25 (a) ADMINISTRATOR.—

1 (1) APPOINTMENT.—There shall be at the head
2 of the Administration a Nuclear Waste Adminis-
3 trator, who shall be appointed by the President, by
4 and with the advice and consent of the Senate, from
5 among persons who are, by reason of education, ex-
6 perience, and attainments, exceptionally well quali-
7 fied to perform the duties of the Administrator.

8 (2) TERM.—The term of service of the Admin-
9 istrator shall be 6 years.

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

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

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

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

1 (7) COMPENSATION.—The President shall fix
2 the total annual compensation of the Administrator
3 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 maximum amount
9 of annual compensation payable to a member of
10 the Senior Executive Service under subsection
11 (b) of section 5382 of title 5, United States
12 Code.

13 (b) DEPUTY ADMINISTRATOR.—

14 (1) APPOINTMENT.—There shall be in the Ad-
15 ministration a Deputy Administrator, who shall be
16 appointed by the President, by and with the advice
17 and consent of the Senate, from among persons who
18 are, by reason of education, experience, and attain-
19 ments, exceptionally well qualified to perform the
20 duties of the Deputy Administrator.

21 (2) TERM.—The term of service of the Deputy
22 Administrator shall be 6 years.

23 (3) REAPPOINTMENT.—A Deputy Adminis-
24 trator may serve more than 1 term.

1 (4) DUTIES.—The Deputy Administrator
2 shall—

3 (A) perform such functions as the Admin-
4 istrator shall from time to time assign or dele-
5 gate; and

6 (B) act as the Administrator during the
7 absence or disability of the Administrator or in
8 the event of a vacancy in the office of the Ad-
9 ministrator.

10 (5) COMPENSATION.—The President shall fix
11 the total annual compensation of the Deputy Admin-
12 istrator in an amount that—

13 (A) is sufficient to recruit and retain a
14 person of demonstrated ability and achievement
15 in managing large corporate or governmental
16 organizations; and

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

19 **SEC. 203. OTHER OFFICERS.**

20 (a) ESTABLISHMENT.—There shall be in the Admin-
21 istration—

22 (1) a General Counsel;

23 (2) a Chief Financial Officer, who shall be ap-
24 pointed from among individuals who possess dem-
25 onstrated ability in general management of, and

1 knowledge of and extensive practical experience in,
2 financial management practices in large govern-
3 mental or business entities; and

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

7 (b) APPOINTMENT.—Officers appointed under this
8 section shall—

9 (1) be appointed by the Administrator;

10 (2) be considered career appointees; and

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

13 (c) ORDER OF SUCCESSION.—The Administrator
14 may designate the order in which the officers appointed
15 pursuant to this section shall act for, and perform the
16 functions of, the Administrator during the absence or dis-
17 ability of the Administrator and the Deputy Administrator
18 or in the event of vacancies in the offices of the Adminis-
19 trator and the Deputy Administrator.

20 **SEC. 204. INSPECTOR GENERAL.**

21 There shall be in the Administration an Inspector
22 General, who shall be appointed by the President, by and
23 with the advice and consent of the Senate, in accordance
24 with section 3 of the Inspector General Act of 1978 (5
25 U.S.C. App.).

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

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

5 (1) to oversee—

6 (A) the receipt, disbursement, and use of
7 funds in the Working Capital Fund and the
8 Nuclear Waste Fund;

9 (B) the adequacy of the fees collected
10 under section 302(a) of the Nuclear Waste Pol-
11 icy Act of 1982 (42 U.S.C. 10222(a)) to ensure
12 the full recovery of the costs incurred by the
13 Federal Government in carrying out activities
14 under this Act and the Nuclear Waste Policy
15 Act of 1982 (42 U.S.C. 10101 et seq.); and

16 (C) the performance of the Administrator
17 in—

18 (i) fulfilling contracts with contract
19 holders; and

20 (ii) complying with the mission plan;

21 and

22 (2) to review the annual management reports
23 and financial statements submitted by the Adminis-
24 trator under section 505.

25 (b) MEMBERS.—The Oversight Board shall be com-
26 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) FUNCTIONS.—The Oversight Board shall—

24 (1) review, on an ongoing basis—

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

4 (B) the use of funds made available to the
5 Administrator under this Act;

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

9 (D) the liability of the United States to
10 contract holders;

11 (2) identify any problems that may impede the
12 implementation of this Act; and

13 (3) recommend to the Administrator, the Presi-
14 dent, or Congress, as appropriate, any actions that
15 may be needed to ensure the implementation of this
16 Act.

17 (n) REPORTS.—The Oversight Board shall report the
18 findings, conclusions, and recommendations of the Over-
19 sight Board to the Administrator, the President, and Con-
20 gress not less than once per year.

21 (o) RESPONSE BY THE ADMINISTRATOR.—Not later
22 than 45 days after the date on which the Oversight Board
23 submits a report to the Administrator under subsection
24 (n), the Administrator shall transmit to the Oversight
25 Board, in writing—

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

4 (2) a description of the actions taken in re-
5 sponse to the recommendations (or an explanation of
6 the reasons for not acting on the recommendations);
7 and

8 (3) the views of the Administrator on the rec-
9 ommendations.

10 (p) PUBLIC AVAILABILITY.—The Administrator shall
11 make all reports under subsection (n) and all responses
12 from the Administrator under subsection (o) available to
13 the public.

14 (q) EXECUTIVE SECRETARY.—The Oversight Board
15 shall appoint and fix the compensation of an Executive
16 Secretary, who shall—

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

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

22 (r) ADDITIONAL STAFF.—

23 (1) APPOINTMENT.—The Oversight Board may
24 appoint and fix the compensation of such additional

1 clerical and professional staff as may be necessary to
2 discharge the responsibilities of the Oversight Board.

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

6 (3) SUPERVISION AND DIRECTION.—The cler-
7 ical and professional staff of the Oversight Board
8 shall be under the supervision and direction of the
9 Executive Secretary.

10 (s) STAFF COMPENSATION.—

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

18 (2) PROFESSIONAL STAFF.—Professional staff
19 members may be appointed without regard to the
20 provisions of title 5, United States Code, governing
21 appointments in the competitive service, and may be
22 paid without regard to the provisions of chapter 51
23 and subchapter III of chapter 53 of that title relat-
24 ing to classification and General Schedule pay rates,
25 except that no individual so appointed may receive

1 pay in excess of the maximum rate of pay under the
2 General Schedule.

3 (t) ACCESS TO INFORMATION.—

4 (1) DUTY TO INFORM.—The Administrator
5 shall keep the Oversight Board fully and currently
6 informed on all of the activities of the Administra-
7 tion.

8 (2) PRODUCTION OF DOCUMENTS.—The Ad-
9 ministrator shall provide the Oversight Board with
10 any records, files, papers, data, or information re-
11 quested by the Oversight Board.

12 (u) SUPPORT SERVICES.—To the extent permitted by
13 law and requested by the Oversight Board, the Adminis-
14 trator of General Services shall provide the Oversight
15 Board with necessary administrative services, facilities,
16 and support on a reimbursable basis.

17 (v) HEALTH, SAFETY, AND ENVIRONMENTAL REGU-
18 LATION.—Nothing in this section gives the Oversight
19 Board jurisdiction to regulate the activities of the Admin-
20 istration to protect the health and safety of the public or
21 the environment.

22 (w) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Oversight Board
24 from amounts in the Nuclear Waste Fund such sums as
25 are necessary to carry out this section.

1 **SEC. 206. CONFORMING AMENDMENTS.**

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

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

5 (b) Section 12 of the Inspector General Act of 1978
6 (5 U.S.C. App.) is amended—

7 (1) in paragraph (1), by inserting “the Admin-
8 istrator of the Nuclear Waste Administration;” after
9 “Export-Import Bank;”; and

10 (2) in paragraph (2), by inserting “the Nuclear
11 Waste Administration,” after “Export-Import
12 Bank,”.

13 **TITLE III—FUNCTIONS**

14 **SEC. 301. TRANSFER OF FUNCTIONS.**

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

19 (1) the construction and operation of a reposi-
20 tory;

21 (2) entering into and performing contracts for
22 the disposal of nuclear waste under section 302 of
23 that Act (42 U.S.C. 10222);

24 (3) the collection, adjustment, deposition, and
25 use of fees to offset expenditures for the manage-
26 ment of nuclear waste; and

1 (4) the issuance of obligations under section
2 302(e)(5) of the Nuclear Waste Policy Act of 1982
3 (42 U.S.C. 10222(e)(5)).

4 **SEC. 302. TRANSFER OF CONTRACTS.**

5 Each contract for the disposal of nuclear waste en-
6 tered into by the Secretary before the date of enactment
7 of this Act shall continue in effect according to the terms
8 of the contract with the Administrator substituted for the
9 Secretary.

10 **SEC. 303. NUCLEAR WASTE FACILITIES.**

11 The Administrator shall, site, construct, and oper-
12 ate—

13 (1) a pilot facility for the storage of priority
14 waste;

15 (2) 1 or more additional storage facilities for
16 the storage of nonpriority nuclear waste; and

17 (3) 1 or more repositories for the permanent
18 disposal of nuclear waste.

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

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

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

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

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

8 (A) significant, new information; or

9 (B) significant, new technical, social, or
10 political developments; and

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

13 (b) YUCCA MOUNTAIN SITE.—In accordance with
14 subsection (a)(1), the Administrator may not site, con-
15 struct, or operate a nuclear waste facility at the Yucca
16 Mountain site unless the Administrator has first entered
17 into a binding consent agreement with the Governor of
18 the State of Nevada and the governing body of each af-
19 fected unit of local government in accordance with section
20 306(e).

21 **SEC. 305. STORAGE FACILITIES.**

22 (a) ESTABLISHMENT OF STORAGE FACILITY PRO-
23 GRAM.—The Administrator shall establish a storage pro-
24 gram to license, construct, and operate through 1 or more
25 non-Federal sector partners, 1 or more federally or non-

1 federally owned storage facilities to provide interim stor-
2 age for spent nuclear fuel and high-level radioactive waste.

3 (b) PILOT PROGRAM FOR THE STORAGE OF PRI-
4 ORITY WASTE.—

5 (1) REQUEST FOR PROPOSALS.—

6 (A) IN GENERAL.—Not later than 180
7 days after the date of enactment of this Act,
8 the Administrator shall issue a request for pro-
9 posals for cooperative agreements for a pilot fa-
10 cility for the storage of priority waste—

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

16 (ii) to demonstrate the safe transpor-
17 tation of spent nuclear fuel and high-level
18 radioactive waste, as applicable; and

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

1 posal of the spent nuclear fuel or high-level
2 radioactive waste.

3 (B) GUIDELINES.—

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

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

15 (2) REVIEWS OF PROPOSALS.—

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

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

23 (ii) the likelihood that the proposed
24 site is suitable for site characterization

1 under the guidelines under paragraph
2 (1)(B);

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

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

9 (v) the extent to which each proposal
10 would—

11 (I) enhance the reliability and
12 flexibility of the system for the dis-
13 posal of nuclear waste, including co-
14 location with a proposed permanent
15 geological repository; and

16 (II) minimize the impacts of
17 transportation and handling of nu-
18 clear waste;

19 (vi) potential conflicts with—

20 (I) a compliance agreement re-
21 quiring removal of nuclear waste from
22 a site; or

23 (II) a statutory prohibition on
24 the storage or disposal of nuclear
25 waste at a site; and

1 (vii) any other criteria, including cri-
2 teria relating to technical or safety speci-
3 fications, that the Administrator deter-
4 mines to be appropriate.

5 (B) PREFERENCE FOR SITES WILLING TO
6 HOST A CO-LOCATED REPOSITORY AND STOR-
7 AGE FACILITY.—In reviewing proposals sub-
8 mitted under paragraph (1), the Administrator
9 shall give preference to sites proposed to be co-
10 located with—

11 (i) additional storage facilities for
12 nonpriority waste; or

13 (ii) a repository.

14 (3) SITE CHARACTERIZATION.—

15 (A) DETERMINATION OF SUITABILITY.—
16 After conducting a review under paragraph (2)
17 and any additional site investigation that the
18 Administrator determines to be appropriate, the
19 Administrator shall determine whether the site
20 is suitable for site characterization.

21 (B) SELECTION OF SITE FOR CHARACTER-
22 IZATION.—From the sites determined to be
23 suitable for site characterization under subpara-
24 graph (A), the Administrator shall select at
25 least 1 site for site characterization, giving pri-

1 ority to sites that have been proposed to be co-
2 located with a permanent geological repository,
3 after—

4 (i) holding public hearings in the vi-
5 cinity of each site and at least 1 other lo-
6 cation within the State in which the site is
7 located; and

8 (ii) notifying Congress and the pro-
9 spective host State.

10 (C) COOPERATIVE AGREEMENT.—On selec-
11 tion of a site for characterization under sub-
12 paragraph (B), the Administrator may enter
13 into a cooperative agreement, subject to section
14 401(e), with the State, affected units of general
15 local government, and affected Indian Tribes,
16 as applicable, that includes—

17 (i) terms of financial and technical as-
18 sistance to enable each applicable unit of
19 government to monitor, review, evaluate,
20 comment on, obtain information on, make
21 recommendations on, and mitigate any im-
22 pacts from, site characterization activities;
23 and

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

1 (4) SITE SELECTION.—

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

5 (i) make a final determination for
6 each site of whether the site is suitable for
7 development as a storage facility; and

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

10 (B) CONSENT-BASED APPROVAL.—Before
11 selecting a site for developing a storage facility,
12 the Administrator shall enter into a consent
13 agreement, subject to section 401(e), to host
14 the facility with—

15 (i) the Governor or other authorized
16 official of the State in which the site is
17 proposed to be located;

18 (ii) each affected unit of general local
19 government; and

20 (iii) any affected Indian Tribe.

21 (C) BINDING EFFECT.—The consent
22 agreement—

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

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

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

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

11 (B) an estimate of the cost of licensing,
12 constructing, and operating each storage facil-
13 ity, including the transportation costs, on an
14 annual basis, over the expected lifetime of the
15 storage facility;

16 (C) a schedule for—

17 (i) obtaining from the Nuclear Regu-
18 latory Commission any license necessary to
19 construct and operate the storage facility;

20 (ii) constructing the storage facility;

21 (iii) transporting nuclear waste to the
22 storage facility; and

23 (iv) removing the nuclear waste from,
24 and decommissioning of, the storage facil-
25 ity;

1 (D) an estimate of the cost of any financial
2 assistance, compensation, or incentives proposed
3 to be paid to the host State, Indian Tribe, or
4 unit of local government;

5 (E) an estimate of any future reductions in
6 the damages expected to be paid by the United
7 States for the delay of the Department of En-
8 ergy in accepting spent fuel expected to result
9 from the storage facilities developed under this
10 section; and

11 (F) recommendations for any additional
12 legislation needed to authorize and implement
13 the program.

14 (6) SUBMISSION OF LICENSE APPLICATION.—
15 On selection of a site under paragraph (4), the ap-
16 plicant (in the case of a non-Federal facility) or the
17 Administrator (in the case of a federally owned facil-
18 ity) shall submit to the Commission an application
19 for a construction authorization for the storage facil-
20 ity.

21 (c) ADDITIONAL STORAGE FACILITIES FOR NONPRI-
22 ORITY WASTE.—

23 (1) IN GENERAL.—The Administrator shall
24 seek to ensure that efforts to site, construct, and op-
25 erate a storage facility for nonpriority waste are ac-

1 complicated by parallel efforts to site, construct, and
2 operate 1 or more repositories.

3 (2) STORAGE FACILITIES FOR NONPRIORITY
4 WASTE.—Except as provided in paragraphs (3) and
5 (4), the Administrator may issue requests for pro-
6 posals and select sites for site characterization for 1
7 or more additional storage facilities for nonpriority
8 waste as the Administrator determines to be nec-
9 essary—

10 (A) subject to the terms and conditions of
11 this section; and

12 (B) in accordance with the mission plan
13 developed under section 504.

14 (3) FIRST 10 YEARS.—During the 10-year pe-
15 riod beginning on the date of enactment of this Act,
16 the Administrator may not issue an additional re-
17 quest for proposals for cooperative agreements or se-
18 lect a site for site characterization for an additional
19 storage facility for nonpriority waste unless the Ad-
20 ministrator has obligated funds for activities under
21 section 306.

22 (4) AFTER FIRST 10 YEARS.—After the date
23 that is 10 years after the date of enactment of this
24 Act, the Administrator may not issue an additional
25 request for proposals for cooperative agreements or

1 select a site for site characterization for an addi-
2 tional storage facility for nonpriority waste until the
3 Administrator has selected at least 1 candidate site
4 for evaluation under section 306(b)(2).

5 (5) STORAGE OF PRIORITY WASTE.—Nothing in
6 this section precludes the Administrator from stor-
7 ing priority waste at a storage facility for nonpri-
8 ority waste.

9 **SEC. 306. REPOSITORIES.**

10 (a) SITING GUIDELINES.—

11 (1) ISSUANCE.—Not later than 1 year after the
12 date of enactment of this Act, the Administrator
13 shall issue general guidelines for the consideration of
14 candidate sites for repositories, which shall—

15 (A) comply with the requirements of sec-
16 tion 112(a) of the Nuclear Waste Policy Act of
17 1982 (42 U.S.C. 10132(a)); and

18 (B) require the Administrator to take into
19 account the extent to which a repository
20 would—

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

24 (ii) minimize the impacts of transpor-
25 tation and handling of nuclear waste.

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

5 (b) IDENTIFICATION OF CANDIDATE SITES.—

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

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

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

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

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

22 (D) the Administrator, after consultation
23 with, and with the consent of—

24 (i) the Governor of the State in which
25 the site is located;

1 (ii) the governing body of the affected
2 unit of general local government; and

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

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

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

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

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

21 (A) an evaluation by the Administrator of
22 whether the site is suitable for development as
23 a repository under the guidelines established
24 under subsection (a), including a preliminary
25 safety case that describes the site features and

1 available information that contribute to con-
2 fidence in the suitability and safety of the pro-
3 posed site for a nuclear waste facility;

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

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

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

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

16 (F) potential conflicts with—

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

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

22 (c) SITE CHARACTERIZATION.—

23 (1) SELECTION OF SITES.—From among the
24 sites determined to be suitable for site characteriza-
25 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; and

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

20 (B) notify Congress.

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

23 (A) REQUIREMENT.—Before selecting a
24 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 poten-
14 tial economic, social, public health and
15 safety, and environmental impacts associ-
16 ated with site characterization; and

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 storage facility to a repository; and

24 (3) in the case of defense waste, from a Depart-
25 ment of Energy site to a repository.

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

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

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

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

13 (d) TRANSPORTATION ASSISTANCE.—

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

17 (2) TRAINING.—

18 (A) IN GENERAL.—The Administrator
19 shall provide financial and technical assistance
20 to States and Indian Tribes through whose ju-
21 risdiction the Administrator plans to transport
22 nuclear waste to train public safety officials and
23 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 the unexpended balance of
10 the Working Capital Fund.

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

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

17 (2) shall remain available until expended; and

18 (3) shall not be subject to apportionment under
19 subchapter II of chapter 15 of title 31, United
20 States Code.

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

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

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

14 **SEC. 402. NUCLEAR WASTE FUND.**

15 (a) ELIMINATION OF LEGISLATIVE VETO.—Section
16 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42
17 U.S.C. 10222(a)(4)) is amended—

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

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

23 (b) ADMINISTRATION OF THE WASTE FUND.—Sec-
24 tion 302(e) of the Nuclear Waste Policy Act of 1982 (42
25 U.S.C. 10222(e)) is amended—

1 (1) by striking “Secretary” each place it ap-
2 pears (except where it appears in the context of the
3 “Secretary of the Treasury”) and inserting “Admin-
4 istrator of the Nuclear Waste Administration”; and

5 (2) by striking “the Waste Fund” each place it
6 appears and inserting “the Waste Fund or the
7 Working Capital Fund established by section 401 of
8 the Nuclear Waste Administration Act of 2022”.

9 **SEC. 403. FULL COST RECOVERY.**

10 In determining whether insufficient or excess reve-
11 nues are being collected to ensure full cost recovery under
12 section 302(a)(4) of the Nuclear Waste Policy Act of 1982
13 (42 U.S.C. 10222(a)(4)), the Administrator shall—

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

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

19 **SEC. 404. JUDICIAL REVIEW.**

20 (a) JURISDICTION.—

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

1 (A) for review of any final decision or ac-
2 tion of the Administrator or the Commission
3 under this Act;

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

7 (C) challenging the constitutionality of any
8 decision made, or action taken, under this Act;
9 or

10 (D) for review of any environmental as-
11 sessment or environmental impact statement
12 prepared pursuant to the National Environ-
13 mental Policy Act of 1969 (42 U.S.C. 4321 et
14 seq.) with respect to any action under this Act,
15 or alleging a failure to prepare any such assess-
16 ment or statement with respect to any such ac-
17 tion.

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

20 (A) the judicial circuit in which the peti-
21 tioner involved resides or has the principal of-
22 fice of the petitioner; or

23 (B) the United States Court of Appeals for
24 the District of Columbia Circuit.

25 (b) DEADLINE FOR COMMENCING ACTION.—

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

6 (2) NO KNOWLEDGE OF DECISION OR AC-
7 TION.—If a party shows that the party did not know
8 of the decision or action complained of (or of the
9 failure to act) and that a reasonable person acting
10 under the circumstances would not have known, the
11 party may bring a civil action not later than 180
12 days after the date the party acquired actual or con-
13 structive knowledge of the decision, action, or failure
14 to act.

15 **SEC. 405. LITIGATION AUTHORITY.**

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

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

1 **SEC. 406. LIABILITIES.**

2 (a) PENDING LEGAL PROCEEDINGS.—Any suit,
3 cause of action, or judicial proceeding commenced by or
4 against the Secretary relating to functions or contracts
5 transferred to the Administrator by this Act shall—

6 (1) not abate by reason of the enactment of this
7 Act; and

8 (2) continue in effect with the Administrator
9 substituted for the Secretary.

10 (b) SETTLEMENT OF PENDING LITIGATION; CON-
11 TRACT MODIFICATION.—

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

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

1 (c) PAYMENT OF JUDGMENTS AND SETTLEMENTS.—

2 Payment of judgments and settlements in cases arising
3 from the failure of the Secretary to meet the deadline of
4 January 31, 1998, to begin to dispose of nuclear waste
5 under contracts entered into under section 302(a)(1) of
6 the Nuclear Waste Policy Act of 1982 (42 U.S.C.
7 10222(a)(1)) shall continue to be paid from the perma-
8 nent judgment appropriation established pursuant to sec-
9 tion 1304 of title 31, United States Code.

10 (d) NEW CONTRACTS.—Notwithstanding section
11 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42
12 U.S.C. 10222(a)(5)), the Administrator shall not enter
13 into any contract after the date of enactment of this Act
14 that obligates the Administrator to begin disposing of nu-
15 clear waste before the Commission has licensed the Ad-
16 ministrator to operate a repository or storage facility.

17 (e) NUCLEAR INDEMNIFICATION.—

18 (1) INDEMNIFICATION AGREEMENTS.—For pur-
19 poses of section 170 of the Atomic Energy Act of
20 1954 (42 U.S.C. 2210) (commonly known as the
21 “Price-Anderson Act”)—

22 (A) any person that conducts nuclear
23 waste activities under a contract with the Ad-
24 ministrator that may involve the risk of public

1 liability shall be treated as a contractor of the
2 Secretary; and

3 (B) the Secretary shall enter into an
4 agreement of indemnification with any person
5 described in subparagraph (A).

6 (2) CONFORMING AMENDMENT.—Section 11 ff.
7 of the Atomic Energy Act of 1954 (42 U.S.C.
8 2014(ff)) is amended by inserting “or the Nuclear
9 Waste Administration” after “Secretary of Energy”.

10 **TITLE V—ADMINISTRATIVE AND** 11 **SAVINGS PROVISIONS**

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

13 The Administrator shall have the power—

14 (1) to perform the functions of the Secretary
15 transferred to the Administrator pursuant to this
16 Act;

17 (2) to enter into contracts with any person who
18 generates or holds title to nuclear waste generated
19 in a civilian nuclear power reactor for the acceptance
20 of title, subsequent transportation, storage, and dis-
21 posal of the nuclear waste;

22 (3) to enter into and perform contracts, leases,
23 and cooperative agreements with public agencies,
24 private organizations, Federal agencies, the National
25 Laboratories of the Department of Energy, and per-

1 sons necessary or appropriate to carry out the func-
2 tions of the Administrator;

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

6 (5) to obtain from the Administrator of General
7 Services the services the Administrator of General
8 Services is authorized to provide agencies of the
9 United States, on the same basis as those services
10 are provided to other agencies of the United States;

11 (6) to conduct nongeneric research, develop-
12 ment, and demonstration activities necessary or ap-
13 propriate to carrying out the functions of the Ad-
14 ministrator; and

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

18 **SEC. 502. PERSONNEL.**

19 (a) OFFICERS AND EMPLOYEES.—

20 (1) APPOINTMENT.—In addition to the senior
21 officers described in section 203, the Administrator
22 may appoint and fix the compensation of such offi-
23 cers and employees as may be necessary to carry out
24 the functions of the Administration.

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

7 (3) EXCEPTION.—Notwithstanding paragraph
8 (2), the Administrator may, to the extent the Ad-
9 ministrator determines necessary to discharge the
10 responsibilities of the Administrator—

11 (A) appoint exceptionally well qualified in-
12 dividuals to scientific, engineering, or other crit-
13 ical positions without regard to the provisions
14 of chapter 33 of title 5, United States Code,
15 governing appointments in the competitive serv-
16 ice; and

17 (B) fix the basic pay of any individual ap-
18 pointed under subparagraph (A) at a rate of
19 not more than level I of the Executive Schedule
20 without regard to the civil service laws, except
21 that the total annual compensation of the indi-
22 vidual shall be at a rate of not more than the
23 highest total annual compensation payable
24 under section 104 of title 3, United States
25 Code.

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

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

10 (c) ADVISORY COMMITTEES.—

11 (1) ESTABLISHMENT.—The Administrator may
12 establish, in accordance with the Federal Advisory
13 Committee Act (5 U.S.C. App.), such advisory com-
14 mittees as the Administrator may consider appro-
15 priate to assist in the performance of the functions
16 of the Administrator.

17 (2) COMPENSATION.—A member of an advisory
18 committee, other than a full-time employee of the
19 Federal Government, may be allowed travel ex-
20 penses, including per diem in lieu of subsistence, as
21 authorized by section 5703 of title 5, United States
22 Code, for individuals in the Government service
23 without pay, while attending meetings of the advi-
24 sory committee or otherwise serving away from the

1 homes or regular place of business of the member at
2 the request of the Administrator.

3 **SEC. 503. OFFICES.**

4 (a) **PRINCIPAL OFFICE.**—The principal office of the
5 Administration shall be in or near the District of Colum-
6 bia.

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

10 **SEC. 504. MISSION PLAN.**

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

13 (1) provide an informational basis sufficient to
14 permit informed decisions to be made in carrying
15 out the functions of the Administrator; and

16 (2) provide verifiable indicators for oversight of
17 the performance of the Administrator.

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

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

22 (2) schedules and milestones for carrying out
23 the functions of the Administrator, which shall pro-
24 vide for the operation of—

1 (A) a pilot facility not later than December
2 31, 2034;

3 (B) a storage facility for nonpriority waste
4 not later than December 31, 2037; and

5 (C) a repository not later than December
6 31, 2060; and

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

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

17 (1) Congress;

18 (2) the Oversight Board;

19 (3) the Commission;

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

23 (5) the States;

24 (6) affected Indian Tribes; and

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

3 (d) PUBLIC NOTICE AND COMMENT.—On submitting
4 the proposed mission plan for comment under subsection
5 (c), the Administrator shall—

6 (1) publish a notice in the Federal Register of
7 the availability of the proposed mission plan for pub-
8 lic comment; and

9 (2) provide interested persons an opportunity to
10 comment on the proposed plan.

11 (e) SUBMISSION OF FINAL MISSION PLAN.—After
12 consideration of the comments received, the Administrator
13 shall—

14 (1) revise the proposed mission plan to the ex-
15 tent that the Administrator considers appropriate;
16 and

17 (2) submit the final mission plan, along with a
18 general statement responding to any significant
19 issues raised in the comments received on the pro-
20 posed mission plan, to the appropriate committees of
21 Congress, the President, and the Oversight Board.

22 (f) REVISION OF THE MISSION PLAN.—The Adminis-
23 trator shall—

24 (1) revise the mission plan, as appropriate, to
25 reflect major changes in the planned activities,

1 schedules, milestones, and cost estimates reported in
2 the mission plan; and

3 (2) submit the revised mission plan to Con-
4 gress, the President, and the Oversight Board prior
5 to implementing the proposed changes.

6 **SEC. 505. ANNUAL REPORTS.**

7 (a) IN GENERAL.—The Administrator shall annually
8 prepare and submit to Congress, the President, and the
9 Oversight Board a comprehensive report on the activities
10 and expenditures of the Administration.

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

13 (1) the annual management report required
14 under section 9106 of title 31, United States Code;
15 and

16 (2) the report on any audit of the financial
17 statements of the Administration conducted under
18 section 9105 of title 31, United States Code.

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

20 (a) COMMISSION PROCEEDINGS.—The enactment of
21 this Act shall not affect the pendency of any proceeding
22 on the application for authorization to construct a reposi-
23 tory at the Yucca Mountain site pending on the date of
24 enactment of this Act, but the Administrator shall not pro-
25 ceed with the siting, construction, or operation of a nu-

1 clear waste facility at the Yucca Mountain site except as
2 provided in section 304(b).

3 (b) AUTHORITY OF THE SECRETARY.—This Act shall
4 not transfer or affect the authority of the Secretary with
5 respect to—

6 (1) the maintenance, treatment, packaging, and
7 storage of nuclear waste at Department of Energy
8 sites prior to delivery to, and acceptance by, the Ad-
9 ministrator for disposal in a repository;

10 (2) the conduct of generic research, develop-
11 ment, and demonstration activities related to nuclear
12 waste management, including proliferation-resistant
13 advanced fuel recycling and transmutation tech-
14 nologies that minimize environmental and public
15 health and safety impacts; and

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

18 (c) TERMINATIONS.—The authority for each function
19 of the Secretary relating to the siting, construction, and
20 operation of repositories or storage facilities not trans-
21 ferred to the Administrator under this Act shall terminate
22 on the date of enactment of this Act, including the author-
23 ity—

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

4 (2) to provide interim storage or monitored, re-
5 trievable storage under subtitles B and C of title I
6 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
7 10151 et seq.); and

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

11 **SEC. 507. TECHNICAL ASSISTANCE IN THE FIELD OF SPENT**
12 **FUEL STORAGE AND DISPOSAL.**

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

19 (b) INFORMING FOREIGN GOVERNMENTS.—As soon
20 as practicable after the date of the publication of the an-
21 nual joint notice described in subsection (a), the Secretary
22 of State shall inform the governments of nations and orga-
23 nizations operating nuclear power plants, solicit expres-
24 sions of interest, and transmit any such expressions of in-
25 terest to the Secretary and the Commission, as provided

1 in section 223(e) of the Nuclear Waste Policy Act of 1982
2 (42 U.S.C. 10203(e)).

3 (c) BUDGET REQUESTS.—The President shall in-
4 clude in the budget request of the President for the Com-
5 mission and the Department of Energy for each of fiscal
6 years 2023 through 2027 such funding requests for a pro-
7 gram of cooperation and technical assistance with nations
8 in the fields of spent nuclear fuel storage and disposal as
9 the President determines appropriate in light of expres-
10 sions of interest in the cooperation and assistance.

11 (d) ELIGIBILITY.—Notwithstanding any limitation on
12 cooperation and technical assistance to non-nuclear weap-
13 on states under section 223 of the Nuclear Waste Policy
14 Act of 1982 (42 U.S.C. 10203), the Secretary and the
15 Commission may cooperate with and provide technical as-
16 sistance to nuclear weapon states, if the Secretary and the
17 Commission determine the cooperation and technical as-
18 sistance is in the national interest.

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

20 (a) ELIGIBILITY.—Section 502(b)(3)(C)(iii)(I) of the
21 Nuclear Waste Policy Act of 1982 (42 U.S.C.
22 10262(b)(3)(C)(iii)(I)) is amended by inserting “or the
23 Nuclear Waste Administration” after “the Department of
24 Energy”.

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

5 (c) PRODUCTION OF DOCUMENTS.—Section 504(b)
6 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
7 10264(b)) is amended by striking “Secretary” each place
8 it appears and inserting “Nuclear Waste Administrator”.

9 (d) REPORTS.—Section 508 of the Nuclear Waste
10 Policy Act of 1982 (42 U.S.C. 10268) is amended, in the
11 first sentence, by striking “Congress and the Secretary”
12 and inserting “Congress, the Nuclear Waste Adminis-
13 trator, and the Nuclear Waste Oversight Board”.

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

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

19 The volume limitations described in the second and
20 third sentences of section 114(d) of the Nuclear Waste
21 Policy Act of 1982 (42 U.S.C. 10134(d)) shall not apply
22 to any repository to the extent that the consent agreement
23 applicable to the repository provides for the disposal of
24 a greater volume.