

MAY 3, 2018

RULES COMMITTEE PRINT 115–69
TEXT OF H.R. 3053, NUCLEAR WASTE POLICY
AMENDMENTS ACT OF 2018

[Based on the text of H.R. 3053 as reported by the Committee on Energy and Commerce, with modifications.]

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Nuclear Waste Policy Amendments Act of 2018”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MONITORED RETRIEVABLE STORAGE

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

TITLE II—PERMANENT REPOSITORY

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

TITLE III—DOE CONTRACT PERFORMANCE

Sec. 301. Title to material.

TITLE IV—BENEFITS TO HOST COMMUNITY

Sec. 401. Consent.
Sec. 402. Content of agreements.

- Sec. 403. Covered units of local government.
- Sec. 404. Termination.
- Sec. 405. Priority funding for certain institutions of higher education.
- Sec. 406. Disposal of spent nuclear fuel.
- Sec. 407. Updated report.

TITLE V—FUNDING

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

TITLE VI—MISCELLANEOUS

- Sec. 601. Certain standards and criteria.
- Sec. 602. Application.
- Sec. 603. Transportation safety assistance.
- Sec. 604. Office of Civilian Radioactive Waste Management.
- Sec. 605. West Lake Landfill.
- Sec. 606. Subseabed or ocean water disposal.
- Sec. 607. Sense of Congress regarding storage of nuclear waste near the Great Lakes.
- Sec. 608. Budgetary effects.

1 **TITLE I—MONITORED**
2 **RETRIEVABLE STORAGE**

3 **SEC. 101. MONITORED RETRIEVABLE STORAGE.**

4 (a) PROPOSAL.—Section 141(b) of the Nuclear
5 Waste Policy Act of 1982 (42 U.S.C. 10161(b)) is amend-
6 ed—

7 (1) in paragraph (1)—

8 (A) by striking “1985” and inserting
9 “2019”; and

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

11 (2) in paragraph (2)—

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

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

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

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

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

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

10 “(E) options to enter into MRS agreements
11 with respect to one or more monitored retrievable
12 storage facilities.”; and

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

15 “(4) The Secretary shall, not later than 90 days after
16 the date of enactment of the Nuclear Waste Policy
17 Amendments Act of 2018, publish a request for informa-
18 tion to help the Secretary evaluate options for the Sec-
19 retary to enter into MRS agreements with respect to one
20 or more monitored retrievable storage facilities.”.

21 (b) ADDITIONAL AMENDMENTS.—

22 (1) IN GENERAL.—Section 141 of the Nuclear
23 Waste Policy Act of 1982 (42 U.S.C. 10161) is fur-
24 ther amended—

25 (A) in subsection (c)(2)—

1 (i) by striking “If the Congress” and
2 all that follows through “monitored retriev-
3 able storage facility, the” and inserting
4 “The”; and

5 (ii) by striking “construction of such
6 facility” and inserting “construction of a
7 monitored retrievable storage facility”; and
8 (B) by striking subsections (d) through
9 (h).

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

13 (A) in paragraph (34), by striking “the
14 storage facility” and inserting “a storage facil-
15 ity”; and

16 (B) by adding at the end the following:

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

23 “(36) The term ‘Department-owned civilian
24 waste’ means high-level radioactive waste, or spent

1 nuclear fuel, resulting from civilian nuclear activi-
2 ties, to which the Department holds title.”.

3 (3) TECHNICAL AMENDMENTS.—Section 146 of
4 the Nuclear Waste Policy Act of 1982 (42 U.S.C.
5 10166) is amended—

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

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

11 **SEC. 102. AUTHORIZATION AND PRIORITY.**

12 Section 142 of the Nuclear Waste Policy Act of 1982
13 (42 U.S.C. 10162) is amended by striking subsection (b)
14 and inserting the following:

15 “(b) AUTHORIZATION.—Subject to the requirements
16 of this subtitle, the Secretary is authorized to—

17 “(1) site, construct, and operate one or more
18 monitored retrievable storage facilities; and

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

23 “(c) PRIORITY.—

24 “(1) IN GENERAL.—Except as provided in para-
25 graph (2), the Secretary shall prioritize storage of

1 Department-owned civilian waste at a monitored re-
2 trievable storage facility authorized under subsection
3 (b)(2).

4 “(2) EXCEPTION.—

5 “(A) DETERMINATION.—Paragraph (1)
6 shall not apply if the Secretary determines that
7 it will be faster and less expensive to site, con-
8 struct, and operate a facility authorized under
9 subsection (b)(1), in comparison to a facility
10 authorized under subsection (b)(2).

11 “(B) NOTIFICATION.—Not later than 30
12 days after the Secretary makes a determination
13 described in subparagraph (A), the Secretary
14 shall submit to Congress written notification of
15 such determination.”.

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

17 (a) AMENDMENT.—Section 143 of the Nuclear Waste
18 Policy Act of 1982 (42 U.S.C. 10163) is amended to read
19 as follows:

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

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

23 “(1) the monitored retrievable storage facility
24 with respect to which the MRS agreement applies
25 has been licensed by the Commission under the

1 Atomic Energy Act of 1954 (42 U.S.C. 2011 et
2 seq.);

3 “(2) the non-Federal entity that is a party to
4 the MRS agreement has approval to store Depart-
5 ment-owned civilian waste at such facility from each
6 of—

7 “(A) the Governor of the State in which
8 the facility is located;

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

12 “(C) any affected Indian tribe;

13 “(3) except as provided in subsection (b), the
14 Commission has issued a final repository decision;
15 and

16 “(4) the MRS agreement provides that the
17 quantity of high-level radioactive waste and spent
18 nuclear fuel at the site of the facility at any one
19 time will not exceed the limits described in section
20 148(d)(3) and (4).

21 “(b) INITIAL AGREEMENT.—

22 “(1) AUTHORIZATION.—The Secretary may
23 enter into one MRS agreement under section
24 142(b)(2) before the Commission has issued a final
25 repository decision.

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

3 “(A) for each of fiscal years 2020 through
4 2022, the greater of—

5 “(i) \$50,000,000; or

6 “(ii) the amount that is equal to 10
7 percent of the amounts appropriated from
8 the Waste Fund in that fiscal year; and

9 “(B) for each of fiscal years 2023 through
10 2025, the amount that is equal to 10 percent
11 of the amounts appropriated from the Waste
12 Fund in that fiscal year.

13 “(3) PRIORITY.—

14 “(A) IN GENERAL.—An MRS agreement
15 entered into pursuant to paragraph (1) shall, to
16 the extent allowable under this Act (including
17 under the terms of the standard contract estab-
18 lished in section 961.11 of title 10, Code of
19 Federal Regulations), provide for prioritization
20 of the storage of Department-owned civilian
21 waste that originated from facilities that have
22 ceased commercial operation.

23 “(B) NO EFFECT ON STANDARD CON-
24 TRACT.—Nothing in subparagraph (A) shall be
25 construed to amend or otherwise alter the

1 standard contract established in section 961.11
2 of title 10, Code of Federal Regulations.

3 “(4) CONDITIONS.—

4 “(A) NO STORAGE.—Except as provided in
5 subparagraph (B), the Secretary may not store
6 any Department-owned civilian waste at the ini-
7 tial MRS facility until the Commission has
8 issued a final repository decision.

9 “(B) EXCEPTION.—

10 “(i) FINDING.—The Secretary may
11 make a finding that a final repository deci-
12 sion is imminent, which finding shall be
13 updated not less often than quarterly until
14 the date on which the Commission issues a
15 final repository decision.

16 “(ii) STORAGE.—If the Secretary
17 makes a finding under clause (i), the Sec-
18 retary may store Department-owned civil-
19 ian waste at the initial MRS facility in ac-
20 cordance with this section.

21 “(iii) NOTICE.—Not later than seven
22 days after the Secretary makes or updates
23 a finding under clause (i), the Secretary
24 shall submit to Congress written notifica-
25 tion of such finding.

1 “(iv) REPORTING.—In addition to the
2 requirements of section 114(c), if the Sec-
3 retary makes a finding under clause (i),
4 the Secretary shall submit to Congress the
5 report described in such section 114(c) not
6 later than 1 month after the Secretary
7 makes such finding and monthly thereafter
8 until the date on which the Commission
9 issues a final repository decision.

10 “(C) NO EFFECT ON FEDERAL DISPOSAL
11 POLICY.—Nothing in this subsection affects the
12 Federal responsibility for the disposal of high-
13 level radioactive waste and spent nuclear fuel,
14 or the definite Federal policy with regard to the
15 disposal of such waste and spent fuel, estab-
16 lished under subtitle A, as described in section
17 111(b).

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

19 “(1) FINAL REPOSITORY DECISION.—The term
20 ‘final repository decision’ means a final decision ap-
21 proving or disapproving the issuance of a construc-
22 tion authorization for a repository under section
23 114(d)(1).

24 “(2) INITIAL MRS FACILITY.—The term ‘initial
25 MRS facility’ means the monitored retrievable stor-

1 age facility with respect to which an MRS agreement
2 is entered into pursuant to subsection (b)(1).”.

3 (b) CONFORMING AMENDMENT.—The item relating
4 to section 143 in the table of contents for the Nuclear
5 Waste Policy Act of 1982 is amended to read as follows:
“Sec. 143. Conditions for MRS agreements.”.

6 **SEC. 104. SURVEY.**

7 Section 144 of the Nuclear Waste Policy Act of 1982
8 (42 U.S.C. 10164) is amended—

9 (1) by striking “After the MRS Commission
10 submits its report to the Congress under section
11 143, the” and inserting “(a) IN GENERAL.—The”;

12 (2) in the matter preceding paragraph (1), by
13 striking “for a monitored retrievable storage facil-
14 ity” and inserting “for any monitored retrievable
15 storage facility authorized under section 142”;

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

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

20 (5) by adding after paragraph (7) the following:

21 “(8) be acceptable to State authorities, affected
22 units of local government, and affected Indian
23 tribes.

24 “(b) REQUEST FOR PROPOSALS.—The Secretary
25 shall issue a request for proposals for an MRS agreement

1 authorized under section 142(b)(2) before conducting a
2 survey and evaluation under subsection (a), and shall con-
3 sider any proposals received in response to such request
4 in making the evaluation.”.

5 **SEC. 105. SITE SELECTION.**

6 Section 145 of the Nuclear Waste Policy Act of 1982
7 (42 U.S.C. 10165) is amended—

8 (1) in subsection (a)—

9 (A) by striking “select the site evaluated”
10 and inserting “select a site evaluated”;

11 (B) by striking “the most”; and

12 (C) by inserting “authorized under section
13 142(b)(1)” after “monitored retrievable storage
14 facility”; and

15 (2) by striking subsection (g).

16 **SEC. 106. BENEFITS AGREEMENT.**

17 Section 147 of the Nuclear Waste Policy Act of 1982
18 (42 U.S.C. 10167) is amended—

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

22 (2) by inserting “or once a non-Federal entity
23 enters into an MRS agreement under section
24 142(b)(2),” after “section 145,”.

1 **SEC. 107. LICENSING.**

2 (a) REVIEW OF LICENSE APPLICATION.—Section
3 148(c) of the Nuclear Waste Policy Act of 1982 (42
4 U.S.C. 10168(c)) is amended by striking “section 142(b)”
5 and inserting “section 142(b)(1)”.

6 (b) LICENSING CONDITIONS.—Section 148(d) of the
7 Nuclear Waste Policy Act of 1982 (42 U.S.C. 10168(d))
8 is amended—

9 (1) in paragraph (1), by striking “has issued a
10 license for the construction of a repository under
11 section 115(d)” and inserting “has issued a final de-
12 cision approving or disapproving the issuance of a
13 construction authorization for a repository under
14 section 114(d)(1)”; and

15 (2) in paragraph (2), by striking “or construc-
16 tion of the repository ceases”.

17 **SEC. 108. FINANCIAL ASSISTANCE.**

18 Section 149 of the Nuclear Waste Policy Act of 1982
19 is amended by inserting “authorized under section
20 142(b)(1)” after “a monitored retrievable storage facil-
21 ity”.

1 **TITLE II—PERMANENT**
2 **REPOSITORY**

3 **SEC. 201. LAND WITHDRAWAL, JURISDICTION, AND RES-**
4 **ERVATION.**

5 (a) LAND WITHDRAWAL, JURISDICTION, AND RES-
6 ERVATION.—

7 (1) LAND WITHDRAWAL.—Subject to valid ex-
8 isting rights and except as provided otherwise in this
9 section, the lands described in subsection (c) are
10 withdrawn permanently from all forms of entry, ap-
11 propriation, and disposal under the public land laws,
12 including the mineral leasing laws, the geothermal
13 leasing laws, and the mining laws.

14 (2) JURISDICTION.—Except as otherwise pro-
15 vided in this section, jurisdiction over the withdrawal
16 is vested in the Secretary. There are transferred to
17 the Secretary the lands within the withdrawal under
18 the jurisdiction of the Secretary concerned on the ef-
19 fective date described in subsection (j)(1).

20 (3) RESERVATION.—The withdrawal is reserved
21 for use by the Secretary for development,
22 preconstruction testing and performance confirma-
23 tion, licensing, construction, management and oper-
24 ation, monitoring, closure, postclosure, and other ac-
25 tivities associated with the disposal of high-level ra-

1 radioactive waste and spent nuclear fuel under the Nu-
2 clear Waste Policy Act of 1982 (42 U.S.C. 10101 et
3 seq.).

4 (b) REVOCATION AND MODIFICATION OF PUBLIC
5 LAND ORDERS AND RIGHTS-OF-WAY.—

6 (1) PUBLIC LAND ORDER REVOCATION.—Public
7 Land Order 6802 of September 25, 1990, as ex-
8 tended by Public Land Order 7534, and any condi-
9 tions or memoranda of understanding accompanying
10 those land orders, are revoked.

11 (2) RIGHT-OF-WAY RESERVATIONS.—Project
12 right-of-way reservations N-48602 and N-47748 of
13 January 2001, are revoked.

14 (c) LAND DESCRIPTION.—

15 (1) BOUNDARIES.—The lands and interests in
16 lands withdrawn and reserved by this section com-
17 prise the approximately 147,000 acres of land in
18 Nye County, Nevada, as generally depicted on the
19 Yucca Mountain Project Map, YMP-03-024.2, enti-
20 tled “Proposed Land Withdrawal” and dated July
21 21, 2005.

22 (2) LEGAL DESCRIPTION AND MAP.—Not later
23 than 120 days after the date of enactment of this
24 Act, the Secretary of the Interior shall—

1 (A) publish in the Federal Register a no-
2 tice containing a legal description of the with-
3 drawal; and

4 (B) file copies of the maps described in
5 paragraph (1) and the legal description of the
6 withdrawal with the Congress, the Governor of
7 the State of Nevada, and the Archivist of the
8 United States.

9 (3) TECHNICAL CORRECTIONS.—The maps and
10 legal description referred to in this subsection have
11 the same force and effect as if they were included
12 in this section. The Secretary of the Interior may
13 correct clerical and typographical errors in the maps
14 and legal description.

15 (d) RELATIONSHIP TO OTHER RESERVATIONS.—The
16 provisions of subtitle A of title XXX of the Military Lands
17 Withdrawal Act of 1999 (sections 3011–3023 of Public
18 Law 106–65) and of Public Land Order 2568 do not apply
19 to the lands withdrawn and reserved for use by the Sec-
20 retary under subsection (a). This Act does not apply to
21 any other lands withdrawn for use by the Department of
22 Defense under subtitle A of title XXX of the Military
23 Lands Withdrawal Act of 1999.

24 (e) MANAGEMENT RESPONSIBILITIES.—

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

8 (2) MANAGEMENT PLAN.—

9 (A) DEVELOPMENT.—The Secretary, after
10 consulting with the Secretary concerned, shall
11 develop a management plan for the use of the
12 withdrawal. Within 3 years after the date of en-
13 actment of this Act, the Secretary shall submit
14 the management plan to the Congress and the
15 State of Nevada.

16 (B) PRIORITY OF YUCCA MOUNTAIN
17 PROJECT-RELATED ISSUES.—Subject to sub-
18 paragraphs (C) and (D), any use of the with-
19 drawal for activities not associated with the
20 Project is subject to conditions and restrictions
21 that the Secretary considers necessary or desir-
22 able to permit the conduct of Project-related ac-
23 tivities.

24 (C) DEPARTMENT OF THE AIR FORCE
25 USES.—The management plan may provide for

1 the continued use by the Department of the Air
2 Force of the portion of the withdrawal within
3 the Nellis Air Force Base Test and Training
4 Range under terms and conditions on which the
5 Secretary and the Secretary of the Air Force
6 agree concerning Air Force activities.

7 (D) OTHER NON-YUCCA-MOUNTAIN-
8 PROJECT USES.—The management plan shall
9 provide for the maintenance of wildlife habitat
10 and shall provide that the Secretary may permit
11 non-Project-related uses that the Secretary con-
12 siders appropriate, including domestic livestock
13 grazing and hunting and trapping in accord-
14 ance with the following requirements:

15 (i) GRAZING.—The Secretary may
16 permit grazing to continue where estab-
17 lished before the effective date described in
18 subsection (j)(1), subject to regulations,
19 policies, and practices that the Secretary,
20 after consulting with the Secretary of the
21 Interior, determines to be necessary or ap-
22 propriate. The management of grazing
23 shall be conducted in accordance with ap-
24 plicable grazing laws and policies, includ-
25 ing—

1 (I) the Act commonly known as
2 the “Taylor Grazing Act” (43 U.S.C.
3 315 et seq.);

4 (II) title IV of the Federal Land
5 Policy and Management Act of 1976
6 (43 U.S.C. 1751 et seq.); and

7 (III) the Public Rangelands Im-
8 provement Act of 1978 (43 U.S.C.
9 1901 et seq.).

10 (ii) HUNTING AND TRAPPING.—The
11 Secretary may permit hunting and trap-
12 ping within the withdrawal where estab-
13 lished before the effective date described in
14 subsection (k)(1), except that the Sec-
15 retary, after consulting with the Secretary
16 of the Interior and the State of Nevada,
17 may designate zones where, and establish
18 periods when, no hunting or trapping is
19 permitted for reasons of public safety, na-
20 tional security, administration, or public
21 use and enjoyment.

22 (E) MINING.—

23 (i) IN GENERAL.—Except as provided
24 in clause (ii), surface or subsurface mining
25 or oil or gas production, including slant

1 drilling from outside the boundaries of the
2 withdrawal, is not permitted at any time
3 on lands on or under the withdrawal. The
4 Secretary of the Interior shall evaluate and
5 adjudicate the validity of all unpatented
6 mining claims on the portion of the with-
7 drawal that, on the date of enactment of
8 this Act, was under the control of the Bu-
9 reau of Land Management. The Secretary
10 shall provide just compensation for the ac-
11 quisition of any valid property right.

12 (ii) CIND-R-LITE MINE.—Patented
13 Mining Claim No. 27-83-0002, covering
14 the Cind-R-Lite Mine, shall not be af-
15 fected by establishment of the withdrawal
16 set forth in subsection (a)(1). In that
17 event, the Secretary shall provide just com-
18 pensation.

19 (F) LIMITED PUBLIC ACCESS.—The man-
20 agement plan may provide for limited public ac-
21 cess to the portion of the withdrawal under Bu-
22 reau of Land Management control on the effec-
23 tive date described in subsection (j)(1). Per-
24 mitted uses may include continuation of the
25 Nye County Early Warning Drilling Program,

1 utility corridors, and other uses the Secretary,
2 after consulting with the Secretary of the Inte-
3 rior, considers consistent with the purposes of
4 the withdrawal.

5 (3) CLOSURE.—If the Secretary, after con-
6 sulting with the Secretary concerned, determines
7 that the health and safety of the public or the com-
8 mon defense and security require the closure of a
9 road, trail, or other portion of the withdrawal, or the
10 airspace above the withdrawal, the Secretary may ef-
11 fect and maintain the closure and shall provide no-
12 tice of the closure.

13 (4) IMPLEMENTATION.—The Secretary and the
14 Secretary concerned shall implement the manage-
15 ment plan developed under paragraph (2) under
16 terms and conditions on which they agree.

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

22 (g) LAND ACQUISITION.—The Secretary may acquire
23 lands and interests in lands within the withdrawal. Those
24 lands and interests in lands may be acquired by donation,
25 purchase, lease, exchange, easement, rights-of-way, or

1 other appropriate methods using donated or appropriated
2 funds. The Secretary of the Interior shall conduct any ex-
3 change of lands within the withdrawal for Federal lands
4 outside the withdrawal.

5 (h) MATERIAL REQUIREMENTS.—Notwithstanding
6 any other provision of law, no Federal, State, Interstate,
7 or local requirement, either substantive or procedural, that
8 is referred to in section 6001(a) of the Solid Waste Dis-
9 posal Act (42 U.S.C. 6961(a)) applies with respect to any
10 material—

11 (1) as such material is transported to a reposi-
12 tory for disposal at such repository; or

13 (2) as, or after, such material is disposed of in
14 a repository.

15 (i) DEFINITIONS.—

16 (1) NUCLEAR WASTE POLICY ACT OF 1982 DEFINI-
17 TIONS.—For purposes of this section, the terms
18 “disposal”, “high-level radioactive waste”, “reposi-
19 tory”, “Secretary”, and “spent nuclear fuel” have
20 the meaning given those terms in section 2 of the
21 Nuclear Waste Policy Act of 1982 (42 U.S.C.
22 10101).

23 (2) OTHER DEFINITIONS.—For purposes of this
24 section—

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

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

7 (C) the term “Project” means the Yucca
8 Mountain Project.

9 (j) EFFECTIVE DATE.—

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

17 (2) EXCEPTIONS.—Subsections (c), (e)(2)(A),
18 (h), (i), and (j) shall take effect on the date of en-
19 actment of this Act.

20 **SEC. 202. APPLICATION PROCEDURES AND INFRASTRUC-**
21 **TURE ACTIVITIES.**

22 (a) STATUS REPORT ON APPLICATION.—Section
23 114(e) of the Nuclear Waste Policy Act of 1982 (42
24 U.S.C. 10134(e)) is amended by striking “the date on
25 which such authorization is granted” and inserting “the

1 date on which the Commission issues a final decision ap-
2 proving or disapproving such application”.

3 (b) APPLICATION PROCEDURES AND INFRASTRUC-
4 TURE ACTIVITIES.—Section 114(d) of the Nuclear Waste
5 Policy Act of 1982 (42 U.S.C. 10134(d)) is amended—

6 (1) by striking “The Commission shall con-
7 sider” and inserting the following:

8 “(1) APPLICATIONS FOR CONSTRUCTION AU-
9 THORIZATION.—The Commission shall consider”;

10 (2) by striking “the expiration of 3 years after
11 the date of the submission of such application” and
12 inserting “30 months after the date of enactment of
13 the Nuclear Waste Policy Amendments Act of
14 2018”;

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

17 (4) by adding at the end the following new
18 paragraphs:

19 “(2) APPLICATIONS TO AMEND.—If the Com-
20 mission issues a construction authorization for a re-
21 pository pursuant to paragraph (1) and the Sec-
22 retary submits an application to amend such author-
23 ization, the Commission shall consider the applica-
24 tion to amend using expedited, informal procedures,
25 including discovery procedures that minimize the

1 burden on the parties to produce documents. The
2 Commission shall issue a final decision on such ap-
3 plication to amend within 1 year after the date of
4 submission of such application, except that the Com-
5 mission may extend such deadline by not more than
6 6 months if, not less than 30 days before such dead-
7 line, the Commission complies with the reporting re-
8 quirements established in subsection (e)(2).

9 “(3) INFRASTRUCTURE ACTIVITIES.—

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

1 ation of electrical grids or facilities, other utili-
2 ties, communication facilities, access roads, and
3 nonnuclear support facilities.

4 “(B) ENVIRONMENTAL ANALYSIS.—If the
5 Secretary determines that an environmental
6 analysis is required under the National Envi-
7 ronmental Policy Act of 1969 with respect to
8 an infrastructure activity undertaken under this
9 paragraph, the Secretary need not consider al-
10 ternative actions or a no-action alternative. To
11 the extent any other Federal agency must con-
12 sider the potential environmental impact of
13 such an infrastructure activity, the agency shall
14 adopt, to the extent practicable, any environ-
15 mental analysis prepared by the Secretary
16 under this subparagraph without further action.
17 Such adoption satisfies the responsibilities of
18 the adopting agency under the National Envi-
19 ronmental Policy Act of 1969, and no further
20 action is required by the agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 transportation, and storage of such high-level radioactive
2 waste or spent nuclear fuel (including to expedite such ac-
3 ceptance of title, transportation, and storage of such waste
4 or fuel from facilities that have ceased commercial oper-
5 ation) at a monitored retrievable storage facility author-
6 ized under subtitle C.”.

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

9 **SEC. 401. CONSENT.**

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

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

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

16 (3) in subsection (e)—

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

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

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

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

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

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

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

“BENEFITS SCHEDULE

Event	MRS	Repository
(A) Annual payments prior to first spent fuel receipt	\$5,000,000	\$15,000,000
(B) Upon first spent fuel receipt	\$10,000,000	\$400,000,000
(C) Annual payments after first spent fuel receipt until closure of the facility	\$10,000,000	\$40,000,000”.

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

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

12 (2) by adding at the end the following new
13 paragraph:

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

16 “(A) directly or indirectly to influence legisla-
17 tive action on any matter pending before Congress
18 or a State legislature or for any lobbying activity as

1 provided in section 1913 of title 18, United States
2 Code;

3 “(B) for litigation purposes; or

4 “(C) to support multistate efforts or other coa-
5 lition-building activities inconsistent with the siting,
6 construction, or operation of the monitored retriev-
7 able storage facility or repository concerned.”.

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

11 (1) by striking paragraph (2);

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

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

18 (d) PAYMENTS BY SECRETARY.—Section 171(c) of
19 the Nuclear Waste Policy Act of 1982 (42 U.S.C.
20 10173a(c)) is amended to read as follows:

21 “(c) PAYMENTS BY SECRETARY.—The Secretary
22 shall make payments to the State of Nevada under a bene-
23 fits agreement concerning a repository under section 170
24 from the Waste Fund. The signature of the Secretary on
25 a valid benefits agreement under this subtitle shall con-

1 stitute a commitment, but only to the extent that all
2 amounts for that purpose are provided in advance in sub-
3 sequent appropriations Acts, by the Secretary to make
4 payments in accordance with such agreement.”.

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

6 (a) IN GENERAL.—The Nuclear Waste Policy Act of
7 1982 (42 U.S.C. 10101 et seq.) is amended by inserting
8 after section 172 the following new section:

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

10 “(a) BENEFITS AGREEMENT.—Not earlier than 1
11 year after the date of enactment of this section, the Sec-
12 retary may enter into a benefits agreement with any cov-
13 ered unit of local government concerning a repository for
14 the acceptance of high-level radioactive waste or spent nu-
15 clear fuel in the State of Nevada.

16 “(b) CONTENT OF AGREEMENTS.—In addition to any
17 benefits that a covered unit of local government may re-
18 ceive under this Act, the Secretary shall make payments
19 to such covered unit of local government that is a party
20 to a benefits agreement under subsection (a) to mitigate
21 impacts described in section 175(b).

22 “(c) PAYMENTS FROM WASTE FUND.—The Sec-
23 retary shall make payments to a covered unit of local gov-
24 ernment under a benefits agreement under this section
25 from the Waste Fund.

1 “(d) RESTRICTION ON USE.—None of the payments
2 made pursuant to a benefits agreement under this section
3 may be used—

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

9 “(2) for litigation purposes; or

10 “(3) to support multistate efforts or other coali-
11 tion-building activities inconsistent with the siting,
12 construction, or operation of the repository.

13 “(e) CONSENT.—The acceptance or use of any of the
14 benefits provided under a benefits agreement under this
15 section by any covered unit of local government shall not
16 be considered to be an expression of consent, express or
17 implied, to the siting of a repository in the State of Ne-
18 vada.

19 “(f) COVERED UNIT OF LOCAL GOVERNMENT DE-
20 FINED.—In this section, the term ‘covered unit of local
21 government’ means—

22 “(1) any affected unit of local government with
23 respect to a repository; and

24 “(2) any unit of general local government in the
25 State of Nevada.”.

1 (b) CONFORMING AMENDMENTS.—

2 (1) BENEFITS AGREEMENT.—Section 170(a)(4)
3 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
4 10173(a)(4)) is amended to read as follows:

5 “(4) Benefits and payments under this subtitle made
6 available pursuant to a benefits agreement under this sec-
7 tion or section 172A may be made available only in accord-
8 ance with such benefits agreement and to the extent that
9 all amounts for that purpose are provided in advance in
10 subsequent appropriations Acts.”.

11 (2) LIMITATION.—Section 170(e) of the Nu-
12 clear Waste Policy Act of 1982 (42 U.S.C.
13 10173(e)) is further amended by inserting “under
14 this section” after “may be in effect”.

15 (3) TABLE OF CONTENTS.—The table of con-
16 tents for the Nuclear Waste Policy Act of 1982 (42
17 U.S.C. 10101 note) is amended by adding after the
18 item relating to section 172, the following:

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

19 **SEC. 404. TERMINATION.**

20 Section 173 of the Nuclear Waste Policy Act of 1982
21 (42 U.S.C. 10173c) is amended—

22 (1) in subsection (a)—

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

1 (B) in paragraph (1), by inserting “con-
2 cerning a repository or a monitored retrievable
3 storage facility, if” before “the site under con-
4 sideration”; and

5 (C) in paragraph (2), by striking “the Sec-
6 retary determines that the Commission cannot
7 license the facility within a reasonable time”
8 and inserting “concerning a repository, if the
9 Commission issues a final decision disapproving
10 the issuance of a construction authorization for
11 a repository under section 114(d)(1)”; and

12 (2) by amending subsection (b) to read as fol-
13 lows:

14 “(b) TERMINATION BY STATE OR INDIAN TRIBE.—
15 A State, covered unit of local government (as defined in
16 section 172A), or Indian tribe may only terminate a bene-
17 fits agreement under this title—

18 “(1) concerning a repository or a monitored re-
19 trievable storage facility, if the Secretary disqualifies
20 the site under consideration for its failure to comply
21 with technical requirements established by the Sec-
22 retary in accordance with this Act; or

23 “(2) concerning a repository, if the Commission
24 issues a final decision disapproving the issuance of

1 a construction authorization for a repository under
2 section 114(d)(1).”.

3 **SEC. 405. PRIORITY FUNDING FOR CERTAIN INSTITUTIONS**
4 **OF HIGHER EDUCATION.**

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

8 **“SEC. 176. PRIORITY FUNDING FOR CERTAIN INSTITUTIONS**
9 **OF HIGHER EDUCATION.**

10 “(a) IN GENERAL.—In providing any funding to in-
11 stitutions of higher education from the Waste Fund, the
12 Secretary shall prioritize institutions of higher education
13 that are located in the State of Nevada.

14 “(b) DEFINITION.—In this section, the term ‘institu-
15 tion of higher education’ has the meaning given that term
16 in section 101 of the Higher Education Act of 1965 (20
17 U.S.C. 1001).”.

18 (b) CONFORMING AMENDMENT.—The table of con-
19 tents for the Nuclear Waste Policy Act of 1982 (42 U.S.C.
20 10101 note) is amended by adding after the item relating
21 to section 175, the following:

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

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

23 Section 122 of the Nuclear Waste Policy Act of 1982
24 (42 U.S.C. 10142) is amended by adding at the end the
25 following: “Any economic benefits derived from the re-

1 retrieval of spent nuclear fuel pursuant to this section shall
2 be shared with the State in which the repository is located,
3 affected units of local government, and affected Indian
4 tribes.”.

5 **SEC. 407. UPDATED REPORT.**

6 Section 175(a) of the Nuclear Waste Policy Act of
7 1982 (42 U.S.C. 10174a(a)) is amended by striking “Nu-
8 clear Waste Policy Amendments Act of 1987” and insert-
9 ing “Nuclear Waste Policy Amendments Act of 2018”.

10 **TITLE V—FUNDING**

11 **SEC. 501. ASSESSMENT AND COLLECTION OF FEES.**

12 (a) IN GENERAL.—Section 302(a)(4) of the Nuclear
13 Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)) is
14 amended—

15 (1) in the first sentence—

16 (A) by striking “(4) Not later than” and
17 inserting the following:

18 “(4) ASSESSMENT, COLLECTION, AND PAYMENT
19 OF FEES.—

20 “(A) ASSESSMENT OF FEES.—Not later
21 than”;

22 (B) by striking “the date of enactment of
23 this Act” and inserting “the date of enactment
24 of the Nuclear Waste Policy Amendments Act
25 of 2018”; and

1 (C) by striking “collection and payment”
2 and inserting “assessment”;

3 (2) in the second sentence, by striking “collec-
4 tion of the fee” and inserting “such amount”;

5 (3) in the third sentence, by striking “are being
6 collected” and inserting “will result from such
7 amounts”;

8 (4) in the fifth sentence, by striking “a period
9 of 90 days of continuous session” and all that fol-
10 lows through the period at the end and inserting
11 “the date that is 180 days after the date of such
12 transmittal.”; and

13 (5) by adding at the end the following:

14 “(B) COLLECTION AND PAYMENT OF
15 FEES.—

16 “(i) IN GENERAL.—Not later than
17 180 days after the date of enactment of
18 Nuclear Waste Policy Amendments Act of
19 2018, the Secretary shall establish proce-
20 dures for the collection and payment of the
21 fees established by paragraph (2) and
22 paragraph (3), or adjusted pursuant to
23 subparagraph (A).

24 “(ii) LIMITATION ON COLLECTION.—

25 The Secretary may not collect a fee estab-

1 lished under paragraph (2), including a fee
2 established under paragraph (2) and ad-
3 justed pursuant to subparagraph (A)—

4 “(I) until the date on which the
5 Commission issues a final decision ap-
6 proving or disapproving the issuance
7 of a construction authorization for a
8 repository under section 114(d)(1);
9 and

10 “(II) after such date, in an
11 amount that will cause the total
12 amount of fees collected under this
13 subsection in any fiscal year to exceed
14 90 percent of the amounts appro-
15 priated for that fiscal year for pur-
16 poses described in subsection (d).

17 The limitation in subclause (II) shall not
18 apply during a fiscal year if, at any time
19 during that fiscal year, the Waste Fund
20 has a balance of zero.

21 “(iii) PAYMENT OF FULL AMOUNTS.—
22 Notwithstanding the noncollection of a fee
23 by the Secretary pursuant to clause (ii) in
24 any fiscal year, a person who has entered
25 into a contract with the Secretary under

1 this subsection shall pay any uncollected
2 amounts when determined necessary by the
3 Secretary, subject to clause (ii), for pur-
4 poses described in subsection (d).”.

5 (b) **AUTHORITY TO MODIFY CONTRACTS.**—The Sec-
6 retary of Energy may seek to modify a contract entered
7 into under section 302(a) of the Nuclear Waste Policy Act
8 of 1982 (42 U.S.C. 10222(a)) before the date of enact-
9 ment of this Act to ensure that the contract complies with
10 the provisions of such section, as amended by this Act.

11 (c) **TECHNICAL AND CONFORMING AMENDMENTS.**—
12 Section 302(a) of the Nuclear Waste Policy Act of 1982
13 (42 U.S.C. 10222(a)) is amended—

14 (1) in paragraph (1), by striking “paragraphs
15 (2) and (3)” and inserting “paragraphs (2), (3), and
16 (4)”;

17 (2) in paragraph (3), by striking “126(b)”;

18 (3) in paragraph (4), by striking “insure” and
19 inserting “ensure”.

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

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

24 (1) in paragraph (1), by striking “maintenance
25 and monitoring” and all that follows through the

1 semicolon at the end and inserting “maintenance
2 and monitoring of any repository or test and evalua-
3 tion facility constructed under this Act;”;

4 (2) in paragraph (4), by striking “to be dis-
5 posed of” and all that follows through the semicolon
6 at the end and inserting “to be disposed of in a re-
7 pository or to be used in a test and evaluation facil-
8 ity;”;

9 (3) in paragraph (5), by striking “at a reposi-
10 tory site” and all that follows through the end and
11 inserting “at a repository site or a test and evalua-
12 tion facility site and necessary or incident to such
13 repository or test and evaluation facility;”;

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

16 (5) by inserting after paragraph (6) the fol-
17 lowing:

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

20 (b) CONFORMING AMENDMENTS.—Section 117(d) of
21 the Nuclear Waste Policy Act of 1982 (42 U.S.C.
22 10137(d)) is amended by inserting “designated with re-
23 spect to a repository” after “such representatives”.

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

2 Section 302(e)(2) of the Nuclear Waste Policy Act
3 of 1982 (42 U.S.C. 10222(e)(2)) is amended by striking
4 “triennially” and inserting “annually”.

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

6 Section 302 of the Nuclear Waste Policy Act of 1982
7 (42 U.S.C. 10222) is amended by adding at the end the
8 following:

9 “(f) LIMITATION ON FUNDING.—

10 “(1) IN GENERAL.—Beginning on the date of
11 first spent fuel receipt at a repository, no amount
12 may be appropriated in any fiscal year for activities
13 relating to the repository, including transportation
14 of additional spent fuel to the repository and oper-
15 ation of the repository, unless the applicable amount
16 required with respect to the repository under section
17 171(a)(1)(B) or section 171(a)(1)(C) is appropriated
18 for that fiscal year.

19 “(2) DEFINITION.—In this subsection, the
20 terms ‘spent fuel’ and ‘first spent fuel receipt’ have
21 the meaning given such terms in section 171(a).

22 “(g) OFFSETTING FUNDING.—

23 “(1) IN GENERAL.—Fees collected after the
24 date of enactment of the Nuclear Waste Policy
25 Amendments Act of 2018 pursuant to subsection (a)
26 shall be credited to the Waste Fund and available,

1 to the extent provided in advance in appropriation
2 Acts and consistent with the requirements of this
3 section, to carry out activities authorized to be fund-
4 ed from the Waste Fund.

5 “(2) OFFSETTING COLLECTION.—Fees collected
6 in a fiscal year pursuant to paragraph (1) shall be
7 deposited and credited as offsetting collections to the
8 account providing appropriations for such activities
9 and shall be classified as discretionary appropria-
10 tions as defined by section 250(e)(7) of the Balanced
11 Budget and Emergency Deficit Control Act of 1985
12 (2 U.S.C. 900(e)(7)).

13 “(3) ESTIMATES.—For the purposes of the Bal-
14 anced Budget and Emergency Deficit Control Act of
15 1985 (2 U.S.C. 900 et seq.) and the Congressional
16 Budget Act of 1974 (2 U.S.C. 621 et seq.) and for
17 determining points of order pursuant to that Act or
18 any concurrent resolution on the budget, an estimate
19 provided under those Acts for a provision in a bill
20 or joint resolution, or amendment thereto or con-
21 ference report thereon, that provides discretionary
22 appropriations, derived from amounts in the Waste
23 Fund, for such activities shall include in that esti-
24 mate the amount of such fees that will be collected
25 during the fiscal year for which such appropriation

1 is made available. Any such estimate shall not in-
2 clude any change in net direct spending as result in
3 the appropriation of such fees.”.

4 **TITLE VI—MISCELLANEOUS**

5 **SEC. 601. CERTAIN STANDARDS AND CRITERIA.**

6 (a) **GENERALLY APPLICABLE STANDARDS AND CRI-**
7 **TERIA.—**

8 (1) **ENVIRONMENTAL PROTECTION AGENCY**
9 **STANDARDS.—**

10 (A) **DETERMINATION AND REPORT.—**Not
11 later than 2 years after the Nuclear Regulatory
12 Commission has issued a final decision approv-
13 ing or disapproving the issuance of a construc-
14 tion authorization for a repository under section
15 114(d)(1) of the Nuclear Waste Policy Act of
16 1982 (42 U.S.C. 10134(d)) (as so designated
17 by this Act), the Administrator of the Environ-
18 mental Protection Agency shall—

19 (i) determine if the generally applica-
20 ble standards promulgated under section
21 121(a) of the Nuclear Waste Policy Act of
22 1982 (42 U.S.C. 10141(a)) should be up-
23 dated; and

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

1 (B) RULE.—If the Administrator of the
2 Environmental Protection Agency determines,
3 under subparagraph (A), that the generally ap-
4 plicable standards promulgated under section
5 121(a) of the Nuclear Waste Policy Act of 1982
6 (42 U.S.C. 10141(a)) should be updated, the
7 Administrator, not later than 2 years after sub-
8 mission of the report under subparagraph
9 (A)(ii), shall, by rule, promulgate updated gen-
10 erally applicable standards under such section.

11 (2) COMMISSION REQUIREMENTS AND CRI-
12 TERIA.—Not later than 2 years after the Adminis-
13 trator of the Environmental Protection Agency pro-
14 mulgates updated generally applicable standards
15 pursuant to paragraph (1)(B), the Commission shall,
16 by rule, promulgate updated technical requirements
17 and criteria under section 121(b) of the Nuclear
18 Waste Policy Act of 1982 (42 U.S.C. 10141(b)) as
19 necessary to be consistent with such updated gen-
20 erally applicable standards.

21 (b) SITE-SPECIFIC STANDARDS AND CRITERIA.—
22 Nothing in this section shall affect the standards, tech-
23 nical requirements, and criteria promulgated by the Ad-
24 ministrator of the Environmental Protection Agency and
25 the Nuclear Regulatory Commission for the Yucca Moun-

tain site under section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note).

SEC. 602. APPLICATION.

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

SEC. 603. TRANSPORTATION SAFETY ASSISTANCE.

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

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

“(c) TRAINING AND ASSISTANCE.—

“(1) TRAINING.—The Secretary”; and

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

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

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

1 **SEC. 604. OFFICE OF CIVILIAN RADIOACTIVE WASTE MAN-**
2 **AGEMENT.**

3 (a) AMENDMENT TO THE NUCLEAR WASTE POLICY
4 ACT OF 1982.—Subsection (b) of section 304 of the Nu-
5 clear Waste Policy Act of 1982 (42 U.S.C. 10224(b)) is
6 amended to read as follows:

7 “(b) DIRECTOR.—

8 “(1) FUNCTIONS.—The Director of the Office
9 shall be responsible for carrying out the functions of
10 the Secretary under this Act. The Director of the
11 Office shall report directly to the Secretary.

12 “(2) QUALIFICATIONS.—The Director of the
13 Office shall be appointed from among persons who
14 have extensive expertise and experience in organiza-
15 tional and project management.

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

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

21 “(A) the date on which a new Director is
22 confirmed; or

23 “(B) the date that is one year after the
24 date of such expiration.

25 “(5) REMOVAL.—The President may remove
26 the Director only for inefficiency, neglect of duty, or

1 malfeasance in office. If the President removes the
2 Director, the President shall submit to Congress a
3 statement explaining the reason for such removal.”.

4 (b) TRANSFER OF FUNCTIONS.—

5 (1) AMENDMENT.—Section 203(a) of the De-
6 partment of Energy Organization Act (42 U.S.C.
7 7133(a)) is amended by striking paragraph (8).

8 (2) TRANSFER OF FUNCTIONS.—The functions
9 described in the paragraph (8) stricken by the
10 amendment made by paragraph (1) shall be trans-
11 ferred to and performed by the Office of Civilian Ra-
12 dioactive Waste Management, as provided in section
13 304 of the Nuclear Waste Policy Act of 1982 (42
14 U.S.C. 10224).

15 (c) TECHNICAL AMENDMENT.—Section 2(17) of the
16 Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(17))
17 is amended by striking “section 305” and inserting “sec-
18 tion 304”.

19 **SEC. 605. WEST LAKE LANDFILL.**

20 Not later than one year after the date of enactment
21 of this Act, the Administrator of the Environmental Pro-
22 tection Agency shall submit to Congress a report con-
23 taining the final remedy to be implemented at the West
24 Lake Landfill and the expected timeline for implementa-
25 tion of such final remedy.

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

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

4 (1) by striking “Nothing in this Act” and in-
5 sserting:

6 “(a) EFFECT ON MARINE PROTECTION, RESEARCH,
7 AND SANCTUARIES ACT OF 1972.—Nothing in this Act”;
8 and

9 (2) by adding at the end the following new sub-
10 section:

11 “(b) SUBSEABED OR OCEAN WATER DISPOSAL.—
12 Notwithstanding any other provision of law—

13 “(1) the subseabed or ocean water disposal of
14 spent nuclear fuel or high-level radioactive waste is
15 prohibited; and

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

19 (b) REPEAL.—Section 224 of the Nuclear Waste Pol-
20 icy Act of 1982, and the item relating thereto in the table
21 of contents for such Act, are repealed.

22 **SEC. 607. SENSE OF CONGRESS REGARDING STORAGE OF**
23 **NUCLEAR WASTE NEAR THE GREAT LAKES.**

24 It is the Sense of Congress that the Governments of
25 the United States and Canada should not allow permanent

1 or long-term storage of spent nuclear fuel or other radio-
2 active waste near the Great Lakes.

3 **SEC. 608. BUDGETARY EFFECTS.**

4 (a) STATUTORY PAYGO SCORECARDS.—The budg-
5 etary effects of this Act and the amendments made by this
6 Act shall not be entered on either PAYGO scorecard main-
7 tained pursuant to section 4(d) of the Statutory Pay-As-
8 You-Go Act of 2010.

9 (b) SENATE PAYGO SCORECARDS.—The budgetary
10 effects of this Act and the amendments made by this Act
11 shall not be entered on any PAYGO scorecard maintained
12 for purposes of section 4106 of H. Con. Res. 71 (115th
13 Congress).

