

[DISCUSSION DRAFT]

115TH CONGRESS
1ST SESSION

H. R. _____

To amend the Nuclear Waste Policy Act of 1982, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend the Nuclear Waste Policy Act of 1982, 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 Policy Amendments Act of 2017”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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 cooperative agreement.
- Sec. 104. Survey.
- Sec. 105. Site selection.
- Sec. 106. Benefits agreement.
- Sec. 107. Licensing.

TITLE II—PERMANENT REPOSITORY

- Sec. 201. Land withdrawal, jurisdiction, and reservation.
- Sec. 202. Water access.
- Sec. 203. Application procedures and infrastructure activities.
- Sec. 204. Pending repository license application.
- Sec. 205. Limitation on planning, development, or construction of defense waste repository.
- Sec. 206. 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. Other benefits.
- 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. Availability of certain amounts.

TITLE VI—MISCELLANEOUS

- Sec. 601. Certain standards and criteria.
- Sec. 602. Office of Civilian Radioactive Waste Management.

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)—

1 (A) by striking “1985” and inserting
2 “2019”; and

3 (B) by striking “the construction of”;
4 (2) in paragraph (2)—

5 (A) by amending subparagraph (C) to read
6 as follows:

7 “(C) designs, specifications, and cost estimates
8 sufficient to—

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

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

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

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

16 “(E) options to enter into cooperative agree-
17 ments with respect to one or more monitored retriev-
18 able storage facilities.”; and

19 (3) by amending paragraph (4) to read as fol-
20 lows:

21 “(4) The Secretary shall, not later than 90 days after
22 the date of enactment of the Nuclear Waste Policy
23 Amendments Act of 2017, publish a request for informa-
24 tion to help the Secretary evaluate options for the Sec-

1 retary to enter into cooperative agreements with respect
2 to one or more monitored retrievable storage facilities.”.

3 (b) ADDITIONAL AMENDMENTS.—

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

7 (A) in subsection (c)(2)—

8 (i) by striking “If the Congress” and
9 all that follows through “monitored retriev-
10 able storage facility, the” and inserting
11 “The”; and

12 (ii) by striking “construction of such
13 facility” and inserting “construction of a
14 monitored retrievable storage facility”;

15 (B) in subsection (d), by striking “this sec-
16 tion” and inserting “section 142(b)(1)”;

17 (C) in subsection (f)(1), by striking “re-
18 ceipt by the Secretary of congressional” and in-
19 serting “application by the Secretary to the
20 Commission for”;

21 (D) by striking subsection (g) and redesign-
22 ating subsection (h) as subsection (g); and

23 (E) in subsection (g), as so redesignated
24 by subparagraph (D) of this paragraph, by
25 striking “authorized pursuant to this section”

1 and inserting “for which the Secretary has sub-
2 mitted an application for a license under section
3 202(3) of the Energy Reorganization Act of
4 1974 (42 U.S.C. 5842(3)) pursuant to section
5 148(c)”.

6 (2) DEFINITIONS.—Section 2 of the Nuclear
7 Waste Policy Act of 1982 (42 U.S.C. 10101) is
8 amended—

9 (A) in paragraph (34), by striking “the
10 storage facility” and inserting “a storage facil-
11 ity”; and

12 (B) by adding at the end the following:.

13 “(35) In subtitle C of title I, the term ‘coopera-
14 tive agreement’ means a cooperative agreement, con-
15 tract, or other mechanism that the Secretary con-
16 siders appropriate to support the storage of Depart-
17 ment-owned civilian waste in one or more monitored
18 retrievable storage facilities as authorized under sec-
19 tion 142(b)(2).

20 “(36) The term ‘Department-owned civilian
21 waste’ means high-level radioactive waste, or spent
22 nuclear fuel, resulting from civilian nuclear activi-
23 ties, to which the Department holds title.”.

1 **SEC. 102. AUTHORIZATION AND PRIORITY.**

2 Section 142 of the Nuclear Waste Policy Act of 1982
3 (42 U.S.C. 10162) is amended by striking subsection (b)
4 and inserting the following:

5 “(b) **AUTHORIZATION.**—Subject to the requirements
6 of this subtitle, the Secretary is authorized to—

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

9 “(2) store, pursuant to a cooperative agree-
10 ment, Department-owned civilian waste at a mon-
11 itored retrievable storage facility for which a non-
12 Federal entity holds a license described in section
13 143(1).

14 “(c) **PRIORITY.**—

15 “(1) **IN GENERAL.**—Except as provided in para-
16 graph (2), the Secretary shall prioritize storage of
17 Department-owned civilian waste at a monitored re-
18 trievable storage facility authorized under subsection
19 (b)(2).

20 “(2) **EXCEPTION.**—

21 “(A) **DETERMINATION.**—Paragraph (1)
22 shall not apply if the Secretary determines that
23 it will be faster and less expensive to site, con-
24 struct, and operate a facility authorized under
25 subsection (b)(1), in comparison to a facility
26 authorized under subsection (b)(2).

1 “(B) NOTIFICATION.—Not later than 30
2 days after the Secretary makes a determination
3 described in subparagraph (A), the Secretary
4 shall submit to Congress written notification of
5 such determination.”.

6 **SEC. 103. CONDITIONS FOR COOPERATIVE AGREEMENT.**

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

10 **“SEC. 143. CONDITIONS FOR COOPERATIVE AGREEMENTS.**

11 “The Secretary may not enter into a cooperative
12 agreement under section 142(b)(2) unless—

13 “(1) the monitored retrievable storage facility
14 with respect to which the cooperative agreement ap-
15 plies has been licensed by the Commission under the
16 Atomic Energy Act of 1954 (42 U.S.C. 2011 et
17 seq.);

18 “(2) the non-Federal entity that is a party to
19 the cooperative agreement has approval to store De-
20 partment-owned civilian waste at such facility from
21 each of—

22 “(A) the Governor of the State in which
23 the facility is located;

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

4 “(C) any affected Indian tribe;

5 “(3) the Commission has issued a final decision
6 approving or disapproving the issuance of a con-
7 struction authorization for a repository under sec-
8 tion 114(d)(1); and

9 “(4) the cooperative agreement provides that
10 the quantity of high-level radioactive waste and
11 spent nuclear fuel at the site of the facility at any
12 one time will not exceed the limits described in sec-
13 tion 148(d)(3) and (4).”.

14 (b) CONFORMING AMENDMENT.—The item relating
15 to section 143 in the table of contents for the Nuclear
16 Waste Policy Act of 1982 is amended to read as follows:

 “Sec. 143. Conditions for cooperative agreements.”.

17 **SEC. 104. SURVEY.**

18 Section 144 of the Nuclear Waste Policy Act of 1982
19 (42 U.S.C. 10164) is amended—

20 (1) by striking “After the MRS Commission
21 submits its report to the Congress under section
22 143, the” and inserting “(a) IN GENERAL.—The”;

23 (2) in paragraph (6), by striking “; and” and
24 inserting a semicolon;

1 (3) in paragraph (7), by striking the period at
2 the end and inserting “; and”; and

3 (4) by adding after paragraph (7) the following:

4 “(8) be acceptable to State authorities, affected
5 units of local government, and affected Indian
6 tribes.

7 “(b) REQUEST FOR PROPOSALS.—The Secretary
8 shall issue a request for proposals for a cooperative agree-
9 ment authorized under section 142(b)(2) before con-
10 ducting a survey and evaluation under subsection (a), and
11 shall consider any proposals received in response to such
12 request in making the evaluation.”.

13 **SEC. 105. SITE SELECTION.**

14 Section 145 of the Nuclear Waste Policy Act of 1982
15 (42 U.S.C. 10165) is amended—

16 (1) in subsection (a)—

17 (A) by striking “select the site evaluated”
18 and inserting “select a site evaluated”; and

19 (B) by striking “the most”; and

20 (2) by striking subsection (g).

21 **SEC. 106. BENEFITS AGREEMENT.**

22 Section 147 of the Nuclear Waste Policy Act of 1982
23 (42 U.S.C. 10167) is amended—

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

4 (2) by inserting “or once a non-Federal entity
5 enters into a cooperative agreement under section
6 142(b)(2),” after “section 145,”.

7 **SEC. 107. LICENSING.**

8 (a) REVIEW OF LICENSE APPLICATION.—Section
9 148(c) of the Nuclear Waste Policy Act of 1982 (42
10 U.S.C. 10168(c)) is amended by striking “section 142(b)”
11 and inserting “section 142(b)(1)”.

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

15 (1) in paragraph (1), by striking “has issued a
16 license for the construction of a repository under
17 section 115(d)” and inserting “has issued a final de-
18 cision approving or disapproving the issuance of a
19 construction authorization for a repository under
20 section 114(d)(1)”;

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

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 area is vested in the Secretary. There are trans-
17 ferred to the Secretary the lands within the with-
18 drawal area under the jurisdiction of the Secretary
19 concerned on the effective date described in sub-
20 section (j)(1).

21 (3) RESERVATION.—The withdrawal area is re-
22 served for use by the Secretary for development,
23 preconstruction testing and performance confirma-
24 tion, licensing, construction, management and oper-
25 ation, monitoring, closure, postclosure, and other ac-

1 activities associated with the disposal of high-level ra-
2 dioactive waste and spent nuclear fuel under the Nu-
3 clear Waste Policy Act of 1982 (42 U.S.C. 10101 et
4 seq.).

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

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

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

15 (c) LAND DESCRIPTION.—

16 (1) BOUNDARIES.—The lands and interests in
17 lands withdrawn and reserved by this section com-
18 prise the approximately 147,000 acres of land in
19 Nye County, Nevada, as generally depicted on the
20 Yucca Mountain Project Map, YMP-03-024.2, enti-
21 tled “Proposed Land Withdrawal” and dated July
22 21, 2005.

23 (2) LEGAL DESCRIPTION AND MAP.—Not later
24 than 90 days after the date of enactment of this
25 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 area; and

4 (B) file copies of the maps described in
5 paragraph (1) and the legal description of the
6 withdrawal area with the Congress, the Gov-
7 ernor of the State of Nevada, and the Archivist
8 of the 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 area. Within 3 years after the date
13 of enactment of this Act, the Secretary shall
14 submit the management plan to the Congress
15 and the State of Nevada.

16 (B) PRIORITY OF YUCCA MOUNTAIN
17 PROJECT-RELATED ISSUES.—Subject to sub-
18 paragraphs (C), (D), and (E), any use of the
19 withdrawal area for activities not associated
20 with the Project is subject to conditions and re-
21 strictions that the Secretary considers necessary
22 or desirable to permit the conduct of Project-re-
23 lated activities.

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 area
3 within the Nellis Air Force Base Test and
4 Training Range under terms and conditions on
5 which the Secretary and the Secretary of the
6 Air Force agree concerning Air Force activities.

7 (D) NEVADA NATIONAL SECURITY SITE
8 USES.—The Secretary may allow the National
9 Nuclear Security Administration to continue to
10 use the portion of the withdrawal area on the
11 Nevada National Security Site and may impose
12 any conditions on that use that the Secretary
13 considers necessary to minimize any effect on
14 either Project or National Nuclear Security Ad-
15 ministration activities.

16 (E) OTHER NON-YUCCA-MOUNTAIN-
17 PROJECT USES.—The management plan shall
18 provide for the maintenance of wildlife habitat
19 and shall provide that the Secretary may permit
20 non-Project-related uses that the Secretary con-
21 siders appropriate, including domestic livestock
22 grazing and hunting and trapping in accord-
23 ance with the following requirements:

24 (i) GRAZING.—The Secretary may
25 permit grazing to continue where estab-

1 lished before the effective date described in
2 subsection (j)(1), subject to regulations,
3 policies, and practices that the Secretary,
4 after consulting with the Secretary of the
5 Interior, determines to be necessary or ap-
6 propriate. The management of grazing
7 shall be conducted in accordance with ap-
8 plicable grazing laws and policies, includ-
9 ing—

10 (I) the Act commonly known as
11 the “Taylor Grazing Act” (43 U.S.C.
12 315 et seq.);

13 (II) title IV of the Federal Land
14 Policy Management Act of 1976 (43
15 U.S.C. 1901 et seq.); and

16 (III) the Public Rangelands Im-
17 provement Act of 1978 (43 U.S.C.
18 1901 et seq.).

19 (ii) HUNTING AND TRAPPING.—The
20 Secretary may permit hunting and trap-
21 ping within the withdrawal area where es-
22 tablished before the effective date de-
23 scribed in subsection (j)(1), except that the
24 Secretary, after consulting with the Sec-
25 retary of the Interior and the State of Ne-

1 vada, may designate zones where, and es-
2 tablish periods when, no hunting or trap-
3 ping is permitted for reasons of public
4 safety, national security, administration, or
5 public use and enjoyment.

6 (F) MINING.—

7 (i) IN GENERAL.—Except as provided
8 in clause (ii), surface or subsurface mining
9 or oil or gas production, including slant
10 drilling from outside the boundaries of the
11 withdrawal area, is not permitted at any
12 time on lands on or under the withdrawal
13 area. The Secretary of the Interior shall
14 evaluate and adjudicate the validity of all
15 mining claims on the portion of the with-
16 drawal area that, on the date of enactment
17 of this Act, was under the control of the
18 Bureau of Land Management. The Sec-
19 retary shall provide just compensation for
20 the acquisition of any valid property right.

21 (ii) CIND-R-LITE MINE.—Patented
22 Mining Claim No. 27-83-0002, covering
23 the Cind-R-Lite Mine, shall not be af-
24 fected by establishment of the withdrawal
25 area set forth in subsection (a)(1). In that

1 event, the Secretary shall provide just com-
2 pensation.

3 (G) LIMITED PUBLIC ACCESS.—The man-
4 agement plan may provide for limited public ac-
5 cess to the portion of the withdrawal area under
6 Bureau of Land Management control on the ef-
7 fective date described in subsection (j)(1). Per-
8 mitted uses may include continuation of the
9 Nye County Early Warning Drilling Program,
10 utility corridors, and other uses the Secretary,
11 after consulting with the Secretary of the Inte-
12 rior, considers consistent with the purposes of
13 the withdrawal area.

14 (3) CLOSURE.—If the Secretary, after con-
15 sulting with the Secretary concerned, determines
16 that the health and safety of the public or the com-
17 mon defense and security require the closure of a
18 road, trail, or other portion of the withdrawal area,
19 or the airspace above the withdrawal area, the Sec-
20 retary may effect and maintain the closure and shall
21 provide notice of the closure.

22 (4) IMPLEMENTATION.—The Secretary and the
23 Secretary concerned shall implement the manage-
24 ment plan developed under paragraph (2) under
25 terms and conditions on which they agree.

1 (f) IMMUNITY.—The United States and its depart-
2 ments and agencies shall be held harmless and shall not
3 be liable for damages to persons or property suffered in
4 the course of any mining, mineral leasing, or geothermal
5 leasing activity conducted on the withdrawal area.

6 (g) LAND ACQUISITION.—The Secretary may acquire
7 lands and interests in lands within the withdrawal area.
8 Those lands and interests in lands may be acquired by
9 donation, purchase, lease, exchange, easement, rights-of-
10 way, or other appropriate methods using donated or ap-
11 propriated funds. The Secretary of the Interior shall con-
12 duct any exchange of lands within the withdrawal area for
13 Federal lands outside the withdrawal area.

14 (h) AIR QUALITY PERMITS AND REQUIREMENTS.—

15 (1) AUTHORITY.—Only the Environmental Pro-
16 tection Agency may issue, implement, or enforce any
17 air quality permit, or requirement relating to air
18 quality, with respect to any Federal facility or activ-
19 ity described in paragraph (3).

20 (2) PREEMPTION.—No State or unit of general
21 local government thereof may issue, implement, or
22 enforce any air quality permit, or requirement relat-
23 ing to air quality, with respect to any Federal facil-
24 ity or activity described in paragraph (3).

1 (3) FEDERAL FACILITY OR ACTIVITY.—A Fed-
2 eral facility or activity described in this paragraph is
3 a Federal facility or activity that is—

4 (A) subject to the requirements of the Nu-
5 clear Waste Policy Act of 1982 (42 U.S.C.
6 10101 et seq.);

7 (B) for the purpose of siting, constructing,
8 or operating a repository, including the support
9 of any such siting, constructing, or operating;
10 and

11 (C) located, or occurring, in the withdrawal
12 area.

13 (i) DEFINITIONS.—

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

21 (2) OTHER DEFINITIONS.—For purposes of this
22 section—

23 (A) the term “withdrawal area” means the
24 geographic area consisting of the land described
25 in subsection (c);

1 (B) the term “Secretary concerned” means
2 the Secretary of the Air Force or the Secretary
3 of the Interior, or both, as appropriate; and

4 (C) the term “Project” means the Yucca
5 Mountain Project.

6 (j) EFFECTIVE DATE.—

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

14 (2) EXCEPTIONS.—Subsections (c), (e)(2)(A),
15 (h), and (i) shall take effect on the date of enact-
16 ment of this Act.

17 **SEC. 202. WATER ACCESS.**

18 (a) AMENDMENTS.—Section 124 of the Nuclear
19 Waste Policy Act of 1982 (42 U.S.C. 10144) is amend-
20 ed—

21 (1) by inserting “(a) WATER RIGHTS ACQUISI-
22 TION EFFECT.—” before “The Secretary shall give
23 full”; and

24 (2) by adding at the end the following new sub-
25 section:

1 “(b) BENEFICIAL USE OF WATER.—Notwithstanding
2 any other Federal, State, or local law, the use of water
3 from any source in quantities sufficient to accomplish the
4 purposes of this subtitle to carry out Department func-
5 tions under this subtitle is declared to be a use that is
6 beneficial to interstate commerce and that does not threat-
7 en to prove detrimental to the public interest. A State
8 shall not enact or apply a law that discriminates against
9 this use. The Secretary, through purchase or otherwise,
10 may obtain water rights necessary to carry out Depart-
11 ment functions under this subtitle.”.

12 (b) EFFECTIVE DATE.—This section shall take effect
13 on the date on which the Nuclear Regulatory Commission
14 issues a final decision approving the issuance of a con-
15 struction authorization for a repository under section
16 114(d)(1) of the Nuclear Waste Policy Act of 1982 (42
17 U.S.C. 10134(d)) (as so designated by this Act).

18 **SEC. 203. APPLICATION PROCEDURES AND INFRASTRUC-**
19 **TURE ACTIVITIES.**

20 (a) APPLICATION PROCEDURES AND INFRASTRUC-
21 TURE ACTIVITIES.—Section 114(d) of the Nuclear Waste
22 Policy Act of 1982 (42 U.S.C. 10134(d)) is amended—
23 (1) by striking “The Commission shall con-
24 sider” and inserting the following:

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

3 (2) by striking “The Commission decision ap-
4 proving the first such application” and all that fol-
5 lows through “storage facility until such time as a
6 second repository is in operation.”; and

7 (3) by adding at the end the following new
8 paragraphs:

9 “(2) APPLICATIONS TO AMEND.—If the Com-
10 mission issues a construction authorization for a re-
11 pository pursuant to paragraph (1) and the Sec-
12 retary submits an application to amend the author-
13 ization to obtain permission to receive and possess
14 spent nuclear fuel and high-level radioactive waste,
15 or to undertake any other action concerning the re-
16 pository, the Commission shall consider the applica-
17 tion to amend using expedited, informal procedures,
18 including discovery procedures that minimize the
19 burden on the parties to produce documents. The
20 Commission shall issue a final decision on such ap-
21 plication to amend within 1 year after the date of
22 submission of such application, except that the Com-
23 mission may extend such deadline by not more than
24 6 months if, not less than 30 days before such dead-

1 line, the Commission complies with the reporting re-
2 quirements established in subsection (e)(2).

3 “(3) INFRASTRUCTURE ACTIVITIES.—

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

23 “(B) ENVIRONMENTAL IMPACT STATE-
24 MENT.—If the Secretary determines that an en-
25 vironmental impact statement is required under

1 the National Environmental Policy Act of 1969
2 with respect to an infrastructure activity under-
3 taken under this paragraph, the Secretary need
4 not consider the need for the action, alternative
5 actions, or a no-action alternative. To the ex-
6 tent any other Federal agency must consider
7 the potential environmental impact of such an
8 infrastructure activity, the agency shall adopt,
9 to the extent practicable, an environmental im-
10 pact statement prepared by the Secretary under
11 this subparagraph without further action. Such
12 adoption satisfies the responsibilities of the
13 adopting agency under the National Environ-
14 mental Policy Act of 1969, and no further ac-
15 tion is required by the agency.”.

16 (b) CONNECTED ACTIONS.—Section 114(f)(6) of the
17 Nuclear Waste Policy Act of 1982 (42 U.S.C.
18 10134(f)(6)) is amended by striking “or nongeologic alter-
19 natives to such site” and inserting “nongeologic alter-
20 natives to such site, or an action connected or otherwise
21 related to the repository to the extent the action is under-
22 taken outside the geologic repository operations area and
23 does not require a license from the Commission”.

1 **SEC. 204. PENDING REPOSITORY LICENSE APPLICATION.**

2 (a) IN GENERAL.—Except as provided in subsection
3 (b), nothing in this Act or the amendments made by this
4 Act shall apply to an application for a construction author-
5 ization described in section 114(d) of the Nuclear Waste
6 Policy Act of 1982 (42 U.S.C. 10134(d)) pending as of
7 the date of enactment of this Act, or to the consideration
8 thereof by the Nuclear Regulatory Commission.

9 (b) EXCEPTED PROVISIONS.—Subsection (a) shall
10 not apply to section 201 or 202 of this Act, or the amend-
11 ments thereunder.

12 **SEC. 205. LIMITATION ON PLANNING, DEVELOPMENT, OR**
13 **CONSTRUCTION OF DEFENSE WASTE REPOSI-**
14 **TORY.**

15 (a) LIMITATION.—The Secretary of Energy may not
16 take any action relating to the planning, development, or
17 construction of a defense waste repository until the date
18 on which the Nuclear Regulatory Commission issues a
19 final decision approving or disapproving the issuance of
20 a construction authorization for a repository under section
21 114(d)(1) of the Nuclear Waste Policy Act of 1982 (42
22 U.S.C. 10134(d)) (as so designated by this Act).

23 (b) DEFINITIONS.—In this section—

24 (1) the terms “atomic energy defense activity”,
25 “high-level radioactive waste”, “repository”, and
26 “spent nuclear fuel” have the meanings given those

1 terms in section 2 of the Nuclear Waste Policy Act
2 of 1982 (42 U.S.C. 10101); and

3 (2) the term “defense waste repository” means
4 the repository for high-level radioactive waste and
5 spent nuclear fuel derived from the atomic energy
6 defense activities of the Department of Energy, as
7 described in the draft plan of the Department titled
8 “Draft Plan for a Defense Waste Repository” pub-
9 lished on December 16, 2016.

10 **SEC. 206. SENSE OF CONGRESS REGARDING TRANSPOR-**
11 **TATION ROUTES.**

12 It is the Sense of Congress that the Secretary of En-
13 ergy should consider routes for the transportation of spent
14 nuclear fuel or high-level radioactive waste transported by
15 or for the Secretary under subtitle A of title I of the Nu-
16 clear Waste Policy Act of 1982 (42 U.S.C. 10131 et seq.)
17 to the Yucca Mountain site that, to the extent practicable,
18 avoid Las Vegas, Nevada.

19 **TITLE III—DOE CONTRACT**
20 **PERFORMANCE**

21 **SEC. 301. TITLE TO MATERIAL.**

22 Section 123 of the Nuclear Waste Policy Act of 1982
23 (42 U.S.C. 10143) is amended—

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

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

4 (3) by adding at the end the following new sub-
5 section:

6 “(b) **CONTRACT MODIFICATION.**—The Secretary may
7 enter into new contracts or negotiate modifications to ex-
8 isting contracts, with any person who generates or holds
9 title to high-level radioactive waste or spent nuclear fuel
10 of domestic origin, for acceptance of title, subsequent
11 transportation, and storage of such high-level radioactive
12 waste or spent nuclear fuel (including to expedite such ac-
13 ceptance of title, transportation, and storage of such waste
14 or fuel from facilities that have ceased commercial oper-
15 ation) at a monitored retrievable storage facility author-
16 ized under subtitle C.”.

17 **TITLE IV—BENEFITS TO HOST**
18 **COMMUNITY**

19 **SEC. 401. CONSENT.**

20 Section 170 of the Nuclear Waste Policy Act of 1982
21 (42 U.S.C. 10173) is amended—

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

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

1 (3) in subsection (e)—

2 (A) by inserting a comma after “reposit-
3 tory”; and

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

6 (4) by adding at the end the following new sub-
7 section:

8 “(g) CONSENT.—The acceptance or use of any of the
9 benefits provided under a benefits agreement under this
10 section by the State of Nevada shall not be considered to
11 be an expression of consent, express or implied, to the
12 siting of a repository in such State.”.

13 **SEC. 402. CONTENT OF AGREEMENTS.**

14 **[(a) BENEFITS SCHEDULE.—**The table in section
15 171(a)(1) of the Nuclear Waste Policy Act of 1982 (42
16 U.S.C. 10173a(a)(1)) is amended to read as follows:**]**

“BENEFITS SCHEDULE

[Amounts in millions]

| Event | MRS | Repository |
|--|----------|------------|
| (A) Annual payments prior to first spent fuel receipt | \$ _____ | \$ _____ |
| (B) Upon first spent fuel receipt | \$ _____ | \$ _____ |
| (C) Annual payments after first spent fuel receipt until closure of the facility | \$ _____ | \$ _____”. |

17 (b) RESTRICTIONS ON USE.—Section 171(a) of the
18 Nuclear Waste Policy Act of 1982 (42 U.S.C. 10173a(a))
19 is amended—

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

3 (2) by adding at the end the following new
4 paragraph:

5 “(8) None of the payments under this section may
6 be used—

7 “(A) directly or indirectly to influence legisla-
8 tive action on any matter pending before Congress
9 or a State legislature or for any lobbying activity as
10 provided in section 1913 of title 18, United States
11 Code;

12 “(B) for litigation purposes; or

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

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

20 (1) by striking paragraph (2); and

21 (2) by redesignating paragraphs (3) through
22 (5) as paragraphs (2) through (4), respectively.

23 (d) PAYMENTS FROM THE WASTE FUND.—Section
24 171(e) of the Nuclear Waste Policy Act of 1982 (42
25 U.S.C. 10173a(e)) is amended by striking the first sen-

1 tence and inserting the following: “The Secretary shall
2 make payments to the State of Nevada under a benefits
3 agreement concerning a repository under section 170 from
4 the Waste Fund.”.

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 to which a covered unit of local government is
18 entitled 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—

5 (A) by inserting “made available pursuant
6 to a benefits agreement under this section”
7 after “under this subtitle”; and

8 (B) by striking “with a benefits agreement
9 under this section” and inserting “with such
10 benefits agreement”.

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. OTHER BENEFITS.**

4 Section 174 of the Nuclear Waste Policy Act of 1982
5 (42 U.S.C. 10174) is amended—

6 (1) by striking “The Secretary, in siting” and
7 inserting “(a) FEDERAL RESEARCH PROJECTS.—
8 The Secretary, in siting”;

9 (2) by inserting “, or monitored retrievable
10 storage facility authorized under subtitle C,” after
11 “repository”; and

12 (3) by adding at the end the following:

13 “(b) REPORT AND PLAN FOR FEDERAL PROJECTS.—

14 Not later than September 30, 2019, and annually there-
15 after, the Secretary, in consultation with other Federal
16 agencies, the State of Nevada, affected units of local gov-
17 ernment, and affected Indian tribes, shall prepare and
18 submit to Congress and such State, affected units of local
19 government, and affected Indian tribes, a report identi-
20 fying potential Federal projects to be located, or proposed
21 to be located, in such State, including a plan for such Fed-
22 eral projects.

23 “(c) PRIORITY.—

24 “(1) IN GENERAL.—In providing any funding
25 to institutions of higher education from the Waste

1 Fund, the Secretary shall prioritize institutions of
2 higher education that are located in the State of Ne-
3 vada.

4 “(2) DEFINITION.—In this section, the term
5 ‘institution of higher education’ has the meaning
6 given that term in section 101 of the Higher Edu-
7 cation Act of 1965 (20 U.S.C. 1001).”.

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

9 Section 122 of the Nuclear Waste Policy Act of 1982
10 (42 U.S.C. 10142) is amended by adding at the end the
11 following: “Any economic benefits derived from the re-
12 trieval of spent nuclear fuel pursuant to this section shall
13 be shared with the State in which the repository is located,
14 affected units of local government, and affected Indian
15 tribes.”.

16 **SEC. 407. UPDATED REPORT.**

17 Section 175(a) of the Nuclear Waste Policy Act of
18 1982 (42 U.S.C. 10174a(a)) is amended by striking “Nu-
19 clear Waste Policy Amendments Act of 1987” and insert-
20 ing “Nuclear Waste Policy Amendments Act of 2017”.

21 **TITLE V—FUNDING**

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

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

1 (1) in the first sentence—

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

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

6 “(A) ASSESSMENT OF FEES.—Not later
7 than”.

8 (B) by striking “the date of enactment of
9 this Act” and inserting “the date of enactment
10 of the Nuclear Waste Policy Amendments Act
11 of 2017”; and

12 (C) by striking “collection and payment”
13 and inserting “assessment”;

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

16 (3) in the third sentence, by striking “are being
17 collected” and inserting “will result from such
18 amounts”;

19 (4) in the fifth sentence, by striking “90 days
20 of continuous session” and all that follows through
21 the period at the end and inserting “the date that
22 is 180 days after the date of such transmittal.”; and

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

24 “(B) COLLECTION AND PAYMENT OF
25 FEES.—

1 “(i) IN GENERAL.—Not later than
2 180 days after the date of enactment of
3 Nuclear Waste Policy Amendments Act of
4 2017, the Secretary shall establish proce-
5 dures for the collection and payment of the
6 fees established by paragraph (2) and
7 paragraph (3), or adjusted pursuant to
8 subparagraph (A).

9 “(ii) LIMITATION ON COLLECTION.—
10 The Secretary may not collect a fee estab-
11 lished under paragraph (2) or (3), or ad-
12 justed pursuant to subparagraph (A)—

13 “(I) until the date on which the
14 Commission issues a final decision ap-
15 proving or disapproving the issuance
16 of a construction authorization for a
17 repository under section 114(d)(1);
18 and

19 “(II) after such date, in an
20 amount that will cause the total
21 amount of fees collected under this
22 subsection in any fiscal year to exceed
23 90 percent of the amounts appro-
24 priated for that fiscal year for pur-
25 poses described in subsection (d).

1 “(iii) PAYMENT OF FULL AMOUNTS.—
2 Notwithstanding the non-collection of a fee
3 by the Secretary pursuant to clause (ii) in
4 any fiscal year, a person who has entered
5 into a contract with the Secretary under
6 this subsection shall pay any uncollected
7 amounts when determined necessary by the
8 Secretary, subject to clause (ii), for pur-
9 poses described in subsection (d).”.

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

16 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
17 Section 302(a) of the Nuclear Waste Policy Act of 1982
18 (42 U.S.C. 10222(a)) is amended—

19 (1) in paragraph (1), by striking “paragraphs
20 (2) and (3)” and inserting “paragraphs (2), (3), and
21 (4)”;

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

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

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

2 (a) IN GENERAL.—Section 302(d) of the Nuclear
3 Waste Policy Act of 1982 (42 U.S.C. 10222(d)) is amend-
4 ed—

5 (1) in paragraph (1), by striking “maintenance
6 and monitoring” and all that follows through the
7 semicolon at the end and inserting “maintenance
8 and monitoring of any repository or test and evalua-
9 tion facility constructed under this Act;”;

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

15 (3) in paragraph (5), by striking “at a reposi-
16 tory site” and all that follows through the end and
17 inserting “at a repository site or a test and evalua-
18 tion facility site and necessary or incident to such
19 repository or test and evaluation facility; and”.

20 (b) CONFORMING AMENDMENTS.—The Nuclear
21 Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) is
22 amended—

23 (1) in section 117(d), by inserting “designated
24 with respect to a repository” after “such representa-
25 tives”; and

1 (2) in section 141(f), by striking paragraph (4)
2 and redesignating paragraph (5) as paragraph (4).

3 **SEC. 503. AVAILABILITY OF CERTAIN AMOUNTS.**

4 Section 302 of the Nuclear Waste Policy Act of 1982
5 (42 U.S.C. 10222) is amended by adding at the end the
6 following:

7 “(f) AVAILABILITY OF CERTAIN AMOUNTS.—Not-
8 withstanding any other provision of this section, the fol-
9 lowing amounts from the Waste Fund shall be made avail-
10 able to the Secretary for the purposes described in sub-
11 section (d), without further appropriations:

12 “(1) An amount equal to **【____】** percent of the
13 amounts in the Waste Fund on the date of enact-
14 ment of the Nuclear Waste Policy Amendments Act
15 of 2017, on the date on which high-level radioactive
16 waste or spent nuclear fuel is received at the Yucca
17 Mountain site.

18 “(2) An amount equal to **【____】** percent of the
19 amounts in the Waste Fund on the date of enact-
20 ment of the Nuclear Waste Policy Amendments Act
21 of 2017, on the date on which high-level radioactive
22 waste or spent nuclear fuel is emplaced in a reposi-
23 tory.

24 “(3) An amount equal to **【____】** percent of the
25 amounts in the Waste Fund on the date of enact-

1 ment of the Nuclear Waste Policy Amendments Act
2 of 2017, on the date on which decommissioning ac-
3 tivities related to a repository commence.

4 “(4) An amount equal to **[____]** percent of the
5 amounts in the Waste Fund on the date of enact-
6 ment of the Nuclear Waste Policy Amendments Act
7 of 2017, on the date on which post-decommissioning
8 maintenance or monitoring related to a repository
9 commences.

10 “(5) An amount equal to any fee collected pur-
11 suant to subsection (a)(3) after the date of enact-
12 ment of the Nuclear Waste Policy Amendments Act
13 of 2017, on the date on which such fee is collected.”.

14 **TITLE VI—MISCELLANEOUS**

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

16 (a) ENVIRONMENTAL PROTECTION AGENCY STAND-
17 ARDS.—

18 (1) DETERMINATION AND REPORT.—Not later
19 than 2 years after the Nuclear Regulatory Commis-
20 sion has issued a final decision approving or dis-
21 approving the issuance of a construction authoriza-
22 tion for a repository under section 114(d)(1) of the
23 Nuclear Waste Policy Act of 1982 (42 U.S.C.
24 10134(d)) (as so designated by this Act), the Ad-

1 administrator of the Environmental Protection Agency
2 shall—

3 (A) determine if the standards promul-
4 gated under section 121(a) of the Nuclear
5 Waste Policy Act of 1982 (42 U.S.C. 10141(a))
6 should be updated; and

7 (B) submit to Congress a report on such
8 determination.

9 (2) RULE.—If the Administrator of the Envi-
10 ronmental Protection Agency determines, under
11 paragraph (1), that the standards promulgated
12 under section 121(a) of the Nuclear Waste Policy
13 Act of 1982 (42 U.S.C. 10141(a)) should be up-
14 dated, the Administrator, not later than 2 years
15 after submission of the report under paragraph
16 (1)(B), shall, by rule, promulgate updated standards
17 under such section.

18 (b) COMMISSION REQUIREMENTS AND CRITERIA.—

19 (1) DETERMINATION AND REPORT.—Not later
20 than 2 years after the Nuclear Regulatory Commis-
21 sion has issued a final decision approving or dis-
22 approving the issuance of a construction authoriza-
23 tion for a repository under section 114(d)(1) of the
24 Nuclear Waste Policy Act of 1982 (42 U.S.C.

1 10134(d)) (as so designated by this Act),the Com-
2 mission shall—

3 (A) determine if the technical requirements
4 and criteria promulgated under section 121(b)
5 of the Nuclear Waste Policy Act of 1982 (42
6 U.S.C. 10141(b)) should be updated; and

7 (B) submit to Congress a report on such
8 determination.

9 (2) RULE.—If the Nuclear Regulatory Commis-
10 sion determines, under paragraph (1), that the tech-
11 nical requirements and criteria promulgated under
12 section 121(b) of the Nuclear Waste Policy Act of
13 1982 (42 U.S.C. 10141(b)) should be updated, the
14 Commission, not later than 2 years after submission
15 of the report under paragraph (1)(B), shall, by rule,
16 promulgate updated technical requirements and cri-
17 teria under such section.

18 **SEC. 602. OFFICE OF CIVILIAN RADIOACTIVE WASTE MAN-**
19 **AGEMENT.**

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

24 “(b) DIRECTOR.—

1 “(1) FUNCTIONS.—The Director of the Office
2 shall be responsible for carrying out the functions of
3 the Secretary under this Act. The Director of the
4 Office shall report directly to the Secretary.

5 “(2) TENURE.—The Director of the Office shall
6 serve **[a 5-year term]**.

7 “(3) QUALIFICATIONS.—The Director of the
8 Office shall be appointed from among persons who
9 have extensive expertise and experience in organiza-
10 tional and project management.”.

11 (b) TRANSFER OF FUNCTIONS.—

12 (1) AMENDMENT.—Section 203(a) of the De-
13 partment of Energy Organization Act (42 U.S.C.
14 7133(a)) is amended by striking paragraph (8).

15 (2) TRANSFER OF FUNCTIONS.—The functions
16 described in the paragraph (8) stricken by the
17 amendment made by paragraph (1) shall be trans-
18 ferred to and performed by the Office of Civilian Ra-
19 dioactive Waste Management, as provided in section
20 304 of the Nuclear Waste Policy Act of 1982 (42
21 U.S.C. 10224).

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