

[COMMITTEE PRINT]

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 MRS agreements.
- 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. Annual multi-year budget proposal.
- Sec. 504. Availability of certain amounts.

TITLE VI—MISCELLANEOUS

- Sec. 601. Certain standards and criteria.
- Sec. 602. Application.
- Sec. 603. 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 MRS agreements
17 with respect to one or more monitored retrievable
18 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 MRS agreements with respect to one
2 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”; and

15 (B) by striking subsections (d) through
16 (h).

17 (2) DEFINITIONS.—Section 2 of the Nuclear
18 Waste Policy Act of 1982 (42 U.S.C. 10101) is
19 amended—

20 (A) in paragraph (34), by striking “the
21 storage facility” and inserting “a storage facil-
22 ity”; and

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

24 “(35) The term ‘MRS agreement’ means a co-
25 operative agreement, contract, or other mechanism

1 that the Secretary considers appropriate to support
2 the storage of Department-owned civilian waste in
3 one or more monitored retrievable storage facilities
4 as authorized under section 142(b)(2).

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

9 (3) TECHNICAL AMENDMENTS.—Section 146 of
10 the Nuclear Waste Policy Act of 1982 (42 U.S.C.
11 10166) is amended—

12 (A) in subsection (a), by striking “such
13 subsection” and inserting “subsection (f) of
14 such section”; and

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

17 **SEC. 102. AUTHORIZATION AND PRIORITY.**

18 Section 142 of the Nuclear Waste Policy Act of 1982
19 (42 U.S.C. 10162) is amended by striking subsection (b)
20 and inserting the following:

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

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

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

5 “(c) PRIORITY.—

6 “(1) IN GENERAL.—Except as provided in para-
7 graph (2), the Secretary shall prioritize storage of
8 Department-owned civilian waste at a monitored re-
9 trievable storage facility authorized under subsection
10 (b)(2).

11 “(2) EXCEPTION.—

12 “(A) DETERMINATION.—Paragraph (1)
13 shall not apply if the Secretary determines that
14 it will be faster and less expensive to site, con-
15 struct, and operate a facility authorized under
16 subsection (b)(1), in comparison to a facility
17 authorized under subsection (b)(2).

18 “(B) NOTIFICATION.—Not later than 30
19 days after the Secretary makes a determination
20 described in subparagraph (A), the Secretary
21 shall submit to Congress written notification of
22 such determination.”.

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

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

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

6 “The Secretary may not enter into an MRS agree-
7 ment under section 142(b)(2) unless—

8 “(1) the monitored retrievable storage facility
9 with respect to which the MRS agreement applies
10 has been licensed by the Commission under the
11 Atomic Energy Act of 1954 (42 U.S.C. 2011 et
12 seq.);

13 “(2) the non-Federal entity that is a party to
14 the MRS agreement has approval to store Depart-
15 ment-owned civilian waste at such facility from each
16 of—

17 “(A) the Governor of the State in which
18 the facility is located;

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

22 “(C) any affected Indian tribe;

23 “(3) the Commission has issued a final decision
24 approving or disapproving the issuance of a con-
25 struction authorization for a repository under sec-
26 tion 114(d)(1); and

1 “(4) the MRS agreement provides that the
2 quantity of high-level radioactive waste and spent
3 nuclear fuel at the site of the facility at any one
4 time will not exceed the limits described in section
5 148(d)(3) and (4).”.

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

9 **SEC. 104. SURVEY.**

10 Section 144 of the Nuclear Waste Policy Act of 1982
11 (42 U.S.C. 10164) is amended—

12 (1) by striking “After the MRS Commission
13 submits its report to the Congress under section
14 143, the” and inserting “(a) IN GENERAL.—The”;

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

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

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

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

23 “(b) REQUEST FOR PROPOSALS.—The Secretary
24 shall issue a request for proposals for an MRS agreement
25 authorized under section 142(b)(2) before conducting a

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

4 **SEC. 105. SITE SELECTION.**

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

7 (1) in subsection (a)—

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

10 (B) by striking “the most”; and

11 (2) by striking subsection (g).

12 **SEC. 106. BENEFITS AGREEMENT.**

13 Section 147 of the Nuclear Waste Policy Act of 1982
14 (42 U.S.C. 10167) is amended—

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

18 (2) by inserting “or once a non-Federal entity
19 enters into an MRS agreement under section
20 142(b)(2),” after “section 145,”.

21 **SEC. 107. LICENSING.**

22 (a) REVIEW OF LICENSE APPLICATION.—Section
23 148(c) of the Nuclear Waste Policy Act of 1982 (42
24 U.S.C. 10168(c)) is amended by striking “section 142(b)”
25 and inserting “section 142(b)(1)”.

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

4 (1) in paragraph (1), by striking “has issued a
5 license for the construction of a repository under
6 section 115(d)” and inserting “has issued a final de-
7 cision approving or disapproving the issuance of a
8 construction authorization for a repository under
9 section 114(d)(1)”; and

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

12 **TITLE II—PERMANENT** 13 **REPOSITORY**

14 **SEC. 201. LAND WITHDRAWAL, JURISDICTION, AND RES-** 15 **ERVATION.**

16 (a) LAND WITHDRAWAL, JURISDICTION, AND RES-
17 ERVATION.—

18 (1) LAND WITHDRAWAL.—Subject to valid ex-
19 isting rights and except as provided otherwise in this
20 section, the lands described in subsection (c) are
21 withdrawn permanently from all forms of entry, ap-
22 propriation, and disposal under the public land laws,
23 including the mineral leasing laws, the geothermal
24 leasing laws, and the mining laws.

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

7 (3) RESERVATION.—The withdrawal is reserved
8 for use by the Secretary for development,
9 preconstruction testing and performance confirma-
10 tion, licensing, construction, management and oper-
11 ation, monitoring, closure, postclosure, and other ac-
12 tivities associated with the disposal of high-level ra-
13 dioactive waste and spent nuclear fuel under the Nu-
14 clear Waste Policy Act of 1982 (42 U.S.C. 10101 et
15 seq.).

16 (b) REVOCATION AND MODIFICATION OF PUBLIC
17 LAND ORDERS AND RIGHTS-OF-WAY.—

18 (1) PUBLIC LAND ORDER REVOCATION.—Public
19 Land Order 6802 of September 25, 1990, as ex-
20 tended by Public Land Order 7534, and any condi-
21 tions or memoranda of understanding accompanying
22 those land orders, are revoked.

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

1 (c) LAND DESCRIPTION.—

2 (1) BOUNDARIES.—The lands and interests in
3 lands withdrawn and reserved by this section com-
4 prise the approximately 147,000 acres of land in
5 Nye County, Nevada, as generally depicted on the
6 Yucca Mountain Project Map, YMP-03-024.2, enti-
7 tled “Proposed Land Withdrawal” and dated July
8 21, 2005.

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

12 (A) publish in the Federal Register a no-
13 tice containing a legal description of the with-
14 drawal; and

15 (B) file copies of the maps described in
16 paragraph (1) and the legal description of the
17 withdrawal with the Congress, the Governor of
18 the State of Nevada, and the Archivist of the
19 United States.

20 (3) TECHNICAL CORRECTIONS.—The maps and
21 legal description referred to in this subsection have
22 the same force and effect as if they were included
23 in this section. The Secretary of the Interior may
24 correct clerical and typographical errors in the maps
25 and legal description.

1 (d) RELATIONSHIP TO OTHER RESERVATIONS.—The
2 provisions of subtitle A of title XXX of the Military Lands
3 Withdrawal Act of 1999 (sections 3011–3023 of Public
4 Law 106–65) and of Public Land Order 2568 do not apply
5 to the lands withdrawn and reserved for use by the Sec-
6 retary under subsection (a). This Act does not apply to
7 any other lands withdrawn for use by the Department of
8 Defense under subtitle A of title XXX of the Military
9 Lands Withdrawal Act of 1999.

10 (e) MANAGEMENT RESPONSIBILITIES.—

11 (1) GENERAL AUTHORITY.—The Secretary shall
12 manage the lands withdrawn by subsection (a) con-
13 sistent with the Federal Land Policy and Manage-
14 ment Act of 1976 (43 U.S.C. 1701 et seq.), this sec-
15 tion, and other applicable law. The Secretary shall
16 consult with the Secretary concerned in discharging
17 that responsibility.

18 (2) MANAGEMENT PLAN.—

19 (A) DEVELOPMENT.—The Secretary, after
20 consulting with the Secretary concerned, shall
21 develop a management plan for the use of the
22 withdrawal. Within 3 years after the date of en-
23 actment of this Act, the Secretary shall submit
24 the management plan to the Congress and the
25 State of Nevada.

1 (B) PRIORITY OF YUCCA MOUNTAIN
2 PROJECT-RELATED ISSUES.—Subject to sub-
3 paragraphs (C) and (D), any use of the with-
4 drawal for activities not associated with the
5 Project is subject to conditions and restrictions
6 that the Secretary considers necessary or desir-
7 able to permit the conduct of Project-related ac-
8 tivities.

9 (C) DEPARTMENT OF THE AIR FORCE
10 USES.—The management plan may provide for
11 the continued use by the Department of the Air
12 Force of the portion of the withdrawal within
13 the Nellis Air Force Base Test and Training
14 Range under terms and conditions on which the
15 Secretary and the Secretary of the Air Force
16 agree concerning Air Force activities.

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

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

12 (I) the Act commonly known as
13 the “Taylor Grazing Act” (43 U.S.C.
14 315 et seq.);

15 (II) title IV of the Federal Land
16 Policy and Management Act of 1976
17 (43 U.S.C. 1751 et seq.); and

18 (III) the Public Rangelands Im-
19 provement Act of 1978 (43 U.S.C.
20 1901 et seq.).

21 (ii) HUNTING AND TRAPPING.—The
22 Secretary may permit hunting and trap-
23 ping within the withdrawal where estab-
24 lished before the effective date described in
25 subsection (k)(1), except that the Sec-

1 retary, after consulting with the Secretary
2 of the Interior and the State of Nevada,
3 may designate zones where, and establish
4 periods when, no hunting or trapping is
5 permitted for reasons of public safety, na-
6 tional security, administration, or public
7 use and enjoyment.

8 (E) MINING.—

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

23 (ii) CIND-R-LITE MINE.—Patented
24 Mining Claim No. 27-83-0002, covering
25 the Cind-R-Lite Mine, shall not be af-

1 fected by establishment of the withdrawal
2 set forth in subsection (a)(1). In that
3 event, the Secretary shall provide just com-
4 pensation.

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

16 (3) CLOSURE.—If the Secretary, after con-
17 sulting with the Secretary concerned, determines
18 that the health and safety of the public or the com-
19 mon defense and security require the closure of a
20 road, trail, or other portion of the withdrawal, or the
21 airspace above the withdrawal, the Secretary may ef-
22 fect and maintain the closure and shall provide no-
23 tice of the closure.

24 (4) IMPLEMENTATION.—The Secretary and the
25 Secretary concerned shall implement the manage-

1 ment plan developed under paragraph (2) under
2 terms and conditions on which they agree.

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

8 (g) LAND ACQUISITION.—The Secretary may acquire
9 lands and interests in lands within the withdrawal. Those
10 lands and interests in lands may be acquired by donation,
11 purchase, lease, exchange, easement, rights-of-way, or
12 other appropriate methods using donated or appropriated
13 funds. The Secretary of the Interior shall conduct any ex-
14 change of lands within the withdrawal for Federal lands
15 outside the withdrawal.

16 (h) AIR QUALITY PERMITS AND REQUIREMENTS.—

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

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

1 (A) subject to the requirements of the Nu-
2 clear Waste Policy Act of 1982 (42 U.S.C.
3 10101 et seq.);

4 (B) for the purpose of siting, constructing,
5 or operating a repository, including the support
6 of any such siting, constructing, or operating;
7 and

8 (C) located, or occurring, in the with-
9 drawal.

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

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

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

20 (j) DEFINITIONS.—

21 (1) NUCLEAR WASTE POLICY ACT OF 1982 DEFINI-
22 TIONS.—For purposes of this section, the terms
23 “disposal”, “high-level radioactive waste”, “reposi-
24 tory”, “Secretary”, and “spent nuclear fuel” have
25 the meaning given those terms in section 2 of the

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

3 (2) OTHER DEFINITIONS.—For purposes of this
4 section—

5 (A) the term “withdrawal” means the geo-
6 graphic area consisting of the land described in
7 subsection (c);

8 (B) the term “Secretary concerned” means
9 the Secretary of the Air Force or the Secretary
10 of the Interior, or both, as appropriate; and

11 (C) the term “Project” means the Yucca
12 Mountain Project.

13 (k) EFFECTIVE DATE.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), this section shall take effect on the date
16 on which the Nuclear Regulatory Commission issues
17 a final decision approving the issuance of a construc-
18 tion authorization for a repository under section
19 114(d)(1) of the Nuclear Waste Policy Act of 1982
20 (42 U.S.C. 10134(d)) (as so designated by this Act).

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

1 **SEC. 202. WATER ACCESS.**

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

5 (1) by inserting “(a) WATER RIGHTS ACQUISITION EFFECT.—” before “The Secretary shall give
6 full”; and
7

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

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

21 (b) EFFECTIVE DATE.—This section shall take effect
22 on the date on which the Nuclear Regulatory Commission
23 issues a final decision approving the issuance of a con-
24 struction authorization for a repository under section
25 114(d)(1) of the Nuclear Waste Policy Act of 1982 (42
26 U.S.C. 10134(d)) (as so designated by this Act).

1 **SEC. 203. APPLICATION PROCEDURES AND INFRASTRUC-**
2 **TURE ACTIVITIES.**

3 (a) 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 “18 months after the date of enactment of
13 the Nuclear Waste Policy Amendments Act of
14 2017”;

15 (3) by striking “The Commission decision ap-
16 proving the first such application” and all that fol-
17 lows through “monitored retrievable storage facility
18 until such time as a second repository is in oper-
19 ation.”; and

20 (4) by adding at the end the following new
21 paragraphs:

22 “(2) APPLICATIONS TO AMEND.—If the Com-
23 mission issues a construction authorization for a re-
24 pository pursuant to paragraph (1) and the Sec-
25 retary submits an application to amend such author-
26 ization, the Commission shall consider the applica-

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

11 “(3) INFRASTRUCTURE ACTIVITIES.—

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

1 ing any facilities to facilitate rail operations),
2 and construction, upgrade, acquisition, or oper-
3 ation of electrical grids or facilities, other utili-
4 ties, communication facilities, access roads, and
5 nonnuclear support facilities.

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

23 “(C) NO GROUNDS FOR DISAPPROVAL.—
24 The Commission may not disapprove, on the

1 grounds that the Secretary undertook an infra-
2 structure activity under this paragraph—

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

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

9 “(iii) any other action concerning the
10 repository.”.

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

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

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

1 **SEC. 205. 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. 206. 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 “reposi-
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

[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	\$[_____]	\$[_____]”.

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); and

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

14 (d) PAYMENTS FROM THE WASTE FUND.—Section
15 171(e) of the Nuclear Waste Policy Act of 1982 (42
16 U.S.C. 10173a(e)) is amended by striking the first sen-
17 tence and inserting the following: “The Secretary shall
18 make payments to the State of Nevada under a benefits
19 agreement concerning a repository under section 170 from
20 the Waste Fund.”.

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

22 (a) IN GENERAL.—The Nuclear Waste Policy Act of
23 1982 (42 U.S.C. 10101 et seq.) is amended by inserting
24 after section 172 the following new section:

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

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

8 “(b) CONTENT OF AGREEMENTS.—In addition to any
9 benefits to which a covered unit of local government is
10 entitled under this Act, the Secretary shall make payments
11 to such covered unit of local government that is a party
12 to a benefits agreement under subsection (a) to mitigate
13 impacts described in section 175(b).

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

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

21 “(1) directly or indirectly to influence legislative
22 action on any matter pending before Congress or a
23 State legislature or for any lobbying activity as pro-
24 vided in section 1913 of title 18, United States
25 Code;

26 “(2) for litigation purposes; or

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

4 “(e) CONSENT.—The acceptance or use of any of the
5 benefits provided under a benefits agreement under this
6 section by any covered unit of local government shall not
7 be considered to be an expression of consent, express or
8 implied, to the siting of a repository in the State of Ne-
9 vada.

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

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

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

17 (b) CONFORMING AMENDMENTS.—

18 (1) BENEFITS AGREEMENT.—Section 170(a)(4)
19 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
20 10173(a)(4)) is amended—

21 (A) by inserting “made available pursuant
22 to a benefits agreement under this section”
23 after “under this subtitle”; and

1 (B) by striking “with a benefits agreement
2 under this section” and inserting “with such
3 benefits agreement”.

4 (2) LIMITATION.—Section 170(e) of the Nu-
5 clear Waste Policy Act of 1982 (42 U.S.C.
6 10173(e)) is further amended by inserting “under
7 this section” after “may be in effect”.

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

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

12 **SEC. 404. TERMINATION.**

13 Section 173 of the Nuclear Waste Policy Act of 1982
14 (42 U.S.C. 10173c) is amended—

15 (1) in subsection (a)—

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

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

22 (C) in paragraph (2), by striking “the Sec-
23 retary determines that the Commission cannot
24 license the facility within a reasonable time”
25 and inserting “concerning a repository, if the

1 Commission issues a final decision disapproving
2 the issuance of a construction authorization for
3 a repository under section 114(d)(1)”; and
4 (2) by amending subsection (b) to read as fol-
5 lows:

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

10 “(1) concerning a repository or a monitored re-
11 trievable storage facility, if the Secretary disqualifies
12 the site under consideration for its failure to comply
13 with technical requirements established by the Sec-
14 retary in accordance with this Act; or

15 “(2) concerning a repository, if the Commission
16 issues a final decision disapproving the issuance of
17 a construction authorization for a repository under
18 section 114(d)(1).”.

19 **SEC. 405. OTHER BENEFITS.**

20 Section 174 of the Nuclear Waste Policy Act of 1982
21 (42 U.S.C. 10174) is amended—

22 (1) by striking “The Secretary, in siting” and
23 inserting “(a) **FEDERAL RESEARCH PROJECTS.**—
24 The Secretary, in siting”;

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

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

5 “(b) REPORT AND PLAN FOR FEDERAL PROJECTS.—
6 Not later than September 30, 2019, and annually there-
7 after, the Secretary, in consultation with other Federal
8 agencies, the State of Nevada, affected units of local gov-
9 ernment, and affected Indian tribes, shall prepare and
10 submit to Congress and such State, affected units of local
11 government, and affected Indian tribes, a report identi-
12 fying potential Federal projects to be located, or proposed
13 to be located, in such State, including a plan for such Fed-
14 eral projects.

15 “(c) PRIORITY.—

16 “(1) IN GENERAL.—In providing any funding
17 to institutions of higher education from the Waste
18 Fund, the Secretary shall prioritize institutions of
19 higher education that are located in the State of Ne-
20 vada.

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

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

2 Section 122 of the Nuclear Waste Policy Act of 1982
3 (42 U.S.C. 10142) is amended by adding at the end the
4 following: “Any economic benefits derived from the re-
5 trieval of spent nuclear fuel pursuant to this section shall
6 be shared with the State in which the repository is located,
7 affected units of local government, and affected Indian
8 tribes.”.

9 **SEC. 407. UPDATED REPORT.**

10 Section 175(a) of the Nuclear Waste Policy Act of
11 1982 (42 U.S.C. 10174a(a)) is amended by striking “Nu-
12 clear Waste Policy Amendments Act of 1987” and insert-
13 ing “Nuclear Waste Policy Amendments Act of 2017”.

14 **TITLE V—FUNDING**

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

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

19 (1) in the first sentence—

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

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

24 “(A) ASSESSMENT OF FEES.—Not later
25 than”;

1 (B) by striking “the date of enactment of
2 this Act” and inserting “the date of enactment
3 of the Nuclear Waste Policy Amendments Act
4 of 2017”; and

5 (C) by striking “collection and payment”
6 and inserting “assessment”;

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

9 (3) in the third sentence, by striking “are being
10 collected” and inserting “will result from such
11 amounts”;

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

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

18 “(B) COLLECTION AND PAYMENT OF
19 FEES.—

20 “(i) IN GENERAL.—Not later than
21 180 days after the date of enactment of
22 Nuclear Waste Policy Amendments Act of
23 2017, the Secretary shall establish proce-
24 dures for the collection and payment of the
25 fees established by paragraph (2) and

1 paragraph (3), or adjusted pursuant to
2 subparagraph (A).

3 “(ii) LIMITATION ON COLLECTION.—
4 The Secretary may not collect a fee estab-
5 lished under paragraph (2), including a fee
6 established under paragraph (2) and ad-
7 justed pursuant to subparagraph (A)—

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

14 “(II) after such date, in an
15 amount that will cause the total
16 amount of fees collected under this
17 subsection in any fiscal year to exceed
18 90 percent of the amounts appro-
19 priated for that fiscal year for pur-
20 poses described in subsection (d).

21 “(iii) PAYMENT OF FULL AMOUNTS.—
22 Notwithstanding the non-collection 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.—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. ANNUAL MULTI-YEAR BUDGET PROPOSAL.**

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

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

8 Section 302 of the Nuclear Waste Policy Act of 1982
9 (42 U.S.C. 10222) is amended by adding at the end the
10 following:

11 “(f) AVAILABILITY OF CERTAIN AMOUNTS.—

12 “(1) IN GENERAL.—Notwithstanding any other
13 provision of this section, the following amounts from
14 the Waste Fund shall be made available to the Sec-
15 retary for the purposes described in subsection (d),
16 without further appropriations:

17 “(A) An amount equal to **【____】** percent
18 of the amounts in the Waste Fund on the date
19 of enactment of the Nuclear Waste Policy
20 Amendments Act of 2017, on the date on which
21 high-level radioactive waste or spent nuclear
22 fuel is received at the Yucca Mountain site.

23 “(B) An amount equal to **【____】** percent
24 of the amounts in the Waste Fund on the date
25 of enactment of the Nuclear Waste Policy

1 Amendments Act of 2017, on the date on which
2 high-level radioactive waste or spent nuclear
3 fuel is emplaced in a repository.

4 “(C) An amount equal to **【____】** percent
5 of the amounts in the Waste Fund on the date
6 of enactment of the Nuclear Waste Policy
7 Amendments Act of 2017, on the date on which
8 decommissioning activities related to a reposi-
9 tory commence.

10 “(D) An amount equal to **【____】** percent
11 of the amounts in the Waste Fund on the date
12 of enactment of the Nuclear Waste Policy
13 Amendments Act of 2017, on the date on which
14 post-decommissioning maintenance or moni-
15 toring related to a repository commences.

16 “(E) An amount equal to any fee collected
17 pursuant to subsection (a)(3) after the date of
18 enactment of the Nuclear Waste Policy Amend-
19 ments Act of 2017, on the date on which such
20 fee is collected.

21 “(2) BENEFITS AGREEMENT.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graph (B), notwithstanding any other provision
24 of this section, the applicable amounts described
25 in items (B) and (C) of the benefits schedule

1 established by section 171(a)(1) shall be made
2 available to the Secretary to make payments, as
3 described in such items, under a benefits agree-
4 ment entered into under section 170 with the
5 State of Nevada concerning a repository, with-
6 out further appropriations, in accordance with
7 such schedule.

8 “(B) TOTAL AMOUNT.—The total amount
9 made available to the Secretary under subpara-
10 graph (A) shall not exceed an amount equal to
11 **[]** percent of the amounts in the Waste
12 Fund on the date of enactment of the Nuclear
13 Waste Policy Amendments Act of 2017.”.

14 **TITLE VI—MISCELLANEOUS**

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

16 (a) **GENERALLY APPLICABLE STANDARDS AND CRI-**
17 **TERIA.—**

18 (1) **ENVIRONMENTAL PROTECTION AGENCY**
19 **STANDARDS.—**

20 (A) **DETERMINATION AND REPORT.—**Not
21 later than 2 years after the Nuclear Regulatory
22 Commission has issued a final decision approv-
23 ing or disapproving the issuance of a construc-
24 tion authorization for a repository under section
25 114(d)(1) of the Nuclear Waste Policy Act of

1 1982 (42 U.S.C. 10134(d)) (as so designated
2 by this Act), the Administrator of the Environ-
3 mental Protection Agency shall—

4 (i) determine if the generally applica-
5 ble standards promulgated under section
6 121(a) of the Nuclear Waste Policy Act of
7 1982 (42 U.S.C. 10141(a)) should be up-
8 dated; and

9 (ii) submit to Congress a report on
10 such determination.

11 (B) RULE.—If the Administrator of the
12 Environmental Protection Agency determines,
13 under subparagraph (A), that the generally ap-
14 plicable standards promulgated under section
15 121(a) of the Nuclear Waste Policy Act of 1982
16 (42 U.S.C. 10141(a)) should be updated, the
17 Administrator, not later than 2 years after sub-
18 mission of the report under subparagraph
19 (A)(ii), shall, by rule, promulgate updated gen-
20 erally applicable standards under such section.

21 (2) COMMISSION REQUIREMENTS AND CRI-
22 TERIA.—Not later than 2 years after the Adminis-
23 trator of the Environmental Protection Agency pro-
24 mulgates updated generally applicable standards
25 pursuant to paragraph (1)(B), the Commission shall,

1 by rule, promulgate updated technical requirements
2 and criteria under section 121(b) of the Nuclear
3 Waste Policy Act of 1982 (42 U.S.C. 10141(b)) as
4 necessary to be consistent with such updated gen-
5 erally applicable standards.

6 (b) **SITE-SPECIFIC STANDARDS AND CRITERIA.**—
7 Nothing in this section shall affect the standards, tech-
8 nical requirements, and criteria promulgated by the Ad-
9 ministrator of the Environmental Protection Agency and
10 the Nuclear Regulatory Commission for the Yucca Moun-
11 tain site under section 801 of the Energy Policy Act of
12 1992 (42 U.S.C. 10141 note).

13 **SEC. 602. APPLICATION.**

14 Section 135 of the Nuclear Waste Policy Act of 1982
15 (42 U.S.C. 10155) is amended by striking subsection (h)
16 and redesignating subsection (i) as subsection (h).

17 **SEC. 603. OFFICE OF CIVILIAN RADIOACTIVE WASTE MAN-**
18 **AGEMENT.**

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

23 “(b) **DIRECTOR.**—

24 “(1) **FUNCTIONS.**—The Director of the Office
25 shall be responsible for carrying out the functions of

1 the Secretary under this Act. The Director of the
2 Office shall report directly to the Secretary.

3 “(2) QUALIFICATIONS.—The Director of the
4 Office shall be appointed from among persons who
5 have extensive expertise and experience in organiza-
6 tional and project management.

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

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

12 “(A) the date on which a new Director is
13 confirmed; or

14 “(B) the date that is one year after the
15 date of such expiration.

16 “(5) REMOVAL.—The President may remove
17 the Director only for inefficiency, neglect of duty, or
18 malfeasance in office. If the President removes the
19 Director, the President shall submit to Congress a
20 statement explaining the reason for such removal.”.

21 (b) TRANSFER OF FUNCTIONS.—

22 (1) AMENDMENT.—Section 203(a) of the De-
23 partment of Energy Organization Act (42 U.S.C.
24 7133(a)) is amended by striking paragraph (8).

1 (2) TRANSFER OF FUNCTIONS.—The functions
2 described in the paragraph (8) stricken by the
3 amendment made by paragraph (1) shall be trans-
4 ferred to and performed by the Office of Civilian Ra-
5 dioactive Waste Management, as provided in section
6 304 of the Nuclear Waste Policy Act of 1982 (42
7 U.S.C. 10224).

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