

113TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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

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**A BILL**

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Nuclear Waste Administration Act of 2013”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

- Sec. 101. Findings.
- Sec. 102. Purposes.
- Sec. 103. Definitions.

#### TITLE II—NUCLEAR WASTE ADMINISTRATION

- Sec. 201. Establishment.
- Sec. 202. Principal officers.
- Sec. 203. Other officers.
- Sec. 204. Inspector General.
- Sec. 205. Nuclear Waste Oversight Board.
- Sec. 206. Conforming amendments.

#### TITLE III—FUNCTIONS

- Sec. 301. Transfer of functions.
- Sec. 302. Transfer of contracts.
- Sec. 303. Nuclear waste facilities.
- Sec. 304. Siting nuclear waste facilities.
- Sec. 305. Licensing nuclear waste facilities.
- Sec. 306. Linkage between storage and disposal.
- Sec. 307. Defense waste.
- Sec. 308. Transportation.

#### TITLE IV—FUNDING AND LEGAL PROCEEDINGS

- Sec. 401. Working Capital Fund.
- Sec. 402. Nuclear Waste Fund.
- Sec. 403. Full cost recovery.
- Sec. 404. Judicial review.
- Sec. 405. Litigation authority.
- Sec. 406. Liabilities.

#### TITLE V—ADMINISTRATIVE AND SAVINGS PROVISIONS

- Sec. 501. Administrative powers of Administrator.
- Sec. 502. Personnel.
- Sec. 503. Offices.
- Sec. 504. Mission plan.
- Sec. 505. Annual reports.
- Sec. 506. Savings provisions; terminations.
- Sec. 507. Technical assistance in the field of spent fuel storage and disposal.
- Sec. 508. Nuclear Waste Technical Review Board.
- Sec. 509. Repeal of volume limitation.

## 1 **TITLE I—FINDINGS, PURPOSES,** 2 **AND DEFINITIONS**

### 3 **SEC. 101. FINDINGS.**

4 Congress finds that—

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

1 (A) made the Federal Government respon-  
2 sible for providing for the permanent disposal  
3 of nuclear waste;

4 (B) vested the responsibility for siting,  
5 constructing, and operating a permanent geo-  
6 logic repository for the disposal of nuclear  
7 waste in the Secretary of Energy; and

8 (C) required the Secretary to enter into  
9 binding contracts with the generators and own-  
10 ers of nuclear waste pursuant to which the Sec-  
11 retary is obligated to have begun disposing of  
12 the nuclear waste in a repository not later than  
13 January 31, 1998;

14 (2) in 1987, Congress designated the Yucca  
15 Mountain site as the site for the repository and pre-  
16 cluded consideration of other sites;

17 (3) in 2002, the Secretary found the Yucca  
18 Mountain site to be suitable for the development of  
19 the repository, the President recommended the site  
20 to Congress, and Congress enacted a joint resolution  
21 approving the Yucca Mountain site for the reposi-  
22 tory;

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

1           (5) in 2009, the Secretary found the Yucca  
2 Mountain site to be unworkable and abandoned ef-  
3 forts to construct a repository;

4           (6) in 2010, the Secretary, at the request of the  
5 President, established the Blue Ribbon Commission  
6 on America's Nuclear Future to conduct a com-  
7 prehensive review of the nuclear waste management  
8 policies of the United States and recommend a new  
9 strategy for managing the nuclear waste of the  
10 United States; and

11           (7) the Blue Ribbon Commission has rec-  
12 ommended that Congress establish a new nuclear  
13 waste management organization and adopt a new  
14 consensual approach to siting nuclear waste manage-  
15 ment facilities.

16 **SEC. 102. PURPOSES.**

17 The purposes of this Act are—

18           (1) to establish a new nuclear waste manage-  
19 ment organization;

20           (2) to transfer to the new organization the  
21 functions of the Secretary relating to the siting, li-  
22 censing, construction, and operation of nuclear waste  
23 management facilities;

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

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

3 (5) to ensure that—

4 (A) the generators and owners of nuclear  
5 waste pay the full cost of the program; and

6 (B) funds collected for the program are  
7 used for that purpose.

8 **SEC. 103. DEFINITIONS.**

9 In this Act:

10 (1) ADMINISTRATION.—The term “Administra-  
11 tion” means the Nuclear Waste Administration es-  
12 tablished by section 201.

13 (2) ADMINISTRATOR.—The term “Adminis-  
14 trator” means the Administrator of the Administra-  
15 tion.

16 (3) AFFECTED INDIAN TRIBE.—The term “af-  
17 fected Indian tribe” means any Indian tribe—

18 (A) within the reservation boundaries of  
19 which a repository or storage facility is pro-  
20 posed to be located; or

21 (B) that has federally defined possessory  
22 or usage rights to other land outside of the res-  
23 ervation boundaries that—

24 (i) arise out of a congressionally rati-  
25 fied treaty; and

1 (ii) the Secretary of the Interior finds,  
2 on petition of an appropriate governmental  
3 official of the Indian tribe, may be sub-  
4 stantially and adversely affected by the re-  
5 pository or storage facility.

6 (4) AFFECTED UNIT OF GENERAL LOCAL GOV-  
7 ERNMENT.—

8 (A) IN GENERAL.—The term “affected  
9 unit of general local government” means the  
10 unit of general local government that has juris-  
11 diction over the site of a repository or storage  
12 facility.

13 (B) INCLUSION.—The term “affected unit  
14 of general local government” may include, at  
15 the discretion of the Administrator, units of  
16 general local government that are contiguous  
17 with the unit that has jurisdiction over the site  
18 of a repository or storage facility.

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

23 (6) COMMISSION.—The term “Commission”  
24 means the Nuclear Regulatory Commission.

1           (7) COMPLIANCE AGREEMENT.—The term  
2           “compliance agreement” means a legally enforceable  
3           agreement between the Secretary and a Federal or  
4           State agency requiring the removal of defense waste  
5           from a Department of Energy facility.

6           (8) CONTRACT HOLDER.—The term “contract  
7           holder” means any person who—

8                   (A) generates or holds title to nuclear  
9                   waste generated at a civilian nuclear power re-  
10                  actor; and

11                   (B) has entered into a contract for the dis-  
12                  posal of nuclear waste under section 302(a) of  
13                  the Nuclear Waste Policy Act of 1982 (42  
14                  U.S.C. 10222(a)) or this Act.

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

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

23           (11) EMERGENCY DELIVERY.—

24                   (A) IN GENERAL.—The term “emergency  
25                  delivery” means nuclear waste accepted by the

1 Administrator for storage prior to the date pro-  
2 vided in the contractual delivery commitment  
3 schedule pursuant to article V.D. of the stand-  
4 ard contract for disposal of nuclear waste codi-  
5 fied in section 961.11 of title 10, Code of Fed-  
6 eral Regulations.

7 (B) INCLUSION.—The term “emergency  
8 delivery” may include, at the discretion of the  
9 Administrator, defense waste that is required to  
10 be removed from a Department of Energy facil-  
11 ity—

12 (i) pursuant to a compliance agree-  
13 ment; or

14 (ii) to eliminate an imminent and seri-  
15 ous threat to the health and safety of the  
16 public or the common defense and security.

17 (12) HIGH-LEVEL RADIOACTIVE WASTE.—The  
18 term “high-level radioactive waste” has the meaning  
19 given the term in section 2 of the Nuclear Waste  
20 Policy Act of 1982 (42 U.S.C. 10101).

21 (13) INDIAN TRIBE.—The term “Indian tribe”  
22 has the meaning given the term in section 2 of the  
23 Nuclear Waste Policy Act of 1982 (42 U.S.C.  
24 10101).

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

4           (15) NONPRIORITY WASTE.—The term “nonpri-  
5 ority waste” means nuclear waste that does not  
6 qualify as priority waste.

7           (16) NUCLEAR WASTE.—The term “nuclear  
8 waste” means—

9                   (A) spent nuclear fuel; and

10                   (B) high-level radioactive waste.

11           (17) NUCLEAR WASTE ACTIVITIES.—The term  
12 “nuclear waste activities” has the meaning given the  
13 term in section 11 of the Atomic Energy Act of  
14 1954 (42 U.S.C. 2014).

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

17                   (A) a repository; and

18                   (B) a storage facility.

19           (19) NUCLEAR WASTE FUND.—The term “Nu-  
20 clear Waste Fund” means the separate fund in the  
21 Treasury established by section 302(c) of the Nu-  
22 clear Waste Policy Act of 1982 (42 U.S.C.  
23 10222(c)).

1           (20) OVERSIGHT BOARD.—The term “Oversight  
2 Board” means the Nuclear Waste Oversight Board  
3 established by section 205.

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

7           (22) PRIORITY WASTE.—The term “priority  
8 waste” means—

9                   (A) any emergency delivery; and

10                   (B) spent nuclear fuel removed from a ci-  
11 vilian nuclear power reactor that has been per-  
12 manently shut down.

13           (23) PUBLIC LIABILITY.—The term “public li-  
14 ability” has the meaning given the term in section  
15 11 of the Atomic Energy Act of 1954 (42 U.S.C.  
16 2014).

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

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

24           (26) SECRETARY.—The term “Secretary”  
25 means the Secretary of Energy.

1 (27) SITE CHARACTERIZATION.—

2 (A) IN GENERAL.—The term “site charac-  
3 terization” means the site-specific activities that  
4 the Administrator determines necessary to sup-  
5 port an application to the Commission for a li-  
6 cense to construct a repository or storage facil-  
7 ity under section 305(c).

8 (B) REPOSITORY SITE CHARACTERIZA-  
9 TION.—In the case of a site for a repository,  
10 the term “site characterization” may include  
11 borings, surface excavations, excavations of ex-  
12 ploratory shafts, limited subsurface lateral exca-  
13 vations and borings, and in situ testing needed  
14 to evaluate the suitability of a candidate site for  
15 the location of a repository.

16 (C) STORAGE SITE CHARACTERIZATION.—  
17 In the case of a site for an above-ground stor-  
18 age facility, the term “site characterization”  
19 does not include subsurface borings and exca-  
20 vations that the Administrator determines are  
21 uniquely associated with underground disposal  
22 and unnecessary to evaluate the suitability of a  
23 candidate site for the location of an above-  
24 ground storage facility.

1 (D) PRELIMINARY ACTIVITIES.—The term  
 2 “site characterization” does not include prelimi-  
 3 nary borings and geophysical testing needed to  
 4 assess whether site characterization should be  
 5 undertaken.

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

10 (29) STORAGE.—The term “storage” means the  
 11 temporary retention of nuclear waste pending the  
 12 disposal of the nuclear waste in a repository.

13 (30) STORAGE FACILITY.—The term “storage  
 14 facility” means a facility for the storage of nuclear  
 15 waste from multiple contract holders or the Sec-  
 16 retary pending the disposal of the spent nuclear fuel  
 17 in a repository.

18 (31) UNIT OF GENERAL LOCAL GOVERN-  
 19 MENT.—The term “unit of general local govern-  
 20 ment” has the meaning given the term in section 2  
 21 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
 22 10101).

23 (32) WORKING CAPITAL FUND.—The term  
 24 “Working Capital Fund” means the Nuclear Waste

1 Administration Working Capital Fund established by  
2 section 401.

3 **TITLE II—NUCLEAR WASTE**  
4 **ADMINISTRATION**

5 **SEC. 201. ESTABLISHMENT.**

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

9 (b) PURPOSE.—The purposes of the Administration  
10 are—

11 (1) to discharge the responsibility of the Fed-  
12 eral Government to provide for the permanent dis-  
13 posal of nuclear waste;

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

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

20 **SEC. 202. PRINCIPAL OFFICERS.**

21 (a) ADMINISTRATOR.—

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

1 among persons who are, by reason of education, ex-  
2 perience, and attainments, exceptionally well quali-  
3 fied to perform the duties of the Administrator.

4 (2) FUNCTIONS AND POWERS.—The functions  
5 and powers of the Administration shall be vested in  
6 and exercised by the Administrator.

7 (3) SUPERVISION AND DIRECTION.—The Ad-  
8 ministration shall be administrated under the super-  
9 vision and direction of the Administrator, who shall  
10 be responsible for the efficient and coordinated man-  
11 agement of the Administration.

12 (4) DELEGATION.—The Administrator may,  
13 from time to time and to the extent permitted by  
14 law, delegate such functions of the Administrator as  
15 the Administrator determines to be appropriate.

16 (5) COMPENSATION.—The President shall fix  
17 the total annual compensation of the Administrator  
18 in an amount that—

19 (A) is sufficient to recruit and retain a  
20 person of demonstrated ability and achievement  
21 in managing large corporate or governmental  
22 organizations; and

23 (B) does not exceed the total annual com-  
24 pensation paid to the Chief Executive Officer of  
25 the Tennessee Valley Authority.

1           **[(6) TERM.—**The term of service of the Admin-  
2           **istrator shall be 6 years.]**

3           **[(7) REAPPOINTMENT.—**An Administrator may  
4           **serve more than 1 term.]**

5           **(b) DEPUTY ADMINISTRATOR.—**

6           (1) **APPOINTMENT.—**There shall be in the Ad-  
7           ministration a Deputy Administrator, who shall be  
8           appointed by the President, by and with the advice  
9           and consent of the Senate, from among persons who  
10          are, by reason of education, experience, and attain-  
11          ments, exceptionally well qualified to perform the  
12          duties of the Deputy Administrator.

13          (2) **DUTIES.—**The Deputy Administrator  
14          shall—

15                (A) perform such functions as the Admin-  
16                istrator shall from time to time assign or dele-  
17                gate; and

18                (B) act as the Administrator during the  
19                absence or disability of the Administrator or in  
20                the event of a vacancy in the office of the Ad-  
21                ministrator.

22          (3) **COMPENSATION.—**The President shall fix  
23          the total annual compensation of the Deputy Admin-  
24          istrator in an amount that—

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

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

7 **[(4) TERM.—The term of service of the Deputy**  
8 **Administrator shall be 6 years.]**

9 **[(5) REAPPOINTMENT.—A Deputy Adminis-**  
10 **trator may serve more than 1 term.]**

11 **SEC. 203. OTHER OFFICERS.**

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

14 (1) a General Counsel;

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

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

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

- 1 (1) be appointed by the Administrator;
- 2 (2) be considered career appointees; and
- 3 (3) be subject to section 161 d. of the Atomic
- 4 Energy Act of 1954 (42 U.S.C. 2201(d)).

5 (c) ORDER OF SUCCESSION.—The Administrator

6 may designate the order in which the officers appointed

7 pursuant to this section shall act for, and perform the

8 functions of, the Administrator during the absence or dis-

9 ability of the Administrator and the Deputy Administrator

10 or in the event of vacancies in the offices of the Adminis-

11 trator and the Deputy Administrator.

12 **SEC. 204. INSPECTOR GENERAL.**

13 There shall be in the Administration an Inspector

14 General, who shall be appointed by the President, by and

15 with the advice and consent of the Senate, in accordance

16 with section 3 of the Inspector General Act of 1978 (5

17 U.S.C. App.).

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

19 (a) ESTABLISHMENT.—There is established an inde-

20 pendent establishment in the executive branch, to be

21 known as the “Nuclear Waste Oversight Board”, to over-

22 see the administration of this Act and protect the public

23 interest in the implementation of this Act.

24 (b) MEMBERS.—The Oversight Board shall consist

25 of—

1 (1) the Deputy Director of the Office of Man-  
2 agement and Budget;

3 (2) the Chief of Engineers of the Army Corps  
4 of Engineers; and

5 (3) the Deputy Secretary of Energy.

6 (c) CHAIR.—The President shall designate 1 of the  
7 3 members as chair.

8 (d) FUNCTIONS.—The Oversight Board shall—

9 (1) review, on an ongoing basis—

10 (A) the progress made by the Adminis-  
11 trator to site, construct, and operate nuclear  
12 waste facilities under this Act;

13 (B) the use of funds made available to the  
14 Administrator under this Act;

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

18 (D) the liability of the United States to  
19 contract holders;

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

22 (3) recommend to the Administrator, the Presi-  
23 dent, or Congress, as appropriate, any actions that  
24 may be needed to ensure the implementation of this  
25 Act.

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

3 (f) REPORTS.—The Oversight Board shall report the  
4 findings, conclusions, and recommendations of the Over-  
5 sight Board to the Administrator, the President, and Con-  
6 gress not less than once per year.

7 (g) EXECUTIVE SECRETARY.—The Oversight Board  
8 shall appoint and fix the compensation of an Executive  
9 Secretary, who shall—

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

12 (2) perform such functions as the Oversight  
13 Board shall from time to time assign or delegate.

14 (h) ADDITIONAL STAFF.—

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

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

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

1 (i) ACCESS TO INFORMATION.—

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

6 (2) PRODUCTION OF DOCUMENTS.—The Ad-  
7 ministrator shall provide the Oversight Board with  
8 such records, files, papers, data, or information as  
9 may be requested by the Oversight Board.

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

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

19 **SEC. 206. CONFORMING AMENDMENTS.**

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

22 “(R) The Nuclear Waste Administration.”.

23 (b) Section 12 of the Inspector General Act of 1978  
24 (5 U.S.C. App.) is amended—

1 (1) in paragraph (1), by inserting “the Nuclear  
2 Waste Administration;” after “Export-Import  
3 Bank;”; and

4 (2) in paragraph (2), by inserting “the Nuclear  
5 Waste Administration,” after “Export-Import  
6 Bank,”.

## 7 **TITLE III—FUNCTIONS**

### 8 **SEC. 301. TRANSFER OF FUNCTIONS.**

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

13 (1) the construction and operation of a reposi-  
14 tory;

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

18 (3) the collection, adjustment, deposition, and  
19 use of fees to offset expenditures for the manage-  
20 ment of nuclear waste; and

21 (4) the issuance of obligations under section  
22 302(e)(5) of the Nuclear Waste Policy Act of 1982  
23 (42 U.S.C. 10222(e)(5)).

1 **SEC. 302. TRANSFER OF CONTRACTS.**

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

7 **SEC. 303. NUCLEAR WASTE FACILITIES.**

8 The Administrator shall site, construct, and oper-  
9 ate—

10 (1) a pilot facility for the storage of priority  
11 waste;

12 (2) 1 or more additional storage facilities for  
13 the storage of nonpriority nuclear waste; and

14 (3) 1 or more repositories for the permanent  
15 disposal of nuclear waste.

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

17 (a) IN GENERAL.—In siting nuclear waste facilities  
18 under this Act, the Administrator shall employ a process  
19 that—

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

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

25 (3) is flexible and allows decisions to be re-  
26 viewed and modified in response to new information

1 or new technical, social, or political developments;  
2 and

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

5 (b) SITING GUIDELINES.—

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

10 (A) repositories; and

11 (B) storage facilities.

12 (2) REQUIREMENTS.—

13 (A) IN GENERAL.—Except as provided in  
14 subparagraphs (B) and (C), the Administrator  
15 shall comply with the requirements of section  
16 112(a) of the Nuclear Waste Policy Act of 1992  
17 (42 U.S.C. 10132(a)) in adopting the guidelines  
18 under paragraph (1).

19 (B) EXCEPTION.—The guidelines for stor-  
20 age facilities shall not require the Administrator  
21 to consider underground geophysical conditions  
22 that the Administrator determines do not apply  
23 to above-ground storage.

24 (C) ADDITIONAL FACTORS.—In addition to  
25 the requirements described in subparagraph

1 (A), the guidelines for storage facilities shall re-  
 2 quire the Administrator to take into account  
 3 the extent to which a storage facility would—

4 (i) enhance the reliability and flexi-  
 5 bility of the system for the disposal of nu-  
 6 clear waste;

7 (ii) minimize the impacts of transpor-  
 8 tation and handling of nuclear waste;

9 **[(iii) unduly burden a State in which  
 10 significant volumes of—]**

11 **[(I) defense wastes are stored;  
 12 or]**

13 **[(II) transuranic wastes are dis-  
 14 posed; and]**

15 **[(iv) conflict with—]**

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

19 **[(II) a statutory prohibition on  
 20 the storage or disposal of nuclear  
 21 waste at a site.]**

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

1 (c) IDENTIFICATION OF CANDIDATE SITES.—

2 (1) REVIEW OF POTENTIAL SITES.—As soon as  
3 practicable after the date of the issuance of the  
4 guidelines under subsection (b), the Administrator  
5 shall evaluate potential sites for a nuclear waste fa-  
6 cility to determine whether the sites are suitable for  
7 site characterization.

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

11 (A) the Governor or duly authorized offi-  
12 cial of the State in which the site is located;

13 (B) the governing body of the affected unit  
14 of general local government;

15 (C) the governing body of an Indian tribe  
16 within the reservation boundaries of which the  
17 site is located; or

18 (D) the Administrator, after consultation  
19 with, and with the consent of—

20 (i) the Governor or duly authorized  
21 official of the State in which the site is lo-  
22 cated;

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

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

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

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

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

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

19 (A) an evaluation by the Administrator of  
20 whether the site qualifies for development as a  
21 nuclear waste facility under the guidelines es-  
22 tablished under subsection (b), including a safe-  
23 ty case that provides the basis for confidence in  
24 the safety of the proposed nuclear waste facility  
25 at the proposed site;

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

4 (C) a reasonable comparative evaluation by  
 5 the Administrator of the site with other sites  
 6 considered by—

7 (i) the Administrator under this sec-  
 8 tion; or

9 (ii) the Secretary under the Nuclear  
 10 Waste Policy Act of 1982 (42 U.S.C.  
 11 10101 et seq.);

12 (D) a description of the decision process by  
 13 which the site was recommended; and

14 (E) an assessment of the regional and local  
 15 impacts of locating a repository or storage facil-  
 16 ity at the site.

17 (d) SITE CHARACTERIZATION.—

18 (1) SELECTION OF SITES.—From among the  
 19 sites determined to be suitable for site characteriza-  
 20 tion under subsection (c), the Administrator shall se-  
 21 lect—

22 (A) at least 1 site for site characterization  
 23 as a repository; and

24 (B) at least 1 site for site characterization  
 25 as a storage facility.

1           (2) PREFERENCE FOR CO-LOCATED REPOSI-  
 2           TORY AND STORAGE FACILITY.—In selecting sites  
 3           for site characterization as a storage facility, the Ad-  
 4           ministrator shall give preference to sites determined  
 5           to be suitable for co-location of—

6                   (A) a pilot facility and additional storage  
 7                   facilities for nonpriority waste; or

8                   (B) a storage facility and a repository.

9           (3) PUBLIC HEARINGS.—Before selecting a site  
 10          for site characterization, the Administrator shall  
 11          hold public hearings in the vicinity of the site and  
 12          at least 1 other location within the State in which  
 13          the site is located—

14                   (A) to inform the public of the proposed  
 15                   site characterization; and

16                   (B) to solicit public comments and rec-  
 17                   ommendations with respect to the site charac-  
 18                   terization plan of the Administrator.

19          (4) CONSULTATION AND COOPERATION AGREE-  
 20          MENT.—

21                   (A) REQUIREMENT.—Before selecting a  
 22                   site for site characterization, the Administrator  
 23                   shall enter into a consultation and cooperation  
 24                   agreement with—

1 (i) the Governor or duly authorized  
2 official of the State in which the site is lo-  
3 cated;

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

6 (iii) the governing body of any af-  
7 fected Indian tribe.

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

10 (i) compensation to the State, any af-  
11 fected units of local government, and any  
12 affected Indian tribes for any potential  
13 economic, social, public health and safety,  
14 and environmental impacts associated with  
15 site characterization; and

16 (ii) financial and technical assistance  
17 to enable the State, any affected units of  
18 local government, and any affected Indian  
19 tribes to monitor, review, evaluate, com-  
20 ment on, obtain information on, and make  
21 recommendations on site characterization  
22 activities.

23 (e) FINAL SITE SUITABILITY DETERMINATION.—

24 (1) DETERMINATION REQUIRED.—On comple-  
25 tion of site characterization activities, the Adminis-

1       trator shall make a final determination of whether  
2       the site is suitable for development as a repository  
3       or storage facility.

4               (2) BASIS OF DETERMINATION.—In making a  
5       determination under paragraph (1), the Adminis-  
6       trator shall determine if—

7                       (A) the site is scientifically and technically  
8                       suitable for development as a repository or stor-  
9                       age facility, taking into account—

10                               (i) whether the site meets the siting  
11                               guidelines of the Administrator; and

12                               (ii) whether there is reasonable assur-  
13                               ance that a repository or storage facility at  
14                               the site will meet—

15                                       (I) the radiation protection  
16                                       standards of the Administrator of the  
17                                       Environmental Protection Agency;  
18                                       and

19                                       (II) the licensing standards of  
20                                       the Commission; and

21                       (B) development of a repository or storage  
22                       facility at the site is in the national interest.

23               (3) PUBLIC HEARINGS.—Before making a final  
24       determination under paragraph (1), the Adminis-  
25       trator shall hold public hearings in the vicinity of

1 the site and at least 1 other location within the  
2 State in which the site is located to solicit public  
3 comments and recommendations on the proposed de-  
4 termination.

5 (f) CONSENT AGREEMENTS.—

6 (1) REQUIREMENT.—On making a final deter-  
7 mination of site suitability under subsection (e), but  
8 before submitting a license application to the Com-  
9 mission under subsection (g), the Administrator  
10 shall enter into a consent agreement with—

11 (A) the Governor or duly authorized offi-  
12 cial of the State in which the site is located;

13 (B) the governing body of any affected  
14 unit of general local government; and

15 (C) if the site is located on a reservation,  
16 the governing body of the affected Indian tribe.

17 (2) CONTENTS.—The consent agreement  
18 shall—

19 (A) contain the terms and conditions on  
20 which each State, local government, and Indian  
21 tribe consents to host the repository or storage  
22 facility; and

23 (B) express the consent of each State, local  
24 government, and Indian tribe to host the reposi-  
25 tory or storage facility.

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

3           (A) shall promote the economic and social  
4 well-being of the people living in the vicinity of  
5 the repository or storage facility; and

6           (B) may include—

7           (i) financial compensation and incen-  
8 tives;

9           (ii) economic development assistance;

10           (iii) operational limitations or require-  
11 ments;

12           (iv) regulatory oversight authority;

13           and

14           (v) in the case of a storage facility, an  
15 enforceable deadline for removing nuclear  
16 waste from the storage facility.

17           (4) RATIFICATION.—No consent agreement en-  
18 tered into under this section shall have legal effect  
19 unless ratified by Federal law.

20           (5) BINDING EFFECT.—On ratification by law,  
21 the consent agreement—

22           (A) shall be binding on the parties; and

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

1 (g) SUBMISSION OF LICENSE APPLICATION.—On de-  
 2 termining that a site is suitable under subsection (e) and  
 3 ratification of a consent agreement under subsection (f),  
 4 the Administrator shall submit to the Commission an ap-  
 5 plication for a construction authorization for the reposi-  
 6 tory or storage facility.

7 **SEC. 305. LICENSING NUCLEAR WASTE FACILITIES.**

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

10 (1) all applicable standards for the protection of  
 11 the general environment from offsite releases of ra-  
 12 dioactive material; and

13 (2) the licensing and regulatory jurisdiction of  
 14 the Commission, including all applicable criteria and  
 15 requirements issued by the Commission under sec-  
 16 tion 121(b) of the Nuclear Waste Policy Act of 1987  
 17 (42 U.S.C. 10141(b)).

18 **[SEC. 306. LINKAGE BETWEEN STORAGE AND DISPOSAL.**

19 **[(a) PARALLEL PROGRAMS.—**The Administrator  
 20 shall seek to ensure that efforts to site, construct, and op-  
 21 erate a storage facility are accompanied by parallel efforts  
 22 to site, construct, and operate 1 or more repositories.**]**

23 **[(b) REQUIREMENT FOR SUBSTANTIAL**  
 24 **PROGRESS.—**Notwithstanding subsection (a), the Admin-  
 25 istrator may site, construct, and operate storage facilities

1 in the absence of parallel progress on the siting, construc-  
2 tion, or operation of a repository if the Administrator is  
3 making substantial progress towards siting, constructing,  
4 and operating a repository, as measured by the mission  
5 plan.】

6 **【(c) CERTIFICATION.—】**

7 **【(1) ADMINISTRATOR.—**The Administrator  
8 shall certify to the President and the appropriate  
9 committees of Congress annually whether substantial  
10 progress towards siting, constructing, and operating  
11 a repository is being made.】

12 **【(2) OVERSIGHT BOARD.—**The Oversight  
13 Board shall certify to the President and the appro-  
14 priate committees of Congress, at the same time  
15 that the Administrator submits the certification  
16 under paragraph (1), whether substantial progress  
17 towards siting, constructing, and operating a reposi-  
18 tory is being made.】

19 **【(d) SUSPENSION FOR LACK OF SUBSTANTIAL**  
20 **PROGRESS.—**If the Administrator or the Oversight Board  
21 determines that the Administrator has ceased to make  
22 substantial progress towards the siting, construction, and  
23 operation of a repository, as measured by the mission  
24 plan, the Administrator shall suspend any shipments of  
25 nuclear waste to, and receipt of nuclear waste at, any stor-

1 age facility, until such time as the Oversight Board deter-  
 2 mines that substantial progress is again being made to-  
 3 wards siting, constructing, and operating a repository.】

4 【(e) EXCEPTION TO SUSPENSION.—Notwithstanding  
 5 subsection (d), the Administrator may continue to ship  
 6 and receive any emergency delivery at a storage facility  
 7 during a suspension described in subsection (d).】

8 【(f) STATUS OF WASTE IN STORAGE.—Notwith-  
 9 standing subsection (d), the Administrator may continue  
 10 to store during the suspension any nuclear waste received  
 11 at a storage facility prior to a suspension described in sub-  
 12 section (d).】

13 **SEC. 307. DEFENSE WASTE.**

14 (a) DISPOSAL AND STORAGE BY ADMINISTRATION.—  
 15 The Secretary—

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

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

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

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

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

15           (e) COMMINGLING DETERMINATION.—

16           (1) REEVALUATION.—Notwithstanding section  
17 8 of the Nuclear Waste Policy Act of 1982 (42  
18 U.S.C. 10107), the Administrator may reevaluate  
19 the decision to commingle defense wastes with nu-  
20 clear waste from civilian nuclear power reactors.

21           (2) NOTIFICATION.—Not later than 2 years  
22 after the date of enactment of this Act, the Adminis-  
23 trator shall notify the President and the appropriate  
24 committees of Congress of whether the Adminis-

1 trator intends to reevaluate the decision under para-  
 2 graph (1) and the reasons for that decision.

3 (3) SEPARATE NUCLEAR WASTE FACILITIES.—

4 If the Administrator finds, after conducting the re-  
 5 evaluation under paragraph (1), that the develop-  
 6 ment of separate nuclear waste facilities for the stor-  
 7 age or disposal of defenses wastes is necessary or  
 8 appropriate for the efficient management of defenses  
 9 wastes, the Administrator may, with the concurrence  
 10 of the President, site, construct, and operate 1 or  
 11 more separate nuclear waste facilities for the storage  
 12 or disposal of defenses wastes.

13 **SEC. 308. TRANSPORTATION.**

14 (a) IN GENERAL.—The Administrator shall be re-  
 15 sponsible for transporting nuclear waste—

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

18 (2) from a storage facility to a repository; and

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

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

23 (1) the design of which has been certified by  
 24 the Commission; and

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

4           (c) NOTIFICATION.—Prior to any transportation of  
5           nuclear waste under this Act, the Administrator shall pro-  
6           vide advance notification to States and Indian tribes  
7           through whose jurisdiction the Administrator plans to  
8           transport the nuclear waste.

9           (d) TRANSPORTATION ASSISTANCE.—

10           (1) PUBLIC EDUCATION.—The Administrator  
11           shall conduct a program to provide information to  
12           the public about the transportation of nuclear waste.

13           (2) TRAINING.—The Administrator shall pro-  
14           vide financial and technical assistance to States and  
15           Indian tribes through whose jurisdiction the Admin-  
16           istrator plans to transport nuclear waste to train  
17           public safety officials and other emergency respond-  
18           ers on—

19                   (A) procedures required for the safe, rou-  
20                   tine transportation of nuclear waste; and

21                   (B) procedures for dealing with emergency  
22                   response situations involving nuclear waste, in-  
23                   cluding instruction of—

1 (i) government and tribal officials and  
2 public safety officers in command and con-  
3 trol procedures;

4 (ii) emergency response personnel;  
5 and

6 (iii) radiological protection and emer-  
7 gency medical personnel.

8 (3) EQUIPMENT.—The Administrator shall pro-  
9 vide monetary grants and contributions in-kind to  
10 assist States and Indian tribes through whose juris-  
11 diction the Administrator plans to transport nuclear  
12 waste for the purpose of acquiring equipment for re-  
13 sponding to a transportation incident involving nu-  
14 clear waste.

15 (4) TRANSPORTATION SAFETY PROGRAMS.—  
16 The Administrator shall provide in-kind, financial,  
17 technical, and other appropriate assistance to States  
18 and Indian tribes through whose jurisdiction the Ad-  
19 ministrator plans to transport nuclear waste for  
20 transportation safety programs related to shipments  
21 of nuclear waste.

1 **TITLE IV—FUNDING AND LEGAL**  
2 **PROCEEDINGS**

3 **SEC. 401. WORKING CAPITAL FUND.**

4 (a) ESTABLISHMENT.—There is established in the  
5 Treasury a separate fund, to be known as the “Nuclear  
6 Waste Administration Working Capital Fund”, which  
7 shall be separate from the Nuclear Waste Fund.

8 (b) CONTENTS.—The Working Capital Fund shall  
9 consist of—

10 (1) all fees paid by contract holders pursuant to  
11 section 302(a) of the Nuclear Waste Policy Act of  
12 1982 (42 U.S.C. 10222(a)) on or after the date of  
13 enactment of this Act, which shall be paid into the  
14 Working Capital Fund—

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

18 (B) immediately on the payment of the  
19 fees;

20 (2) any appropriations made by Congress to  
21 pay the share of the cost of the program established  
22 under this Act attributable to defense wastes; and

23 (3) interest paid on the unexpended balance of  
24 the Working Capital Fund.

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

3 (1) shall be immediately available to the Admin-  
4 istrator to carry out the functions of the Adminis-  
5 trator, except to the extent limited in annual author-  
6 ization or appropriation Acts;

7 (2) shall remain available until expended; and

8 (3) shall not be subject to apportionment under  
9 subchapter II of chapter 15 of title 31, United  
10 States Code.

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

16 **[(e) PERFORMANCE-BASED FUNDING.—No fees paid**  
17 **by contract holders pursuant to section 302(a) of the Nu-**  
18 **clear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) shall**  
19 **be paid into the Working Capital Fund after December**  
20 **31, 2025, unless the Administrator is operating a nuclear**  
21 **waste facility.]**

22 **SEC. 402. NUCLEAR WASTE FUND.**

23 (a) ELIMINATION OF LEGISLATIVE VETO.—Section  
24 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42  
25 U.S.C. 10222(a)(4)) is amended in the last sentence by

1 striking “transmittal unless” and all that follows through  
 2 the end of the sentence and inserting “transmittal.”.

3 (b) INTEREST ON UNEXPENDED BALANCES.—Sec-  
 4 tion 302(e)(3) of the Nuclear Waste Policy Act of 1982  
 5 (42 U.S.C. 10222(e)(3)) is amended—

6 (1) by striking “Secretary” the first, second,  
 7 and fourth place it appears and inserting “Adminis-  
 8 trator of the Nuclear Waste Administration”; and

9 (2) by striking “the Waste Fund” each place it  
 10 appears and inserting “the Waste Fund or the  
 11 Working Capital Fund established by section 401 of  
 12 the Nuclear Waste Administration Act of 2013”.

13 **SEC. 403. FULL COST RECOVERY.**

14 In determining whether insufficient or excess reve-  
 15 nues are being collected to ensure full cost recovery under  
 16 section 302(a)(4) of the Nuclear Waste Policy Act of 1982  
 17 (42 U.S.C. 10222(a)(4)), the Administrator shall—

18 (1) assume that sufficient funds will be appro-  
 19 priated to the Nuclear Waste Fund to cover the  
 20 costs attributable to disposal of defense wastes; and

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

23 **SEC. 404. JUDICIAL REVIEW.**

24 (a) JURISDICTION.—

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

5                   (A) for review of any final decision or ac-  
6 tion of the Administrator or the Commission  
7 under this Act;

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

11                   (C) challenging the constitutionality of any  
12 decision made, or action taken, under this Act;  
13 or

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

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

1 (A) the judicial circuit in which the peti-  
2 tioner involved resides or has the principal of-  
3 fice of the petitioner; or

4 (B) the United States Court of Appeals for  
5 the District of Columbia Circuit.

6 (b) DEADLINE FOR COMMENCING ACTION.—

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

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

21 **SEC. 405. LITIGATION AUTHORITY.**

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

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

5 **SEC. 406. LIABILITIES.**

6 (a) PENDING LEGAL PROCEEDINGS.—Any suit,  
7 cause of action, or judicial proceeding commenced by or  
8 against the Secretary relating to functions or contracts  
9 transferred to the Administrator by this Act shall—

10 (1) not abate by reason of the enactment of this  
11 Act; and

12 (2) continue in effect with the Administrator  
13 substituted for the Secretary.

14 (b) SETTLEMENT OF PENDING LITIGATION; CON-  
15 TRACT MODIFICATION.—

16 (1) SETTLEMENT.—The Attorney General, in  
17 consultation with the Administrator, shall settle all  
18 claims against the United States by a contract hold-  
19 er for the breach of a contract for the disposal of  
20 nuclear waste under section 302(a) of the Nuclear  
21 Waste Policy Act of 1982 (42 U.S.C. 10222(a)) as  
22 a condition precedent of the agreement of the Ad-  
23 ministrator to take title to and store the nuclear  
24 waste of the contract holder at a storage facility.

1           (2) CONTRACT MODIFICATION.—The Adminis-  
2           trator and contract holders shall modify contracts  
3           entered into under section 302(a) of the Nuclear  
4           Waste Policy Act of 1982 (42 U.S.C. 10222(a)) in  
5           accordance with the settlement under paragraph (1).

6           (c) PAYMENT OF JUDGMENTS AND SETTLEMENTS.—  
7           Payment of judgments and settlements in cases arising  
8           from the failure of the Secretary to meet the deadline of  
9           January 31, 1998, to begin to dispose of nuclear waste  
10          under contracts entered into under section 302(a)(1) of  
11          the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
12          10222(a)(1)) shall continue to be paid from the perma-  
13          nent judgment appropriation established pursuant to sec-  
14          tion 1304 of title 31, United States Code.

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

22          (e) NUCLEAR INDEMNIFICATION.—

23                  (1) INDEMNIFICATION AGREEMENTS.—For pur-  
24          poses of section 170 of the Atomic Energy Act of

1 1954 (42 U.S.C. 2210) (commonly known as the  
 2 “Price-Anderson Act”)—

3 (A) any person that conducts nuclear  
 4 waste activities under a contract with the Ad-  
 5 ministrator that may involve the risk of public  
 6 liability shall be treated as a contractor of the  
 7 Secretary; and

8 (B) the Secretary shall enter into an  
 9 agreement of indemnification with any person  
 10 described in subparagraph (A).

11 (2) CONFORMING AMENDMENT.—Section 11 ff.  
 12 of the Atomic Energy Act of 1954 (42 U.S.C.  
 13 2014(ff)) is amended by inserting “or the Nuclear  
 14 Waste Administration” after “Secretary of Energy”.

15 **TITLE V—ADMINISTRATIVE AND**  
 16 **SAVINGS PROVISIONS**

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

18 The Administrator shall have the power—

19 (1) to perform the functions of the Secretary  
 20 transferred to the Administrator pursuant to this  
 21 Act;

22 (2) to enter into contracts with any person who  
 23 generates or holds title to nuclear waste generated  
 24 in a civilian nuclear power reactor for the acceptance

1 of title, subsequent transportation, storage, and dis-  
2 posal of the nuclear waste;

3 (3) to enter into and perform contracts, leases,  
4 and cooperative agreements with public agencies,  
5 private organizations, and persons necessary or ap-  
6 propriate to carry out the functions of the Adminis-  
7 trator;

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

11 (5) to obtain from the Administrator of General  
12 Services the services the Administrator of General  
13 Services is authorized to provide agencies of the  
14 United States, on the same basis as those services  
15 are provided to other agencies of the United States;

16 (6) to conduct nongeneric research, develop-  
17 ment, and demonstration activities necessary or ap-  
18 propriate to carrying out the functions of the Ad-  
19 ministrator; and

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

23 **SEC. 502. PERSONNEL.**

24 (a) OFFICERS AND EMPLOYEES.—

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

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

12           (3) EXCEPTION.—Notwithstanding paragraph  
13 (2), the Administrator may, to the extent the Ad-  
14 ministrator determines necessary to discharge the  
15 responsibilities of the Administrator—

16           (A) appoint exceptionally well qualified in-  
17 dividuals to scientific, engineering, or other crit-  
18 ical positions without regard to the provisions  
19 of chapter 33 of title 5, United States Code,  
20 governing appointments in the competitive serv-  
21 ice; and

22           (B) fix the basic pay of any individual ap-  
23 pointed under subparagraph (A) at a rate of  
24 not more than level I of the Executive Schedule  
25 without regard to the civil service laws, except

1           that the total annual compensation of the indi-  
2           vidual shall be at a rate of not more than the  
3           highest total annual compensation payable  
4           under section 104 of title 3, United States  
5           Code.

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

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

15          (c) ADVISORY COMMITTEES.—

16                (1) ESTABLISHMENT.—The Administrator may  
17                establish, in accordance with the Federal Advisory  
18                Committee Act (5 U.S.C. App.), such advisory com-  
19                mittees as the Administrator may consider appro-  
20                priate to assist in the performance of the functions  
21                of the Administrator.

22                (2) COMPENSATION.—A member of an advisory  
23                committee, other than a full-time employee of the  
24                Federal Government, may be allowed travel ex-  
25                penses, including per diem in lieu of subsistence, as

1 authorized by section 5703 of title 5, United States  
2 Code, for individuals in the Government service  
3 without pay, while attending meetings of the advi-  
4 sory committee or otherwise serving away from the  
5 homes or regular place of business of the member at  
6 the request of the Administrator.

7 **SEC. 503. OFFICES.**

8 (a) **PRINCIPAL OFFICE.**—The principal office of the  
9 Administration shall be in or near the District of Colum-  
10 bia.

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

14 **SEC. 504. MISSION PLAN.**

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

17 (1) provide an informational basis sufficient to  
18 permit informed decisions to be made in carrying  
19 out the functions of the Administrator; and

20 (2) provide verifiable indicators for oversight of  
21 the performance of the Administrator.

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

23 (1) a description of the actions the Adminis-  
24 trator plans to take to carry out the functions of the  
25 Administrator under this Act;

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

4           (A) a pilot facility not later than December  
5 31, 2021;

6           (B) a storage facility for nonpriority waste  
7 not later than December 31, 2025; and

8           (C) a repository not later than December  
9 31, 2048; and

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

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

20           (1) Congress;

21           (2) the Oversight Board;

22           (3) the Commission;

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

1 (5) the States;

2 (6) affected Indian tribes; and

3 (7) such other interested persons as the Admin-  
4 istrator considers appropriate.

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

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

11 (2) provide interested persons an opportunity to  
12 comment on the proposed plan.

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

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

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

24 (f) REVISION OF THE MISSION PLAN.—The Adminis-  
25 trator shall—

1           (1) revise the mission plan, as appropriate, to  
2           reflect major changes in the planned activities,  
3           schedules, milestones, and cost estimates reported in  
4           the mission plan; and

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

8   **SEC. 505. ANNUAL REPORTS.**

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

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

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

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

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

22          (a) COMMISSION PROCEEDINGS.—This Act shall not  
23          affect any proceeding or any application for any license  
24          or permit pending before the Commission on the date of  
25          enactment of this Act.

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

4 (1) the maintenance, treatment, packaging, and  
5 storage of defense wastes at Department of Energy  
6 sites prior to delivery to, and acceptance by, the Ad-  
7 ministrator for disposal in a repository;

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

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

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

22 (1) to provide interim storage or monitored, re-  
23 trievable storage under subtitles B and C of title I  
24 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
25 10151 et seq.); and

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

4 **SEC. 507. TECHNICAL ASSISTANCE IN THE FIELD OF SPENT**  
5 **FUEL STORAGE AND DISPOSAL.**

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

12           (b) **INFORMING FOREIGN GOVERNMENTS.**—As soon  
13 as practicable after the date of the publication of the an-  
14 nual joint notice described in subsection (a), the Secretary  
15 of State shall inform the governments of nations and orga-  
16 nizations operating nuclear power plants, solicit expres-  
17 sions of interest, and transmit any such expressions of in-  
18 terest to the Secretary and the Commission, as provided  
19 in section 223(e) of the Nuclear Waste Policy Act of 1982  
20 (42 U.S.C. 10203(e)).

21           (c) **BUDGET REQUESTS.**—The President shall in-  
22 clude in the budget request of the President for the Com-  
23 mission and the Department of Energy for each of fiscal  
24 years 2014 through 2019 such funding requests for a pro-  
25 gram of cooperation and technical assistance with nations

1 in the fields of spent nuclear fuel storage and disposal as  
2 the President determines appropriate in light of expres-  
3 sions of interest in the cooperation and assistance.

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

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

13 (a) ELIGIBILITY.—Section 502(b)(3)(C)(iii)(I) of the  
14 Nuclear Waste Policy Act of 1982 (42 U.S.C.  
15 10262(b)(3)(C)(iii)(I)) is amended by inserting “or the  
16 Nuclear Waste Administration” after “the Department of  
17 Energy”.

18 (b) FUNCTIONS.—Section 503 of the Nuclear Waste  
19 Policy Act of 1982 (42 U.S.C. 10263) is amended by  
20 striking “Secretary after the date of the enactment of the  
21 Nuclear Waste Policy Amendments Act of 1987” and in-  
22 serting “Nuclear Waste Administrator after the date of  
23 enactment of the Nuclear Waste Administration Act of  
24 2013”.

1           (c) PRODUCTION OF DOCUMENTS.—Section 504(b)  
2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
3 10264(b)) is amended by striking “Secretary” each place  
4 it appears and inserting “Nuclear Waste Administrator”.

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

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

14 **SEC. 509. REPEAL OF VOLUME LIMITATION.**

15          Section 114(d) of the Nuclear Waste Policy Act of  
16 1982 (42 U.S.C. 10134(d)) is amended by striking the  
17 second and third sentences.