

115TH CONGRESS  
2D SESSION

# H. R. 3053

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## AN ACT

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,*

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

## TITLE I—MONITORED RETRIEVABLE STORAGE

## TITLE II—PERMANENT REPOSITORY

### TITLE III—DOE CONTRACT PERFORMANCE

#### TITLE IV—BENEFITS TO HOST COMMUNITY

## TITLE V—FUNDING

## TITLE VI—MISCELLANEOUS

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- Sec. 603. Transportation safety assistance.
- Sec. 604. Office of Civilian Radioactive Waste Management.
- Sec. 605. West Lake Landfill.
- Sec. 606. Subseabed or ocean water disposal.
- Sec. 607. Sense of Congress regarding storage of nuclear waste near the Great Lakes.
- Sec. 608. Budgetary effects.
- Sec. 609. Requirement for financial statements summary.
- Sec. 610. Stranded nuclear waste.

## TITLE I—MONITORED RETRIEVABLE STORAGE

### SEC. 101. MONITORED RETRIEVABLE STORAGE.

(a) PROPOSAL.—Section 141(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10161(b)) is amended—

(1) in paragraph (1)—

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

(B) by striking “the construction of”;

(2) in paragraph (2)—

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

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

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

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

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

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

2 “(E) options to enter into MRS agreements  
3 with respect to one or more monitored retrievable  
4 storage facilities.”; and

5 (3) by amending paragraph (4) to read as fol-  
6 lows:

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

13 (b) ADDITIONAL AMENDMENTS.—

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

17 (A) in subsection (c)(2)—

18 (i) by striking “If the Congress” and  
19 all that follows through “monitored retriev-  
20 able storage facility, the” and inserting  
21 “The”; and

22 (ii) by striking “construction of such  
23 facility” and inserting “construction of a  
24 monitored retrievable storage facility”; and

1 (B) by striking subsections (d) through  
2 (h).

3 (2) DEFINITIONS.—Section 2 of the Nuclear  
4 Waste Policy Act of 1982 (42 U.S.C. 10101) is  
5 amended—

6 (A) in paragraph (34), by striking “the  
7 storage facility” and inserting “a storage facil-  
8 ity”; and

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

10 “(35) The term ‘MRS agreement’ means a co-  
11 operative agreement, contract, or other mechanism  
12 that the Secretary considers appropriate to support  
13 the storage of Department-owned civilian waste in  
14 one or more monitored retrievable storage facilities  
15 as authorized under section 142(b)(2).

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

20 (3) TECHNICAL AMENDMENTS.—Section 146 of  
21 the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
22 10166) is amended—

23 (A) in subsection (a), by striking “such  
24 subsection” and inserting “subsection (f) of  
25 such section”; and

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

3 **SEC. 102. AUTHORIZATION AND PRIORITY.**

4 Section 142 of the Nuclear Waste Policy Act of 1982  
5 (42 U.S.C. 10162) is amended by striking subsection (b)  
6 and inserting the following:

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

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

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

15 “(c) PRIORITY.—

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

21 “(2) EXCEPTION.—

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

1 subsection (b)(1), in comparison to a facility  
2 authorized under subsection (b)(2).

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

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

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

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

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

15 “(1) the monitored retrievable storage facility  
16 with respect to which the MRS agreement applies  
17 has been licensed by the Commission under the  
18 Atomic Energy Act of 1954 (42 U.S.C. 2011 et  
19 seq.);

20 “(2) the non-Federal entity that is a party to  
21 the MRS agreement has approval to store Depart-  
22 ment-owned civilian waste at such facility from each  
23 of—

24 “(A) the Governor of the State in which  
25 the facility is located;

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

4           “(C) any affected Indian tribe;

5           “(3) except as provided in subsection (b), the  
6           Commission has issued a final repository decision;  
7           and

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

13          “(b) INITIAL AGREEMENT.—

14               “(1) AUTHORIZATION.—The Secretary may  
15               enter into one MRS agreement under section  
16               142(b)(2) before the Commission has issued a final  
17               repository decision.

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

20                       “(A) for each of fiscal years 2020 through  
21                       2022, the greater of—

22                               “(i) \$50,000,000; or

23                               “(ii) the amount that is equal to 10  
24                       percent of the amounts appropriated from  
25                       the Waste Fund in that fiscal year; and



1           “(B) for each of fiscal years 2023 through  
2           2025, the amount that is equal to 10 percent  
3           of the amounts appropriated from the Waste  
4           Fund in that fiscal year.

5           “(3) PRIORITY.—

6           “(A) IN GENERAL.—An MRS agreement  
7           entered into pursuant to paragraph (1) shall, to  
8           the extent allowable under this Act (including  
9           under the terms of the standard contract estab-  
10          lished in section 961.11 of title 10, Code of  
11          Federal Regulations), provide for prioritization  
12          of the storage of Department-owned civilian  
13          waste that originated from facilities that have  
14          ceased commercial operation.

15          “(B) NO EFFECT ON STANDARD CON-  
16          TRACT.—Nothing in subparagraph (A) shall be  
17          construed to amend or otherwise alter the  
18          standard contract established in section 961.11  
19          of title 10, Code of Federal Regulations.

20          “(4) CONDITIONS.—

21          “(A) NO STORAGE.—Except as provided in  
22          subparagraph (B), the Secretary may not store  
23          any Department-owned civilian waste at the ini-  
24          tial MRS facility until the Commission has  
25          issued a final repository decision.

1 “(B) EXCEPTION.—

2 “(i) FINDING.—The Secretary may  
3 make a finding that a final repository deci-  
4 sion is imminent, which finding shall be  
5 updated not less often than quarterly until  
6 the date on which the Commission issues a  
7 final repository decision.

8 “(ii) STORAGE.—If the Secretary  
9 makes a finding under clause (i), the Sec-  
10 retary may store Department-owned civil-  
11 ian waste at the initial MRS facility in ac-  
12 cordance with this section.

13 “(iii) NOTICE.—Not later than 7 days  
14 after the Secretary makes or updates a  
15 finding under clause (i), the Secretary  
16 shall submit to Congress written notifica-  
17 tion of such finding.

18 “(iv) REPORTING.—In addition to the  
19 requirements of section 114(c), if the Sec-  
20 retary makes a finding under clause (i),  
21 the Secretary shall submit to Congress the  
22 report described in such section 114(c) not  
23 later than 1 month after the Secretary  
24 makes such finding and monthly thereafter

1                   until the date on which the Commission  
2                   issues a final repository decision.

3                   “(C) NO EFFECT ON FEDERAL DISPOSAL  
4                   POLICY.—Nothing in this subsection affects the  
5                   Federal responsibility for the disposal of high-  
6                   level radioactive waste and spent nuclear fuel,  
7                   or the definite Federal policy with regard to the  
8                   disposal of such waste and spent fuel, estab-  
9                   lished under subtitle A, as described in section  
10                  111(b).

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

12                   “(1) FINAL REPOSITORY DECISION.—The term  
13                   ‘final repository decision’ means a final decision ap-  
14                   proving or disapproving the issuance of a construc-  
15                   tion authorization for a repository under section  
16                   114(d)(1).

17                   “(2) INITIAL MRS FACILITY.—The term ‘initial  
18                   MRS facility’ means the monitored retrievable stor-  
19                   age facility with respect to which an MRS agreement  
20                   is entered into pursuant to subsection (b)(1).”.

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

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

1 **SEC. 104. SURVEY.**

2 Section 144 of the Nuclear Waste Policy Act of 1982  
3 (42 U.S.C. 10164) is amended—

4 (1) by striking “After the MRS Commission  
5 submits its report to the Congress under section  
6 143, the” and inserting “(a) IN GENERAL.—The”;

7 (2) in the matter preceding paragraph (1), by  
8 striking “for a monitored retrievable storage facil-  
9 ity” and inserting “for any monitored retrievable  
10 storage facility authorized under section 142”;

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

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

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

16 “(8) be acceptable to State authorities, affected  
17 units of local government, and affected Indian  
18 tribes.

19 “(b) REQUEST FOR PROPOSALS.—The Secretary  
20 shall issue a request for proposals for an MRS agreement  
21 authorized under section 142(b)(2) before conducting a  
22 survey and evaluation under subsection (a), and shall con-  
23 sider any proposals received in response to such request  
24 in making the evaluation.”.

1 **SEC. 105. SITE SELECTION.**

2 Section 145 of the Nuclear Waste Policy Act of 1982  
3 (42 U.S.C. 10165) is amended—

4 (1) in subsection (a)—

5 (A) by striking “select the site evaluated”  
6 and inserting “select a site evaluated”;

7 (B) by striking “the most”; and

8 (C) by inserting “authorized under section  
9 142(b)(1)” after “monitored retrievable storage  
10 facility”; 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)”.

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

(1) in paragraph (1), by striking “has issued a license for the construction of a repository under section 115(d)” and inserting “has issued a final decision approving or disapproving the issuance of a construction authorization for a repository under section 114(d)(1)”; and

(2) in paragraph (2), by striking “or construction of the repository ceases”.

**SEC. 108. FINANCIAL ASSISTANCE.**

Section 149 of the Nuclear Waste Policy Act of 1982 is amended by inserting “authorized under section 142(b)(1)” after “a monitored retrievable storage facility”.

## **TITLE II—PERMANENT REPOSITORY**

**SEC. 201. LAND WITHDRAWAL, JURISDICTION, AND RESERVATION.**

(a) LAND WITHDRAWAL, JURISDICTION, AND RESERVATION.—

(1) LAND WITHDRAWAL.—Subject to valid existing rights and except as provided otherwise in this section, the lands described in subsection (c) are

1 withdrawn permanently from all forms of entry, ap-  
2 propriation, and disposal under the public land laws,  
3 including the mineral leasing laws, the geothermal  
4 leasing laws, and the mining laws.

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

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

20 (b) REVOCATION AND MODIFICATION OF PUBLIC  
21 LAND ORDERS AND RIGHTS-OF-WAY.—

22 (1) PUBLIC LAND ORDER REVOCATION.—Public  
23 Land Order 6802 of September 25, 1990, as ex-  
24 tended by Public Land Order 7534, and any condi-

1 tions or memoranda of understanding accompanying  
2 those land orders, are revoked.

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

6 (c) LAND DESCRIPTION.—

7 (1) BOUNDARIES.—The lands and interests in  
8 lands withdrawn and reserved by this section com-  
9 prise the approximately 147,000 acres of land in  
10 Nye County, Nevada, as generally depicted on the  
11 Yucca Mountain Project Map, YMP-03-024.2, enti-  
12 tled “Proposed Land Withdrawal” and dated July  
13 21, 2005.

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

17 (A) publish in the Federal Register a no-  
18 tice containing a legal description of the with-  
19 drawal; and

20 (B) file copies of the maps described in  
21 paragraph (1) and the legal description of the  
22 withdrawal with the Congress, the Governor of  
23 the State of Nevada, and the Archivist of the  
24 United States.



1           (3) TECHNICAL CORRECTIONS.—The maps and  
2       legal description referred to in this subsection have  
3       the same force and effect as if they were included  
4       in this section. The Secretary of the Interior may  
5       correct clerical and typographical errors in the maps  
6       and legal description.

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

16      (e) MANAGEMENT RESPONSIBILITIES.—

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

24           (2) MANAGEMENT PLAN.—

1           (A) DEVELOPMENT.—The Secretary, after  
2 consulting with the Secretary concerned, shall  
3 develop a management plan for the use of the  
4 withdrawal. Within 3 years after the date of en-  
5 actment of this Act, the Secretary shall submit  
6 the management plan to the Congress and the  
7 State of Nevada.

8           (B) PRIORITY OF YUCCA MOUNTAIN  
9 PROJECT-RELATED ISSUES.—Subject to sub-  
10 paragraphs (C) and (D), any use of the with-  
11 drawal for activities not associated with the  
12 Project is subject to conditions and restrictions  
13 that the Secretary considers necessary or desir-  
14 able to permit the conduct of Project-related ac-  
15 tivities.

16           (C) DEPARTMENT OF THE AIR FORCE  
17 USES.—The management plan may provide for  
18 the continued use by the Department of the Air  
19 Force of the portion of the withdrawal within  
20 the Nellis Air Force Base Test and Training  
21 Range under terms and conditions on which the  
22 Secretary and the Secretary of the Air Force  
23 agree concerning Air Force activities.

24           (D) OTHER NON-YUCCA-MOUNTAIN-  
25 PROJECT USES.—The management plan shall

1 provide for the maintenance of wildlife habitat  
2 and shall provide that the Secretary may permit  
3 non-Project-related uses that the Secretary con-  
4 siders appropriate, including domestic livestock  
5 grazing and hunting and trapping in accord-  
6 ance with the following requirements:

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

18 (I) the Act commonly known as  
19 the “Taylor Grazing Act” (43 U.S.C.  
20 315 et seq.);

21 (II) title IV of the Federal Land  
22 Policy and Management Act of 1976  
23 (43 U.S.C. 1751 et seq.); and

1 (III) the Public Rangelands Im-  
2 provement Act of 1978 (43 U.S.C.  
3 1901 et seq.).

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

16 (E) MINING.—

17 (i) IN GENERAL.—Except as provided  
18 in clause (ii), surface or subsurface mining  
19 or oil or gas production, including slant  
20 drilling from outside the boundaries of the  
21 withdrawal, is not permitted at any time  
22 on lands on or under the withdrawal. The  
23 Secretary of the Interior shall evaluate and  
24 adjudicate the validity of all unpatented  
25 mining claims on the portion of the with-

1           drawal that, on the date of enactment of  
2           this Act, was under the control of the Bu-  
3           reau of Land Management. The Secretary  
4           shall provide just compensation for the ac-  
5           quisition of any valid property right.

6                   (ii) CIND-R-LITE MINE.—Patented  
7           Mining Claim No. 27–83–0002, covering  
8           the Cind–R–Lite Mine, shall not be af-  
9           fected by establishment of the withdrawal  
10          set forth in subsection (a)(1). In that  
11          event, the Secretary shall provide just com-  
12          pensation.

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

24                   (3) CLOSURE.—If the Secretary, after con-  
25          sulting with the Secretary concerned, determines

1       that the health and safety of the public or the com-  
2       mon defense and security require the closure of a  
3       road, trail, or other portion of the withdrawal, or the  
4       airspace above the withdrawal, the Secretary may ef-  
5       fect and maintain the closure and shall provide no-  
6       tice of the closure.

7               (4) IMPLEMENTATION.—The Secretary and the  
8       Secretary concerned shall implement the manage-  
9       ment plan developed under paragraph (2) under  
10      terms and conditions on which they agree.

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

16      (g) LAND ACQUISITION.—The Secretary may acquire  
17     lands and interests in lands within the withdrawal. Those  
18     lands and interests in lands may be acquired by donation,  
19     purchase, lease, exchange, easement, rights-of-way, or  
20     other appropriate methods using donated or appropriated  
21     funds. The Secretary of the Interior shall conduct any ex-  
22     change of lands within the withdrawal for Federal lands  
23     outside the withdrawal.

24      (h) MATERIAL REQUIREMENTS.—Notwithstanding  
25     any other provision of law, no Federal, State, Interstate,

1 or local requirement, either substantive or procedural, that  
 2 is referred to in section 6001(a) of the Solid Waste Dis-  
 3 posal Act (42 U.S.C. 6961(a)) applies with respect to any  
 4 material—

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

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

9 (i) DEFINITIONS.—

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

17 (2) OTHER DEFINITIONS.—For purposes of this  
 18 section—

19 (A) the term “withdrawal” means the geo-  
 20 graphic area consisting of the land described in  
 21 subsection (c);

22 (B) the term “Secretary concerned” means  
 23 the Secretary of the Air Force or the Secretary  
 24 of the Interior, or both, as appropriate; and

1 (C) the term “Project” means the Yucca  
2 Mountain Project.

3 (j) EFFECTIVE DATE.—

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

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

14 **SEC. 202. APPLICATION PROCEDURES AND INFRASTRUC-**  
15 **TURE ACTIVITIES.**

16 (a) STATUS REPORT ON APPLICATION.—Section  
17 114(c) of the Nuclear Waste Policy Act of 1982 (42  
18 U.S.C. 10134(c)) is amended by striking “the date on  
19 which such authorization is granted” and inserting “the  
20 date on which the Commission issues a final decision ap-  
21 proving or disapproving such application”.

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



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

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

5           (2) by striking “the expiration of 3 years after  
6       the date of the submission of such application” and  
7       inserting “30 months after the date of enactment of  
8       the Nuclear Waste Policy Amendments Act of  
9       2018”;

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

12          (4) by adding at the end the following new  
13       paragraphs:

14          “(2) APPLICATIONS TO AMEND.—If the Com-  
15       mission issues a construction authorization for a re-  
16       pository pursuant to paragraph (1) and the Sec-  
17       retary submits an application to amend such author-  
18       ization, the Commission shall consider the applica-  
19       tion to amend using expedited, informal procedures,  
20       including discovery procedures that minimize the  
21       burden on the parties to produce documents. The  
22       Commission shall issue a final decision on such ap-  
23       plication to amend within 1 year after the date of  
24       submission of such application, except that the Com-  
25       mission may extend such deadline by not more than

1       6 months if, not less than 30 days before such dead-  
2       line, the Commission complies with the reporting re-  
3       quirements established in subsection (e)(2).

4           “(3) INFRASTRUCTURE ACTIVITIES.—

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

24           “(B) ENVIRONMENTAL ANALYSIS.—If the  
25      Secretary determines that an environmental

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

16 “(C) NO GROUNDS FOR DISAPPROVAL.—  
17 The Commission may not disapprove, on the  
18 grounds that the Secretary undertook an infra-  
19 structure activity under this paragraph—

20 “(i) the issuance of a construction au-  
21 thorization for a repository pursuant to  
22 paragraph (1);

23 “(ii) a license to receive and possess  
24 spent nuclear fuel and high-level radio-  
25 active waste; or

1 “(iii) any other action concerning the  
2 repository.”.

3 (c) CONNECTED ACTIONS.—Section 114(f)(6) of the  
4 Nuclear Waste Policy Act of 1982 (42 U.S.C.  
5 10134(f)(6)) is amended by striking “or nongeologic alter-  
6 natives to such site” and inserting “nongeologic alter-  
7 natives to such site, or an action connected or otherwise  
8 related to the repository to the extent the action is under-  
9 taken outside the geologic repository operations area and  
10 does not require a license from the Commission”.

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

12 Nothing in this Act or the amendments made by this  
13 Act shall be construed to require the Secretary to amend  
14 or otherwise modify an application for a construction au-  
15 thorization described in section 114(d) of the Nuclear  
16 Waste Policy Act of 1982 (42 U.S.C. 10134(d)) pending  
17 as of the date of enactment of this Act.

18 **SEC. 204. LIMITATION ON PLANNING, DEVELOPMENT, OR**  
19 **CONSTRUCTION OF DEFENSE WASTE REPOSI-**  
20 **TORY.**

21 (a) LIMITATION.—The Secretary of Energy may not  
22 take any action relating to the planning, development, or  
23 construction of a defense waste repository until the date  
24 on which the Nuclear Regulatory Commission issues a  
25 final decision approving or disapproving the issuance of

1 a construction authorization for a repository under section  
2 114(d)(1) of the Nuclear Waste Policy Act of 1982 (42  
3 U.S.C. 10134(d)) (as so designated by this Act).

4 (b) DEFINITIONS.—In this section—

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

10 (2) the term “defense waste repository” means  
11 the repository for high-level radioactive waste and  
12 spent nuclear fuel derived from the atomic energy  
13 defense activities of the Department of Energy, as  
14 described in the draft plan of the Department titled  
15 “Draft Plan for a Defense Waste Repository” pub-  
16 lished on December 16, 2016.

17 **SEC. 205. SENSE OF CONGRESS REGARDING TRANSPOR-**  
18 **TATION ROUTES.**

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

# **TITLE III—DOE CONTRACT PERFORMANCE**

## **SEC. 301. TITLE TO MATERIAL.**

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

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

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

(3) by adding at the end the following new subsection:

“(b) CONTRACT MODIFICATION.—The Secretary may enter into new contracts or negotiate modifications to existing contracts, with any person who generates or holds title to high-level radioactive waste or spent nuclear fuel of domestic origin, for acceptance of title, subsequent transportation, and storage of such high-level radioactive waste or spent nuclear fuel (including to expedite such acceptance of title, transportation, and storage of such waste or fuel from facilities that have ceased commercial operation) at a monitored retrievable storage facility authorized under subtitle C.”.

1     **TITLE IV—BENEFITS TO HOST**  
2                     **COMMUNITY**

3     **SEC. 401. CONSENT.**

4             Section 170 of the Nuclear Waste Policy Act of 1982  
5     (42 U.S.C. 10173) is amended—

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

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

10                (3) in subsection (e)—

11                         (A) by inserting a comma after “reposit-  
12             tory”; and

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

15                 (4) by adding at the end the following new sub-  
16             section:

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

22     **SEC. 402. CONTENT OF AGREEMENTS.**

23             (a) BENEFITS SCHEDULE.—The table in section  
24     171(a)(1) of the Nuclear Waste Policy Act of 1982 (42  
25     U.S.C. 10173a(a)(1)) is amended to read as follows:

## “BENEFITS SCHEDULE

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

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

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

6           (2) by adding at the end the following new  
7 paragraph:

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

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

15           “(B) for litigation purposes; or

16           “(C) to support multistate efforts or other coa-  
17 lition-building activities inconsistent with the siting,



1 construction, or operation of the monitored retriev-  
2 able storage facility or repository concerned.”.

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

6 (1) by striking paragraph (2);

7 (2) by redesignating paragraphs (3) through  
8 (5) as paragraphs (2) through (4), respectively; and

9 (3) in paragraph (3) (as redesignated by para-  
10 graph (2) of this subsection), by striking “in the de-  
11 sign of the repository or monitored retrievable stor-  
12 age facility and”.

13 (d) PAYMENTS BY SECRETARY.—Section 171(c) of  
14 the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
15 10173a(c)) is amended to read as follows:

16 “(c) PAYMENTS BY SECRETARY.—The Secretary  
17 shall make payments to the State of Nevada under a bene-  
18 fits agreement concerning a repository under section 170  
19 from the Waste Fund. The signature of the Secretary on  
20 a valid benefits agreement under this subtitle shall con-  
21 stitute a commitment, but only to the extent that all  
22 amounts for that purpose are provided in advance in sub-  
23 sequent appropriations Acts, by the Secretary to make  
24 payments in accordance with such agreement.”.

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

2 (a) IN GENERAL.—The Nuclear Waste Policy Act of  
3 1982 (42 U.S.C. 10101 et seq.) is amended by inserting  
4 after section 172 the following new section:

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

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

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

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

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

25 “(1) directly or indirectly to influence legislative  
26 action on any matter pending before Congress or a

1 State legislature or for any lobbying activity as pro-  
 2 vided in section 1913 of title 18, United States  
 3 Code;

4 “(2) for litigation purposes; or

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

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

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

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

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

21 (b) CONFORMING AMENDMENTS.—

22 (1) BENEFITS AGREEMENT.—Section 170(a)(4)  
 23 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
 24 10173(a)(4)) is amended to read as follows:

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

7               (2) LIMITATION.—Section 170(e) of the Nu-  
 8       clear Waste Policy Act of 1982 (42 U.S.C.  
 9       10173(e)) is further amended by inserting “under  
 10      this section” after “may be in effect”.

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

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

15   **SEC. 404. TERMINATION.**

16      Section 173 of the Nuclear Waste Policy Act of 1982  
 17   (42 U.S.C. 10173c) is amended—

18              (1) in subsection (a)—

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

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

1 (C) in paragraph (2), by striking “the Sec-  
2 retary determines that the Commission cannot  
3 license the facility within a reasonable time”  
4 and inserting “concerning a repository, if the  
5 Commission issues a final decision disapproving  
6 the issuance of a construction authorization for  
7 a repository under section 114(d)(1)”; and  
8 (2) by amending subsection (b) to read as fol-  
9 lows:

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

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

19 “(2) concerning a repository, if the Commission  
20 issues a final decision disapproving the issuance of  
21 a construction authorization for a repository under  
22 section 114(d)(1).”.

1   **SEC. 405. PRIORITY FUNDING FOR CERTAIN INSTITUTIONS**  
 2                   **OF HIGHER EDUCATION.**

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

6   **“SEC. 176. PRIORITY FUNDING FOR CERTAIN INSTITUTIONS**  
 7                   **OF HIGHER EDUCATION.**

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

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

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

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

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

21          Section 122 of the Nuclear Waste Policy Act of 1982  
 22 (42 U.S.C. 10142) is amended by adding at the end the  
 23 following: “Any economic benefits derived from the re-  
 24 trieval of spent nuclear fuel pursuant to this section shall  
 25 be shared with the State in which the repository is located,

1 affected units of local government, and affected Indian  
2 tribes.”.

3 **SEC. 407. UPDATED REPORT.**

4 Section 175(a) of the Nuclear Waste Policy Act of  
5 1982 (42 U.S.C. 10174a(a)) is amended by striking “Nu-  
6 clear Waste Policy Amendments Act of 1987” and insert-  
7 ing “Nuclear Waste Policy Amendments Act of 2018”.

8 **TITLE V—FUNDING**

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

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

13 (1) in the first sentence—

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

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

18 “(A) ASSESSMENT OF FEES.—Not later  
19 than”;

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

24 (C) by striking “collection and payment”  
25 and inserting “assessment”;

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

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

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

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

12               “(B) COLLECTION AND PAYMENT OF  
13      FEES.—

14               “(i) IN GENERAL.—Not later than  
15               180 days after the date of enactment of  
16               Nuclear Waste Policy Amendments Act of  
17               2018, the Secretary shall establish proce-  
18               dures for the collection and payment of the  
19               fees established by paragraph (2) and  
20               paragraph (3), or adjusted pursuant to  
21               subparagraph (A).

22               “(ii) LIMITATION ON COLLECTION.—  
23               The Secretary may not collect a fee estab-  
24               lished under paragraph (2), including a fee



1 established under paragraph (2) and ad-  
2 justed pursuant to subparagraph (A)—

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

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

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

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

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

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

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

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

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

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

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

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

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

1 and monitoring of any repository or test and evalua-  
2 tion facility constructed under this Act;”;

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

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

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

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

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

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

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

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

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

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

9 “(f) LIMITATION ON FUNDING.—

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

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

22 “(g) OFFSETTING FUNDING.—

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

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

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

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

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

## 4 **TITLE VI—MISCELLANEOUS**

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

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

8 (1) ENVIRONMENTAL PROTECTION AGENCY  
 9 STANDARDS.—

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

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

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

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

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

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

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

**SEC. 602. APPLICATION.**

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

**SEC. 603. TRANSPORTATION SAFETY ASSISTANCE.**

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

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

“(c) TRAINING AND ASSISTANCE.—

“(1) TRAINING.—The Secretary”; and

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

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

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



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

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

7 “(b) DIRECTOR.—

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

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

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

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

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

23 “(B) the date that is 1 year after the date  
24 of such expiration.

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

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

(b) TRANSFER OF FUNCTIONS.—

(1) AMENDMENT.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended by striking paragraph (8).

(2) TRANSFER OF FUNCTIONS.—The functions described in the paragraph (8) stricken by the amendment made by paragraph (1) shall be transferred to and performed by the Office of Civilian Radioactive Waste Management, as provided in section 304 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10224).

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

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

Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to Congress a report containing the final remedy to be implemented at the West Lake Landfill and the expected timeline for implementation of such final remedy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 **SEC. 609. REQUIREMENT FOR FINANCIAL STATEMENTS**  
15 **SUMMARY.**

16 The Department of Energy shall include a financial  
17 statements summary in each audit report on the Depart-  
18 ment of Energy Nuclear Waste Fund's fiscal year finan-  
19 cial statement audit.

20 **SEC. 610. STRANDED NUCLEAR WASTE.**

21 (a) STRANDED NUCLEAR WASTE TASK FORCE.—

22 (1) ESTABLISHMENT.—The Secretary shall es-  
23 tablish a task force, to be known as the Stranded  
24 Nuclear Waste Task Force—

1 (A) to conduct a study on existing public  
2 and private resources and funding for which af-  
3 fected communities may be eligible; and

4 (B) to develop immediate and long-term  
5 economic adjustment plans tailored to the needs  
6 of each affected community.

7 (2) STUDY.—Not later than 180 days after the  
8 date of enactment of this Act, the Stranded Nuclear  
9 Waste Task Force shall complete and submit to  
10 Congress the study described in paragraph (1).

11 (b) DEFINITIONS.—In this section:

12 (1) AFFECTED COMMUNITY.—The term “af-  
13 fected community” means a municipality that con-  
14 tains stranded nuclear waste within the boundaries  
15 of the municipality, as determined by the Secretary.

16 (2) SECRETARY.—The term “Secretary” means  
17 the Secretary of Energy.

18 (3) STRANDED NUCLEAR WASTE.—The term  
19 “stranded nuclear waste” means nuclear waste or  
20 spent nuclear fuel stored in dry casks or spent fuel

- 1 pools at a decommissioned or decommissioning nu-
- 2 clear facility.

Passed the House of Representatives May 10, 2018.

Attest:

*Clerk.*



115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3053

## AN ACT

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