

116TH CONGRESS  
1ST SESSION

# S. 1234

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

APRIL 30, 2019

Ms. MURKOWSKI (for herself, Mr. ALEXANDER, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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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 2019”.

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. Storage facilities.
- Sec. 306. Repositories.
- Sec. 307. Licensing nuclear waste facilities.
- Sec. 308. Defense waste.
- Sec. 309. 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.

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

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

Congress finds that

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

3 (A) made the Federal Government responsible for providing for the permanent disposal  
4 of nuclear waste;

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

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

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

## 19 SEC. 102. PURPOSES.

20 The purposes of this Act are—

21 (1) to establish a new nuclear waste manage-  
22 ment organization;

23 (2) to transfer to the new organization the  
24 functions of the Secretary relating to the siting, li-

1 censing, construction, and operation of nuclear waste  
2 management facilities;

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

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

7 (5) to ensure that—

8 (A) the generators and owners of nuclear  
9 waste pay the full cost of the program; and

10 (B) funds collected for the program are  
11 used for that purpose.

12 **SEC. 103. DEFINITIONS.**

13 In this Act:

14 (1) **ADMINISTRATION.**—The term “Administration” means the Nuclear Waste Administration es-  
15 tablished by section 201.

16 (2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Administra-  
17 tion.

18 (3) **AFFECTED INDIAN TRIBE.**—The term “af-  
19 fected Indian Tribe” means any Indian Tribe—

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

11 (4) AFFECTED UNIT OF GENERAL LOCAL GOV-  
12 ERNMENT.—

18 (B) INCLUSION.—The term “affected unit  
19 of general local government” may include, at  
20 the discretion of the Administrator, units of  
21 general local government that are contiguous  
22 with the unit that has jurisdiction over the site  
23 of a repository or storage facility.

24 (5) CIVILIAN NUCLEAR POWER REACTOR.—The  
25 term “civilian nuclear power reactor” has the mean-

1       ing given the term in section 2 of the Nuclear Waste  
2       Policy Act of 1982 (42 U.S.C. 10101).

3                 (6) COMMISSION.—The term “Commission”  
4       means the Nuclear Regulatory Commission.

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

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

12                         (A) generates or holds title to nuclear  
13       waste generated at a civilian nuclear power re-  
14       actor; and

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

19                 (9) DEFENSE WASTE.—The term “defense  
20       waste” means nuclear waste generated by an atomic  
21       energy defense activity (as defined in section 2 of  
22       the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
23       10101)).

4 (11) EMERGENCY DELIVERY.—

13 (B) INCLUSION.—The term “emergency  
14 delivery” may include, at the discretion of the  
15 Administrator, defense waste that is required to  
16 be removed from a Department of Energy facil-  
17 ity—

18 (i) pursuant to a compliance agree-  
19 ment; or

20 (ii) to eliminate an imminent and seri-  
21 ous threat to the health and safety of the  
22 public or the common defense and security.

23 (12) HIGH-LEVEL RADIOACTIVE WASTE.—The  
24 term “high-level radioactive waste” has the meaning

1       given the term in section 2 of the Nuclear Waste  
2       Policy Act of 1982 (42 U.S.C. 10101).

3               (13) INDIAN TRIBE.—The term “Indian Tribe”  
4       has the meaning given the term “Indian tribe” in  
5       section 2 of the Nuclear Waste Policy Act of 1982  
6       (42 U.S.C. 10101).

7               (14) MISSION PLAN.—The term “mission plan”  
8       means the comprehensive report required under sec-  
9       tion 504.

10               (15) NONPRIORITY WASTE.—The term “nonpri-  
11       ority waste” means nuclear waste that does not  
12       qualify as priority waste.

13               (16) NUCLEAR WASTE.—The term “nuclear  
14       waste” means—

15                       (A) spent nuclear fuel; and  
16                       (B) high-level radioactive waste.

17               (17) NUCLEAR WASTE ACTIVITIES.—The term  
18       “nuclear waste activities” has the meaning given the  
19       term in section 11 of the Atomic Energy Act of  
20       1954 (42 U.S.C. 2014).

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

23                       (A) a repository; and  
24                       (B) a storage facility.

6 (20) OVERSIGHT BOARD.—The term “Oversight  
7 Board” means the Nuclear Waste Oversight Board  
8 established by section 205.

12 (22) PRIORITY WASTE.—The term "priority  
13 waste" means—

14 (A) any emergency delivery; and

(B) spent nuclear fuel removed from a civilian nuclear power reactor that has been permanently shut down.

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

5 (26) SECRETARY.—The term “Secretary”  
6 means the Secretary of Energy.

## 7 (27) SITE CHARACTERIZATION.—

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

22 (C) STORAGE SITE CHARACTERIZATION.—  
23 In the case of a site for an above-ground stor-  
24 age facility, the term “site characterization”  
25 does not include subsurface borings and exca-

vations that the Administrator determines are uniquely associated with underground disposal and unnecessary to evaluate the suitability of a candidate site for the location of an above-ground storage facility.

6 (D) PRELIMINARY ACTIVITIES.—The term  
7 “site characterization” does not include prelimi-  
8 nary borings and geophysical testing needed to  
9 assess whether site characterization should be  
10 undertaken.

15 (29) STORAGE.—The term “storage” means the  
16 temporary retention of nuclear waste pending the  
17 disposal of the nuclear waste in a repository.

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

3 (32) WORKING CAPITAL FUND.—The term  
4 “Working Capital Fund” means the Nuclear Waste  
5 Administration Working Capital Fund established by  
6 section 401.

7 **TITLE II—NUCLEAR WASTE  
ADMINISTRATION**

9 **SEC. 201. ESTABLISHMENT.**

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

13 (b) PURPOSE.—The purposes of the Administration  
14 are—

15 (1) to discharge the responsibility of the Fed-  
16 eral Government to provide for the permanent dis-  
17 posal of nuclear waste;

18 (2) to protect the public health and safety and  
19 the environment in discharging the responsibility  
20 under paragraph (1); and

21 (3) to ensure that the costs of activities under  
22 paragraph (1) are borne by the persons responsible  
23 for generating the nuclear waste.

24 **SEC. 202. PRINCIPAL OFFICERS.**

25 (a) ADMINISTRATOR.—

10 (3) REAPPOINTMENT.—An Administrator may  
11 serve more than 1 term.

12 (4) FUNCTIONS AND POWERS.—The functions  
13 and powers of the Administration shall be vested in  
14 and exercised by the Administrator.

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

(B) does not exceed the total annual compensation paid to the Chief Executive Officer of the Tennessee Valley Authority.

11 (b) DEPUTY ADMINISTRATOR.—

21 (3) REAPPOINTMENT.—A Deputy Adminis-  
22 trator may serve more than 1 term.

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

## 17 SEC. 203. OTHER OFFICERS.

18 (a) ESTABLISHMENT.—There shall be in the Admin-  
19 istration—

20 (1) a General Counsel;

1 financial management practices in large govern-  
2 mental or business entities; and

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

6 (b) APPOINTMENT.—Officers appointed under this  
7 section shall—

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

12 (c) ORDER OF SUCCESSION.—The Administrator  
13 may designate the order in which the officers appointed  
14 pursuant to this section shall act for, and perform the  
15 functions of, the Administrator during the absence or dis-  
16 ability of the Administrator and the Deputy Administrator  
17 or in the event of vacancies in the offices of the Adminis-  
18 trator and the Deputy Administrator.

19 **SEC. 204. INSPECTOR GENERAL.**

20 There shall be in the Administration an Inspector  
21 General, who shall be appointed by the President, by and  
22 with the advice and consent of the Senate, in accordance  
23 with section 3 of the Inspector General Act of 1978 (5  
24 U.S.C. App.).

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

2 (a) ESTABLISHMENT.—There is established an inde-  
3 pendent establishment in the executive branch, to be  
4 known as the “Nuclear Waste Oversight Board”—

5 (1) to oversee—

6 (A) the receipt, disbursement, and use of  
7 funds in the Working Capital Fund and the  
8 Nuclear Waste Fund;

9 (B) the adequacy of the fees collected  
10 under section 302(a) of the Nuclear Waste Pol-  
11 icy Act of 1982 (42 U.S.C. 10222(a)) to ensure  
12 the full recovery of the costs incurred by the  
13 Federal Government in carrying out activities  
14 under this Act and the Nuclear Waste Policy  
15 Act of 1982 (42 U.S.C. 10101 et seq.); and

16 (C) the performance of the Administrator  
17 in—

18 (i) fulfilling contracts with contract  
19 holders; and

20 (ii) complying with the mission plan;  
21 and

22 (2) to review the annual management reports  
23 and financial statements submitted by the Adminis-  
24 trator under section 505.

25 (b) MEMBERS.—The Oversight Board shall be com-  
26 posed of 5 members appointed by the President, by and

1 with the advice and consent of the Senate, from among  
2 prominent United States citizens of integrity and reputa-  
3 tion who, based on the training, experience, and attain-  
4 ments of the individuals, are exceptionally well qualified  
5 to evaluate and oversee the administration of this Act.

6 (c) POLITICAL AFFILIATION.—Not more than 3  
7 members of the Oversight Board may be members of the  
8 same political party.

9 (d) TERMS.—

10 (1) IN GENERAL.—Except as provided in para-  
11 graphs (2) and (3), each member shall serve a term  
12 of 5 years.

13 (2) INITIAL TERMS.—

14 (A) STARTING DATE.—The term of the  
15 first 5 members appointed to the Oversight  
16 Board shall be treated as having started on the  
17 first July 1 after the date of enactment of this  
18 Act.

19 (B) STAGGERED TERM.—Of the 5 mem-  
20 bers first appointed to the Board under sub-  
21 paragraph (A)—

22 (i) 1 shall be appointed for a term of  
23 1 year;  
24 (ii) 1 shall be appointed for a term of  
25 2 years;

7 (3) EXTENSION OF TERM.—

14 (B) LIMITATION.—No member of the  
15 Oversight Board may serve beyond the end of  
16 the session of the Congress in which the term  
17 of the member expires.

(5) REAPPOINTMENT.—A member of the Oversight Board may be reappointed for an additional

1 term by the President, by and with the advice and  
2 consent of the Senate.

3 (e) REMOVAL.—The President may remove any mem-  
4 ber of the Oversight Board for inefficiency, neglect of  
5 duty, or malfeasance in office.

6 (f) CHAIR.—The President shall designate 1 member  
7 of the Oversight Board as Chair of the Oversight Board.

8 (g) ACTING CHAIR.—The Chair designated under  
9 subsection (f) may from time to time designate any other  
10 member of the Oversight Board to act in the place and  
11 stead of the Chair during the absence.

12 (h) QUORUM.—Three members of the Oversight  
13 Board shall constitute a quorum for the purpose of doing  
14 business.

15 (i) EQUAL RESPONSIBILITY AND AUTHORITY.—Each  
16 member of the Oversight Board, including the Chair, shall  
17 have—

18 (1) equal responsibility and authority in all de-  
19 cisions and actions of the Oversight Board;

20 (2) full access to all information relating to the  
21 performance of the duties and responsibilities of the  
22 member; and

23 (3) 1 vote.

24 (j) CONFLICT OF INTEREST.—No member of the  
25 Oversight Board shall—

3 (2) have a financial interest in (including an  
4 employment relationship with) any contract holder  
5 or contractor of the Administration.

**6 (k) COMPENSATION.—**

18 (l) MEETINGS.—The Oversight Board shall meet at  
19 least once every 90 days.

20 (m) FUNCTIONS.—The Oversight Board shall—

21 (1) review, on an ongoing basis—

22 (A) the progress made by the Adminis-  
23 trator in siting, constructing, and operating nu-  
24 clear waste facilities under this Act;

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

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

6 (D) the liability of the United States to  
7 contract holders;

10 (3) recommend to the Administrator, the Presi-  
11 dent, or Congress, as appropriate, any actions that  
12 may be needed to ensure the implementation of this  
13 Act.

14 (n) REPORTS.—The Oversight Board shall report the  
15 findings, conclusions, and recommendations of the Over-  
16 sight Board to the Administrator, the President, and Con-  
17 gress not less than once per year.

18 (o) RESPONSE BY THE ADMINISTRATOR.—Not later  
19 than 45 days after the date on which the Oversight Board  
20 submits a report to the Administrator under subsection  
21 (n), the Administrator shall transmit to the Oversight  
22 Board, in writing—

23 (1) a statement of whether the Administrator  
24 accepts or rejects, in whole or in part, the rec-  
25 ommendations submitted by the Oversight Board;

5 (3) the views of the Administrator on the rec-  
6 ommendations.

7 (p) PUBLIC AVAILABILITY.—The Administrator shall  
8 make all reports under subsection (n) and all responses  
9 from the Administrator under subsection (o) available to  
10 the public.

11 (q) EXECUTIVE SECRETARY.—The Oversight Board  
12 shall appoint and fix the compensation of an Executive  
13 Secretary, who shall—

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

19 (r) ADDITIONAL STAFF.—

8 (s) STAFF COMPENSATION.—

16 (2) PROFESSIONAL STAFF.—Professional staff  
17 members may be appointed without regard to the  
18 provisions of title 5, United States Code, governing  
19 appointments in the competitive service, and may be  
20 paid without regard to the provisions of chapter 51  
21 and subchapter III of chapter 53 of that title relat-  
22 ing to classification and General Schedule pay rates,  
23 except that no individual so appointed may receive  
24 pay in excess of the maximum rate of pay under the  
25 General Schedule.

## 1 (t) 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 any records, files, papers, data, or information re-  
9 quested by the Oversight Board.

10 (u) 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 (v) HEALTH, SAFETY, AND ENVIRONMENTAL REGU-  
16 LATION.—Nothing in this section gives the Oversight  
17 Board jurisdiction to regulate the activities of the Admin-  
18 istration to protect the health and safety of the public or  
19 the environment.

20 (w) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated to the Oversight Board  
22 from amounts in the Nuclear Waste Fund such sums as  
23 are necessary to carry out this section.

1 **SEC. 206. CONFORMING AMENDMENTS.**

2 (a) Section 901(b)(2) of title 31, United States Code,

3 is amended by adding at the end the following:

4 "“(H) The Nuclear Waste Administration.”.

5 (b) Section 12 of the Inspector General Act of 1978

6 (5 U.S.C. App.) is amended—

7 (1) in paragraph (1), by inserting "the Adminis-  
8 trator of the Nuclear Waste Administration;" after  
9 "Export-Import Bank;"; and10 (2) in paragraph (2), by inserting "the Nuclear  
11 Waste Administration," after "Export-Import  
12 Bank,".13 **TITLE III—FUNCTIONS**14 **SEC. 301. TRANSFER OF FUNCTIONS.**15 There are transferred to and vested in the Adminis-  
16 trator all functions vested in the Secretary by the Nuclear  
17 Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) relat-  
18 ing to—19 (1) the construction and operation of a reposi-  
20 tory;21 (2) entering into and performing contracts for  
22 the disposal of nuclear waste under section 302 of  
23 that Act (42 U.S.C. 10222);24 (3) the collection, adjustment, deposition, and  
25 use of fees to offset expenditures for the manage-  
26 ment of nuclear waste; and

#### 4 SEC. 302. TRANSFER OF CONTRACTS.

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

## 10 SEC. 303. NUCLEAR WASTE FACILITIES.

11        The Administrator shall site, construct, and oper-  
12 ate—

13 (1) a pilot facility for the storage of priority  
14 waste;

15 (2) 1 or more additional storage facilities for  
16 the storage of nonpriority nuclear waste; and

17 (3) 1 or more repositories for the permanent  
18 disposal of nuclear waste.

## 19 SEC. 304. SITING NUCLEAR WASTE FACILITIES.

20 In siting nuclear waste facilities under this Act or  
21 performing any function transferred under section 301(1),  
22 the Administrator shall employ a process that—

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

3 (3) is flexible and allows decisions to be re-  
4 viewed and modified in response to new information  
5 or new technical, social, or political developments;  
6 and

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

## 9 SEC. 305. STORAGE FACILITIES.

10 (a) ESTABLISHMENT OF STORAGE FACILITY PRO-  
11 GRAM.—The Administrator shall establish a storage pro-  
12 gram to license, construct, and operate through 1 or more  
13 non-Federal sector partners, 1 or more government or  
14 non-federally owned storage facilities to provide interim  
15 storage, as needed, for spent nuclear fuel and high-level  
16 radioactive waste.

17 (b) PILOT PROGRAM FOR THE STORAGE OF PRI-  
18 ORITY WASTE.—

19 (1) REQUEST FOR PROPOSALS.—

20 (A) IN GENERAL.—Not later than 180  
21 days after the date of enactment of this Act,  
22 the Administrator shall issue a request for pro-  
23 posals for cooperative agreements for a pilot  
24 program for the storage of priority waste—

(i) to obtain any license from the Nuclear Regulatory Commission and any other Federal or State entity that is necessary for the construction of 1 or more storage facilities;

(ii) to demonstrate the safe transportation of spent nuclear fuel and high-level radioactive waste, as applicable; and

(iii) to demonstrate the safe storage of spent nuclear and high-level radioactive waste, as applicable, at the 1 or more storage facilities, pending the construction and operation of deep geologic disposal capacity for the permanent disposal of the spent nuclear fuel or high-level radioactive waste.

(B) GUIDELINES.—

(i) IN GENERAL.—The request for proposals under subparagraph (A) shall include general guidelines for the consideration of storage facilities consistent with each requirement of section 112(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132(a)), that the Administrator determines to be applicable to above-ground storage.

1 (ii) REVISIONS.—The Administrator  
2 may revise the general guidelines from  
3 time to time, consistent with this section.

## 4 (2) REVIEWS OF PROPOSALS.—

5 (A) IN GENERAL.—The Administrator  
6 shall review each proposal submitted under  
7 paragraph (1) to evaluate—

12 (ii) the likelihood that the proposed  
13 site is suitable for site characterization  
14 under the guidelines under paragraph  
15 (1)(B);

16 (iii) a reasonable comparative evalua-  
17 tion of the proposed site and other pro-  
18 posed sites;

19 (iv) the extent to which nuclear  
20 wastes are, or are planned to be, stored or  
21 disposed of within the State;

22 (v) the extent to which each proposal  
23 would—

24 (I) enhance the reliability and  
25 flexibility of the system for the dis-

1 posal of nuclear waste, including co-  
2 location with a proposed permanent  
3 geological repository; and

4 (II) minimize the impacts of  
5 transportation and handling of nu-  
6 clear waste;

7 (vi) potential conflicts with—

8 (I) a compliance agreement re-  
9 quiring removal of nuclear waste from  
10 a site; or

11 (II) a statutory prohibition on  
12 the storage or disposal of nuclear  
13 waste at a site; and

14 (vii) any other criteria, including cri-  
15 teria relating to technical or safety speci-  
16 fications, that the Administrator deter-  
17 mines to be appropriate.

18 (B) PREFERENCE FOR CO-LOCATED RE-  
19 POSITORY AND STORAGE FACILITY.—In review-  
20 ing proposals submitted under paragraph (1),  
21 the Administrator shall give preference to sites  
22 proposed to be co-located with—

23 (i) additional storage facilities for  
24 nonpriority waste; or  
25 (ii) a repository.

### 1 (3) SITE CHARACTERIZATION.—

2 (A) DETERMINATION OF SUITABILITY.—

3 After conducting a review under paragraph (2)  
4 and any additional site investigation that the  
5 Administrator determines to be appropriate, the  
6 Administrator shall determine whether the site  
7 is suitable for site characterization.

20 (ii) notifying Congress.

21 (C) COOPERATIVE AGREEMENT.—On selec-  
22 tion of a site for characterization under sub-  
23 paragraph (B), the Administrator may enter  
24 into a cooperative agreement, subject to section  
25 401(e), with the State, affected units of general

1 local government, and affected Indian Tribes,  
2 as applicable, that includes—

3 (i) terms of financial and technical as-  
4 sistance to enable each applicable unit of  
5 government to monitor, review, evaluate,  
6 comment on, obtain information on, make  
7 recommendations on, and mitigate any im-  
8 pacts from, site characterization activities;  
9 and  
10 (ii) any other term that the Adminis-  
11 trator determines to be appropriate.

12 (4) SITE SELECTION.—

13 (A) IN GENERAL.—Subject to subparagraphs (B) and (C), on completion of site char-  
14 acterization activities, the Administrator shall—  
15 (i) make a final determination for  
16 each site of whether the site is suitable for  
17 development as a storage facility; and  
18 (ii) select 1 or more suitable sites for  
19 storage facilities.

21 (B) CONSENT-BASED APPROVAL.—Before  
22 selecting a site for developing a storage facility,  
23 the Administrator shall enter into a consent  
24 agreement, subject to section 401(e), to host  
25 the facility with—

7 (C) BINDING EFFECT.—The consent  
8 agreement—

11 (ii) shall not be amended or revoked  
12 except by mutual agreement of the parties.

18 (A) a list of the 1 or more sites the Ad-  
19 ministrator proposes to select for a storage fa-  
20 cility;

21 (B) an estimate of the cost of licensing,  
22 constructing, and operating each storage facil-  
23 ity, including the transportation costs, on an  
24 annual basis, over the expected lifetime of the  
25 storage facility;

1 (C) a schedule for—

2 (i) obtaining from the Nuclear Regu-  
3 latory Commission any license necessary to  
4 construct and operate the storage facility;

5 (ii) constructing the storage facility;

6 (iii) transporting spent fuel to the  
7 storage facility; and

8 (iv) removing the spent fuel from, and  
9 decommissioning of, the storage facility;

10 (D) an estimate of the cost of any financial  
11 assistance, compensation, or incentives proposed  
12 to be paid to the host State, Indian Tribe, or  
13 unit of local government;

14 (E) an estimate of any future reductions in  
15 the damages expected to be paid by the United  
16 States for the delay of the Department of En-  
17 ergy in accepting spent fuel expected to result  
18 from the storage facilities developed under this  
19 section; and

20 (F) recommendations for any additional  
21 legislation needed to authorize and implement  
22 the program.

23 (6) SUBMISSION OF LICENSE APPLICATION.—  
24 On selection of a site under paragraph (4), the ap-  
25 plicant (in the case of a non-Federal facility) or the

1       Administrator (in the case of a federally owned facil-  
2       ity) shall submit to the Commission an application  
3       for a construction authorization for the storage facil-  
4       ity.

5       (c) ADDITIONAL STORAGE FACILITIES FOR NONPRI-  
6       ORITY WASTE.—

7           (1) IN GENERAL.—The Administrator shall  
8       seek to ensure that efforts to site, construct, and op-  
9       erate a storage facility for nonpriority waste are ac-  
10       companied by parallel efforts to site, construct, and  
11       operate 1 or more repositories.

12           (2) STORAGE FACILITIES FOR NONPRIORITY  
13       WASTE.—Except as provided in paragraphs (3) and  
14       (4), the Administrator may issue requests for pro-  
15       posals and select sites for site characterization for 1  
16       or more additional storage facilities for nonpriority  
17       waste as the Administrator determines to be nec-  
18       essary—

19               (A) subject to the terms and conditions of  
20       this section; and

21               (B) in accordance with the mission plan  
22       developed under section 504.

23           (3) FIRST 10 YEARS.—During the 10-year pe-  
24       riod following the date of enactment of this Act, the  
25       Administrator may not issue an additional request

1 for proposals or select a site for site characterization  
2 for an additional storage facility for nonpriority  
3 waste unless the Administrator has obligated funds  
4 for activities under section 306.

5 (4) AFTER FIRST 10 YEARS.—After the date  
6 that is 10 years after the date of enactment of this  
7 Act, the Administrator may not issue an additional  
8 request for proposals or select a site for site charac-  
9 terization for an additional storage facility for non-  
10 priority waste until the Administrator has selected a  
11 site for evaluation under section 306(b)(2).

12 (5) STORAGE OF PRIORITY WASTE.—Nothing in  
13 this section precludes the Administrator from stor-  
14 ing priority waste at a storage facility for nonpri-  
15 ority waste.

16 **SEC. 306. REPOSITORIES.**

17 (a) SITING GUIDELINES.—

18 (1) ISSUANCE.—Not later than 1 year after the  
19 date of enactment of this Act, the Administrator  
20 shall issue general guidelines for the consideration of  
21 candidate sites for repositories, which shall—

22 (A) comply with the requirements of sec-  
23 tion 112(a) of the Nuclear Waste Policy Act of  
24 1982 (42 U.S.C. 10132(a)); and

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

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

13 (b) IDENTIFICATION OF CANDIDATE SITES.—

14 (1) REVIEW OF POTENTIAL SITES.—As soon as  
15 practicable after the date of the issuance of the  
16 guidelines under subsection (a), the Administrator  
17 shall evaluate potential sites for a repository to de-  
18 termine whether the sites are suitable for site char-  
19 acterization.

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

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

(C) the governing body of an Indian Tribe within the reservation boundaries of which the site is located; or

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

(i) the Governor of the State in which the site is located;

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

(iii) the governing body of the Indian Tribe, if the site is located within the reservation of an Indian Tribe.

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

(A) shall use available geophysical, geological, geochemical, hydrological, and other information; and

(B) shall not perform any preliminary borings or excavations at the site unless necessary to determine the suitability of the site and authorized by the landowner.

5 (A) an evaluation by the Administrator of  
6 whether the site is suitable for development as  
7 a repository under the guidelines established  
8 under subsection (a), including a safety case  
9 that provides the basis for confidence in the  
10 safety of the proposed nuclear waste facility at  
11 the proposed site;

12 (B) an evaluation by the Administrator of  
13 the effects of site characterization activities on  
14 public health and safety and the environment;

15 (C) a reasonable comparative evaluation of  
16 the proposed site and other proposed sites;

17 (D) a description of the decision process by  
18 which the site was recommended;

19 (E) an assessment of the regional and local  
20 impacts of locating a repository at the site, in-  
21 cluding the extent to which nuclear wastes are,  
22 or are planned to be, stored or disposed of with-  
23 in the State; and

24 (F) potential conflicts with—

1 (i) a compliance agreement requiring  
2 removal of nuclear waste from a site; or  
3 (ii) a statutory prohibition on the  
4 storage or disposal of nuclear waste at a  
5 site.

## 6 (c) SITE CHARACTERIZATION.—

23 (A) to inform the public of the proposed  
24 site characterization; and

1 (B) to solicit public comments and rec-  
2 ommendations with respect to the site charac-  
3 terization plan of the Administrator.

4 (4) CONSULTATION AND COOPERATION AGREEMENT.—  
5

6 (A) REQUIREMENT.—Before selecting a  
7 site for site characterization, the Administrator  
8 shall enter into a consultation and cooperation  
9 agreement, subject to section 401(e), with—

10 (i) the Governor of the State in which  
11 the site is located;

12 (ii) the governing body of the affected  
13 unit of general local government; and

14 (iii) the governing body of any af-  
15 fected Indian Tribe.

16 (B) CONTENTS.—The consultation and co-  
17 operation agreement shall provide—

24 (ii) financial and technical assistance  
25 to enable the State, affected units of local

1 government, and affected Indian Tribes to  
2 monitor, review, evaluate, comment on, ob-  
3 tain information on, and make rec-  
4 ommendations on site characterization ac-  
5 tivities.

(d) FINAL SITE SUITABILITY DETERMINATION.—

11 (2) BASIS OF DETERMINATION.—In making a  
12 determination under paragraph (1), the Adminis-  
13 trator shall determine if—

14 (A) the site is scientifically and technically  
15 suitable for development as a repository, taking  
16 into account—

17 (i) whether the site meets the siting  
18 guidelines of the Administrator; and

19 (ii) whether there is reasonable assur-  
20 ance that a repository at the site will  
21 meet—

22 (I) the radiation protection  
23 standards of the Administrator of the  
24 Environmental Protection Agency;  
25 and

1 (II) the licensing standards of  
2 the Commission; and

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

12 (e) CONSENT AGREEMENTS.—

19 (A) the Governor or other authorized official  
20 of the State in which the site is located;

21 (B) the governing body of the affected unit  
22 of general local government; and

23 (C) if the site is located on a reservation,  
24 the governing body of the affected Indian Tribe

3 (A) contain the terms and conditions on  
4 which each State, local government, and Indian  
5 Tribe, as applicable, consents to host the repos-  
6 itory; and

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

12 (A) shall promote the economic and social  
13 well-being of the people living in the vicinity of  
14 the repository; and

15 (B) may include—

16 (i) financial compensation and incen-  
17 tives;

18 (ii) economic development assistance;

19 (iii) operational limitations or require-  
20 ments; and

21 (iv) regulatory oversight authority.

22 (4) BINDING EFFECT.—The consent agree-  
23 ment—

24 (A) shall be binding on the parties, subject  
25 to section 401(e); and

(B) shall not be amended or revoked except by mutual agreement of the parties.

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

## 9 SEC. 307. LICENSING NUCLEAR WASTE FACILITIES.

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

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

20 (3) the terms and conditions of each consent  
21 agreement entered into under section 305(b)(4) or  
22 section 306(e).

23 SEC. 308. DEFENSE WASTE.

24 (a) DISPOSAL AND STORAGE BY ADMINISTRATION.—

25 The Secretary—

7       (b) MEMORANDUM OF AGREEMENT.—The arrangements  
8 shall be covered by a memorandum of agreement  
9 between the Secretary and the Administrator.

10 (c) COSTS.—The portion of the cost of developing,  
11 constructing, and operating the repository or storage fa-  
12 cilities under this Act that is attributable to defense  
13 wastes shall be allocated to the Federal Government and  
14 paid by the Federal Government into the Working Capital  
15 Fund.

16 (d) PROHIBITION.—No defense waste may be stored  
17 or disposed of by the Administrator in any storage facility  
18 or repository constructed under this Act until funds are  
19 appropriated to the Working Capital Fund in an amount  
20 equal to the fees that would be paid by contract holders  
21 under section 302 of the Nuclear Waste Policy Act of  
22 1982 (42 U.S.C. 10222) if such nuclear waste were gen-  
23 erated by a contract holder.

24 (e) COMMINGLING DETERMINATION.—

**22 SEC. 309. TRANSPORTATION.**

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

6 (b) CERTIFIED PACKAGES.—No nuclear waste may

7 be transported under this Act except in packages—

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

13 (c) NOTIFICATION.—Prior to any transportation of  
14 nuclear waste under this Act, the Administrator shall pro-  
15 vide advance notification to States and Indian Tribes  
16 through whose jurisdiction the Administrator plans to  
17 transport the nuclear waste.

18 (d) TRANSPORTATION ASSISTANCE.—

19 (1) PUBLIC EDUCATION.—The Administrator  
20 shall conduct a program to provide information to  
21 the public about the transportation of nuclear waste.

1       public safety officials and other emergency respond-  
2       ers on—

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

5                   (B) procedures for dealing with emergency  
6                   response situations involving nuclear waste, in-  
7                   cluding instruction of—

8                       (i) government and Tribal officials  
9                       and public safety officers in command and  
10                      control procedures;

11                       (ii) emergency response personnel;  
12                      and

13                       (iii) radiological protection and emer-  
14                      gency medical personnel.

15                   (3) EQUIPMENT.—The Administrator shall pro-  
16                   vide monetary grants and contributions in-kind to  
17                   assist States and Indian Tribes through whose juris-  
18                   diction the Administrator plans to transport nuclear  
19                   waste for the purpose of acquiring equipment for re-  
20                   sponding to a transportation incident involving nu-  
21                   clear waste.

22                   (4) TRANSPORTATION SAFETY PROGRAMS.—  
23                   The Administrator shall provide in-kind, financial,  
24                   technical, and other appropriate assistance to States  
25                   and Indian Tribes through whose jurisdiction the

1       Administrator plans to transport nuclear waste for  
2       transportation safety programs related to shipments  
3       of nuclear waste.

4       **TITLE IV—FUNDING AND LEGAL  
5                   PROCEEDINGS**

6       **SEC. 401. WORKING CAPITAL FUND.**

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

11          (b) CONTENTS.—The Working Capital Fund shall  
12      consist of—

13               (1) all fees paid by contract holders pursuant to  
14       section 302(a) of the Nuclear Waste Policy Act of  
15       1982 (42 U.S.C. 10222(a)) on or after the date of  
16       enactment of this Act, which shall be paid into the  
17      Working Capital Fund—

18                   (A) notwithstanding section 302(c)(1) of  
19       the Nuclear Waste Policy Act of 1982 (42  
20       U.S.C. 10222(c)(1)); and

21                   (B) immediately on the payment of the  
22       fees;

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

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

9 (2) shall remain available until expended; and

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

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

18 (e) CONTRACT AUTHORITY.—Any contract or agree-  
19 ment that authorizes an expenditure or obligation exceed-  
20 ing an amount available in the Working Capital Fund for  
21 the expenditure or obligation (including any cooperative  
22 agreement, consultation, and cooperation agreement, or  
23 consent agreement under section 305 or 306) shall be sub-  
24 ject to appropriation.

1       (f) PERFORMANCE-BASED FUNDING.—No fees paid  
2 by contract holders pursuant to section 302(a) of the Nu-  
3 clear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) shall  
4 be paid into the Working Capital Fund after December  
5 31, 2029, unless the Administrator is operating a nuclear  
6 waste facility by that date.

7 **SEC. 402. NUCLEAR WASTE FUND.**

8       (a) ELIMINATION OF LEGISLATIVE VETO.—Section  
9 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42  
10 U.S.C. 10222(a)(4)) is amended—

11           (1) in the third sentence, by striking “insure”  
12 and inserting “ensure”; and

13           (2) in the last sentence by striking “transmittal  
14 unless” and all that follows through the end of the  
15 sentence and inserting “transmittal.”.

16       (b) ADMINISTRATION OF THE WASTE FUND.—Sec-  
17 tion 302(e) of the Nuclear Waste Policy Act of 1982 (42  
18 U.S.C. 10222(e)) is amended—

19           (1) by striking “Secretary” each place it ap-  
20 pears (except where it appears in the context of the  
21 “Secretary of the Treasury”) and inserting “Admin-  
22 istrator of the Nuclear Waste Administration”; and

23           (2) by striking “the Waste Fund” each place it  
24 appears and inserting “the Waste Fund or the

1       Working Capital Fund established by section 401 of  
2       the Nuclear Waste Administration Act of 2019".

3 **SEC. 403. FULL COST RECOVERY.**

4       In determining whether insufficient or excess reve-  
5       nues are being collected to ensure full cost recovery under  
6       section 302(a)(4) of the Nuclear Waste Policy Act of 1982  
7       (42 U.S.C. 10222(a)(4)), the Administrator shall—

8               (1) assume that sufficient funds will be appro-  
9               priated to the Nuclear Waste Fund to cover the  
10               costs attributable to disposal of defense wastes; and  
11               (2) take into account the additional costs re-  
12               sulting from the enactment of this Act.

13 **SEC. 404. JUDICIAL REVIEW.**

14       (a) **JURISDICTION.**—

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

19                       (A) for review of any final decision or ac-  
20                       tion of the Administrator or the Commission  
21                       under this Act;

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

1 (C) challenging the constitutionality of any  
2 decision made, or action taken, under this Act;  
3 or

4 (D) for review of any environmental as-  
5 sessment or environmental impact statement  
6 prepared pursuant to the National Environ-  
7 mental Policy Act of 1969 (42 U.S.C. 4321 et  
8 seq.) with respect to any action under this Act,  
9 or alleging a failure to prepare any such assess-  
10 ment or statement with respect to any such ac-  
11 tion.

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

14 (A) the judicial circuit in which the petitioner  
15 resides or has the principal office of  
16 the petitioner; or

17 (B) the United States Court of Appeals for  
18 the District of Columbia Circuit.

19 (b) DEADLINE FOR COMMENCING ACTION.—

## 10 SEC. 405. LITIGATION AUTHORITY.

11 (a) SUPERVISION BY ATTORNEY GENERAL.—The lit-  
12 gation of the Administration shall be subject to the super-  
13 vision of the Attorney General pursuant to chapter 31 of  
14 title 28, United States Code.

15 (b) ATTORNEYS OF ADMINISTRATION.—The Attorney  
16 General may authorize any attorney of the Administration  
17 to conduct any civil litigation of the Administration  
18 in any Federal court, except the Supreme Court.

## 19 SEC. 406. LIABILITIES.

20 (a) PENDING LEGAL PROCEEDINGS.—Any suit,  
21 cause of action, or judicial proceeding commenced by or  
22 against the Secretary relating to functions or contracts  
23 transferred to the Administrator by this Act shall—

24 (1) not abate by reason of the enactment of this  
25 Act; and

3 (b) SETTLEMENT OF PENDING LITIGATION; CON-  
4 TRACT MODIFICATION.—

19 (c) PAYMENT OF JUDGMENTS AND SETTLEMENTS.—

20 Payment of judgments and settlements in cases arising  
21 from the failure of the Secretary to meet the deadline of  
22 January 31, 1998, to begin to dispose of nuclear waste  
23 under contracts entered into under section 302(a)(1) of  
24 the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
25 10222(a)(1)) shall continue to be paid from the perma-

1    nent judgment appropriation established pursuant to sec-  
2    tion 1304 of title 31, United States Code.

3       (d) NEW CONTRACTS.—Notwithstanding section  
4    302(a)(5) of the Nuclear Waste Policy Act of 1982 (42  
5    U.S.C. 10222(a)(5)), the Administrator shall not enter  
6    into any contract after the date of enactment of this Act  
7    that obligates the Administrator to begin disposing of nu-  
8    clear waste before the Commission has licensed the Ad-  
9    ministrator to operate a repository or storage facility.

10      (e) NUCLEAR INDEMNIFICATION.—

11           (1) INDEMNIFICATION AGREEMENTS.—For pur-  
12    poses of section 170 of the Atomic Energy Act of  
13    1954 (42 U.S.C. 2210) (commonly known as the  
14    “Price-Anderson Act”—

15               (A) any person that conducts nuclear  
16    waste activities under a contract with the Ad-  
17    ministrator that may involve the risk of public  
18    liability shall be treated as a contractor of the  
19    Secretary; and

20               (B) the Secretary shall enter into an  
21    agreement of indemnification with any person  
22    described in subparagraph (A).

23           (2) CONFORMING AMENDMENT.—Section 11 ff.  
24    of the Atomic Energy Act of 1954 (42 U.S.C.

1        2014(ff)) is amended by inserting “or the Nuclear  
2        Waste Administration” after “Secretary of Energy”.

3        **TITLE V—ADMINISTRATIVE AND  
4        SAVINGS PROVISIONS**

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

6        The Administrator shall have the power—

7                (1) to perform the functions of the Secretary  
8        transferred to the Administrator pursuant to this  
9        Act;

10               (2) to enter into contracts with any person who  
11       generates or holds title to nuclear waste generated  
12       in a civilian nuclear power reactor for the acceptance  
13       of title, subsequent transportation, storage, and dis-  
14       posal of the nuclear waste;

15               (3) to enter into and perform contracts, leases,  
16       and cooperative agreements with public agencies,  
17       private organizations, and persons necessary or ap-  
18       propiate to carry out the functions of the Adminis-  
19       trator;

20               (4) to acquire, in the name of the United  
21       States, real estate for the construction, operation,  
22       and decommissioning of nuclear waste facilities;

23               (5) to obtain from the Administrator of General  
24       Services the services the Administrator of General  
25       Services is authorized to provide agencies of the

1       United States, on the same basis as those services  
2       are provided to other agencies of the United States;

3               (6) to conduct nongeneric research, development,  
4       and demonstration activities necessary or appropriate  
5       to carrying out the functions of the Administrator; and

6  
7               (7) to make such rules and regulations, not inconsistent  
8       with this Act, as may be necessary to carry out the functions of the Administrator.

9  
10 **SEC. 502. PERSONNEL.**

11       (a) OFFICERS AND EMPLOYEES.—

12               (1) APPOINTMENT.—In addition to the senior  
13       officers described in section 203, the Administrator  
14       may appoint and fix the compensation of such officers  
15       and employees as may be necessary to carry out  
16       the functions of the Administration.

17               (2) COMPENSATION.—Except as provided in  
18       paragraph (3), officers and employees appointed  
19       under this subsection shall be appointed in accordance  
20       with the civil service laws and the compensation  
21       of the officers and employees shall be fixed in accordance  
22       with title 5, United States Code.

23               (3) EXCEPTION.—Notwithstanding paragraph  
24       (2), the Administrator may, to the extent the Ad-

1 ministrator determines necessary to discharge the  
2 responsibilities of the Administrator—

3 (A) appoint exceptionally well qualified in-  
4 dividuals to scientific, engineering, or other crit-  
5 ical positions without regard to the provisions  
6 of chapter 33 of title 5, United States Code,  
7 governing appointments in the competitive serv-  
8 ice; and

9 (B) fix the basic pay of any individual ap-  
10 pointed under subparagraph (A) at a rate of  
11 not more than level I of the Executive Schedule  
12 without regard to the civil service laws, except  
13 that the total annual compensation of the indi-  
14 vidual shall be at a rate of not more than the  
15 highest total annual compensation payable  
16 under section 104 of title 3, United States  
17 Code.

18 (4) MERIT PRINCIPLES.—The Administrator  
19 shall ensure that the exercise of the authority grant-  
20 ed under paragraph (3) is consistent with the merit  
21 principles of section 2301 of title 5, United States  
22 Code.

23 (b) EXPERTS AND CONSULTANTS.—The Adminis-  
24 trator may obtain the temporary or intermittent services

1 of experts or consultants as authorized by section 3109  
2 of title 5, United States Code.

3 (c) ADVISORY COMMITTEES.—

4 (1) ESTABLISHMENT.—The Administrator may  
5 establish, in accordance with the Federal Advisory  
6 Committee Act (5 U.S.C. App.), such advisory com-  
7 mittees as the Administrator may consider appro-  
8 priate to assist in the performance of the functions  
9 of the Administrator.

10 (2) COMPENSATION.—A member of an advisory  
11 committee, other than a full-time employee of the  
12 Federal Government, may be allowed travel ex-  
13 penses, including per diem in lieu of subsistence, as  
14 authorized by section 5703 of title 5, United States  
15 Code, for individuals in the Government service  
16 without pay, while attending meetings of the advi-  
17 sory committee or otherwise serving away from the  
18 homes or regular place of business of the member at  
19 the request of the Administrator.

20 **SEC. 503. OFFICES.**

21 (a) PRINCIPAL OFFICE.—The principal office of the  
22 Administration shall be in or near the District of Colum-  
23 bia.

1       (b) FIELD OFFICES.—The Administrator may main-  
2 tain such field offices as the Administrator considers nec-  
3 essary to carry out the functions of the Administrator.

4 **SEC. 504. MISSION PLAN.**

5       (a) IN GENERAL.—The Administrator shall prepare  
6 a mission plan, which shall—

7               (1) provide an informational basis sufficient to  
8 permit informed decisions to be made in carrying  
9 out the functions of the Administrator; and

10              (2) provide verifiable indicators for oversight of  
11 the performance of the Administrator.

12       (b) CONTENTS.—The mission plan shall include—

13              (1) a description of the actions the Adminis-  
14 trator plans to take to carry out the functions of the  
15 Administrator under this Act;

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

19                  (A) a pilot facility not later than December  
20 31, 2025;

21                  (B) a storage facility for nonpriority waste  
22 not later than December 31, 2029; and

23                  (C) a repository not later than December  
24 31, 2052; and

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

11 (1) Congress;  
12 (2) the Oversight Board;  
13 (3) the Commission;  
14 (4) the Nuclear Waste Technical Review Board  
15 established by section 502 of the Nuclear Waste Pol-  
16 icy Act of 1982 (42 U.S.C. 10262);  
17 (5) the States;  
18 (6) affected Indian Tribes; and  
19 (7) such other interested persons as the Admin-  
20 istrator considers appropriate.

21 (d) PUBLIC NOTICE AND COMMENT.—On submitting  
22 the proposed mission plan for comment under subsection  
23 (c), the Administrator shall—

4 (2) provide interested persons an opportunity to  
5 comment on the proposed plan.

6 (e) SUBMISSION OF FINAL MISSION PLAN.—After  
7 consideration of the comments received, the Administrator  
8 shall—

12 (2) submit the final mission plan, along with a  
13 general statement responding to any significant  
14 issues raised in the comments received on the pro-  
15 posed mission plan, to the appropriate committees of  
16 Congress, the President, and the Oversight Board.

17 (f) REVISION OF THE MISSION PLAN.—The Adminis-  
18 trator shall—

19 (1) revise the mission plan, as appropriate, to  
20 reflect major changes in the planned activities,  
21 schedules, milestones, and cost estimates reported in  
22 the mission plan; and

1 **SEC. 505. ANNUAL REPORTS.**

2 (a) IN GENERAL.—The Administrator shall annually  
3 prepare and submit to Congress, the President, and the  
4 Oversight Board a comprehensive report on the activities  
5 and expenditures of the Administration.

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

8 (1) the annual management report required  
9 under section 9106 of title 31, United States Code;  
10 and

11 (2) the report on any audit of the financial  
12 statements of the Administration conducted under  
13 section 9105 of title 31, United States Code.

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

15 (a) COMMISSION PROCEEDINGS.—This Act shall not  
16 affect any proceeding or any application for any license  
17 or permit pending before the Commission on the date of  
18 enactment of this Act.

19 (b) AUTHORITY OF THE SECRETARY.—This Act shall  
20 not transfer or affect the authority of the Secretary with  
21 respect to—

22 (1) the maintenance, treatment, packaging, and  
23 storage of defense wastes at Department of Energy  
24 sites prior to delivery to, and acceptance by, the Ad-  
25 ministrator for disposal in a repository;

9 (c) TERMINATIONS.—The authority for each function  
10 of the Secretary relating to the siting, construction, and  
11 operation of repositories or storage facilities not trans-  
12 ferred to the Administrator under this Act shall terminate  
13 on the date of enactment of this Act, including the author-  
14 ity—

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

22 SEC. 507. TECHNICAL ASSISTANCE IN THE FIELD OF SPENT  
23 FUEL STORAGE AND DISPOSAL.

24 (a) JOINT NOTICE.—Not later than 90 days after the  
25 date of enactment of this Act and annually for 5 suc-

1 ceeding years, the Secretary and the Commission shall up-  
2 date and publish in the Federal Register the joint notice  
3 required by section 223(b) of the Nuclear Waste Policy  
4 Act of 1982 (42 U.S.C. 10203(b)).

5 (b) INFORMING FOREIGN GOVERNMENTS.—As soon  
6 as practicable after the date of the publication of the an-  
7 nual joint notice described in subsection (a), the Secretary  
8 of State shall inform the governments of nations and orga-  
9 nizations operating nuclear power plants, solicit expres-  
10 sions of interest, and transmit any such expressions of in-  
11 terest to the Secretary and the Commission, as provided  
12 in section 223(c) of the Nuclear Waste Policy Act of 1982  
13 (42 U.S.C. 10203(c)).

14 (c) BUDGET REQUESTS.—The President shall in-  
15 clude in the budget request of the President for the Com-  
16 mission and the Department of Energy for each of fiscal  
17 years 2020 through 2025 such funding requests for a pro-  
18 gram of cooperation and technical assistance with nations  
19 in the fields of spent nuclear fuel storage and disposal as  
20 the President determines appropriate in light of expres-  
21 sions of interest in the cooperation and assistance.

22 (d) ELIGIBILITY.—Notwithstanding any limitation on  
23 cooperation and technical assistance to non-nuclear weap-  
24 on states under section 223 of the Nuclear Waste Policy  
25 Act of 1982 (42 U.S.C. 10203), the Secretary and the

1 Commission may cooperate with and provide technical as-  
2 sistance to nuclear weapon states, if the Secretary and the  
3 Commission determine the cooperation and technical as-  
4 sistance is in the national interest.

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

6 (a) ELIGIBILITY.—Section 502(b)(3)(C)(iii)(I) of the  
7 Nuclear Waste Policy Act of 1982 (42 U.S.C. 10262(b)(3)(C)(iii)(I)) is amended by inserting “or the  
8 Nuclear Waste Administration” after “the Department of  
9 Energy”.

11 (b) FUNCTIONS.—Section 503 of the Nuclear Waste  
12 Policy Act of 1982 (42 U.S.C. 10263) is amended by  
13 striking “1987” and inserting “1987 and the Nuclear  
14 Waste Administrator”.

15 (c) PRODUCTION OF DOCUMENTS.—Section 504(b)  
16 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
17 10264(b)) is amended by striking “Secretary” each place  
18 it appears and inserting “Nuclear Waste Administrator”.

19 (d) REPORTS.—Section 508 of the Nuclear Waste  
20 Policy Act of 1982 (42 U.S.C. 10268) is amended in the  
21 first sentence by striking “Congress and the Secretary”  
22 and inserting “Congress, the Nuclear Waste Adminis-  
23 trator, and the Nuclear Waste Oversight Board”.

24 (e) TERMINATION.—Section 510 of the Nuclear  
25 Waste Policy Act of 1982 (42 U.S.C. 10270) is amended

1 by striking “Secretary” and inserting “Nuclear Waste Ad-  
2 ministrator”.

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

4 Section 114(d) of the Nuclear Waste Policy Act of  
5 1982 (42 U.S.C. 10134(d)) is amended by striking the  
6 second and third sentences.

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