

115TH CONGRESS  
1ST SESSION

# H. R. 3053

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2017

Mr. SHIMKUS introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Nuclear Waste Policy Amendments Act of 2017”.

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

Sec. 1. Short title; table of contents.

### TITLE I—MONITORED RETRIEVABLE STORAGE

Sec. 101. Monitored retrievable storage.

- Sec. 102. Authorization and priority.
- Sec. 103. Conditions for MRS agreements.
- Sec. 104. Survey.
- Sec. 105. Site selection.
- Sec. 106. Benefits agreement.
- Sec. 107. Licensing.

#### TITLE II—PERMANENT REPOSITORY

- Sec. 201. Land withdrawal, jurisdiction, and reservation.
- Sec. 202. Water access.
- Sec. 203. Application procedures and infrastructure activities.
- Sec. 204. Pending repository license application.
- Sec. 205. Limitation on planning, development, or construction of defense waste repository.
- Sec. 206. Sense of Congress regarding transportation routes.

#### TITLE III—DOE CONTRACT PERFORMANCE

- Sec. 301. Title to material.

#### TITLE IV—BENEFITS TO HOST COMMUNITY

- Sec. 401. Consent.
- Sec. 402. Content of agreements.
- Sec. 403. Covered units of local government.
- Sec. 404. Termination.
- Sec. 405. Priority funding for certain institutions of higher education.
- Sec. 406. Disposal of spent nuclear fuel.
- Sec. 407. Updated report.

#### TITLE V—FUNDING

- Sec. 501. Assessment and collection of fees.
- Sec. 502. Use of Waste Fund.
- Sec. 503. Annual multi-year budget proposal.
- Sec. 504. Availability of certain amounts.

#### TITLE VI—MISCELLANEOUS

- Sec. 601. Certain standards and criteria.
- Sec. 602. Application.
- Sec. 603. Office of Civilian Radioactive Waste Management.

## 1                   **TITLE I—MONITORED** 2                   **RETRIEVABLE STORAGE**

### 3 **SEC. 101. MONITORED RETRIEVABLE STORAGE.**

- 4           (a) PROPOSAL.—Section 141(b) of the Nuclear  
5 Waste Policy Act of 1982 (42 U.S.C. 10161(b)) is amend-  
6 ed—

1 (1) in paragraph (1)—

2 (A) by striking “1985” and inserting  
3 “2019”; and

4 (B) by striking “the construction of”;

5 (2) in paragraph (2)—

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

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

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

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

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

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

17 “(E) options to enter into MRS agreements  
18 with respect to one or more monitored retrievable  
19 storage facilities.”; and

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

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

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

3 (b) ADDITIONAL AMENDMENTS.—

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

7 (A) in subsection (c)(2)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5           “(c) PRIORITY.—

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

11          “(2) EXCEPTION.—

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

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

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

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

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

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

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

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

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

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

22 “(C) any affected Indian tribe;

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

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

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

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

9           **SEC. 104. SURVEY.**

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

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

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

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

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

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

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



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

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

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

7 (1) in subsection (a)—

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

10 (B) by striking “the most”; and

11 (2) by striking subsection (g).

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

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

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

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

21 **SEC. 107. LICENSING.**

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (c) LAND DESCRIPTION.—

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

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

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

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

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

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

10           (e) MANAGEMENT RESPONSIBILITIES.—

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

18           (2) MANAGEMENT PLAN.—

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

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

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

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

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

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

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

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

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

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

8           (E) MINING.—

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

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



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

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

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

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

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

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

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

16      (h) AIR QUALITY PERMITS AND REQUIREMENTS.—

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

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

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

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

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

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

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

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

20 (j) DEFINITIONS.—

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

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

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

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

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

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

13 (k) EFFECTIVE DATE.—

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

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

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

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

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

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

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

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

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

3 (a) APPLICATION PROCEDURES AND INFRASTRUC-  
4 TURE ACTIVITIES.—Section 114(d) of the Nuclear Waste  
5 Policy Act of 1982 (42 U.S.C. 10134(d)) is amended—

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

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

10 (2) by striking “the expiration of 3 years after  
11 the date of the submission of such application” and  
12 inserting “18 months after the date of enactment of  
13 the Nuclear Waste Policy Amendments Act of  
14 2017”;

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

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

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

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

11           “(3) INFRASTRUCTURE ACTIVITIES.—

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

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

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

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



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

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

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

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

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

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

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

1 **SEC. 205. LIMITATION ON PLANNING, DEVELOPMENT, OR**  
2 **CONSTRUCTION OF DEFENSE WASTE REPOSI-**  
3 **TORY.**

4 (a) **LIMITATION.**—The Secretary of Energy may not  
5 take any action relating to the planning, development, or  
6 construction of a defense waste repository until the date  
7 on which the Nuclear Regulatory Commission issues a  
8 final decision approving or disapproving the issuance of  
9 a construction authorization for a repository under section  
10 114(d)(1) of the Nuclear Waste Policy Act of 1982 (42  
11 U.S.C. 10134(d)) (as so designated by this Act).

12 (b) **DEFINITIONS.**—In this section—

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

18 (2) the term “defense waste repository” means  
19 the repository for high-level radioactive waste and  
20 spent nuclear fuel derived from the atomic energy  
21 defense activities of the Department of Energy, as  
22 described in the draft plan of the Department titled  
23 “Draft Plan for a Defense Waste Repository” pub-  
24 lished on December 16, 2016.

1 **SEC. 206. SENSE OF CONGRESS REGARDING TRANSPOR-**  
2 **TATION ROUTES.**

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

10 **TITLE III—DOE CONTRACT**  
11 **PERFORMANCE**

12 **SEC. 301. TITLE TO MATERIAL.**

13 Section 123 of the Nuclear Waste Policy Act of 1982  
14 (42 U.S.C. 10143) is amended—

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

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

20 (3) by adding at the end the following new sub-  
21 section:

22 “(b) CONTRACT MODIFICATION.—The Secretary may  
23 enter into new contracts or negotiate modifications to ex-  
24 isting contracts, with any person who generates or holds  
25 title to high-level radioactive waste or spent nuclear fuel  
26 of domestic origin, for acceptance of title, subsequent

1 transportation, and storage of such high-level radioactive  
2 waste or spent nuclear fuel (including to expedite such ac-  
3 ceptance of title, transportation, and storage of such waste  
4 or fuel from facilities that have ceased commercial oper-  
5 ation) at a monitored retrievable storage facility author-  
6 ized under subtitle C.”.

## 7 **TITLE IV—BENEFITS TO HOST** 8 **COMMUNITY**

### 9 **SEC. 401. CONSENT.**

10 Section 170 of the Nuclear Waste Policy Act of 1982  
11 (42 U.S.C. 10173) is amended—

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

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

16 (3) in subsection (e)—

17 (A) by inserting a comma after “reposit-  
18 tory”; and

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

21 (4) by adding at the end the following new sub-  
22 section:

23 “(g) CONSENT.—The acceptance or use of any of the  
24 benefits provided under a benefits agreement under this  
25 section by the State of Nevada shall not be considered to

1 be an expression of consent, express or implied, to the  
2 siting of a repository in such State.”.

3 **SEC. 402. CONTENT OF AGREEMENTS.**

4 (a) **BENEFITS SCHEDULE.**—The table in section  
5 171(a)(1) of the Nuclear Waste Policy Act of 1982 (42  
6 U.S.C. 10173a(a)(1)) is amended to read as follows:

“BENEFITS SCHEDULE

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	The amount described in section 302(f)(1)(B)
(C) Annual payments after first spent fuel receipt until closure of the facility .....	\$10,000,000	The amounts described in section 302(f)(1)(C)”.

7 (b) **RESTRICTIONS ON USE.**—Section 171(a) of the  
8 Nuclear Waste Policy Act of 1982 (42 U.S.C. 10173a(a))  
9 is amended—

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

12 (2) by adding at the end the following new  
13 paragraph:

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

16 “(A) directly or indirectly to influence legisla-  
17 tive action on any matter pending before Congress

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

4 “(B) for litigation purposes; or

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

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

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

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

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

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

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

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

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

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

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

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

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

26               “(2) for litigation purposes; or

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

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

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

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

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

17          (b) CONFORMING AMENDMENTS.—

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

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



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

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

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

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

12 **SEC. 404. TERMINATION.**

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

15 (1) in subsection (a)—

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

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

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

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

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

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

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

19 **SEC. 405. PRIORITY FUNDING FOR CERTAIN INSTITUTIONS**  
20 **OF HIGHER EDUCATION.**

21 Subtitle G of the Nuclear Waste Policy Act of 1982  
22 (42 U.S.C. 10174 et seq.) is amended by adding at the  
23 end the following new section:

1 **“SEC. 176. PRIORITY FUNDING FOR CERTAIN INSTITUTIONS**  
2 **OF HIGHER EDUCATION.**

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

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

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

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

19 **SEC. 407. UPDATED REPORT.**

20 Section 175(a) of the Nuclear Waste Policy Act of  
21 1982 (42 U.S.C. 10174a(a)) is amended by striking “Nu-  
22 clear Waste Policy Amendments Act of 1987” and insert-  
23 ing “Nuclear Waste Policy Amendments Act of 2017”.

**TITLE V—FUNDING****2 SEC. 501. ASSESSMENT AND COLLECTION OF FEES.**

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

6 (1) in the first sentence—

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

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

11 “(A) ASSESSMENT OF FEES.—Not later  
12 than”;

13 (B) by striking “the date of enactment of  
14 this Act” and inserting “the date of enactment  
15 of the Nuclear Waste Policy Amendments Act  
16 of 2017”; and

17 (C) by striking “collection and payment”  
18 and inserting “assessment”;

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

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

24 (4) in the fifth sentence, by striking “a period  
25 of 90 days of continuous session” and all that fol-

1 lows through the period at the end and inserting  
2 “the date that is 180 days after the date of such  
3 transmittal.”; and

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

5 “(B) COLLECTION AND PAYMENT OF  
6 FEES.—

7 “(i) IN GENERAL.—Not later than  
8 180 days after the date of enactment of  
9 Nuclear Waste Policy Amendments Act of  
10 2017, the Secretary shall establish proce-  
11 dures for the collection and payment of the  
12 fees established by paragraph (2) and  
13 paragraph (3), or adjusted pursuant to  
14 subparagraph (A).

15 “(ii) LIMITATION ON COLLECTION.—  
16 The Secretary may not collect a fee estab-  
17 lished under paragraph (2), including a fee  
18 established under paragraph (2) and ad-  
19 justed pursuant to subparagraph (A)—

20 “(I) until the date on which the  
21 Commission issues a final decision ap-  
22 proving or disapproving the issuance  
23 of a construction authorization for a  
24 repository under section 114(d)(1);  
25 and

1                   “(II) after such date, in an  
2                   amount that will cause the total  
3                   amount of fees collected under this  
4                   subsection in any fiscal year to exceed  
5                   90 percent of the amounts appro-  
6                   priated for that fiscal year for pur-  
7                   poses described in subsection (d).

8                   “(iii) PAYMENT OF FULL AMOUNTS.—  
9                   Notwithstanding the non-collection of a fee  
10                  by the Secretary pursuant to clause (ii) in  
11                  any fiscal year, a person who has entered  
12                  into a contract with the Secretary under  
13                  this subsection shall pay any uncollected  
14                  amounts when determined necessary by the  
15                  Secretary, subject to clause (ii), for pur-  
16                  poses described in subsection (d).”.

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

23                  (c) TECHNICAL AND CONFORMING AMENDMENTS.—  
24                  Section 302(a) of the Nuclear Waste Policy Act of 1982  
25                  (42 U.S.C. 10222(a)) is amended—

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

4           (2) in paragraph (3), by striking “126(b)”; and  
5           (3) in paragraph (4), by striking “insure” and  
6           inserting “ensure”.

7   **SEC. 502. USE OF WASTE FUND.**

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

11           (1) in paragraph (1), by striking “maintenance  
12           and monitoring” and all that follows through the  
13           semicolon at the end and inserting “maintenance  
14           and monitoring of any repository or test and evalua-  
15           tion facility constructed under this Act;”;

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

21           (3) in paragraph (5), by striking “at a reposi-  
22           tory site” and all that follows through the end and  
23           inserting “at a repository site or a test and evalua-  
24           tion facility site and necessary or incident to such  
25           repository or test and evaluation facility;”;

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

3           (5) by inserting after paragraph (6) the fol-  
4           lowing:

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

7           (b) CONFORMING AMENDMENTS.—Section 117(d) of  
8           the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
9           10137(d)) is amended by inserting “designated with re-  
10          spect to a repository” after “such representatives”.

11       **SEC. 503. ANNUAL MULTI-YEAR BUDGET PROPOSAL.**

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

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

16          Section 302 of the Nuclear Waste Policy Act of 1982  
17          (42 U.S.C. 10222) is amended by adding at the end the  
18          following:

19          “(f) AVAILABILITY OF CERTAIN AMOUNTS.—

20               “(1) IN GENERAL.—Notwithstanding any other  
21               provision of this section, for the purposes described  
22               in subsection (d) that are specified in subparagraphs  
23               (A) through (E) of this paragraph, the following  
24               amounts from the Waste Fund shall be available to  
25               the Secretary without further appropriation:



1           “(A) An amount equal to 1 percent of  
2           2017 Waste Fund amounts, on the date on  
3           which high-level radioactive waste or spent nu-  
4           clear fuel is received at the Yucca Mountain  
5           site, and in each of the 25 years thereafter, for  
6           costs associated with construction and operation  
7           of a repository or facilities at the Yucca Moun-  
8           tain site.

9           “(B) An amount equal to 1 percent of  
10          2017 Waste Fund amounts, on the date on  
11          which high-level radioactive waste or spent nu-  
12          clear fuel is received at the Yucca Mountain  
13          site, to make payments under a benefits agree-  
14          ment entered into under section 170 with the  
15          State of Nevada concerning a repository.

16          “(C) An amount equal to 0.1 percent of  
17          2017 Waste Fund amounts, on the date that is  
18          one year after the date on which high-level ra-  
19          dioactive waste or spent nuclear fuel is received  
20          at the Yucca Mountain site, and in each year  
21          thereafter until closure of the repository, to  
22          make payments under a benefits agreement en-  
23          tered into under section 170 with the State of  
24          Nevada concerning a repository.

1           “(D) An amount equal to 20 percent of  
2           2017 Waste Fund amounts, on the date on  
3           which monitoring of the repository during the  
4           decommissioning period commences, for waste  
5           package and drip shield fabrication activities.

6           “(E) An amount equal to the amount of  
7           any fee collected pursuant to subsection (a)(3)  
8           after the date of enactment of the Nuclear  
9           Waste Policy Amendments Act of 2017, on the  
10          date on which such fee is collected, for costs as-  
11          sociated with construction and operation of a  
12          repository or facilities at the Yucca Mountain  
13          site.

14          “(2) 2017 WASTE FUND AMOUNTS.—For pur-  
15          poses of this subsection, the term ‘2017 Waste Fund  
16          amounts’ means the amounts in the Waste Fund on  
17          the date of enactment of the Nuclear Waste Policy  
18          Amendments Act of 2017.”.

## 19           **TITLE VI—MISCELLANEOUS**

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

21           (a) **GENERALLY APPLICABLE STANDARDS AND CRI-**  
22           **TERIA.—**

23           (1) **ENVIRONMENTAL PROTECTION AGENCY**  
24           **STANDARDS.—**

1 (A) DETERMINATION AND REPORT.—Not  
2 later than 2 years after the Nuclear Regulatory  
3 Commission has issued a final decision approv-  
4 ing or disapproving the issuance of a construc-  
5 tion authorization for a repository under section  
6 114(d)(1) of the Nuclear Waste Policy Act of  
7 1982 (42 U.S.C. 10134(d)) (as so designated  
8 by this Act), the Administrator of the Environ-  
9 mental Protection Agency shall—

10 (i) determine if the generally applica-  
11 ble standards promulgated under section  
12 121(a) of the Nuclear Waste Policy Act of  
13 1982 (42 U.S.C. 10141(a)) should be up-  
14 dated; and

15 (ii) submit to Congress a report on  
16 such determination.

17 (B) RULE.—If the Administrator of the  
18 Environmental Protection Agency determines,  
19 under subparagraph (A), that the generally ap-  
20 plicable standards promulgated under section  
21 121(a) of the Nuclear Waste Policy Act of 1982  
22 (42 U.S.C. 10141(a)) should be updated, the  
23 Administrator, not later than 2 years after sub-  
24 mission of the report under subparagraph

1 (A)(ii), shall, by rule, promulgate updated gen-  
2 erally applicable standards under such section.

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

13 (b) SITE-SPECIFIC STANDARDS AND CRITERIA.—  
14 Nothing in this section shall affect the standards, tech-  
15 nical requirements, and criteria promulgated by the Ad-  
16 ministrator of the Environmental Protection Agency and  
17 the Nuclear Regulatory Commission for the Yucca Moun-  
18 tain site under section 801 of the Energy Policy Act of  
19 1992 (42 U.S.C. 10141 note).

20 **SEC. 602. APPLICATION.**

21 Section 135 of the Nuclear Waste Policy Act of 1982  
22 (42 U.S.C. 10155) is amended by striking subsection (h)  
23 and redesignating subsection (i) as subsection (h).

1 **SEC. 603. 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 one year after the  
24 date of such expiration.

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

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

4 (b) TRANSFER OF FUNCTIONS.—

5 (1) AMENDMENT.—Section 203(a) of the De-  
6 partment of Energy Organization Act (42 U.S.C.  
7 7133(a)) is amended by striking paragraph (8).

8 (2) TRANSFER OF FUNCTIONS.—The functions  
9 described in the paragraph (8) stricken by the  
10 amendment made by paragraph (1) shall be trans-  
11 ferred to and performed by the Office of Civilian Ra-  
12 dioactive Waste Management, as provided in section  
13 304 of the Nuclear Waste Policy Act of 1982 (42  
14 U.S.C. 10224).

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

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