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S. 3469

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.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2012

Mr. BINGAMAN 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Nuclear Waste Administration Act of 2012''.

(b) TABLE OF CONTENTS.—The table of contents of 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. Additional functions.
Sec. 304. Siting nuclear waste facilities.
Sec. 305. Licensing nuclear waste facilities.
Sec. 306. Limitation on storage.
Sec. 307. Defense waste.
Sec. 308. Transportation.

TITLE IV—FUNDING AND LEGAL PROCEEDINGS

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

TITLE V—ADMINISTRATIVE AND SAVINGS PROVISIONS

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

TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

SEC. 101. FINDINGS.

Congress finds that—

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

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

(B) vested the responsibility for siting, constructing, and operating a permanent geologic repository for the disposal of nuclear waste in the Secretary of Energy; and

(C) required the Secretary to enter into binding contracts with the generators and owners of nuclear waste pursuant to which the Secretary is obligated to have begun disposing of the nuclear waste in a repository not later than January 31, 1998;

(2) in 1987, Congress designated the Yucca Mountain site as the site for the repository and precluded consideration of other sites;

(3) in 2002, the Secretary found the Yucca Mountain site to be suitable for the development of the repository, the President recommended the site to Congress, and Congress enacted a joint resolution approving the Yucca Mountain site for the repository;

(4) in 2008, the Secretary applied to the Nuclear Regulatory Commission for a license to construct a repository at the Yucca Mountain site;

(5) in 2009, the Secretary found the Yucca Mountain site to be unworkable and abandoned efforts to construct a repository;

(6) in 2010, the Secretary, at the request of the President, established the Blue Ribbon Commission on America's Nuclear Future to conduct a comprehensive review of the nuclear waste management policies of the United States and recommend a new strategy for managing the nuclear waste of the United States; and

(7) the Blue Ribbon Commission has recommended that Congress establish a new nuclear waste management organization and adopt a new consensual approach to siting nuclear waste management facilities.

SEC. 102. PURPOSES.

The purposes of this Act are—

(1) to establish a new nuclear waste management organization;

(2) to transfer to the new organization the functions of the Secretary relating to the siting, licensing, construction, and operation of nuclear waste management facilities;

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

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

(5) to ensure that—

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

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

SEC. 103. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term ''Administration'' means the Nuclear Waste Administration established by section 201.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Administration.

(3) AFFECTED INDIAN TRIBE.—The term ''affected Indian tribe'' means any Indian tribe—

(A) within the reservation boundaries of which a repository or storage facility is proposed to be located; or

(B) that has federally defined possessory or usage rights to other land outside of the reservation boundaries that—

(i) arise out of a congressionally ratified treaty; and

(ii) the Secretary of the Interior finds, on petition of an appropriate governmental official of the Indian tribe, may be substantially and adversely affected by the repository or storage facility.

(4) AFFECTED UNIT OF GENERAL LOCAL GOVERNMENT.—

(A) IN GENERAL.—The term ''affected unit of general local government'' means the unit of general local government that has jurisdiction over the site of a repository or storage facility.

(B) INCLUSION.—The term ''affected unit of general local government'' may include, at the discretion of the Administrator, units of general local government that are contiguous with the unit that has jurisdiction over the site of a repository or storage facility.

(5) CIVILIAN NUCLEAR POWER REACTOR.—The term ''civilian nuclear power reactor'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(6) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(7) CONTRACT HOLDER.—The term ''contract holder'' means any person who—

(A) generates or holds title to nuclear waste generated at a civilian nuclear power reactor; and

(B) has entered into a contract for the disposal of nuclear waste under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) or this Act.

(8) DEFENSE WASTE.—The term ''defense waste'' means nuclear waste generated by an atomic energy defense activity (as defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101)).

(9) DISPOSAL.—The term ''disposal'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(10) HIGH-LEVEL RADIOACTIVE WASTE.—The term ''high-level radioactive waste'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(11) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(12) NUCLEAR WASTE.—The term ''nuclear waste'' means—

(A) spent nuclear fuel; and

(B) high-level radioactive waste.

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

(14) NUCLEAR WASTE FACILITY.—The term ''nuclear waste facility'' means—

(A) a repository; and

(B) a storage facility.

(15) NUCLEAR WASTE FUND.—The term ''Nuclear Waste Fund'' means the separate fund in the Treasury established by section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)).

(16) OVERSIGHT BOARD.—The term ''Oversight Board'' means the Nuclear Waste Oversight Board established by section 205.

(17) PUBLIC LIABILITY.—The term ''public liability'' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(18) 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).

(19) RESERVATION.—The term ''reservation'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(20) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(21) SITE CHARACTERIZATION.—

(A) IN GENERAL.—The term ''site characterization'' means the site-specific activities that the Administrator determines necessary to support an application to the Commission for a license to construct a repository or storage facility under section 305(c).

(B) REPOSITORY SITE CHARACTERIZATION.—In the case of a site for a repository, the term ''site characterization'' may include borings, surface excavations, excavations of exploratory shafts, limited subsurface lateral excavations and borings, and in situ testing needed to evaluate the suitability of a candidate site for the location of a repository.

(C) STORAGE SITE CHARACTERIZATION.—In the case of a site for an above-ground storage facility, the term ''site characterization'' does not include subsurface borings and excavations 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.

(D) PRELIMINARY ACTIVITIES.—The term ''site characterization'' does not include preliminary borings and geophysical testing needed to assess whether site characterization should be undertaken.

(22) SPENT NUCLEAR FUEL.—The term ''spent nuclear fuel'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(23) STORAGE.—The term ''storage'' means the temporary retention of nuclear waste pending the disposal of the nuclear waste in a repository.

(24) STORAGE FACILITY.—The term ''storage facility'' means a facility for the storage of nuclear waste from multiple contract holders or the Sec-

retary pending the disposal of the spent nuclear fuel in a repository.

(25) TEST AND EVALUATION FACILITY.—The term ''test and evaluation facility'' means an at-depth, prototypic underground cavity used to develop data and experience for the safe handling and disposal of nuclear waste in a repository.

(26) UNIT OF GENERAL LOCAL GOVERNMENT.—The term ''unit of general local government'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(27) WORKING CAPITAL FUND.—The term ''Working Capital Fund'' means the Nuclear Waste Administration Working Capital Fund established by section 401.

TITLE II—NUCLEAR WASTE ADMINISTRATION

SEC. 201. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established an independent agency in the executive branch to be known as the ''Nuclear Waste Administration''.

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

(1) to discharge the responsibility of the Federal Government to provide for the permanent disposal of nuclear waste;

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

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

SEC. 202. PRINCIPAL OFFICERS.

(a) ADMINISTRATOR.—

(1) APPOINTMENT.—There shall be at the head of the Administration a Nuclear Waste Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who are, by reason of education, experience, and attainments, exceptionally well qualified to perform the duties of the Administrator.

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

(3) SUPERVISION AND DIRECTION.—The Administration shall be administrated under the supervision and direction of the Administrator, who shall

be responsible for the efficient and coordinated management of the Administration.

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

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

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

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

(b) DEPUTY ADMINISTRATOR.—

(1) APPOINTMENT.—There shall be in the Administration a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who are, by reason of education, experience, and attainments, exceptionally well qualified to perform the duties of the Deputy Administrator.

(2) DUTIES.—The Deputy Administrator shall—

(A) perform such functions as the Administrator shall from time to time assign or delegate; and

(B) act as the Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of the Administrator.

(3) COMPENSATION.—The President shall fix the total annual compensation of the Deputy Administrator in an amount that—

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

(B) does not exceed the total annual compensation paid to the Administrator.

SEC. 203. OTHER OFFICERS.

(a) ESTABLISHMENT.—There shall be in the Administration—

(1) a General Counsel;

(2) a Chief Financial Officer, who shall be appointed from among individuals who possess demonstrated ability in general management of, and

knowledge of and extensive practical experience in, financial management practices in large governmental or business entities; and

(3) not more than 3 Assistant Administrators, who shall perform such functions as the Administrator shall specify from time to time.

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

(1) be appointed by the Administrator;

(2) be considered career appointees; and

(3) be subject to section 161 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(d)).

(c) ORDER OF SUCCESSION.—The Administrator may designate the order in which the officers appointed pursuant to this section shall act for, and perform the functions of, the Administrator during the absence or disability of the Administrator and the Deputy Administrator or in the event of vacancies in the offices of the Administrator and the Deputy Administrator.

SEC. 204. INSPECTOR GENERAL.

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

SEC. 205. NUCLEAR WASTE OVERSIGHT BOARD.

(a) ESTABLISHMENT.—There is established an independent establishment in the executive branch, to be known as the ''Nuclear Waste Oversight Board'', to oversee the administration of this Act and protect the public interest in the implementation of this Act.

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

(1) the Deputy Director of the Office of Management and Budget;

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

(3) the Deputy Secretary of Energy.

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

(d) FUNCTIONS.—The Oversight Board shall—

(1) review, on an ongoing basis—

(A) the progress made by the Administrator to site, construct, and operate nuclear waste facilities under this Act;

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

(C) whether the fees collected from contract holders are sufficient to ensure full cost recovery or require adjustment; and

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

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

(3) recommend to the Administrator, the President, or Congress, as appropriate, any actions that may be needed to ensure the implementation of this Act.

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

(f) REPORTS.—The Oversight Board shall report the findings, conclusions, and recommendations of the Oversight Board to the Administrator, the President, and Congress not less than once per year.

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

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

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

(h) ADDITIONAL STAFF.—

(1) APPOINTMENT.—The Oversight Board may appoint and fix the compensation of such additional

clerical and professional staff as may be necessary to discharge the responsibilities of the Oversight Board.

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

(3) SUPERVISION AND DIRECTION.—The clerical and professional staff of the Oversight Board shall be under the supervision and direction of the Executive Secretary.

(i) ACCESS TO INFORMATION.—

(1) DUTY TO INFORM.—The Administrator shall keep the Oversight Board fully and currently informed on all of the activities of the Administration.

(2) PRODUCTION OF DOCUMENTS.—The Administrator shall provide the Oversight Board with such records, files, papers, data, or information as may be requested by the Oversight Board.

(j) SUPPORT SERVICES.—To the extent permitted by law and requested by the Oversight Board, the Administrator of General Services shall provide the Oversight Board with necessary administrative services, facilities, and support on a reimbursable basis.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Oversight Board

from amounts in the Nuclear Waste Fund to carry out this section such sums as are necessary.

SEC. 206. CONFORMING AMENDMENTS.

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

"(R) The Nuclear Waste Administration.".

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

(1) in paragraph (1), by inserting "the Nuclear Waste Administration;" after "Export-Import Bank;"; and

(2) in paragraph (2), by inserting "the Nuclear Waste Administration," after "Export-Import Bank,".

TITLE III—FUNCTIONS

SEC. 301. TRANSFER OF FUNCTIONS.

There are transferred to and vested in the Administrator all functions vested in the Secretary by—

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

(A) the construction and operation of a repository;

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

(C) the collection, adjustment, deposition, and use of fees to offset expenditures for the management of nuclear waste; and

(D) the issuance of obligations under section 302(e)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(e)(5)); and

(2) section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, relating to the pilot program for the construction and operation of one or more storage facilities to the extent provided in a cooperative agreement transferred to the Administrator pursuant to section 302(b).

SEC. 302. TRANSFER OF CONTRACTS.

(a) DISPOSAL CONTRACTS.—Each contract for the disposal of nuclear waste entered into by the Secretary before the date of enactment of this Act shall continue in effect according to the terms of the contract with the Administrator substituted for the Secretary.

(b) COOPERATIVE AGREEMENT.—Each cooperative agreement entered into by the Secretary pursuant to section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, before the date of enactment of this Act shall continue in effect according

to the terms of the agreement with the Administrator substituted for the Secretary.

SEC. 303. ADDITIONAL FUNCTIONS.

In addition to the functions transferred to the Administrator under section 301, the Administrator may site, construct, and operate—

(1) additional repositories if the Administrator determines that additional disposal capacity is necessary to meet the disposal obligations of the Administrator;

(2) a test and evaluation facility in connection with a repository if the Administrator determines a test and evaluation facility is necessary to develop data and experience for the safe handling and disposal of nuclear waste at a repository; and

(3) additional storage facilities if the Administrator determines that additional storage capacity is necessary pending the availability of adequate disposal capacity.

SEC. 304. SITING NUCLEAR WASTE FACILITIES.

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

(1) allows affected communities to decide whether, and on what terms, the affected communities will host a nuclear waste facility;

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

(3) is flexible and allows decisions to be reviewed and modified in response to new information or new technical, social, or political developments; and

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

(b) SITING GUIDELINES.—

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

(A) repositories; and

(B) storage facilities.

(2) REPOSITORIES.—In adopting guidelines for repositories under paragraph (1), the Administrator shall comply with the requirements of section 112(a) of the Nuclear Waste Policy Act of 1992 (42 U.S.C. 10132(a)).

(3) STORAGE FACILITIES.—

(A) IN GENERAL.—In adopting guidelines for storage facilities under paragraph (1), the Administrator shall comply with the requirements of section 112(a) of the Nuclear Waste Policy Act of 1992 (42 U.S.C. 10132(a)), except to the extent that section 112(a) of that Act requires consideration of underground geophysical conditions that the Administrator determines do not apply to above-ground storage.

(B) OTHER FACTORS.—In addition to the requirements described in subparagraph (A), the guidelines for storage facilities shall require the Administrator to take into account the extent to which a storage facility would—

(i) enhance the reliability and flexibility of the system for the disposal of nuclear waste;

(ii) minimize the impacts of transportation and handling of nuclear waste; and

(iii) unduly burden a State in which significant volumes of—

(I) defense wastes are stored; or

(II) transuranic wastes are disposed.

(4) REVISIONS.—The Administrator may revise the guidelines in a manner consistent with this subsection and section 112(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132(a)).

(c) IDENTIFICATION OF CANDIDATE SITES.—

(1) REVIEW OF POTENTIAL SITES.—As soon as practicable after the date of the issuance of the guidelines under subsection (b), the Administrator shall evaluate potential sites for a nuclear waste facility to determine whether the sites are suitable for site characterization.

(2) SITES ELIGIBLE FOR REVIEW.—The Administrator shall select sites for evaluation under paragraph (1) from among sites recommended by—

(A) the Governor or duly authorized official 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 the suitability of the site for site characterization, the 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.

(4) DETERMINATION OF SUITABILITY.—The Administrator shall determine whether a site is suitable for site characterization based on an environmental assessment of the site, which shall include—

(A) an evaluation by the Administrator of whether the site qualifies for development as a nuclear waste facility under the guidelines established under subsection (b), including a safety case that provides the basis for confidence in

the safety of the proposed nuclear waste facility at the proposed site;

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

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

(i) the Administrator under this section; or

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

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

(E) an assessment of the regional and local impacts of locating a repository or storage facility at the site.

(d) SITE CHARACTERIZATION.—

(1) SELECTION OF SITES.—From among the sites determined to be suitable for site characterization under subsection (c), the Administrator shall select—

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

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

(2) PREFERENCE FOR CO-LOCATED REPOSITORY AND STORAGE FACILITY.—In selecting sites for site characterization as a storage facility, the Administrator shall give preference to sites determined to be suitable for co-location of a storage facility and a repository.

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

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

(B) to solicit public comments and recommendations with respect to the site characterization plan of the Administrator.

(4) CONSULTATION AND COOPERATION AGREEMENT.—

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

(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 an affected Indian tribe, in the case of—

(I) a site located within the boundaries of a reservation; or

(II) an Indian tribe the federally defined possessory or usage rights to land outside of a reservation of which may be substantially and adversely affected by the repository or storage facility.

(B) CONTENTS.—The consultation and cooperation agreement shall provide—

(i) compensation to the State, any affected units of local government, and any affected Indian tribes for any potential economic, social, public health and safety, and environmental impacts associated with site characterization; and

(ii) financial and technical assistance to enable the State, affected units of local government, and affected Indian tribes to

monitor, review, evaluate, comment on, obtain information on, and make recommendations on site characterization activities.

(e) FINAL SITE SUITABILITY DETERMINATION.—

(1) DETERMINATION REQUIRED.—On completion of site characterization activities, the Administrator shall make a final determination of whether the site is suitable for development as a repository or storage facility.

(2) BASIS OF DETERMINATION.—In making a determination under paragraph (1), the Administrator shall determine if—

(A) the site is scientifically and technically suitable for development as a repository or storage facility, taking into account—

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

(ii) whether there is reasonable assurance that a repository or storage facility at the site will meet—

(I) the radiation protection standards of the Administrator of the Environmental Protection Agency; and

(II) the licensing standards of the Commission; and

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

(3) PUBLIC HEARINGS.—Before making a final determination under paragraph (1), the Administrator shall hold public hearings in the vicinity of the site and at least 1 other location within the State in which the site is located to solicit public comments and recommendations on the proposed determination.

(f) CONSENT AGREEMENTS.—

(1) REQUIREMENT.—On making a final determination of site suitability under subsection (e), but before submitting a license application to the Commission under subsection (g), the Administrator shall enter into a consent agreement with—

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

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

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

(2) CONTENTS.—The consent agreement shall—

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

(B) express the consent of each State, local government, and Indian tribe to host the repository or storage facility.

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

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

(B) may include—

(i) financial compensation and incentives;

(ii) economic development assistance;

(iii) operational limitations or requirements;

(iv) regulatory oversight authority; and

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

(4) RATIFICATION.—No consent agreement entered into under this section shall have legal effect unless ratified by law.

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

(A) shall be binding on the parties; and

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

(g) SUBMISSION OF LICENSE APPLICATION.—On determining that a site is suitable under subsection (e) and ratification of a consent agreement under subsection (f), the Administrator shall submit to the Commission an application for a construction authorization for the repository or storage facility.

SEC. 305. LICENSING NUCLEAR WASTE FACILITIES.

(a) RADIATION PROTECTION STANDARDS.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, pursuant to authority under other provisions of law, shall adopt, by rule, generally applicable standards for protection of the general environment from offsite releases from radioactive material in geological repositories.

(b) COMMISSION REGULATIONS.—Not later than 1 year after the adoption of generally applicable standards by the Administrator of the Environmental Protection

Agency under subsection (a), the Commission, pursuant to authority under other provisions of law, shall amend the regulations of the Commission governing the licensing of geological repositories to be consistent with any comparable standards adopted by the Administrator of the Environmental Protection Agency under subsection (a).

(c) CONSTRUCTION AUTHORIZATION.—

(1) APPLICABLE LAWS.—The Commission shall consider an application for a construction authorization for a nuclear waste facility in accordance with the laws (including regulations) applicable to the applications.

(2) FINAL DECISION.—Not later than 3 years after the date of the submission of the application, the Commission shall issue a final decision approving or disapproving the issuance of a construction authorization.

(3) EXTENSION.—The Commission may extend the deadline under paragraph (2) by not more than 1 year if, not less than 30 days before the deadline, the Commission submits to Congress and the Administrator a written report that describes—

(A) the reason for failing to meet the deadline; and

(B) the estimated time by which the Commission will issue a final decision.

SEC. 306. LIMITATION ON STORAGE.

(a) IN GENERAL.—Except as provided in subsection (b), the Administrator may not possess, take title to, or store spent nuclear fuel at a storage facility licensed under this Act before ratification of a consent agreement for a repository under section 304(f)(4).

(b) EXCEPTION.—The Administrator may possess, take title to, and store not more than 10,000 metric tons of spent nuclear fuel at a storage facility licensed and constructed pursuant to a cooperative agreement entered into before the date of enactment of this Act under section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, before ratification of a consent agreement for a repository under section 304(f)(4).

SEC. 307. DEFENSE WASTE.

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

(1) shall arrange for the Administrator to dispose of defense wastes in a repository developed under this Act; and

(2) may arrange for the Administrator to store spent nuclear fuel from the naval nuclear propulsion program pending disposal in a repository.

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

(c) COSTS.—The portion of the cost of developing, constructing, and operating the repository or storage facilities under this Act that is attributable to defense wastes shall be allocated to the Federal Government and paid by the Federal Government into the Working Capital Fund.

(d) PROHIBITION.—No defense waste may be stored or disposed of by the Administrator in any storage facility or repository constructed under this Act or section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, until funds are appropriated to the Working Capital Fund in an amount equal to the fees that would be paid by contract holders under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) if such nuclear waste were generated by a contract holder.

SEC. 308. TRANSPORTATION.

(a) IN GENERAL.—The Administrator shall be responsible for transporting nuclear waste—

(1) from the site of a contract holder to a storage facility or repository;

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

(3) in the case of defense waste, from a Department of Energy site to a repository.

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

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

(2) that have been determined by the Commission to satisfy the quality assurance requirements of the Commission.

(c) NOTIFICATION.—Prior to any transportation of nuclear waste under this Act, the Administrator shall provide advance notification to States and Indian tribes through whose jurisdiction the Administrator plans to transport the nuclear waste.

(d) TRANSPORTATION ASSISTANCE.—

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

(2) TRAINING.—The Administrator shall provide financial and technical assistance to States and Indian tribes through whose jurisdiction the Administrator plans to transport nuclear waste to train public safety officials and other emergency responders on—

(A) procedures required for the safe, routine transportation of nuclear waste; and

(B) procedures for dealing with emergency response situations involving nuclear waste, including instruction of—

(i) government and tribal officials and public safety officers in command and control procedures;

(ii) emergency response personnel; and

(iii) radiological protection and emergency medical personnel.

(3) EQUIPMENT.—The Administrator shall provide monetary grants and contributions in-kind to assist States and Indian tribes through whose jurisdiction the Administrator plans to transport nuclear waste for the purpose of acquiring equipment for responding to a transportation incident involving nuclear waste.

(4) TRANSPORTATION SAFETY PROGRAMS.—The Administrator shall provide in-kind, financial, technical, and other appropriate assistance to States and Indian tribes through whose jurisdiction the Administrator plans to transport nuclear waste for

transportation safety programs related to shipments of nuclear waste.

TITLE IV—FUNDING AND LEGAL PROCEEDINGS

SEC. 401. WORKING CAPITAL FUND.

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

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

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

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

(B) immediately on the payment of the fees;

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

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

(c) AVAILABILITY.—All funds deposited in the Working Capital Fund—

(1) shall be immediately available to the Administrator to carry out the functions of the Administrator, except to the extent limited in annual authorization or appropriation Acts;

(2) shall remain available until expended; and

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

(d) USE OF FUND.—Except to the extent limited in annual authorization or appropriation Acts, the Administrator may make expenditures from the Working Capital Fund only for purposes of carrying out functions authorized by this Act.

SEC. 402. NUCLEAR WASTE FUND.

(a) ELIMINATION OF LEGISLATIVE VETO.—Section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)) is amended in the last sentence by striking ''transmittal unless'' and all that follows through the end of the sentence and inserting ''transmittal.''.

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

(1) by striking ''Secretary'' the first, second, and fourth place it appears and inserting ''Administrator of the Nuclear Waste Administration''; and

(2) by striking ''the Waste Fund'' each place it appears and inserting ''the Waste Fund or the Working Capital Fund established by section 401 of the Nuclear Waste Administration Act of 2012''.

SEC. 403. FULL COST RECOVERY.

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

(1) assume that sufficient funds will be appropriated to the Nuclear Waste Fund to cover the costs attributable to disposal of defense wastes; and

(2) take into account the additional costs resulting from the enactment of this Act.

SEC. 404. JUDICIAL REVIEW.

(a) JURISDICTION.—

(1) COURTS OF APPEALS.—Except for review in the Supreme Court, a United States court of appeals

shall have original and exclusive jurisdiction over any civil action—

(A) for review of any final decision or action of the Administrator or the Commission under this Act;

(B) alleging the failure of the Administrator or the Commission to make any decision, or take any action, required under this Act;

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

(D) for review of any environmental assessment or environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act, or alleging a failure to prepare any such assessment or statement with respect to any such action.

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

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

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

(b) DEADLINE FOR COMMENCING ACTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a civil action for judicial review described in subsection (a)(1) may be brought not later than the date that is 180 days after the date of the decision or action or failure to act involved.

(2) NO KNOWLEDGE OF DECISION OR ACTION.—If a party shows that the party did not know of the decision or action complained of (or of the failure to act) and that a reasonable person acting under the circumstances would not have known, the party may bring a civil action not later than 180 days after the date the party acquired actual or constructive knowledge of the decision, action, or failure to act.

SEC. 405. LITIGATION AUTHORITY.

(a) SUPERVISION BY ATTORNEY GENERAL.—The litigation of the Administration shall be subject to the supervision of the Attorney General pursuant to chapter 31 of title 28, United States Code.

(b) ATTORNEYS OF ADMINISTRATION.—The Attorney General may authorize any attorney of the Adminis-

tration to conduct any civil litigation of the Administration in any Federal court, except the Supreme Court.

SEC. 406. LIABILITIES.

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

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

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

(b) SETTLEMENT OF PENDING LITIGATION; CONTRACT MODIFICATION.—

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

(2) CONTRACT MODIFICATION.—The Administrator and contract holders shall modify contracts entered into under section 302(a) of the Nuclear

Waste Policy Act of 1982 (42 U.S.C. 10222(a)) in accordance with the settlement under paragraph (1).

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

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

(e) NUCLEAR INDEMNIFICATION.—

(1) INDEMNIFICATION AGREEMENTS.—For purposes of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the ''Price-Anderson Act'')—

(A) any person that conducts nuclear waste activities under a contract with the Ad-

ministrator that may involve the risk of public liability shall be treated as a contractor of the Secretary; and

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

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

TITLE V—ADMINISTRATIVE AND SAVINGS PROVISIONS

SEC. 501. ADMINISTRATIVE POWERS OF ADMINISTRATOR.

The Administrator shall have the power—

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

(2) to enter into contracts with any person who generates or holds title to nuclear waste generated in a civilian nuclear power reactor for the acceptance of title, subsequent transportation, storage, and disposal of the nuclear waste;

(3) to enter into and perform contracts, leases, and cooperative agreements with public agencies, private organizations, and persons necessary or ap-

propriate to carry out the functions of the Administrator;

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

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

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

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

SEC. 502. PERSONNEL.

(a) OFFICERS AND EMPLOYEES.—

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

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

(3) EXCEPTION.—Notwithstanding paragraph (2), the Administrator may, to the extent the Administrator determines necessary to discharge the responsibilities of the Administrator—

(A) appoint exceptionally well qualified individuals to scientific, engineering, or other critical positions without regard to the provisions of chapter 33 of title 5, United States Code, governing appointments in the competitive service; and

(B) fix the basic pay of any individual appointed under subparagraph (A) at a rate of not more than level I of the Executive Schedule without regard to the civil service laws, except that the total annual compensation of the individual shall be at a rate of not more than the highest total annual compensation payable under section 104 of title 3, United States Code.

(4) MERIT PRINCIPLES.—The Administrator shall ensure that the exercise of the authority granted under paragraph (3) is consistent with the merit principles of section 2301 of title 5, United States Code.

(b) EXPERTS AND CONSULTANTS.—The Administrator may obtain the temporary or intermittent services of experts or consultants as authorized by section 3109 of title 5, United States Code.

(c) ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—The Administrator may establish, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), such advisory committees as the Administrator may consider appropriate to assist in the performance of the functions of the Administrator.

(2) COMPENSATION.—A member of an advisory committee, other than a full-time employee of the Federal Government, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service without pay, while attending meetings of the advisory committee or otherwise serving away from the

homes or regular place of business of the member at the request of the Administrator.

SEC. 503. OFFICES.

(a) PRINCIPAL OFFICE.—The principal office of the Administration shall be in or near the District of Columbia.

(b) FIELD OFFICES.—The Administrator may maintain such field offices as the Administrator considers necessary to carry out the functions of the Administrator.

SEC. 504. MISSION PLAN.

(a) IN GENERAL.—The Administrator shall prepare a comprehensive report (referred to in this section as the ''mission plan''), which shall—

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

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

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

(1) a description of the actions the Administrator plans to take to carry out the functions of the Administrator under this Act;

(2) schedules and milestones for carrying out the functions of the Administrator; and

(3) an estimate of the amounts that the Administration will need Congress to appropriate from the Nuclear Waste Fund (in addition to amounts expected to be available from the Working Capital Fund) to carry out the functions of the Nuclear Waste Fund, on an annual basis.

(c) PROPOSED MISSION PLAN.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a proposed mission plan for comment to—

(1) Congress;

(2) the Oversight Board;

(3) the Commission;

(4) the Nuclear Waste Technical Review Board established by section 502 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10262);

(5) the States;

(6) affected Indian tribes; and

(7) such other interested persons as the Administrator considers appropriate.

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

(1) publish a notice in the Federal Register of the availability of the proposed mission plan for public comment; and

(2) provided interested persons an opportunity to comment on the proposed plan.

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

(1) revise the proposed mission plan to the extent that the Administrator considers appropriate; and

(2) submit the final mission plan to Congress, the President, and the Oversight Board.

(f) REVISION OF THE MISSION PLAN.—The Administrator shall—

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

(2) submit the revised mission plan to Congress, the President, and the Oversight Board prior to implementing the proposed changes.

SEC. 505. ANNUAL REPORTS.

(a) IN GENERAL.—The Administrator shall annually prepare and submit to Congress, the President, and the

Oversight Board a comprehensive report on the activities and expenditures of the Administration.

(b) MANAGEMENT REPORT.—The annual report submitted under subsection (a) shall include—

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

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

SEC. 506. SAVINGS PROVISIONS; TERMINATIONS.

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

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

(1) the maintenance, treatment, packaging, and storage of defense wastes at Department of Energy sites prior to delivery to, and acceptance by, the Administrator for disposal in a repository;

(2) the conduct of generic research, development, and demonstration activities related to nuclear waste management, including proliferation-resistant

advanced fuel recycling and transmutation technologies that minimize environmental and public health and safety impacts; and

(3) training and workforce development programs relating to nuclear waste management.

(c) PILOT PROGRAM.—Nothwithstanding section 304, the Administrator may proceed with the siting and licensing of one or more consolidated storage facilities under a cooperative agreement entered into by the Secretary pursuant to section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, before the date of enactment of this Act in accordance with—

(1) the terms of the cooperative agreement; and

(2) section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013.

(d) TERMINATIONS.—The authority for each function of the Secretary relating to the siting, construction, and operation of repositories, storage facilities, or test and evaluation facilities not transferred to the Administrator under this Act shall terminate on the date of enactment of this Act, including the authority—

(1) to provide interim storage or monitored, retrievable storage under subtitles B and C of title I

of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10151 et seq.);

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

(3) to issue requests for proposals or enter into agreements under section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013.

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

(a) JOINT NOTICE.—Not later than 90 days after the date of enactment of this Act and annually for 5 succeeding years, the Secretary and the Commission shall update and publish in the Federal Register the joint notice required by section 223(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10203(b)).

(b) INFORMING FOREIGN GOVERNMENTS.—As soon as practicable after the date of the publication of the annual joint notice described in subsection (a), the Secretary of State shall inform the governments of nations and organizations operating nuclear power plants, solicit expressions of interest, and transmit any such expressions of interest to the Secretary and the Commission, as provided

in section 223(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10203(c)).

(c) BUDGET REQUESTS.—The President shall include in the budget request of the President for the Commission and the Department of Energy for each of fiscal years 2014 through 2019 such funding requests for a program of cooperation and technical assistance with nations in the fields of spent nuclear fuel storage and disposal as the President determines appropriate in light of expressions of interest in the cooperation and assistance.

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

SEC. 508. NUCLEAR WASTE TECHNICAL REVIEW BOARD.

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

(b) FUNCTIONS.—Section 503 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10263) is amended by striking ''Secretary after the date of the enactment of the Nuclear Waste Policy Amendments Act of 1987'' and inserting ''Nuclear Waste Administrator after the date of enactment of the Nuclear Waste Administration Act of 2012''.

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

(d) REPORTS.—Section 508 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10268) is amended in the first sentence by striking ''Congress and the Secretary'' and inserting ''Congress, the Nuclear Waste Administrator, and the Nuclear Waste Oversight Board''.

(e) TERMINATION.—Section 510 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10270) is amended by striking ''Secretary'' and inserting ''Nuclear Waste Administrator''.

SEC. 509. REPEAL OF VOLUME LIMITATION.

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

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