

1 **TITLE _____ —NUCLEAR WASTE**
2 **MANAGEMENT**

3 **SEC. __01. NATIONAL COMMISSION ON NUCLEAR WASTE.**

4 The Nuclear Waste Policy Act of 1982 (42 U.S.C.
5 10101 et seq.) is amended by adding at the end the fol-
6 lowing:

7 ~~**“TITLE VI—NATIONAL COMMIS-**~~
8 ~~**SION ON NUCLEAR WASTE**~~

9 ~~**“SEC. 601. ESTABLISHMENT OF COMMISSION.**~~

10 ~~“There is established a Federal advisory committee~~
11 ~~to be known as the ‘National Commission on Nuclear~~
12 ~~Waste’ (referred to in this title as the ‘National Commis-~~
13 ~~sion’).~~

14 ~~**“SEC. 602. PURPOSES.**~~

15 ~~“The purposes of the National Commission are—~~

16 ~~“(1) to conduct a comprehensive study of alter-~~
17 ~~native means of safely managing or disposing of~~
18 ~~spent nuclear fuel and high-level radioactive waste~~
19 ~~from civilian nuclear activity and atomic energy de-~~
20 ~~fense activity; and~~

21 ~~“(2) to recommend to Congress such legislative~~
22 ~~or other action as may be necessary to manage or~~

1 dispose of spent nuclear fuel and high-level radio-
2 active waste successfully and safely.

3 **“SEC. 603. COMPOSITION OF THE NATIONAL COMMISSION.**

4 “(a) MEMBERS.—The National Commission shall be
5 composed of 11 members appointed by the President from
6 among prominent United States citizens with national rec-
7 ognition and significant depth of experience in such pro-
8 fessions as government service, public administration, nat-
9 ural or physical sciences, engineering, and public health
10 and safety.

11 “(b) EXCLUSION.—An officer or employee of the
12 Federal Government or any State or local government may
13 not serve as a member of the National Commission.

14 “(c) BALANCE.—The membership of the National
15 Commission shall be fairly balanced in terms of the points
16 of view represented and functions to be performed by the
17 National Commission. Not more than 6 members of the
18 National Commission shall be members of the same polit-
19 ical party.

20 “(d) INDEPENDENCE.—The advice and recommenda-
21 tions of the National Commission shall result from the Na-
22 tional Commission’s independent judgment and shall not
23 be inappropriately influenced by any special interest.

1 “(e) CHAIRMAN.—The President shall designate a
2 chairman (referred to in this title as the ‘Chairman’) from
3 among the members of the National Commission.

4 **“SEC. 604. FUNCTIONS.**

5 “(a) STUDY OF ALTERNATIVE WASTE MANAGEMENT
6 STRATEGIES.—The National Commission shall—

7 “(1) examine alternative means of safely man-
8 aging and disposing of spent nuclear fuel and high-
9 level radioactive waste from civilian nuclear activity
10 and atomic defense activity, including—

11 “(A) deep geologic disposal of spent nu-
12 clear fuel and high-level radioactive waste in a
13 repository;

14 “(B) long-term storage of spent nuclear
15 fuel and high-level radioactive waste at the sites
16 where it is currently stored or being generated;

17 “(C) long-term storage of spent nuclear
18 fuel and high-level radioactive waste at 1 or
19 more regional storage facilities;

20 “(D) chemical reprocessing of spent nu-
21 clear fuel with uranium and plutonium recy-
22 cling; and

23 “(E) such other alternatives or combina-
24 tion of alternatives to managing and disposing
25 of spent nuclear fuel and high-level radioactive

1 waste as the National Commission determines
2 to be reasonable; and

3 “(2) evaluate, for each of the alternatives con-
4 sidered under paragraph (1)—

5 “(A) the degree to which the alternative
6 will isolate spent nuclear fuel and high-level ra-
7 dioactive waste from the public and the environ-
8 ment;

9 “(B) the degree to which the alternative
10 will expose workers, the general public, and the
11 environment to radiation during the handling,
12 treatment, or processing of spent nuclear fuel
13 and high-level radioactive waste prior to final
14 disposition;

15 “(C) the degree to which the alternative
16 will be secure from attack or intrusion;

17 “(D) the risk of nuclear proliferation posed
18 by the alternative;

19 “(E) the total life cycle cost of the alter-
20 native;

21 “(F) the length of time needed to site, li-
22 cense, and construct necessary facilities;

23 “(G) the degree to which spent nuclear
24 fuel and high-level radioactive waste will need
25 to be transported between facilities; and

1 “(H) the cumulative effect of the alter-
2 native on the environment, and measures that
3 can be taken to avoid or minimize adverse ef-
4 fects of the alternative on the environment.

5 “(b) REVIEW OF PRIOR REPOSITORY PROGRAM.—
6 The National Commission shall—

7 “(1) review the efforts of the Department to
8 implement the programs under title I and identify
9 any deficiencies in the implementation of those pro-
10 grams; and

11 “(2) recommend any measures to ensure that
12 future efforts to site a repository or storage facility
13 will—

14 “(A) provide a reasonable assurance that
15 the public and the environment will be ade-
16 quately protected from the hazards posed by
17 spent nuclear fuel or high-level radioactive
18 waste stored or disposed of in the facility; and

19 “(B) be acceptable to the public.

20 “(c) REVIEW OF REPROCESSING AND ADVANCED
21 FUEL CYCLE PROGRAMS.—The National Commission
22 shall—

23 “(1) review foreign and domestic programs to
24 reprocess commercial spent nuclear fuel;

1 “(2) assess the technical challenges of devel-
2 oping and validating the safe operation of the proc-
3 esses and systems required to recycle commercial
4 spent nuclear fuel without separating plutonium, in-
5 cluding the time and funding resources likely to be
6 required;

7 “(3) evaluate the regulatory adequacy of health
8 and safety standards for radionuclide release from
9 recycling facilities and recycled fuel fabrication fa-
10 cilities;

11 “(4) assess the probable forms of the final
12 wastes resulting from reprocessing operations, in-
13 cluding how such wastes would be stored and main-
14 tained pending disposal; and

15 “(5) analyze the technical, economic, environ-
16 mental, and health and safety advantages and dis-
17 advantages of reprocessing spent nuclear fuel com-
18 pared to disposal in a geologic repository.

19 “(d) STUDY OF INCENTIVES PROGRAM.—The Na-
20 tional Commission shall—

21 “(1) examine the economic and other impacts of
22 hosting a nuclear waste repository, reprocessing fa-
23 cility, or regional storage facility on the host State,
24 any affected Indian tribe, and any affected unit of
25 local government; and

1 “(2) recommend measures it determines nec-
2 essary or advisable to provide economic compensa-
3 tion and incentives to a State, Indian tribe, or unit
4 of local government that agrees to host a repository,
5 reprocessing facility, or regional storage facility.

6 “(e) STUDY OF ALTERNATIVE MEANS OF MANAGING
7 AND OPERATING THE NUCLEAR WASTE PROGRAM.—The
8 National Commission shall—

9 “(1) study alternative approaches to managing
10 the construction and operation of civilian nuclear
11 waste management facilities, including the feasibility
12 of establishing a private corporation for such pur-
13 poses; and

14 “(2) recommend whether responsibility for
15 managing the siting, construction, and operation,
16 and monitoring of civilian nuclear waste manage-
17 ment facilities should continue to be vested in the
18 Secretary or whether it should be transferred to an
19 alternative Federal agency or entity.

20 “(f) STUDY OF ALTERNATIVE MEANS OF FINANC-
21 ING.—The National Commission shall—

22 “(1) examine the cost of carrying out nuclear
23 waste management activities;

24 “(2) evaluate the adequacy of the Waste Fund;
25 and

1 “(3) recommend measures the National Com-
2 mission determines necessary or advisable for—

3 “(A) the disposition of balances remaining
4 in the Waste Fund; and

5 “(B) the collection and disposition of any
6 additional fees that may be needed to ensure
7 that the cost of carrying out nuclear waste dis-
8 posal activities are fully recovered from the per-
9 sons responsible for generating such waste.

10 **“SEC. 605. ADMINISTRATION.**

11 “(a) COMPENSATION.—Each member of the National
12 Commission shall be compensated at the daily equivalent
13 of the annual rate of basic pay in effect for a position
14 at level IV of the Executive Schedule under section 5315
15 of title 5, United States Code, for each day the member
16 is engaged in the work of the National Commission.

17 “(b) TRAVEL EXPENSES.—Each member of the Na-
18 tional Commission may receive travel expenses, including
19 per diem in lieu of subsistence, in the same manner as
20 person employed intermittently in the Federal Government
21 service under section 5703 of title 5, United States Code.

22 “(c) STAFF.—The Chairman is authorized to appoint
23 and fix the compensation of a staff director and such other
24 personnel as may be necessary to enable the National
25 Commission to carry out its functions, subject to the appli-

1 cable provisions of the Federal Advisory Committee Act
2 (5 U.S.C. App.) and title 5, United States Code.

3 “(d) DETAILEES.—

4 “(1) IN GENERAL.—Any Federal Government
5 employee may be detailed to the National Commis-
6 sion without reimbursement from the National Com-
7 mission.

8 “(2) EXCEPTION.—Notwithstanding paragraph
9 (1), no employee of the Department may be detailed
10 to the National Commission.

11 “(3) EFFECT ON DETAILEE.—Any such detailee
12 shall retain the rights, status, and privileges of his
13 or her regular employment without interruption.

14 “(e) CONSULTANTS.—The National Commission may
15 procure the services of experts and consultants in accord-
16 ance with section 3109 of title 5, United States Code.

17 “(f) CONTRACTING.—The National Commission may,
18 to the extent funds are available under this title or subse-
19 quent appropriation Acts, enter into contracts to enable
20 the National Commission to discharge its duties under this
21 title.

22 “(g) INFORMATION FROM FEDERAL AGENCIES.—
23 The National Commission may request any Federal agen-
24 cy, including the Nuclear Waste Technical Review Board,
25 to furnish such information, advice, or assistance as it de-

1 termines necessary to carry out its functions, and each
2 such agency shall, to the extent permitted by law, furnish
3 such information, advice, or assistance upon the request
4 of the Chairman.

5 “(h) ASSISTANCE FROM THE GENERAL SERVICES
6 ADMINISTRATION.—The Administrator of General Serv-
7 ices shall, upon the request of the Chairman, provide the
8 National Commission with necessary administrative serv-
9 ices, facilities, and support, on a reimbursable basis.

10 “(i) POSTAL SERVICES.—The National Commission
11 may use the United States mails in the same manner and
12 under the same conditions as a Federal agency.

13 **“SEC. 606. REPORT.**

14 “The National Commission shall submit to the Presi-
15 dent and Congress a final report containing the National
16 Commission’s findings, conclusions, and recommendations
17 not later than 2 years after the date of enactment of this
18 Act.

19 **“SEC. 607. FUNDING.**

20 “(a) TRANSFER OF FUNDS.—Notwithstanding sec-
21 tion 302(d), of the amounts authorized to be appropriated
22 to the Secretary from the Waste Fund under the heading
23 ‘NUCLEAR WASTE DISPOSAL’ under title III of division
24 C of the Omnibus Appropriations Act, 2009 (Public Law
25 111–8; 123 Stat. 618), \$3,000,000 shall be transferred

1 to the National Commission for purposes of carrying out
2 this title.

3 “(b) DURATION OF AVAILABILITY.—Except as pro-
4 vided in section 608(b), amounts made available to the
5 National Commission under subsection (a) shall remain
6 available until expended or the termination of the National
7 Commission.

8 **“SEC. 608. TERMINATION.**

9 “(a) IN GENERAL.—The National Commission, and
10 all authorities under this title, shall terminate 60 days
11 after the date on which the final report is submitted under
12 section 606.

13 “(b) UNEXPENDED FUNDS.—Any funds made avail-
14 able to the National Commission under section 607 that
15 are not expended by the National Commission by the date
16 on which the National Commission is terminated under
17 subsection (a) shall be deposited in the general fund of
18 the Treasury.”.