

1                                   **TITLE \_\_\_\_ — NUCLEAR WASTE MANAGEMENT**

2       **SEC. \_\_01. ESTABLISHMENT OF COMMISSION.**

3                   There is established the National Commission on Nuclear Waste (in this title referred to  
4 as the “Commission”).

5       **SEC. \_\_02. COMPOSITION OF THE COMMISSION.**

6                   (a) MEMBERS.— The Commission shall be composed of 11 members appointed by the  
7 President from among prominent United States citizens with national recognition and significant  
8 depth of experience in such professions as government service, public administration, natural or  
9 physical sciences, engineering, and public health and safety.

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

12                   (c) BALANCE.— The membership of the Commission shall be fairly balanced in terms  
13 of the points of view represented and functions to be performed by the Commission. Not more  
14 than 6 members of the Commission shall be members of the same political party.

15                   (d) INDEPENDENCE.— The advice and recommendations of the Commission shall  
16 result from the Commission’s independent judgment and shall not be inappropriately influenced  
17 by any special interest.

18                   (e) CHAIRMAN.— The President shall designate a chairman (in this title referred to as  
19 the “Chairman”) from among the members of the Commission.

1 **SEC. \_\_03. PURPOSE.**

2 The purpose of the Commission is to—

3 (1) conduct a comprehensive study of alternative means of safely disposing of  
4 spent nuclear fuel and high-level radioactive waste from civilian nuclear activity and  
5 atomic energy defense activity;

6 (2) recommend to the Congress such legislative or other action as may be  
7 necessary to successfully and safely dispose of spent nuclear fuel and high-level  
8 radioactive waste.

9 **SEC. \_\_04. FUNCTIONS.**

10 (a) STUDY OF ALTERNATIVE WASTE MANAGEMENT STRATEGIES.— The  
11 Commission shall—

12 (1) examine alternative means of safely disposing of spent nuclear fuel and high-  
13 level radioactive waste from civilian nuclear activity and atomic defense activity,  
14 including—

15 (A) deep geologic disposal of spent nuclear fuel and high-level radioactive  
16 waste in a repository;

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

19 (C) long-term storage of spent nuclear fuel and high-level radioactive  
20 waste at one or more regional storage facilities;

21 (D) chemical reprocessing of spent nuclear fuel with uranium and  
22 plutonium recycling; and

1 (E) such other alternatives or combination of alternatives of disposing of  
2 spent nuclear fuel and high-level radioactive waste as the Commission determines  
3 to be reasonable; and

4 (2) evaluate, for each of the alternatives considered under subsection (a)—

5 (A) the degree to which the alternative will isolate spent nuclear fuel and  
6 high-level radioactive waste from the public and the environment;

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

11 (C) the degree to which the alternative will be secure from attack or  
12 intrusion;

13 (D) the risk of nuclear proliferation posed by the alternative;

14 (E) the total life cycle cost of the alternative;

15 (F) the length of time needed to site, license, and construct necessary  
16 facilities;

17 (G) the degree to which spent nuclear fuel and high-level radioactive waste  
18 will need to be transported between facilities;

19 (H) the cumulative effect of the alternative on the environment, and  
20 measures which can be taken to avoid or minimize adverse effects of the  
21 alternative on the environment.

1 (b) REVIEW OF THE PRIOR PROGRAM.— The Commission shall—

2 (1) review the nuclear waste repository program conducted pursuant to the  
3 Nuclear Waste Policy Act of 1982 and identify any deficiencies in—

4 (A) the site selection methodology used by the Department of Energy to  
5 rank and select the original candidate site for site characterization;

6 (B) the site characterization of the Yucca Mountain site; and

7 (C) the design of the Yucca Mountain repository; and

8 (2) recommend any revisions to the siting guidelines and site selection  
9 methodology used by the Secretary of Energy that may be needed to ensure that any site  
10 recommended for a repository or regional storage facility in the future will—

11 (A) provide a reasonable assurance that the public and the environment  
12 will be adequately protected from the hazards posed by spent nuclear fuel or high-  
13 level radioactive waste as may be disposed in the repository or stored in the  
14 regional storage facility; and

15 (B) be acceptable to the public.

16 (c) STUDY OF INCENTIVES PROGRAM.— The Commission shall—

17 (1) examine the economic and other impacts of hosting a nuclear waste repository,  
18 reprocessing facility, or regional storage facility on the host State, any affected Indian  
19 tribe, and any affected unit of local government; and

20 (2) recommend measures it determines necessary or advisable to provide  
21 economic compensation and incentives to a State, Indian tribe, or unit of local  
22 government that agrees to host a repository, reprocessing facility, or regional storage

1 facility.

2 (d) REVIEW OF ADVANCED FUEL CYCLE PROGRAM.— The Commission shall—

3 (1) review the advanced fuel recycling technology research, development, and  
4 demonstration program authorized under section 953 of the Energy Policy Act of 2005  
5 (42 U.S.C. 16273); and

6 (2) recommend measures it determines necessary or advisable to support industry  
7 efforts to develop the engineering and technical data needed to obtain a license for  
8 commercial scale, advanced, proliferation-resistant spent nuclear fuel reprocessing  
9 facility from the Nuclear Regulatory Commission.

10 (e) STUDY OF ALTERNATIVE MEANS OF MANAGING AND OPERATING THE  
11 NUCLEAR WASTE PROGRAM.— The Commission shall—

12 (1) study alternative approaches to managing the construction and operation of  
13 civilian nuclear waste management facilities, including the feasibility of establishing a  
14 private corporation for such purposes; and

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

19 (f) STUDY OF ALTERNATIVE MEANS OF FINANCING.— The Commission shall—

20 (1) examine the cost of carrying out nuclear waste management activities;

21 (2) evaluate the adequacy of the Nuclear Waste Fund collected under section 302  
22 of the Nuclear Waste Policy Act of 1992 (42 U.S.C. 10222); and

1 (3) recommend measures the Commission determines necessary or advisable  
2 for—

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

4 (B) the collection and disposition of any additional fees that may be  
5 needed to ensure that the cost of carrying out nuclear waste disposal activities are  
6 fully recovered from the persons responsible for generating such waste.

7 **SEC. \_\_05. ADMINISTRATION.**

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

12 (b) TRAVEL EXPENSES.— Each member of the Commission may receive travel  
13 expenses, including per diem in lieu of subsistence, in the same manner as person employed  
14 intermittently in the Government service under section 5703 of title 5, United States Code.

15 (c) STAFF.— The Chairman is authorized to appoint and fix the compensation of a staff  
16 director and such other personnel as may be necessary to enable the Commission to carry out its  
17 functions, subject to the applicable provisions of the Federal Advisory Committee Act and title 5,  
18 United States Code.

19 (d) DETAILEES.—

20 (1) IN GENERAL.— Any Federal Government employee may be detailed to the  
21 Commission without reimbursement from the Commission.

22 (2) EXCEPTION.— Notwithstanding paragraph (1), no employee of the

1 Department of Energy may be detailed to the Commission.

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

4 (e) CONSULTANTS.— The Commission may procure the services of experts and  
5 consultants in accordance with section 3109 of title 5, United States Code.

6 (f) CONTRACTING.— The Commission may, to the extent funds are available under  
7 this title or subsequent appropriation Acts, enter into contracts to enable the Commission to  
8 discharge its duties under this title.

9 (g) INFORMATION FROM FEDERAL AGENCIES.— The Commission may request  
10 any Federal agency to furnish such information, advice, or assistance as it determines necessary  
11 to carry out its functions, and each such agency shall, to the extent permitted by law, furnish such  
12 information, advice, or assistance upon the request of the Chairman.

13 (h) ASSISTANCE FROM THE GENERAL SERVICES ADMINISTRATION.— The  
14 Administrator of General Services shall, upon the request of the Chairman, provide the  
15 Commission with necessary administrative services, facilities, and support, on a reimbursable  
16 basis.

17 (i) POSTAL SERVICES.— The Commission may use the United States mails in the  
18 same manner and under the same conditions as a Federal agency.

19 **SEC. \_\_06. REPORT.**

20 The Commission shall submit to the President and Congress a final report containing the  
21 Commission's findings, conclusions, and recommendations not later than 2 years after the date of  
22 enactment of this Act.

1    **SEC. \_\_07. TERMINATION.**

2           The Commission, and all authorities under this title, shall terminate 60 days after the date  
3    on which the final report is submitted under section \_\_06.

4    **SEC. \_\_08. FUNDING.**

5           (a) TRANSFER OF FUNDS.— Notwithstanding section 302(d) of the Nuclear Waste  
6    Policy Act of 1982 (42 U.S.C. 10222(d)), of the amounts authorized to be appropriated to the  
7    Secretary of Energy from the Nuclear Waste Fund under the heading “Nuclear Waste Disposal”  
8    under title III, Division C, of the Omnibus Appropriations Act, 2009, \$3,000,000 shall be  
9    transferred to the Commission for purposes of carrying out this title.

10          (b) DURATION OF AVAILABILITY.— Amounts made available to the Commission  
11    under subsection (a) shall remain available until expended or the termination of the Commission.

12   **SEC. \_\_09. DEFINITIONS.**

13          (1) IN GENERAL.— As used in this title, the terms “affected Indian tribe”, “affected unit  
14    of local government”, “atomic energy defense activity”, “civilian nuclear activity”, “disposal”,  
15    “high-level radioactive waste”, “Federal agency”, “Indian tribe”, “repository”, “spent nuclear  
16    fuel”, “State”, “storage”, “unit of local government”, and “Yucca Mountain site” shall have the  
17    meanings given those terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
18    10101).

19          (2) DISPOSE AND DISPOSING.— As used in this title, the terms “dispose” and  
20    “disposing” shall include—

21                (A) disposal (as that term is defined in section 2(9) of the Nuclear Waste Policy

1 Act of 1982 (42 U.S.C. 10101(9));  
2 (B) long-term storage;  
3 (C) chemical reprocessing; and  
4 (D) any alternative means of managing spent nuclear fuel and high-level  
5 radioactive waste identified by the Commission under section \_\_04 (1)(E).