

the Administrator of Veterans' Affairs shall submit to the appropriate committees of Congress a full report with respect to the regulations (including guidelines, policies, and procedures thereunder) prescribed pursuant to paragraph (1) of this subsection. Such report shall include—

“(A) an explanation of any inconsistency between standards made applicable by such regulations and the standards promulgated by the Secretary pursuant to this chapter;

“(B) an account of the extent, substance, and results of consultations with the Secretary respecting the prescription and implementation of regulations by the Administrator; and

“(C) such recommendations for legislation and administrative action as the Administrator determines are necessary and desirable.

“(3) The Administrator of Veterans' Affairs shall publish the report required by paragraph (2) in the Federal Register.”

CHAPTER 108—NUCLEAR WASTE POLICY

- Sec.
10101. Definitions.
10102. Separability.
10103. Territories and possessions.
10104. Ocean disposal.
10105. Limitation on spending authority.
10106. Protection of classified national security information.
10107. Applicability to atomic energy defense activities.
10108. Applicability to transportation.

SUBCHAPTER I—DISPOSAL AND STORAGE OF HIGH-LEVEL RADIOACTIVE WASTE, SPENT NUCLEAR FUEL, AND LOW-LEVEL RADIOACTIVE WASTE

10121. State and affected Indian tribe participation in development of proposed repositories for defense waste.

PART A—REPOSITORIES FOR DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL

10131. Findings and purposes.
10132. Recommendation of candidate sites for site characterization.
10133. Site characterization.
10134. Site approval and construction authorization.
10135. Review of repository site selection.
10136. Participation of States.
10137. Consultation with States and affected Indian tribes.
10138. Participation of Indian tribes.
10139. Judicial review of agency actions.
10140. Expedited authorizations.
10141. Certain standards and criteria.
10142. Disposal of spent nuclear fuel.
10143. Title to material.
10144. Consideration of effect of acquisition of water rights.
10145. Termination of certain provisions.

PART B—INTERIM STORAGE PROGRAM

10151. Findings and purposes.
10152. Available capacity for interim storage of spent nuclear fuel.
10153. Interim at-reactor storage.
10154. Licensing of facility expansions and shipments.
10155. Storage of spent nuclear fuel.
10156. Interim Storage Fund.
10157. Transportation.

PART C—MONITORED RETRIEVABLE STORAGE

10161. Monitored retrievable storage.
10162. Authorization of monitored retrievable storage.

- Sec.
10163. Monitored Retrievable Storage Commission.
10164. Survey.
10165. Site selection.
10166. Notice of disapproval.
10167. Benefits agreement.
10168. Construction authorization.
10169. Financial assistance.

PART D—LOW-LEVEL RADIOACTIVE WASTE

10171. Financial arrangements for low-level radioactive waste site closure.

PART E—REDIRECTION OF NUCLEAR WASTE PROGRAM

10172. Selection of Yucca Mountain site.
10172a. Siting a second repository.

PART F—BENEFITS

10173. Benefits agreements.
10173a. Content of agreements.
10173b. Review Panel.
10173c. Termination.

PART G—OTHER BENEFITS

10174. Consideration in siting facilities.
10174a. Report.

PART H—TRANSPORTATION

10175. Transportation.

SUBCHAPTER II—RESEARCH, DEVELOPMENT, AND DEMONSTRATION REGARDING DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL

10191. Purpose.
10192. Applicability.
10193. Identification of sites.
10194. Siting research and related activities.
10195. Test and evaluation facility siting review and reports.
10196. Federal agency actions.
10197. Research and development on disposal of high-level radioactive waste.
10198. Research and development on spent nuclear fuel.
10199. Payments to States and Indian tribes.
10200. Study of research and development needs for monitored retrievable storage proposal.
10201. Judicial review.
10202. Research on alternatives for permanent disposal of high-level radioactive waste.
10203. Technical assistance to non-nuclear weapon states in field of spent fuel storage and disposal.
10204. Subseabed disposal.

SUBCHAPTER III—OTHER PROVISIONS RELATING TO RADIOACTIVE WASTE

10221. Mission plan.
10222. Nuclear Waste Fund.
10223. Alternative means of financing.
10224. Office of Civilian Radioactive Waste Management.
10225. Location of test and evaluation facility.
10226. Nuclear Regulatory Commission training authorization.

SUBCHAPTER IV—NUCLEAR WASTE NEGOTIATOR

10241. “State” defined.
10242. Office of Nuclear Waste Negotiator.
10243. Duties of Negotiator.
10244. Environmental assessment of sites.
10245. Site characterization; licensing.
10246. Monitored retrievable storage.
10247. Environmental impact statement.
10248. Administrative powers of Negotiator.
10249. Cooperation of other departments and agencies.
10250. Termination of Office.

Sec.	
10251.	Authorization of appropriations.
SUBCHAPTER V—NUCLEAR WASTE TECHNICAL REVIEW BOARD	
10261.	Definitions.
10262.	Nuclear Waste Technical Review Board.
10263.	Functions.
10264.	Investigatory powers.
10265.	Compensation of members.
10266.	Staff.
10267.	Support services.
10268.	Report.
10269.	Authorization of appropriations.
10270.	Termination of Board.

§ 10101. Definitions

For purposes of this chapter:

(1) The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) The term “affected Indian tribe” means any Indian tribe—

(A) within whose reservation boundaries a monitored retrievable storage facility, test and evaluation facility, or a repository for high-level radioactive waste or spent fuel is proposed to be located;

(B) whose federally defined possessory or usage rights to other lands outside of the reservation’s boundaries arising out of congressionally ratified treaties may be substantially and adversely affected by the locating of such a facility: *Provided*, That the Secretary of the Interior finds, upon the petition of the appropriate governmental officials of the tribe, that such effects are both substantial and adverse to the tribe;¹

(3) The term “atomic energy defense activity” means any activity of the Secretary performed in whole or in part in carrying out any of the following functions:

- (A) naval reactors development;
- (B) weapons activities including defense inertial confinement fusion;
- (C) verification and control technology;
- (D) defense nuclear materials production;
- (E) defense nuclear waste and materials by-products management;
- (F) defense nuclear materials security and safeguards and security investigations; and
- (G) defense research and development.

(4) The term “candidate site” means an area, within a geologic and hydrologic system, that is recommended by the Secretary under section 10132 of this title for site characterization, approved by the President under section 10132 of this title for site characterization, or undergoing site characterization under section 10133 of this title.

(5) The term “civilian nuclear activity” means any atomic energy activity other than an atomic energy defense activity.

(6) The term “civilian nuclear power reactor” means a civilian nuclear powerplant required to be licensed under section 2133 or 2134(b) of this title.

(7) The term “Commission” means the Nuclear Regulatory Commission.

(8) The term “Department” means the Department of Energy.

(9) The term “disposal” means the emplacement in a repository of high-level radioactive waste, spent nuclear fuel, or other highly radioactive material with no foreseeable intent of recovery, whether or not such emplacement permits the recovery of such waste.

(10) The terms “disposal package” and “package” mean the primary container that holds, and is in contact with, solidified high-level radioactive waste, spent nuclear fuel, or other radioactive materials, and any overpacks that are emplaced at a repository.

(11) The term “engineered barriers” means manmade components of a disposal system designed to prevent the release of radionuclides into the geologic medium involved. Such term includes the high-level radioactive waste form, high-level radioactive waste canisters, and other materials placed over and around such canisters.

(12) The term “high-level radioactive waste” means—

(A) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and

(B) other highly radioactive material that the Commission, consistent with existing law, determines by rule requires permanent isolation.

(13) The term “Federal agency” means any Executive agency, as defined in section 105 of title 5.

(14) The term “Governor” means the chief executive officer of a State.

(15) The term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)).

(16) The term “low-level radioactive waste” means radioactive material that—

(A) is not high-level radioactive waste, spent nuclear fuel, transuranic waste, or by-product material as defined in section 2014(e)(2) of this title; and

(B) the Commission, consistent with existing law, classifies as low-level radioactive waste.

(17) The term “Office” means the Office of Civilian Radioactive Waste Management established in section 10224² of this title.

(18) The term “repository” means any system licensed by the Commission that is intended to be used for, or may be used for, the permanent deep geologic disposal of high-level radioactive waste and spent nuclear fuel, whether or not such system is designed to permit the recovery, for a limited period during

¹ So in original. The semicolon probably should be a period.

² See References in Text note below.