

117TH CONGRESS
1ST SESSION

S. 2373

To reestablish United States global leadership in nuclear energy, revitalize domestic nuclear energy supply chain infrastructure, support the licensing of advanced nuclear technologies, and improve the regulation of nuclear energy, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 15, 2021

Mrs. CAPITO (for herself, Mr. WHITEHOUSE, Mr. BARRASSO, Mr. BOOKER, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To reestablish United States global leadership in nuclear energy, revitalize domestic nuclear energy supply chain infrastructure, support the licensing of advanced nuclear technologies, and improve the regulation of nuclear energy, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “American Nuclear Infrastructure Act of 2021”.

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

- Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

TITLE I—REESTABLISHING AMERICAN INTERNATIONAL
 COMPETITIVENESS AND GLOBAL LEADERSHIP

- Sec. 101. International nuclear reactor export and innovation activities.
 Sec. 102. Denial of certain domestic licenses for national security purposes.
 Sec. 103. Export license requirements.

TITLE II—EXPANDING NUCLEAR ENERGY THROUGH ADVANCED
 NUCLEAR TECHNOLOGIES

- Sec. 201. Advanced nuclear reactor prizes.
 Sec. 202. Report on unique licensing considerations relating to the use of nuclear energy for nonelectric applications.
 Sec. 203. Enabling preparations for the demonstration of advanced nuclear reactors on Department sites.

TITLE III—PRESERVING EXISTING NUCLEAR ENERGY
 GENERATION

- Sec. 301. Nuclear reactor incentives.
 Sec. 302. Report on lessons learned during the COVID–19 public health emergency.
 Sec. 303. Investment by allies.

TITLE IV—REVITALIZING AMERICA’S NUCLEAR SUPPLY CHAIN
 INFRASTRUCTURE AND WORKFORCE

- Sec. 401. Report on advanced methods of manufacturing and construction for nuclear energy applications.
 Sec. 402. Nuclear energy traineeship.

TITLE V—MISCELLANEOUS

- Sec. 501. Annual report on the spent nuclear fuel and high-level radioactive waste inventory in the United States.
 Sec. 502. Authorization of appropriations for superfund actions at abandoned mining sites on Tribal land.
 Sec. 503. Nuclear closure communities.
 Sec. 504. Report on corporate support.
 Sec. 505. Technical correction.

1 SEC. 2. DEFINITIONS.

2 In this Act:

- 3 (1) ACCIDENT TOLERANT FUEL.**—The term
4 “accident tolerant fuel” has the meaning given the
5 term in section 107(a) of the Nuclear Energy Inno-

1 vation and Modernization Act (Public Law 115–439;
2 132 Stat. 5577).

3 (2) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the Environ-
5 mental Protection Agency.

6 (3) ADVANCED NUCLEAR FUEL.—The term
7 “advanced nuclear fuel” means—

8 (A) advanced nuclear reactor fuel (as de-
9 fined in section 3 of the Nuclear Energy Inno-
10 vation and Modernization Act (42 U.S.C. 2215
11 note; Public Law 115–439)); and

12 (B) accident tolerant fuel.

13 (4) ADVANCED NUCLEAR REACTOR.—The term
14 “advanced nuclear reactor” has the meaning given
15 the term in section 3 of the Nuclear Energy Inno-
16 vation and Modernization Act (42 U.S.C. 2215 note;
17 Public Law 115–439).

18 (5) APPROPRIATE COMMITTEES OF
19 CONGRESS.—The term “appropriate committees of
20 Congress” means—

21 (A) the Committee on Environment and
22 Public Works of the Senate; and

23 (B) the Committee on Energy and Com-
24 merce of the House of Representatives.

1 (6) CHAIRMAN.—The term “Chairman” means
2 the Chairman of the Nuclear Regulatory Commis-
3 sion.

4 (7) COMMISSION.—The term “Commission”
5 means the Nuclear Regulatory Commission.

6 (8) DEPARTMENT.—The term “Department”
7 means the Department of Energy.

8 (9) EARLY SITE PERMIT.—The term “early site
9 permit” has the meaning given the term in section
10 52.1 of title 10, Code of Federal Regulations (or a
11 successor regulation).

12 (10) HIGH-ASSAY, LOW-ENRICHED URANIUM.—
13 The term “high-assay, low-enriched uranium” means
14 uranium with an assay greater than 5 weight per-
15 cent, but less than 20 weight percent, of the ura-
16 nium-235 isotope.

17 (11) INSTITUTION OF HIGHER EDUCATION.—
18 The term “institution of higher education” has the
19 meaning given the term in section 101(a) of the
20 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

21 (12) NATIONAL LABORATORY.—The term “Na-
22 tional Laboratory” has the meaning given the term
23 in section 2 of the Energy Policy Act of 2005 (42
24 U.S.C. 15801).

1 (13) REMOVAL; REMEDIAL ACTION.—The terms
 2 “removal” and “remedial action” have the meanings
 3 given those terms in section 101 of the Comprehen-
 4 sive Environmental Response, Compensation, and
 5 Liability Act of 1980 (42 U.S.C. 9601).

6 (14) SECRETARY.—The term “Secretary”
 7 means the Secretary of Energy.

8 (15) TRIBAL LAND.—The term “Tribal land”
 9 has the meaning given the term “Indian country” in
 10 section 1151 of title 18, United States Code.

11 **TITLE I—REESTABLISHING**
 12 **AMERICAN INTERNATIONAL**
 13 **COMPETITIVENESS AND**
 14 **GLOBAL LEADERSHIP**

15 **SEC. 101. INTERNATIONAL NUCLEAR REACTOR EXPORT**
 16 **AND INNOVATION ACTIVITIES.**

17 (a) COORDINATION.—

18 (1) IN GENERAL.—The Commission shall—

19 (A) coordinate all work of the Commission
 20 relating to—

21 (i) nuclear reactor import and export
 22 licensing; and

23 (ii) international regulatory coopera-
 24 tion and assistance relating to nuclear re-
 25 actors, including with countries that are

1 members of the Organisation for Economic
2 Co-operation and Development; and

3 (B) support interagency and international
4 coordination with respect to—

5 (i) the consideration of international
6 technical standards to establish the licens-
7 ing and regulatory basis to assist the de-
8 sign, construction, and operation of nu-
9 clear systems;

10 (ii) efforts to help build competent nu-
11 clear regulatory organizations and legal
12 frameworks in countries seeking to develop
13 nuclear power; and

14 (iii) exchange programs and training
15 provided to other countries relating to nu-
16 clear regulation and oversight to improve
17 nuclear technology licensing, in accordance
18 with paragraph (2).

19 (2) EXCHANGE PROGRAMS AND TRAINING.—

20 With respect to the exchange programs and training
21 described in paragraph (1)(B)(iii), the Commission
22 shall coordinate, as applicable, with—

23 (A) the Secretary;

24 (B) National Laboratories;

25 (C) the private sector; and

1 (D) institutions of higher education.

2 (b) AUTHORITY TO ESTABLISH BRANCH.—The Com-
3 mission may establish within the Office of International
4 Programs a branch, to be known as the “International
5 Nuclear Reactor Export and Innovation Branch”, to carry
6 out such international nuclear reactor export and innova-
7 tion activities as the Commission determines to be appro-
8 priate and within the mission of the Commission.

9 (c) EXCLUSION OF INTERNATIONAL ACTIVITIES
10 FROM THE FEE BASE.—

11 (1) IN GENERAL.—Section 102 of the Nuclear
12 Energy Innovation and Modernization Act (42
13 U.S.C. 2215) is amended—

14 (A) in subsection (a), by adding at the end
15 the following:

16 “(4) INTERNATIONAL NUCLEAR REACTOR EX-
17 PORT AND INNOVATION ACTIVITIES.—The Commis-
18 sion shall identify in the annual budget justification
19 international nuclear reactor export and innovation
20 activities described in section 101(a) of the Amer-
21 ican Nuclear Infrastructure Act of 2021.”; and

22 (B) in subsection (b)(1)(B), by adding at
23 the end the following:

24 “(iv) Costs for international nuclear
25 reactor export and innovation activities de-

1 scribed in section 101(a) of the American
2 Nuclear Infrastructure Act of 2021.”.

3 (2) EFFECTIVE DATE.—The amendments made
4 by paragraph (1) shall take effect on October 1,
5 2022.

6 (d) SAVINGS CLAUSE.—Nothing in this section alters
7 the authority of the Commission to license and regulate
8 the civilian use of radioactive materials.

9 **SEC. 102. DENIAL OF CERTAIN DOMESTIC LICENSES FOR**
10 **NATIONAL SECURITY PURPOSES.**

11 (a) DEFINITION OF COVERED FUEL.—In this sec-
12 tion, the term “covered fuel” means enriched uranium
13 that is fabricated into fuel assemblies for nuclear reactors
14 by an entity that—

15 (1) is owned or controlled by the Government of
16 the Russian Federation or the Government of the
17 People’s Republic of China; or

18 (2) is organized under the laws of, or otherwise
19 subject to the jurisdiction of, the Russian Federation
20 or the People’s Republic of China.

21 (b) PROHIBITION ON UNLICENSED POSSESSION OR
22 OWNERSHIP OF COVERED FUEL.—Unless specifically au-
23 thorized by the Commission in a license issued under sec-
24 tion 53 of the Atomic Energy Act of 1954 (42 U.S.C.
25 2073) and part 70 of title 10, Code of Federal Regulations

1 (or successor regulations), no person subject to the juris-
2 diction of the Commission may possess or own covered
3 fuel.

4 (c) LICENSE TO POSSESS OR OWN COVERED
5 FUEL.—

6 (1) CONSULTATION REQUIRED PRIOR TO
7 ISSUANCE.—The Commission shall not issue a li-
8 cense to possess or own covered fuel under section
9 53 of the Atomic Energy Act of 1954 (42 U.S.C.
10 2073) and part 70 of title 10, Code of Federal Reg-
11 ulations (or successor regulations), unless the Com-
12 mission has first consulted with the Secretary and
13 the Secretary of State before issuing the license.

14 (2) PROHIBITION ON ISSUANCE OF LICENSE.—

15 (A) IN GENERAL.—Subject to subpara-
16 graph (C), a license to possess or own covered
17 fuel shall not be issued if the Secretary and the
18 Secretary of State make the determination de-
19 scribed in subparagraph (B).

20 (B) DETERMINATION.—

21 (i) IN GENERAL.—The determination
22 referred to in subparagraph (A) is a deter-
23 mination that possession or ownership, as
24 applicable, of covered fuel poses a threat to
25 the national security of the United States

1 that adversely impacts the physical and
2 economic security of the United States.

3 (ii) JOINT DETERMINATION.—A deter-
4 mination described in clause (i) shall be
5 jointly made by the Secretary and the Sec-
6 retary of State.

7 (iii) TIMELINE.—

8 (I) NOTICE OF APPLICATION.—

9 Not later than 30 days after the date
10 on which the Commission receives an
11 application for a license to possess or
12 own covered fuel, the Commission
13 shall notify the Secretary and the Sec-
14 retary of State of the application.

15 (II) DETERMINATION.—The Sec-

16 retary and the Secretary of State shall
17 have a period of 180 days, beginning
18 on the date on which the Commission
19 notifies the Secretary and the Sec-
20 retary of State under subclause (I) of
21 an application for a license to possess
22 or own covered fuel, in which to make
23 the determination described in clause
24 (i).

1 (III) COMMISSION NOTIFICA-
2 TION.—On making the determination
3 described in clause (i), the Secretary
4 and the Secretary of State shall im-
5 mediately notify the Commission.

6 (IV) CONGRESSIONAL NOTIFICA-
7 TION.—Not later than 30 days after
8 the date on which the Secretary and
9 the Secretary of State notify the Com-
10 mission under subclause (III), the
11 Commission shall notify the appro-
12 priate committees of Congress of the
13 determination.

14 (V) PUBLIC NOTICE.—Not later
15 than 15 days after the date on which
16 the Commission notifies Congress
17 under subclause (IV) of a determina-
18 tion made under clause (i), the Com-
19 mission shall make that determination
20 publicly available.

21 (C) EFFECT OF NO DETERMINATION.—
22 The prohibition described in subparagraph (A)
23 shall not apply if the Secretary and the Sec-
24 retary of State do not make the determination

1 described in subparagraph (B) by the date de-
2 scribed in clause (iii)(II) of that subparagraph.

3 (d) SAVINGS CLAUSE.—Nothing in this section alters
4 any treaty or international agreement in effect on the date
5 of enactment of this Act.

6 **SEC. 103. EXPORT LICENSE REQUIREMENTS.**

7 (a) DEFINITION OF LOW-ENRICHED URANIUM.—In
8 this section, the term “low-enriched uranium” means ura-
9 nium enriched to less than 20 percent of the uranium-
10 235 isotope.

11 (b) REQUIREMENT.—The Commission shall not issue
12 an export license for the transfer of any item described
13 in subsection (d) to a country described in subsection (c)
14 unless the Commission makes a determination that such
15 transfer will not be inimical to the interests of the United
16 States.

17 (c) COUNTRIES DESCRIBED.—A country referred to
18 in subsection (b) is a country that—

19 (1) has not concluded and ratified an Addi-
20 tional Protocol to its safeguards agreement with the
21 International Atomic Energy Agency; or

22 (2) has not ratified or acceded to the amend-
23 ment to the Convention on the Physical Protection
24 of Nuclear Material, signed at Vienna and New York
25 March 3, 1980, described in the information circular

1 of the International Atomic Energy Agency num-
2 bered INFCIRC/274/Rev.1/Mod.1 and dated May 9,
3 2016.

4 (d) ITEMS DESCRIBED.—An item referred to in sub-
5 section (b) includes—

6 (1) unirradiated nuclear fuel containing special
7 nuclear material (as defined in section 11 of the
8 Atomic Energy Act of 1954 (42 U.S.C. 2014)), ex-
9 cluding low-enriched uranium;

10 (2) a nuclear reactor that uses nuclear fuel de-
11 scribed in paragraph (1); and

12 (3) any plant or component listed in Appendix
13 I to part 110 of title 10, Code of Federal Regula-
14 tions (or successor regulations), that is involved in—

15 (A) the reprocessing of irradiated nuclear
16 reactor fuel elements;

17 (B) the separation of plutonium; or

18 (C) the separation of the uranium-233 iso-
19 tope.

20 (e) NOTIFICATION.—If the Commission makes a de-
21 termination under subsection (b) that the transfer of any
22 item described in subsection (d) to a country described in
23 subsection (c) will not be inimical to the interests of the
24 United States, the Commission shall notify the appro-
25 priate committees of Congress.

1 **TITLE II—EXPANDING NUCLEAR**
2 **ENERGY THROUGH AD-**
3 **VANCED NUCLEAR TECH-**
4 **NOLOGIES**

5 **SEC. 201. ADVANCED NUCLEAR REACTOR PRIZES.**

6 Section 103 of the Nuclear Energy Innovation and
7 Modernization Act (Public Law 115–439; 132 Stat. 5571)
8 is amended by adding at the end the following:

9 “(f) PRIZES FOR ADVANCED NUCLEAR REACTOR LI-
10 CENSING.—

11 “(1) PRIZE FOR ADVANCED NUCLEAR REACTOR
12 LICENSING.—

13 “(A) IN GENERAL.—Subject to the avail-
14 ability of appropriations, the Secretary is au-
15 thorized to make, with respect to each award
16 category described in subparagraph (C), an
17 award in an amount described in subparagraph
18 (B) to the first non-Federal entity to which the
19 Commission issues—

20 “(i) an operating license for an ad-
21 vanced nuclear reactor under part 50 of
22 title 10, Code of Federal Regulations (or
23 successor regulations), for which an appli-
24 cation has not been approved by the Com-

1 mission as of the date of enactment of this
2 subsection; or

3 “(ii) a finding required under section
4 52.103(g) of title 10, Code of Federal Reg-
5 ulations (or successor regulations), for a
6 combined license for an advanced nuclear
7 reactor—

8 “(I) that is issued under subpart
9 C of part 52 of that title (or successor
10 regulations); and

11 “(II) for which an application
12 has not been approved by the Com-
13 mission as of the date of enactment of
14 this subsection.

15 “(B) AMOUNT OF AWARD.—An award
16 under subparagraph (A) shall be in an amount
17 equal to the total amount assessed by the Com-
18 mission and collected under section 102(b)(2)
19 from the entity receiving the award for costs re-
20 lating to the issuance of the license described in
21 that subparagraph, including, as applicable,
22 costs relating to the issuance of an associated
23 construction permit described in section 50.23
24 of title 10, Code of Federal Regulations (or suc-
25 cessor regulations), or early site permit (as de-

1 fined in section 52.1 of that title (or successor
2 regulations)).

3 “(C) AWARD CATEGORIES.—An award
4 under subparagraph (A) may be made for—

5 “(i) the first advanced nuclear reactor
6 for which the Commission issues—

7 “(I) a license in accordance with
8 clause (i) of subparagraph (A); or

9 “(II) a finding in accordance
10 with clause (ii) of that subparagraph;

11 “(ii) an advanced nuclear reactor
12 that—

13 “(I) uses isotopes derived from
14 spent nuclear fuel (as defined in sec-
15 tion 2 of the Nuclear Waste Policy
16 Act of 1982 (42 U.S.C. 10101)) or
17 depleted uranium as fuel for the ad-
18 vanced nuclear reactor; and

19 “(II) is the first advanced nu-
20 clear reactor described in subclause
21 (I) for which the Commission issues—

22 “(aa) a license in accordance
23 with clause (i) of subparagraph
24 (A); or

1 “(bb) a finding in accord-
2 ance with clause (ii) of that sub-
3 paragraph; and

4 “(iii) an advanced nuclear reactor
5 that—

6 “(I) operates flexibly to generate
7 electricity or high temperature process
8 heat for nonelectric applications; and

9 “(II) is the first advanced nu-
10 clear reactor described in subclause
11 (I) for which the Commission issues—

12 “(aa) a license in accordance
13 with clause (i) of subparagraph
14 (A); or

15 “(bb) a finding in accord-
16 ance with clause (ii) of that sub-
17 paragraph.

18 “(2) FEDERAL FUNDING LIMITATION.—An
19 award under this subsection shall not exceed the
20 total amount expended (excluding any expenditures
21 made with Federal funds received for the applicable
22 project and an amount equal to the minimum cost-
23 share required under section 988 of the Energy Pol-
24 icy Act of 2005 (42 U.S.C. 16352)) by the entity re-

1 ceiving the award for licensing costs relating to the
2 project for which the award is made.”.

3 **SEC. 202. REPORT ON UNIQUE LICENSING CONSIDER-**
4 **ATIONS RELATING TO THE USE OF NUCLEAR**
5 **ENERGY FOR NONELECTRIC APPLICATIONS.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this Act, the Commission shall sub-
8 mit to the appropriate committees of Congress a report
9 (referred to in this section as the “report”) addressing any
10 unique licensing issues or requirements relating to—

11 (1) the flexible operation of nuclear reactors,
12 such as ramping power output and switching be-
13 tween electricity generation and nonelectric applica-
14 tions;

15 (2) the use of advanced nuclear reactors exclu-
16 sively for nonelectric applications; and

17 (3) the colocation of nuclear reactors with in-
18 dustrial plants or other facilities.

19 (b) STAKEHOLDER INPUT.—In developing the report,
20 the Commission shall seek input from—

21 (1) the Secretary;

22 (2) the nuclear energy industry;

23 (3) technology developers;

24 (4) the industrial, chemical, and medical sec-
25 tors;

- 1 (5) nongovernmental organizations; and
2 (6) other public stakeholders.

3 (c) CONTENTS.—

4 (1) IN GENERAL.—The report shall describe—

5 (A) any unique licensing issues or require-
6 ments relating to the matters described in para-
7 graphs (1) through (3) of subsection (a), in-
8 cluding, with respect to the nonelectric applica-
9 tions referred to in paragraphs (1) and (2) of
10 that subsection, any licensing issues or require-
11 ments relating to the use of nuclear energy in—

12 (i) hydrogen or other liquid and gas-
13 eous fuel or chemical production;

14 (ii) water desalination and wastewater
15 treatment;

16 (iii) heat for industrial processes;

17 (iv) district heating;

18 (v) energy storage;

19 (vi) industrial or medical isotope pro-
20 duction; and

21 (vii) other applications, as identified
22 by the Commission;

23 (B) options for addressing those issues or
24 requirements—

1 (i) within the existing regulatory
2 framework;

3 (ii) as part of the technology-inclusive
4 regulatory framework required under sub-
5 section (a)(4) of section 103 of the Nuclear
6 Energy Innovation and Modernization Act
7 (42 U.S.C. 2133 note; Public Law 115–
8 439) or described in the report required
9 under subsection (e) of that section (Public
10 Law 115–439; 132 Stat. 5575); or

11 (iii) through a new rulemaking; and
12 (C) the extent to which Commission action
13 is needed to implement any matter described in
14 the report.

15 (2) COST ESTIMATES, BUDGETS, AND TIME-
16 FRAMES.—The report shall include cost estimates,
17 proposed budgets, and proposed timeframes for im-
18 plementing risk-informed and performance-based
19 regulatory guidance in the licensing of nuclear reac-
20 tors for nonelectric applications.

21 **SEC. 203. ENABLING PREPARATIONS FOR THE DEMONSTRA-**
22 **TION OF ADVANCED NUCLEAR REACTORS ON**
23 **DEPARTMENT SITES.**

24 (a) IN GENERAL.—Section 102(b)(1)(B) of the Nu-
25 clear Energy Innovation and Modernization Act (42

1 U.S.C. 2215(b)(1)(B)) (as amended by section 101(c)) is
 2 amended by adding at the end the following:

3 “(v) Costs for—

4 “(I) activities to review and ap-
 5 prove or disapprove an application for
 6 an early site permit (as defined in sec-
 7 tion 52.1 of title 10, Code of Federal
 8 Regulations (or a successor regula-
 9 tion)) to demonstrate an advanced nu-
 10 clear reactor on a Department of En-
 11 ergy site; and

12 “(II) pre-application activities re-
 13 lating to an early site permit (as so
 14 defined) to demonstrate an advanced
 15 nuclear reactor on a Department of
 16 Energy site.”.

17 (b) EFFECTIVE DATE.—The amendment made by
 18 subsection (a) shall take effect on October 1, 2022.

19 **TITLE III—PRESERVING EXIST-**
 20 **ING NUCLEAR ENERGY GEN-**
 21 **ERATION**

22 **SEC. 301. NUCLEAR REACTOR INCENTIVES.**

23 (a) DEFINITIONS.—In this section:

1 (1) CERTIFIED NUCLEAR REACTOR.—The term
2 “certified nuclear reactor” means a nuclear reactor
3 that—

4 (A) operates in a competitive electricity
5 market; and

6 (B) is certified under subsection
7 (c)(2)(A)(i) to submit a sealed bid in accord-
8 ance with subsection (d).

9 (2) CREDIT.—The term “credit” means a credit
10 allocated to a certified nuclear reactor under sub-
11 section (e)(2).

12 (b) ESTABLISHMENT OF PROGRAM.—Subject to the
13 availability of appropriations, the Administrator, in con-
14 sultation with the Secretary, shall establish an emissions
15 avoidance program—

16 (1) to evaluate nuclear reactors that are pro-
17 jected to cease operations due to economic factors;
18 and

19 (2) to allocate credits to certified nuclear reac-
20 tors that are selected under paragraph (1)(B) of
21 subsection (e) to receive credits under paragraph (2)
22 of that subsection.

23 (c) CERTIFICATION.—

24 (1) APPLICATION.—

1 (A) IN GENERAL.—In order to be certified
2 under paragraph (2)(A)(i), the owner or oper-
3 ator of a nuclear reactor that is projected to
4 cease operations due to economic factors shall
5 submit to the Administrator an application at
6 such time, in such manner, and containing such
7 information as the Administrator determines to
8 be appropriate, including—

9 (i) information on the operating costs
10 necessary to make the examination de-
11 scribed in paragraph (2)(A)(ii)(II), includ-
12 ing—

13 (I) the average annual operating
14 loss per megawatt-hour expected to be
15 incurred by the nuclear reactor over
16 the 4-year period for which credits
17 would be allocated;

18 (II) any private or publicly avail-
19 able data with respect to current or
20 projected bulk power market prices;

21 (III) out-of-market revenue
22 streams;

23 (IV) operations and maintenance
24 costs;

1 (V) capital costs, including fuel;
2 and

3 (VI) operational and market
4 risks;

5 (ii) an estimate of the potential incre-
6 mental emissions of carbon dioxide, nitro-
7 gen oxides, sulfur oxides, particulate mat-
8 ter, and hazardous air pollutants that
9 would result if the nuclear reactor were to
10 cease operations;

11 (iii) information on the source of re-
12 covered uranium and the location where
13 the uranium is converted, enriched, and
14 fabricated into fuel assemblies for the nu-
15 clear reactor for the 4-year period for
16 which credits would be allocated; and

17 (iv) a detailed plan to sustain oper-
18 ations at the conclusion of the applicable
19 4-year period for which credits would be
20 allocated—

21 (I) without receiving additional
22 credits; or

23 (II) with the receipt of additional
24 credits of a lower amount than the

1 credits allocated during that 4-year
2 credit period.

3 (B) TIMELINE.—The Administrator shall
4 accept applications described in subparagraph
5 (A)—

6 (i) until the date that is 120 days
7 after the date of enactment of this Act;
8 and

9 (ii) not less frequently than every year
10 thereafter.

11 (2) DETERMINATION TO CERTIFY.—

12 (A) DETERMINATION.—

13 (i) IN GENERAL.—Not later than 60
14 days after the applicable date under sub-
15 paragraph (B) of paragraph (1), the Ad-
16 ministrator, in consultation with the Sec-
17 retary, shall determine whether to certify,
18 in accordance with clauses (ii) and (iii),
19 each nuclear reactor for which an applica-
20 tion is submitted under subparagraph (A)
21 of that paragraph.

22 (ii) MINIMUM REQUIREMENTS.—To
23 the maximum extent practicable, the Ad-
24 ministrator, in consultation with the Sec-

1 retary, shall only certify a nuclear reactor
2 under clause (i) if—

3 (I) the nuclear reactor has a
4 good safety record, as determined by
5 the Action Matrix of the Commission
6 or the Performance Indicators of the
7 Reactor Oversight Process, such that
8 the nuclear reactor falls under the “li-
9 censee response” column indicating no
10 current significant safety issues;

11 (II) after considering the infor-
12 mation submitted under paragraph
13 (1)(A)(i), the Administrator deter-
14 mines that the nuclear reactor is pro-
15 jected to cease operations due to eco-
16 nomic factors; and

17 (III) after considering the esti-
18 mate submitted under paragraph
19 (1)(A)(ii), the Administrator deter-
20 mines that emissions of carbon diox-
21 ide, nitrogen oxides, sulfur oxides,
22 particulate matter, and hazardous air
23 pollutants would increase if the nu-
24 clear reactor were to cease operations

1 and be replaced with other types of
2 power generation.

3 (iii) PRIORITY.—In determining
4 whether to certify a nuclear reactor under
5 clause (i), the Administrator, in consulta-
6 tion with the Secretary, shall give priority
7 to a nuclear reactor that uses uranium
8 that is recovered, converted, enriched, and
9 fabricated into fuel assemblies in the
10 United States.

11 (B) NOTICE.—For each application re-
12 ceived under paragraph (1)(A), the Adminis-
13 trator, in consultation with the Secretary, shall
14 provide to the applicable owner or operator, as
15 applicable—

16 (i) a notice of the certification of the
17 applicable nuclear reactor; or

18 (ii) a notice that describes the reasons
19 why the certification of the applicable nu-
20 clear reactor was denied.

21 (d) BIDDING PROCESS.—

22 (1) IN GENERAL.—Subject to paragraph (2),
23 the Administrator shall establish a deadline by which
24 each certified nuclear reactor shall submit to the Ad-
25 ministrators a sealed bid that—

1 (A) describes the price per megawatt-hour
2 required to maintain operations of the certified
3 nuclear reactor during the 4-year period for
4 which the certified nuclear reactor would receive
5 credits; and

6 (B) includes a commitment, subject to the
7 receipt of credits, to provide a specific number
8 of megawatt-hours of generation during the 4-
9 year period for which credits would be allocated.

10 (2) REQUIREMENT.—The deadline established
11 under paragraph (1) shall be not later than 30 days
12 after the first date on which the Administrator has
13 made the determination described in paragraph
14 (2)(A)(i) of subsection (c) with respect to each appli-
15 cation submitted under paragraph (1)(A) of that
16 subsection.

17 (e) ALLOCATION.—

18 (1) AUCTION.—The Administrator, in consulta-
19 tion with the Secretary, shall—

20 (A) in consultation with the heads of appli-
21 cable Federal agencies, establish a process for
22 evaluating bids submitted under subsection
23 (d)(1) through an auction process; and

24 (B) select certified nuclear reactors to be
25 allocated credits.

1 (2) CREDITS.—Subject to subsection (f)(2), on
2 selection under paragraph (1), a certified nuclear re-
3 actor shall be allocated credits for a 4-year period
4 beginning on the date of the selection.

5 (3) REQUIREMENT.—To the maximum extent
6 practicable, the Administrator shall use the amounts
7 made available for credits under this section to allo-
8 cate credits to as many certified nuclear reactors as
9 possible.

10 (f) RENEWAL.—

11 (1) IN GENERAL.—The owner or operator of a
12 certified nuclear reactor may seek to recertify the
13 nuclear reactor in accordance with this section.

14 (2) LIMITATION.—Notwithstanding any other
15 provision of this section, the Administrator may not
16 allocate any credits after September 30, 2027.

17 (g) ADDITIONAL REQUIREMENTS.—

18 (1) AUDIT.—During the 4-year period begin-
19 ning on the date on which a certified nuclear reactor
20 first receives a credit, the Administrator, in con-
21 sultation with the Secretary, shall periodically audit
22 the certified nuclear reactor.

23 (2) RECAPTURE.—The Administrator shall, by
24 regulation, provide for the recapture of the alloca-

1 tion of any credit to a certified nuclear reactor that,
2 during the period described in paragraph (1)—

3 (A) terminates operations; or

4 (B) does not operate at an annual loss in
5 the absence of an allocation of credits to the
6 certified nuclear reactor.

7 (3) CONFIDENTIALITY.—The Administrator, in
8 consultation with the Secretary, shall establish pro-
9 cedures to ensure that any confidential, private, pro-
10 prietary, or privileged information that is included in
11 a sealed bid submitted under this section is not pub-
12 licly disclosed or otherwise improperly used.

13 (h) REPORT.—Not later than January 1, 2025, the
14 Comptroller General of the United States shall submit to
15 Congress a report with respect to the credits allocated to
16 certified nuclear reactors, which shall include—

17 (1) an evaluation of the effectiveness of the
18 credits in avoiding emissions of carbon dioxide, ni-
19 trogen oxides, sulfur oxides, particulate matter, and
20 hazardous air pollutants while ensuring grid reli-
21 ability;

22 (2) a quantification of the ratepayer savings
23 achieved under this section; and

24 (3) any recommendations to renew or expand
25 the credits.

1 (i) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary to carry out this section for each of fiscal years
4 2022 through 2027.

5 **SEC. 302. REPORT ON LESSONS LEARNED DURING THE**
6 **COVID-19 PUBLIC HEALTH EMERGENCY.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of enactment of this Act, the Commission shall sub-
9 mit to the appropriate committees of Congress and make
10 publicly available a report on actions taken by the Com-
11 mission during the public health emergency declared by
12 the Secretary of Health and Human Services under sec-
13 tion 319 of the Public Health Service Act (42 U.S.C.
14 247d) on January 31, 2020, with respect to COVID-19.

15 (b) CONTENTS.—The report under subsection (a)
16 shall include—

17 (1) an identification of the processes, proce-
18 dures, and other regulatory policies that were re-
19 vised or temporarily suspended during the public
20 health emergency described in subsection (a);

21 (2) a review of actions, if any, taken by the
22 Commission that examines how any revision or tem-
23 porary suspension of a process, procedure, or other
24 regulatory policy identified under paragraph (1) may
25 or may not have compromised the ability of the

1 Commission to license and regulate the civilian use
2 of radioactive materials in the United States to pro-
3 tect public health and safety, promote the common
4 defense and security, and protect the environment;

5 (3) a description of any process efficiencies or
6 challenges that resulted from the matters identified
7 under paragraph (1);

8 (4) a discussion of lessons learned from the
9 matters described in paragraphs (1), (2), and (3);

10 (5) a list of actions that the Commission may
11 take to incorporate into the licensing activities and
12 regulations of the Commission, without compro-
13 mising the mission of the Commission—

14 (A) the lessons described in paragraph (4);

15 and

16 (B) the information provided under para-
17 graphs (2) and (3); and

18 (6) a description of when the actions described
19 in paragraph (5) may be implemented.

20 **SEC. 303. INVESTMENT BY ALLIES.**

21 (a) IN GENERAL.—The prohibitions against issuing
22 certain licenses for utilization facilities to certain corpora-
23 tions and other entities described in the second sentence
24 of section 103 d. of the Atomic Energy Act of 1954 (42
25 U.S.C. 2133(d)) and the second sentence of section 104

1 d. of that Act (42 U.S.C. 2134(d)) shall not apply to an
2 entity described in subsection (b) if the Commission deter-
3 mines that issuance of the applicable license to that entity
4 is not inimical to—

5 (1) the common defense and security; or

6 (2) the health and safety of the public.

7 (b) ENTITIES DESCRIBED.—An entity referred to in
8 subsection (a) is a corporation or other entity that is
9 owned, controlled, or dominated by—

10 (1) the government of—

11 (A) a country that is a member of the
12 Group of Seven as of November 25, 2020,
13 which includes the United Kingdom, Germany,
14 Canada, Japan, France, and Italy; or

15 (B) the Republic of Korea;

16 (2) a corporation that is incorporated in a
17 country described in subparagraph (A) or (B) of
18 paragraph (1); or

19 (3) an alien who is a national of a country de-
20 scribed in subparagraph (A) or (B) of paragraph
21 (1).

22 (c) TECHNICAL AMENDMENT.—Section 103 d. of the
23 Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is
24 amended, in the second sentence, by striking “any any”
25 and inserting “any”.

1 (d) SAVINGS CLAUSE.—Nothing in this section af-
2 fects the requirements of section 721 of the Defense Pro-
3 duction Act of 1950 (50 U.S.C. 4565).

4 **TITLE IV—REVITALIZING AMER-**
5 **ICA’S NUCLEAR SUPPLY**
6 **CHAIN INFRASTRUCTURE**
7 **AND WORKFORCE**

8 **SEC. 401. REPORT ON ADVANCED METHODS OF MANUFAC-**
9 **TURING AND CONSTRUCTION FOR NUCLEAR**
10 **ENERGY APPLICATIONS.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date of enactment of this Act, the Commission shall sub-
13 mit to the appropriate committees of Congress a report
14 (referred to in this section as the “report”) on manufac-
15 turing and construction for nuclear energy applications.

16 (b) STAKEHOLDER INPUT.—In developing the report,
17 the Commission shall seek input from—

- 18 (1) the Secretary;
- 19 (2) the nuclear energy industry;
- 20 (3) National Laboratories;
- 21 (4) institutions of higher education;
- 22 (5) nuclear and manufacturing technology de-
23 velopers;
- 24 (6) the manufacturing and construction indus-
25 tries;

- 1 (7) standards development organizations;
- 2 (8) labor unions;
- 3 (9) nongovernmental organizations; and
- 4 (10) other public stakeholders.

5 (c) CONTENTS.—

- 6 (1) IN GENERAL.—The report shall—
 - 7 (A) examine any unique licensing issues or
 - 8 requirements relating to the use of innovative—
 - 9 (i) advanced manufacturing processes;
 - 10 and
 - 11 (ii) advanced construction techniques;
 - 12 (B) examine—
 - 13 (i) the requirements for nuclear-grade
 - 14 components in manufacturing and con-
 - 15 struction for nuclear energy applications;
 - 16 (ii) opportunities to use standard ma-
 - 17 terials, parts, or components in manufac-
 - 18 turing and construction for nuclear energy
 - 19 applications; and
 - 20 (iii) opportunities to use standard ma-
 - 21 terials that are in compliance with existing
 - 22 codes to provide acceptable approaches to
 - 23 support or encapsulate new materials that
 - 24 do not yet have applicable codes;

1 (C) identify any safety aspects of innova-
2 tive advanced manufacturing processes and ad-
3 vanced construction techniques that are not ad-
4 dressed by existing codes and standards, so that
5 generic guidance may be updated or created, as
6 necessary;

7 (D) identify options for addressing the
8 issues, requirements, and opportunities exam-
9 ined under subparagraphs (A) and (B)—

10 (i) within the existing regulatory
11 framework; or

12 (ii) through a new rulemaking; and

13 (E) describe the extent to which Commis-
14 sion action is needed to implement any matter
15 described in the report.

16 (2) COST ESTIMATES, BUDGETS, AND TIME-
17 FRAMES.—The report shall include cost estimates,
18 proposed budgets, and proposed timeframes for im-
19 plementing risk-informed and performance-based
20 regulatory guidance for manufacturing and construc-
21 tion for nuclear energy applications.

22 **SEC. 402. NUCLEAR ENERGY TRAINEESHIP.**

23 Section 313 of division C of the Omnibus Appropria-
24 tions Act, 2009 (42 U.S.C. 16274a), is amended—

1 (1) in subsection (a), by striking “Nuclear Reg-
2 ulatory”;

3 (2) in subsection (b)(1), in the matter pre-
4 ceding subparagraph (A), by inserting “and sub-
5 section (c)” after “paragraph (2)”;

6 (3) in subsection (c)—

7 (A) by redesignating paragraph (2) as
8 paragraph (5); and

9 (B) by striking paragraph (1) and insert-
10 ing the following:

11 “(1) ADVANCED NUCLEAR REACTOR.—The
12 term ‘advanced nuclear reactor’ has the meaning
13 given the term in section 951(b) of the Energy Pol-
14 icy Act of 2005 (42 U.S.C. 16271(b)).

15 “(2) COMMISSION.—The term ‘Commission’
16 means the Nuclear Regulatory Commission.

17 “(3) INSTITUTION OF HIGHER EDUCATION.—
18 The term ‘institution of higher education’ has the
19 meaning given the term in section 2 of the Energy
20 Policy Act of 2005 (42 U.S.C. 15801).

21 “(4) NATIONAL LABORATORY.—The term ‘Na-
22 tional Laboratory’ has the meaning given the term
23 in section 951(b) of the Energy Policy Act of 2005
24 (42 U.S.C. 16271(b)).”;

1 (4) in subsection (d)(2), by striking “Nuclear
2 Regulatory”;

3 (5) by redesignating subsections (c) and (d) as
4 subsections (d) and (e), respectively; and

5 (6) by inserting after subsection (b) the fol-
6 lowing:

7 “(c) NUCLEAR ENERGY TRAINEESHIP SUBPRO-
8 GRAM.—

9 “(1) IN GENERAL.—The Commission shall es-
10 tablish, as a subprogram of the Program, a nuclear
11 energy traineeship subprogram under which the
12 Commission, in coordination with institutions of
13 higher education and trade schools, shall competi-
14 tively award traineeships that provide focused train-
15 ing to meet critical mission needs of the Commission
16 and nuclear workforce needs, including needs relat-
17 ing to—

18 “(A) nuclear criticality safety; and

19 “(B) the nuclear tradecraft workforce.

20 “(2) REQUIREMENTS.—In carrying out the nu-
21 clear energy traineeship subprogram described in
22 paragraph (1), the Commission shall—

23 “(A) coordinate with the Secretary of En-
24 ergy to prioritize the funding of traineeships
25 that focus on—

1 “(i) nuclear workforce needs; and
 2 “(ii) critical mission needs of the
 3 Commission;
 4 “(B) encourage appropriate partnerships
 5 among—
 6 “(i) National Laboratories;
 7 “(ii) institutions of higher education;
 8 “(iii) trade schools; and
 9 “(iv) the nuclear energy industry; and
 10 “(C) on an annual basis, evaluate nuclear
 11 workforce needs for the purpose of imple-
 12 menting traineeships in focused topical areas
 13 that—
 14 “(i) address the workforce needs of
 15 the nuclear energy community; and
 16 “(ii) support critical mission needs of
 17 the Commission.”.

18 **TITLE V—MISCELLANEOUS**
 19 **SEC. 501. ANNUAL REPORT ON THE SPENT NUCLEAR FUEL**
 20 **AND HIGH-LEVEL RADIOACTIVE WASTE IN-**
 21 **VENTORY IN THE UNITED STATES.**

22 (a) DEFINITIONS.—In this section:

23 (1) HIGH-LEVEL RADIOACTIVE WASTE.—The
 24 term “high-level radioactive waste” has the meaning

1 given the term in section 2 of the Nuclear Waste
2 Policy Act of 1982 (42 U.S.C. 10101).

3 (2) SPENT NUCLEAR FUEL.—The term “spent
4 nuclear fuel” has the meaning given the term in sec-
5 tion 2 of the Nuclear Waste Policy Act of 1982 (42
6 U.S.C. 10101).

7 (3) STANDARD CONTRACT.—The term “stand-
8 ard contract” has the meaning given the term “con-
9 tract” in section 961.3 of title 10, Code of Federal
10 Regulations (or a successor regulation).

11 (b) REPORT.—Not later than January 1, 2023, and
12 annually thereafter, the Secretary shall submit to Con-
13 gress a report that describes—

14 (1) the annual and cumulative amount of pay-
15 ments made by the United States to the holder of
16 a standard contract due to a partial breach of con-
17 tract under the Nuclear Waste Policy Act of 1982
18 (42 U.S.C. 10101 et seq.) resulting in financial
19 damages to the holder;

20 (2) the amount spent by the Department to re-
21 duce future payments projected to be made by the
22 United States to any holder of a standard contract
23 due to a partial breach of contract under the Nu-
24 clear Waste Policy Act of 1982 (42 U.S.C. 10101 et
25 seq.);

1 (3) the cumulative amount spent by the Depart-
2 ment to store, manage, and dispose of spent nuclear
3 fuel and high-level radioactive waste in the United
4 States as of the date of the report;

5 (4) the projected lifecycle costs to store, man-
6 age, transport, and dispose of the projected inven-
7 tory of spent nuclear fuel and high-level radioactive
8 waste in the United States, including spent nuclear
9 fuel and high-level radioactive waste expected to be
10 generated from existing reactors through 2050;

11 (5) any mechanisms for better accounting of li-
12 abilities for the lifecycle costs of the spent nuclear
13 fuel and high-level radioactive waste inventory in the
14 United States; and

15 (6) any recommendations for improving the
16 methods used by the Department for the accounting
17 of spent nuclear fuel and high-level radioactive waste
18 costs and liabilities.

19 **SEC. 502. AUTHORIZATION OF APPROPRIATIONS FOR**
20 **SUPERFUND ACTIONS AT ABANDONED MIN-**
21 **ING SITES ON TRIBAL LAND.**

22 (a) DEFINITIONS.—In this section:

23 (1) ELIGIBLE NON-NPL SITE.—The term “eligi-
24 ble non-NPL site” means a site that—

1 (A) is not on the National Priorities List;
2 but

3 (B) the Administrator determines would be
4 eligible for listing on the National Priorities
5 List based on the presence of hazards from con-
6 tamination at the site, applying the hazard
7 ranking system described in section 105(c) of
8 the Comprehensive Environmental Response,
9 Compensation, and Liability Act of 1980 (42
10 U.S.C. 9605(c)).

11 (2) INDIAN TRIBE.—The term “Indian Tribe”
12 has the meaning given the term “Indian tribe” in
13 section 101 of the Comprehensive Environmental
14 Response, Compensation, and Liability Act of 1980
15 (42 U.S.C. 9601).

16 (3) NATIONAL PRIORITIES LIST.—The term
17 “National Priorities List” means the National Prior-
18 ities List developed by the President in accordance
19 with section 105(a)(8)(B) of the Comprehensive En-
20 vironmental Response, Compensation, and Liability
21 Act of 1980 (42 U.S.C. 9605(a)(8)(B)).

22 (b) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated for each of fiscal years
24 2022 through 2031, to remain available until expended—

1 (1) \$97,000,000 to the Administrator to carry
2 out this section (except for subsection (d)); and

3 (2) \$3,000,000 to the Administrator of the
4 Agency for Toxic Substances and Disease Registry
5 to carry out subsection (d).

6 (c) USES OF AMOUNTS.—Amounts appropriated
7 under subsection (b)(1) shall be used by the Adminis-
8 trator—

9 (1) to carry out removal actions on abandoned
10 mine land located on Tribal land;

11 (2) to carry out remedial actions on abandoned
12 mine land located on Tribal land at—

13 (A) eligible non-NPL sites; and

14 (B) sites listed on the National Priorities
15 List; and

16 (3) to make grants under subsection (e).

17 (d) HEALTH ASSESSMENTS.—Subject to the avail-
18 ability of appropriations, the Agency for Toxic Substances
19 and Disease Registry, in coordination with Tribal health
20 authorities, shall perform 1 or more health assessments
21 at each eligible non-NPL site that is located on Tribal
22 land.

23 (e) GRANTS FOR TECHNICAL ASSISTANCE.—

24 (1) IN GENERAL.—The Administrator may use
25 amounts appropriated under subsection (b)(1) to

1 make grants to Indian Tribes on whose land is lo-
2 cated an eligible non-NPL site.

3 (2) USE OF GRANT FUNDS.—A grant under
4 paragraph (1) shall be used in accordance with the
5 second sentence of section 117(e)(1) of the Com-
6 prehensive Environmental Response, Compensation,
7 and Liability Act of 1980 (42 U.S.C. 9617(e)(1)).

8 (3) LIMITATIONS.—A grant under paragraph
9 (1) shall be governed by the rules, procedures, and
10 limitations described in section 117(e)(2) of the
11 Comprehensive Environmental Response, Compensa-
12 tion, and Liability Act of 1980 (42 U.S.C.
13 9617(e)(2)), except that—

14 (A) “Administrator of the Environmental
15 Protection Agency” shall be substituted for
16 “President” each place it appears in that sec-
17 tion; and

18 (B) in the first sentence of that section,
19 “under section 502 of the American Nuclear In-
20 frastructure Act of 2021” shall be substituted
21 for “under this subsection”.

22 (f) STATUTE OF LIMITATIONS.—If a remedial action
23 described in subsection (e)(2) is scheduled at an eligible
24 non-NPL site, no action may be commenced for damages
25 (as defined in section 101 of the Comprehensive Environ-

1 mental Response, Compensation, and Liability Act of
2 1980 (42 U.S.C. 9601)) with respect to that eligible non-
3 NPL site unless the action is commenced within the time-
4 frame provided for such actions with respect to facilities
5 on the National Priorities List in the first sentence of the
6 matter following subparagraph (B) of section 113(g)(1)
7 of that Act (42 U.S.C. 9613(g)(1)).

8 (g) COORDINATION.—The Administrator shall coordi-
9 nate with the Indian Tribe on whose land the applicable
10 site is located in—

11 (1) selecting and prioritizing sites for removal
12 actions and remedial actions under paragraphs (1)
13 and (2) of subsection (c); and

14 (2) carrying out those removal actions and re-
15 medial actions.

16 **SEC. 503. NUCLEAR CLOSURE COMMUNITIES.**

17 (a) DEFINITIONS.—In this section:

18 (1) COMMUNITY ADVISORY BOARD.—The term
19 “community advisory board” means a community
20 committee or other advisory organization that aims
21 to foster communication and information exchange
22 between a licensee planning for and involved in de-
23 commissioning activities and members of the com-
24 munity that decommissioning activities may affect.

1 (2) DECOMMISSION.—The term “decommis-
2 sion” has the meaning given the term in section
3 50.2 of title 10, Code of Federal Regulations (or
4 successor regulations).

5 (3) ELIGIBLE RECIPIENT.—The term “eligible
6 recipient” has the meaning given the term in section
7 3 of the Public Works and Economic Development
8 Act of 1965 (42 U.S.C. 3122).

9 (4) LICENSEE.—The term “licensee” has the
10 meaning given the term in section 50.2 of title 10,
11 Code of Federal Regulations (or successor regula-
12 tions).

13 (5) NUCLEAR CLOSURE COMMUNITY.—The
14 term “nuclear closure community” means a unit of
15 local government, including a county, city, town, vil-
16 lage, school district, or special district that has been
17 impacted, or reasonably demonstrates to the satis-
18 faction of the Secretary, that it will be impacted, by
19 a nuclear power plant licensed by the Commission
20 that has ceased operation or has provided a written
21 notification to the Commission that it will cease op-
22 erations as of the date of enactment of this Act.

23 (6) SECRETARY.—The term “Secretary” means
24 the Secretary of Commerce, acting through the As-

1 sistant Secretary of Commerce for Economic Devel-
2 opment.

3 (b) ESTABLISHMENT.—Not later than 180 days after
4 the date of enactment of this Act, the Secretary shall es-
5 tablish a grant program to provide grants to eligible re-
6 cipients—

7 (1) to assist with economic development in nu-
8 clear closure communities; and

9 (2) to fund community advisory boards in nu-
10 clear closure communities.

11 (c) REQUIREMENT.—In carrying out this section, to
12 the maximum extent practicable, the Secretary shall im-
13 plement the recommendations described in the report sub-
14 mitted to Congress under section 108 of the Nuclear En-
15 ergy Innovation and Modernization Act (Public Law 115–
16 439; 132 Stat. 5577) entitled “Best Practices for Estab-
17 lishment and Operation of Local Community Advisory
18 Boards Associated with Decommissioning Activities at
19 Nuclear Power Plants”.

20 (d) DISTRIBUTION OF FUNDS.—The Secretary shall
21 establish a formula to ensure, to the maximum extent
22 practicable, geographic diversity among grant recipients
23 under this section.

24 (e) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There are authorized to be
2 appropriated to the Secretary—

3 (A) to carry out subsection (b)(1),
4 \$30,000,000 for each of fiscal years 2022
5 through 2027; and

6 (B) to carry out subsection (b)(2),
7 \$5,000,000 for each of fiscal years 2022
8 through 2024.

9 (2) AVAILABILITY.—Amounts made available
10 under this section shall remain available for a period
11 of 5 years beginning on the date on which the
12 amounts are made available.

13 (3) NO OFFSET.—None of the funds made
14 available under this section may be used to offset
15 the funding for any other Federal program.

16 **SEC. 504. REPORT ON CORPORATE SUPPORT.**

17 Not later than 180 days after the date of enactment
18 of this Act, the Commission shall submit to the appro-
19 priate committees of Congress and make publicly available
20 a report that describes—

21 (1) the progress on the implementation of sec-
22 tion 102(a)(3) of the Nuclear Energy Innovation
23 and Modernization Act (42 U.S.C. 2215(a)(3)); and

1 (2) whether the Commission is meeting and is
2 expected to meet the total budget authority caps re-
3 quired for corporate support under that section.

4 **SEC. 505. TECHNICAL CORRECTION.**

5 Section 104 c. of the Atomic Energy Act of 1954 (42
6 U.S.C. 2134(c)) is amended—

7 (1) by striking the third sentence and inserting
8 the following:

9 “(3) LIMITATION ON UTILIZATION FACILI-
10 TIES.—The Commission may issue a license under
11 this section for a utilization facility useful in the
12 conduct of research and development activities of the
13 types specified in section 31 if—

14 “(A) not more than 75 percent of the an-
15 nual costs to the licensee of owning and oper-
16 ating the facility are devoted to the sale, other
17 than for research and development or education
18 and training, of—

19 “(i) nonenergy services;

20 “(ii) energy; or

21 “(iii) a combination of nonenergy
22 services and energy; and

23 “(B) not more than 50 percent of the an-
24 nual costs to the licensee of owning and oper-

1 ating the facility are devoted to the sale of en-
2 ergy.”;

3 (2) in the second sentence, by striking “The
4 Commission” and inserting the following:

5 “(2) REGULATION.—The Commission”; and

6 (3) by striking “c. The Commission” and in-
7 serting the following:

8 “c. RESEARCH AND DEVELOPMENT ACTIVITIES.—

9 “(1) IN GENERAL.—Subject to paragraphs (2)
10 and (3), the Commission”.

○