

116TH CONGRESS
2D SESSION

S. _____

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

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

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 2020”.

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.

TITLE II—EXPANDING NUCLEAR ENERGY THROUGH ADVANCED
 NUCLEAR TECHNOLOGIES

- Sec. 201. Advanced nuclear reactor project environmental reviews.
 Sec. 202. Advanced nuclear reactor and fuel prizes.
 Sec. 203. New nuclear energy project application reviews.
 Sec. 204. Report on unique licensing considerations relating to the use of nuclear energy for nonelectric applications.
 Sec. 205. Enabling preparations for the demonstration of advanced nuclear reactors on Department sites.

TITLE III—PRESERVING EXISTING NUCLEAR ENERGY
 GENERATION

- Sec. 301. At-risk nuclear reactor incentives.
 Sec. 302. Regulatory fee revisions.
 Sec. 303. Report on lessons learned during the COVID-19 public health emergency.
 Sec. 304. Investment by allies.

TITLE IV—REVITALIZING AMERICA’S NUCLEAR SUPPLY CHAIN
 INFRASTRUCTURE

- Sec. 401. Advanced nuclear fuel approval.
 Sec. 402. National strategic uranium reserve.
 Sec. 403. Report on advanced methods of manufacturing and construction for nuclear energy applications.

TITLE V—MISCELLANEOUS

- Sec. 501. Nuclear energy workforce development.
 Sec. 502. Annual report on the spent nuclear fuel and high-level radioactive waste inventory in the United States.
 Sec. 503. 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) **ADVANCED NUCLEAR FUEL.**—The term
4 “advanced nuclear fuel” means—

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

9 (B) accident tolerant fuel.

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

15 (4) **APPROPRIATE COMMITTEES OF**
16 **CONGRESS.**—The term “appropriate committees of
17 Congress” means—

18 (A) the Committee on Environment and
19 Public Works of the Senate; and

20 (B) the Committee on Energy and Com-
21 merce of the House of Representatives.

22 (5) **CHAIRMAN.**—The term “Chairman” means
23 the Chairman of the Nuclear Regulatory Commis-
24 sion.

1 (6) COMMISSION.—The term “Commission”
2 means the Nuclear Regulatory Commission.

3 (7) DEPARTMENT.—The term “Department”
4 means the Department of Energy.

5 (8) HIGH-ASSAY, LOW-ENRICHED URANIUM.—
6 The term “high-assay, low-enriched uranium” means
7 uranium with an assay greater than 5 weight per-
8 cent, but less than 20 weight percent, of the ura-
9 nium-235 isotope.

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

14 (10) LOW-ENRICHED URANIUM PLUS.—The
15 term “low-enriched uranium plus” means high-
16 assay, low-enriched uranium with an assay greater
17 than 5 weight percent, but less than 10 weight per-
18 cent, of the uranium-235 isotope.

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

23 (12) SECRETARY.—The term “Secretary”
24 means the Secretary of Energy.

1 **TITLE I—REESTABLISHING**
2 **AMERICAN INTERNATIONAL**
3 **COMPETITIVENESS AND**
4 **GLOBAL LEADERSHIP**

5 **SEC. 101. INTERNATIONAL NUCLEAR REACTOR EXPORT**
6 **AND INNOVATION ACTIVITIES.**

7 (a) COORDINATION.—

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

9 (A) coordinate all work of the Commission
10 relating to—

11 (i) nuclear reactor import and export
12 licensing; and

13 (ii) international regulatory coopera-
14 tion and assistance relating to nuclear re-
15 actors; and

16 (B) support interagency and international
17 coordination with respect to—

18 (i) the consideration of international
19 technical standards to assist the design, li-
20 censing, and construction of advanced nu-
21 clear systems;

22 (ii) efforts to help build competent nu-
23 clear regulatory organizations and legal
24 frameworks in countries seeking to develop
25 nuclear power; and

1 (iii) exchange programs and training
2 provided to other countries relating to nu-
3 clear regulation and oversight to improve
4 nuclear technology licensing, in accordance
5 with paragraph (2).

6 (2) EXCHANGE PROGRAMS AND TRAINING.—

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

10 (A) the Secretary;

11 (B) National Laboratories;

12 (C) the private sector; and

13 (D) institutions of higher education.

14 (b) AUTHORITY TO ESTABLISH BRANCH.—The Com-
15 mission may establish within the Office of International
16 Programs a branch, to be known as the “International
17 Nuclear Reactor Export and Innovation Branch”, to carry
18 out such international nuclear reactor export and innova-
19 tion activities as the Commission determines to be appro-
20 priate.

21 (c) EXCLUSION OF INTERNATIONAL ACTIVITIES
22 FROM THE FEE BASE.—Section 102 of the Nuclear En-
23 ergy Innovation and Modernization Act (42 U.S.C. 2215)
24 is amended—

1 (1) in subsection (a), by adding at the end the
2 following:

3 “(4) INTERNATIONAL NUCLEAR REACTOR EX-
4 PORT AND INNOVATION ACTIVITIES.—The Commis-
5 sion shall identify in the annual budget justification
6 international nuclear reactor export and innovation
7 activities described in section 101(a) of the Amer-
8 ican Nuclear Infrastructure Act of 2020.”; and

9 (2) in subsection (b)(1)(B), by adding at the
10 end the following:

11 “(iv) Costs for international nuclear
12 reactor export and innovation activities de-
13 scribed in section 101(a) of the American
14 Nuclear Infrastructure Act of 2020.”.

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

18 **SEC. 102. DENIAL OF CERTAIN DOMESTIC LICENSES FOR**
19 **NATIONAL SECURITY PURPOSES.**

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

1 (1) is owned or controlled by the Government of
2 the Russian Federation or the Government of the
3 People's Republic of China; or

4 (2) is organized under the laws of, or otherwise
5 subject to the jurisdiction of, the Russian Federation
6 or the People's Republic of China.

7 (b) PROHIBITION ON UNLICENSED POSSESSION OR
8 OWNERSHIP OF COVERED FUEL.—Unless specifically au-
9 thorized by the Commission in a license issued under sec-
10 tion 53 of the Atomic Energy Act of 1954 (42 U.S.C.
11 2073) and part 70 of title 10, Code of Federal Regulations
12 (or successor regulations), no person subject to the juris-
13 diction of the Commission may possess or own covered
14 fuel.

15 (c) LICENSE TO POSSESS OR OWN COVERED
16 FUEL.—

17 (1) CONSULTATION REQUIRED PRIOR TO
18 ISSUANCE.—The Commission shall not issue a li-
19 cense to possess or own covered fuel under section
20 53 of the Atomic Energy Act of 1954 (42 U.S.C.
21 2073) and part 70 of title 10, Code of Federal Reg-
22 ulations (or successor regulations), unless the Com-
23 mission has first consulted with the Secretary and
24 the Secretary of State before issuing the license.

25 (2) PROHIBITION ON ISSUANCE OF LICENSE.—

1 (A) IN GENERAL.—A license to possess or
2 own covered fuel shall not be issued if the Sec-
3 retary and the Secretary of State make the de-
4 termination described in subparagraph (B).

5 (B) DETERMINATION.—

6 (i) IN GENERAL.—The determination
7 referred to in subparagraph (A) is a deter-
8 mination that possession or ownership, as
9 applicable, of covered fuel poses a threat to
10 the national security of the United States
11 that adversely impacts the physical and
12 economic security of the United States.

13 (ii) JOINT DETERMINATION.—A deter-
14 mination described in clause (i) shall be
15 jointly made by the Secretary and the Sec-
16 retary of State.

17 (iii) COMMISSION NOTIFICATION.—On
18 making the determination described in
19 clause (i), the Secretary and the Secretary
20 of State shall immediately notify the Com-
21 mission.

22 (iv) CONGRESSIONAL NOTIFICA-
23 TION.—Not later than 30 days after the
24 date on which the Secretary and the Sec-
25 retary of State notify the Commission

1 under clause (iii), the Commission shall no-
2 tify the appropriate committees of Con-
3 gress of the determination.

4 (v) PUBLIC NOTICE.—Not later than
5 15 days after the date on which the Com-
6 mission notifies Congress under clause (iv)
7 of a determination made under clause (i),
8 the Commission shall make that deter-
9 mination publicly available.

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

13 **TITLE II—EXPANDING NUCLEAR**
14 **ENERGY THROUGH AD-**
15 **VANCED NUCLEAR TECH-**
16 **NOLOGIES**

17 **SEC. 201. ADVANCED NUCLEAR REACTOR PROJECT ENVI-**
18 **RONMENTAL REVIEWS.**

19 (a) DEFINITION OF ENVIRONMENTAL REVIEW PROC-
20 ESS.—In this section, the term “environmental review
21 process” means the environmental review activities carried
22 out by the Commission pursuant to part 51 of title 10,
23 Code of Federal Regulations (or successor regulations).

24 (b) ENVIRONMENTAL REVIEW PROCESS FOR AD-
25 VANCED NUCLEAR REACTORS.—Not later than 120 days

1 after the date of enactment of this Act, the Commission,
2 in consultation with the Secretary and the Chair of the
3 Council on Environmental Quality, shall—

4 (1) identify and review—

5 (A) the existing environmental regulations
6 applicable to advanced nuclear reactors, includ-
7 ing regulations promulgated under the National
8 Environmental Policy Act of 1969 (42 U.S.C.
9 4321 et seq.);

10 (B) any lessons learned from the environ-
11 mental review process carried out under those
12 regulations for any nuclear reactor for which an
13 operating license is in effect as of the date of
14 enactment of this Act, including research and
15 test reactors (as defined in section 3 of the Nu-
16 clear Energy Innovation and Modernization Act
17 (42 U.S.C. 2215 note; Public Law 115–439));
18 and

19 (C) any existing guidance on integrating
20 other environmental laws and regulations into
21 the environmental review process for advanced
22 nuclear reactors;

23 (2) identify how title XLI of the FAST Act (42
24 U.S.C. 4370m et seq.) and Executive Order 13807
25 (42 U.S.C. 4370m note; relating to establishing dis-

1 discipline and accountability in the environmental re-
2 view and permitting process for infrastructure
3 projects) are applicable to the environmental review
4 process for advanced nuclear reactors;

5 (3) identify and, if applicable, integrate into the
6 environmental review process under paragraph (5)
7 any environmental impacts of advanced nuclear reac-
8 tor designs;

9 (4) identify project schedules and milestones for
10 the environmental review process to support the li-
11 censing of advanced nuclear reactors; and

12 (5) if the Commission determines that it would
13 be beneficial to improve the environmental review
14 process for advanced nuclear reactors, revise the reg-
15 ulations identified under paragraph (1)(A) or pro-
16 mulgate new regulations to establish a technology-in-
17 clusive, risk-informed environmental review process
18 for advanced nuclear reactors that accounts for—

19 (A) the changes made to the licensing
20 process for advanced nuclear reactors under
21 section 103(a) of the Nuclear Energy Innova-
22 tion and Modernization Act (42 U.S.C. 2133
23 note; Public Law 115–439); and

24 (B) the matters identified under para-
25 graphs (1) through (4).

1 (c) REPORT.—Not later than 1 year after the date
2 on which the Commission issues the third operating or
3 combined license for an advanced nuclear reactor, the
4 Commission shall submit to the appropriate committees
5 of Congress a report that describes—

6 (1) any differences between the environmental
7 review process for nuclear reactors licensed and in
8 operation as of the date of enactment of this Act
9 and the environmental review process for advanced
10 nuclear reactors;

11 (2) any circumstances in which it is appropriate
12 to determine, based on an environmental assessment
13 under the National Environmental Policy Act of
14 1969 (42 U.S.C. 4321 et seq.), that there is no need
15 for an environmental impact statement under that
16 Act with respect to an advanced nuclear reactor;

17 (3) ways in which the environmental review
18 process for advanced nuclear reactors could be im-
19 proved by reducing or eliminating duplicative re-
20 quirements or requirements that are not applicable
21 to advanced nuclear reactor designs; and

22 (4) ways in which environmental regulations
23 other than those promulgated under the National
24 Environmental Policy Act of 1969 (42 U.S.C. 4321
25 et seq.) could be integrated into the environmental

1 review process for advanced nuclear reactors to re-
2 duce the environmental impacts of advanced nuclear
3 reactors.

4 **SEC. 202. ADVANCED NUCLEAR REACTOR AND FUEL**
5 **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
10 AND ADVANCED NUCLEAR FUEL LICENSING.—

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

13 “(A) IN GENERAL.—Subject to the avail-
14 ability of appropriations under paragraph (4),
15 the Secretary is authorized to make an award
16 in an amount described in subparagraph (B) to
17 the first non-Federal entity to which the Com-
18 mission—

19 “(i) issues an operating license for an
20 advanced nuclear reactor under part 50 of
21 title 10, Code of Federal Regulations (or
22 successor regulations), for which an appli-
23 cation has not been docketed by the Com-
24 mission as of the date of enactment of this
25 subsection; or

1 “(ii) issues a combined license for an
2 advanced nuclear reactor under subpart C
3 of part 52 of title 10, Code of Federal
4 Regulations (or successor regulations), for
5 which an application has not been docketed
6 by the Commission as of the date of enact-
7 ment of this subsection.

8 “(B) AMOUNT OF AWARD.—An award
9 under subparagraph (A) shall be in an amount
10 equal to the total amount assessed by the Com-
11 mission and collected under section 102(b)(2)
12 from the entity receiving the award for costs re-
13 lating to the issuance of the license described in
14 that subparagraph.

15 “(2) PRIZE FOR ADVANCED NUCLEAR FUEL AP-
16 PROVAL.—

17 “(A) IN GENERAL.—Subject to the avail-
18 ability of appropriations under paragraph (4),
19 the Secretary is authorized to make an award
20 in an amount described in subparagraph (B) to
21 the first non-Federal entity for which the Com-
22 mission approves under part 70 of title 10,
23 Code of Federal Regulations (or successor regu-
24 lations), an advanced nuclear fuel that—

1 “(i) uses a higher percentage of the
2 nuclear fuel than is used by nuclear fuels
3 approved by the Commission as of the date
4 of enactment of this subsection; or

5 “(ii) uses isotopes derived from spent
6 nuclear fuel (as defined in section 2 of the
7 Nuclear Waste Policy Act of 1982 (42
8 U.S.C. 10101)) or depleted uranium as
9 fuel that can be used in an advanced nu-
10 clear reactor.

11 “(B) AMOUNT OF AWARD.—An award
12 under subparagraph (A) shall be in an amount
13 equal to the total amount assessed by the Com-
14 mission and collected under section 102(b)(2)
15 from the entity receiving the award for costs re-
16 lating to the approval described in that sub-
17 paragraph.

18 “(3) 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) by the entity receiving the award for costs
23 relating to the project for which the award is made.

24 “(4) AUTHORIZATION OF APPROPRIATIONS.—
25 There is authorized to be appropriated to the Sec-

1 “(ii) special expertise as described in
2 section 1501.6 of title 40, Code of Federal
3 Regulations (as in effect on December 4,
4 2015).

5 “(B) EARLY SITE PERMIT.—The term
6 ‘early site permit’ has the meaning given the
7 term in section 52.1 of title 10, Code of Federal
8 Regulations (or a successor regulation).

9 “(C) ENVIRONMENTAL IMPACT STATE-
10 MENT.—The term ‘environmental impact state-
11 ment’ means the detailed written statement re-
12 quired under section 102(2)(C) of the National
13 Environmental Policy Act of 1969 (42 U.S.C.
14 4332(2)(C)).

15 “(2) EARLY SITE PERMITS.—

16 “(A) SUPPLEMENTAL ENVIRONMENTAL IM-
17 PACT STATEMENT.—In a proceeding for a con-
18 struction permit or a combined construction
19 permit and operating license for a site for which
20 an early site permit has been issued, any envi-
21 ronmental impact statement prepared by the
22 Commission with a cooperating agency shall be
23 prepared as a supplement to the environmental
24 impact statement prepared for the early site
25 permit.

1 “(B) INCORPORATION BY REFERENCE.—A
2 supplemental environmental impact statement
3 under subparagraph (A) shall incorporate by
4 reference the analysis, findings, and conclusions
5 from the environmental impact statement pre-
6 pared for the early site permit.

7 “(3) PRODUCTION, UTILIZATION, OR FUEL FA-
8 CILITY LOCATED AT AN EXISTING SITE.—In review-
9 ing an application for an early site permit, construc-
10 tion permit, operating license, or combined construc-
11 tion permit and operating license for a production,
12 utilization, or fuel facility located at the site of a li-
13 censed production, utilization, or fuel facility, the
14 Commission, to the maximum extent practicable,
15 shall use information that was part of the licensing
16 basis of the licensed production, utilization, or fuel
17 facility.

18 “(4) RELATIONSHIP TO OTHER LAW.—Nothing
19 in this subsection exempts the Commission from any
20 requirement for full compliance with section
21 102(2)(C) of the National Environmental Policy Act
22 of 1969 (42 U.S.C. 4332(2)(C)).”.

1 **SEC. 204. REPORT ON UNIQUE LICENSING CONSIDER-**
2 **ATIONS RELATING TO THE USE OF NUCLEAR**
3 **ENERGY FOR NONELECTRIC APPLICATIONS.**

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

9 (1) the flexible operation of nuclear reactors,
10 such as ramping power output and the use of nu-
11 clear energy for electric and nonelectric applications;

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

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

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) technology developers;

21 (4) the industrial, chemical, and medical sec-
22 tors;

23 (5) nongovernmental organizations; and

24 (6) other public stakeholders.

25 (c) CONTENTS.—

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

1 (A) any unique licensing issues or require-
2 ments relating to the matters described in para-
3 graphs (1) through (3) of subsection (a);

4 (B) options for addressing those issues or
5 requirements—

6 (i) within the existing regulatory
7 framework;

8 (ii) as part of the technology-inclusive
9 regulatory framework required under sub-
10 section (a)(4) of section 103 of the Nuclear
11 Energy Innovation and Modernization Act
12 (42 U.S.C. 2133 note; Public Law 115–
13 439) or described in the report required
14 under subsection (e) of that section (Public
15 Law 115–439; 132 Stat. 5575); or

16 (iii) through a new rulemaking; and

17 (C) the extent to which Commission action
18 is needed to implement any matter described in
19 the report.

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

1 **SEC. 205. ENABLING PREPARATIONS FOR THE DEMONSTRATION OF ADVANCED NUCLEAR REACTORS ON DEPARTMENT SITES.**

2
3
4 (a) DEFINITION OF EARLY SITE PERMIT.—In this
5 section, the term “early site permit” has the meaning
6 given the term in section 52.1 of title 10, Code of Federal
7 Regulations (or a successor regulation).

8 (b) AUTHORITY.—With respect to preparations for
9 the demonstration of an advanced nuclear reactor on a
10 Department site, the Commission, subject to the avail-
11 ability of appropriations, may fund any costs associated
12 with—

13 (1) any pre-application proceedings relating to
14 an early site permit;

15 (2) any review of early site permit applications;
16 and

17 (3) any applicable review or analysis required
18 under the National Environmental Policy Act of
19 1969 (42 U.S.C. 4321 et seq.).

20 (c) EXCLUSION OF CERTAIN ACTIVITIES FROM THE
21 FEE BASE.—Section 102(b)(1)(B) of the Nuclear Energy
22 Innovation and Modernization Act (42 U.S.C.
23 2215(b)(1)(B)) (as amended by section 101(c)) is amend-
24 ed by adding at the end the following:

25 “(v) Costs for activities to review an
26 application for an early site permit (as de-

1 fined in section 52.1 of title 10, Code of
2 Federal Regulations (or a successor regula-
3 tion)) to demonstrate an advanced nuclear
4 reactor on a Department of Energy site.”.

5 **TITLE III—PRESERVING EXIST-**
6 **ING NUCLEAR ENERGY GEN-**
7 **ERATION**

8 **SEC. 301. AT-RISK NUCLEAR REACTOR INCENTIVES.**

9 (a) FINDINGS.—Congress finds that—

10 (1) as of December 31, 2019, 96 nuclear reac-
11 tors provided approximately 20 percent of the elec-
12 tricity used in the United States and more than 55
13 percent of the carbon-free, clean energy used in the
14 United States;

15 (2) from 2013 through June 2020, 10 nuclear
16 reactors ceased operation prior to the end of the op-
17 erating licenses of those reactors;

18 (3) as of June 2020, by 2025, an additional 5
19 nuclear reactors are scheduled to cease operations
20 prior to the end of the operating license of those re-
21 actors;

22 (4) 25 percent, or more, of the current nuclear
23 fleet, primarily in the competitive electricity market,
24 is at risk of ceasing operations prior to the end of
25 the operating licenses of those reactors;

1 (5) carbon emissions and emissions of other
2 pollutants typically increase when a nuclear reactor
3 ceases operations; and

4 (6) a program to incentivize nuclear energy
5 generation to avoid carbon dioxide emissions offers
6 substantial environmental benefits to the United
7 States.

8 (b) DEFINITIONS.—In this section:

9 (1) ADMINISTRATOR.—The term “Adminis-
10 trator” means the Administrator of the Environ-
11 mental Protection Agency.

12 (2) CERTIFIED NUCLEAR POWER FACILITY.—
13 The term “certified nuclear power facility” means a
14 nuclear power facility that—

15 (A) operates in a competitive electricity
16 market; and

17 (B) is certified under subsection
18 (d)(1)(B)(iii).

19 (3) CREDIT.—The term “credit” means a credit
20 awarded to a certified nuclear power facility under
21 subsection (c)(2).

22 (c) ESTABLISHMENT OF PROGRAM.—The Adminis-
23 trator, in coordination with the Secretary, shall establish
24 a carbon emissions avoidance program—

1 (1) to evaluate nuclear power facilities that are
2 determined to be at risk of premature shutdown due
3 to economic factors; and

4 (2) to award credits to certified nuclear power
5 facilities in accordance with subsection (d).

6 (d) FINANCIAL ASSISTANCE.—

7 (1) CERTIFICATION.—

8 (A) APPLICATION.—In order to be certified
9 under subparagraph (B)(iii), the owner or oper-
10 ator of a nuclear power facility that is at risk
11 of premature shutdown due to economic factors
12 shall submit to the Administrator an applica-
13 tion at such time, in such manner, and con-
14 taining such information as the Administrator
15 determines to be appropriate, including infor-
16 mation on—

17 (i) the operating costs necessary to
18 make the examination described in sub-
19 paragraph (B)(i), including—

20 (I) the average annual operating
21 loss per megawatt-hour expected to be
22 incurred by the nuclear power facility
23 over the 2-year period for which cred-
24 its are to be awarded;

1 (II) any private or publicly avail-
2 able data with respect to current or
3 projected bulk power market prices;

4 (III) out-of-market revenue
5 streams;

6 (IV) operations and maintenance
7 costs; and

8 (V) capital costs, including fuel;

9 (ii) the source of mined uranium and
10 the location where the uranium is con-
11 verted, enriched, and fabricated into fuel
12 assemblies for the nuclear power facility
13 for the 2-year period for which credits are
14 to be awarded; and

15 (iii) the use of accident tolerant fuel,
16 if commercially available.

17 (B) DETERMINATION TO CERTIFY.—The
18 Administrator, in consultation with the Sec-
19 retary, shall, for each application received under
20 subparagraph (A)—

21 (i) examine the operating costs of the
22 nuclear power facility submitted under
23 clause (i) of that subparagraph;

24 (ii) estimate the potential incremental
25 carbon emissions that would result if the

1 nuclear power facility were to shut down
2 and be replaced with other types of power
3 generation; and

4 (iii) based on the results of the exam-
5 ination under clause (i) and the estimation
6 under clause (ii), determine whether to cer-
7 tify the nuclear power facility to receive
8 credits.

9 (C) PRIORITY.—In determining whether to
10 certify a nuclear power facility under clause (iii)
11 of subparagraph (B), the Administrator, in con-
12 sultation with the Secretary, shall give priority
13 to a nuclear power facility that, as determined
14 under the examination under clause (i) of that
15 subparagraph—

16 (i) needs fewer dollars per megawatt-
17 hour to break even on operating costs;

18 (ii) uses nuclear fuel that is mined,
19 converted, enriched, and fabricated into
20 fuel assemblies in the United States;

21 (iii) has a good safety record, as de-
22 termined by the NRC Action Matrix or the
23 Performance Indicators of the Reactor
24 Oversight Process, such that the plant falls
25 under the “licensee response” column indi-

1 cating no current significant safety issues;

2 and

3 (iv) maximizes the use of accident tol-
4 erant fuels, if commercially available.

5 (2) DETERMINATION OF CREDITS.—Credits
6 shall—

7 (A) be awarded on a dollar per megawatt-
8 hour basis, to be based on the current operating
9 economics of the certified nuclear power facility
10 over a 2-year period, including annual operating
11 losses; and

12 (B) include in the determination of the
13 amount of the credit, for purposes of quanti-
14 fying under subparagraph (A) the average ex-
15 pected annual operating loss per megawatt-hour
16 incurred by the certified nuclear power facility
17 over a 2-year period, any private or publicly
18 available data with respect to current or pro-
19 jected—

20 (i) bulk power market prices;

21 (ii) out-of-market revenue streams;

22 (iii) operations and maintenance costs;

23 and

24 (iv) capital costs, including fuel.

25 (3) TERM.—

1 (A) IN GENERAL.—The Administrator
2 shall provide each certified nuclear power facil-
3 ity credits for a 2-year period.

4 (B) RENEWAL.—The owner or operator of
5 a certified nuclear power facility that receives
6 credits under this section may seek to recertify
7 the nuclear power facility in accordance with
8 paragraph (1).

9 (4) AUDIT.—During the 2-year period begin-
10 ning on the date on which a certified nuclear power
11 facility first receives a credit, the Administrator, in
12 coordination with the Secretary, shall periodically
13 audit the certified nuclear power facility.

14 (5) RECAPTURE.—The Administrator shall, by
15 regulation, provide for the recapture of the benefit
16 of any credit to a certified nuclear power facility
17 that, during the period described in paragraph (2)—

18 (A) terminates operations; or

19 (B) does not operate at an annual loss in
20 the absence of a credit.

21 (6) ECONOMIC RECOVERY PLAN.—An owner or
22 operator of a nuclear power facility seeking to re-
23 ceive credits under this section shall submit to the
24 Administrator, as part of an application submitted
25 under paragraph (1)(A), a detailed plan to sustain

1 operations at the conclusion of the applicable 2-year
2 credit period—

3 (A) without receiving additional credits; or

4 (B) with the receipt of additional credits of
5 a lower amount than the credits awarded dur-
6 ing that 2-year credit period.

7 (e) REPORT.—Not later than January 1, 2024, the
8 Comptroller General of the United States shall submit to
9 Congress a report with respect to the credits awarded to
10 certified nuclear power facilities, which shall include—

11 (1) an evaluation of the effectiveness of the
12 credits in avoiding carbon emissions while ensuring
13 grid reliability;

14 (2) a quantification of the ratepayer savings
15 achieved under this section; and

16 (3) any recommendations to renew or expand
17 the credits.

18 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section
20 \$**[to be supplied]** for each of fiscal years 2021 through
21 2029.

22 **SEC. 302. REGULATORY FEE REVISIONS.**

23 Section 102 of the Nuclear Energy Innovation and
24 Modernization Act (42 U.S.C. 2215) (as amended by sec-
25 tions 101(c) and 205(c)) is amended—

1 (1) in subsection (a), by adding at the end the
2 following:

3 “(5) SPECIFIC RULEMAKING ACTIVITIES.—The
4 Commission shall identify in the annual budget jus-
5 tification rulemaking activities that are not attrib-
6 utable to an existing licensee.”; and

7 (2) in subsection (b)(1)(B), by adding at the
8 end the following:

9 “(vi) Costs for activities that—

10 “(I) are related to any rule-
11 making that is not attributable to an
12 existing licensee; and

13 “(II) are identified by the Com-
14 mission under subsection (a)(5).”.

15 **SEC. 303. REPORT ON LESSONS LEARNED DURING THE**
16 **COVID-19 PUBLIC HEALTH EMERGENCY.**

17 (a) IN GENERAL.—Not later than 60 days after the
18 date of enactment of this Act, the Commission shall sub-
19 mit to the appropriate committees of Congress and make
20 publicly available a report on actions taken by the Com-
21 mission during the public health emergency declared by
22 the Secretary of Health and Human Services under sec-
23 tion 319 of the Public Health Service Act (42 U.S.C.
24 247d) on January 31, 2020, with respect to COVID-19.

1 (b) CONTENTS.—The report under subsection (a)
2 shall include—

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

7 (2) a description of any process efficiencies that
8 resulted from the matters identified under para-
9 graph (1);

10 (3) a discussion of lessons learned from the
11 matters identified under paragraph (1);

12 (4) a list of actions that the Commission will
13 take to incorporate the lessons described in para-
14 graph (3) into the licensing activities and regula-
15 tions of the Commission; and

16 (5) a description of when the actions described
17 in paragraph (4) will be implemented.

18 **SEC. 304. INVESTMENT BY ALLIES.**

19 (a) IN GENERAL.—The prohibitions against issuing
20 certain licenses for utilization facilities to certain corpora-
21 tions and other entities described in the second sentence
22 of section 103 d. of the Atomic Energy Act of 1954 (42
23 U.S.C. 2133(d)) and the second sentence of section 104
24 d. of that Act (42 U.S.C. 2134(d)) shall not apply to an
25 entity described in subsection (b) if the Commission deter-

1 mines that issuance of the applicable license to that entity
2 is not inimical to—

3 (1) the common defense and security; or

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

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

8 (1) the government of—

9 (A) a country that is a member of the
10 North Atlantic Treaty Organization;

11 (B) Japan; or

12 (C) the Republic of Korea;

13 (2) an entity that is owned, controlled, or domi-
14 nated by a government described in paragraph (1);

15 (3) a corporation that is incorporated in a
16 country described in any of subparagraphs (A)
17 through (C) of paragraph (1); or

18 (4) an alien who is a national of a country de-
19 scribed in any of subparagraphs (A) through (C) of
20 paragraph (1).

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

1 **TITLE IV—REVITALIZING AMER-**
2 **ICA’S NUCLEAR SUPPLY**
3 **CHAIN INFRASTRUCTURE**

4 **SEC. 401. ADVANCED NUCLEAR FUEL APPROVAL.**

5 (a) AGENCY COORDINATION.—

6 (1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of this Act, the Chairman and
8 the Secretary shall enter into a memorandum of un-
9 derstanding relating to the approval of advanced nu-
10 clear fuels.

11 (2) MEMORANDUM OF UNDERSTANDING CON-
12 TENTS.—The memorandum of understanding en-
13 tered into under paragraph (1) shall require the De-
14 partment and the Commission to coordinate, as ap-
15 propriate—

16 (A) to ensure that the Department has
17 sufficient technical expertise to support the
18 timely research, development, demonstration,
19 and commercial application by the civilian nu-
20 clear industry of innovative advanced nuclear
21 fuels, including by facilitating the development
22 and sharing of criticality benchmark data to
23 support—

1 (i) the licensing of fuel enrichment,
2 deconversion, and fabrication facilities for
3 advanced nuclear fuels containing—

4 (I) low-enriched uranium plus; or
5 (II) high-assay, low-enriched ura-
6 nium that is not low-enriched uranium
7 plus; and

8 (ii) the certification of transportation
9 packages for advanced nuclear fuels con-
10 taining—

11 (I) low-enriched uranium plus; or
12 (II) high-assay, low-enriched ura-
13 nium that is not low-enriched uranium
14 plus;

15 (B) to ensure that the Commission has
16 sufficient technical expertise to support the
17 evaluation for advanced nuclear fuels;

18 (C) to identify methods to improve the use
19 of computers and software codes to calculate
20 the behavior and performance of advanced nu-
21 clear fuels based on mathematical models of the
22 physical behavior of advanced nuclear fuels;

23 (D) to ensure that the Department main-
24 tains and develops the facilities necessary to en-
25 able the timely research, development, dem-

1 onstratorion, and commercial application by the
2 civilian nuclear industry of innovative advanced
3 nuclear fuels; and

4 (E) to ensure that the Commission has ac-
5 cess to the facilities described in subparagraph
6 (D), as needed.

7 (b) REPORTING REQUIREMENTS.—Not later than
8 180 days after the date of enactment of this Act, the Com-
9 mission shall submit to the appropriate committees of
10 Congress a report that—

11 (1) identifies criticality benchmark data needed
12 to support—

13 (A) the licensing of fuel enrichment,
14 deconversion, and fabrication facilities for ad-
15 vanced nuclear fuels containing—

16 (i) low-enriched uranium plus; or

17 (ii) high-assay, low-enriched uranium
18 that is not low-enriched uranium plus; and

19 (B) the certification of transportation
20 packages for advanced nuclear fuels con-
21 taining—

22 (i) low-enriched uranium plus; or

23 (ii) high-assay, low-enriched uranium
24 that is not low-enriched uranium plus;

1 (2) identifies and describes any updates to reg-
2 ulations, certifications, and other regulatory policies
3 that the Commission determines are necessary for li-
4 censing and oversight relating to high-assay, low-en-
5 riched uranium, including—

6 (A) certifications relating to transportation
7 packaging for—

8 (i) low-enriched uranium plus; and

9 (ii) high-assay, low-enriched uranium
10 that is not low-enriched uranium plus; and

11 (B) licensing of fuel enrichment,
12 deconversion, and fabrication facilities for high-
13 assay, low-enriched uranium, and associated
14 physical security plans for those facilities; and

15 (3) includes a timeline for completing the up-
16 dates described in paragraph (2) within the existing
17 regulatory framework.

18 **SEC. 402. NATIONAL STRATEGIC URANIUM RESERVE.**

19 (a) DEFINITIONS.—In this section:

20 (1) PROGRAM.—The term “program” means
21 the program established under subsection (b)(1).

22 (2) URANIUM RESERVE.—The term “Uranium
23 Reserve” means the uranium reserve operated pur-
24 suant to the program.

25 (b) ESTABLISHMENT.—

1 (1) IN GENERAL.—Not later than 60 days after
2 the date of enactment of this Act, the Secretary,
3 subject to the availability of appropriations, shall es-
4 tablish a program to operate a uranium reserve in
5 accordance with this section.

6 (2) AUTHORITY.—In establishing the program
7 and operating the Uranium Reserve, the Secretary
8 shall use the authority granted to the Secretary by
9 sections 53, 63, and 161 g. of the Atomic Energy
10 Act of 1954 (42 U.S.C. 2073, 2093, 2201(g)).

11 (c) PURPOSES.—The purposes of the Uranium Re-
12 serve are—

13 (1) to provide assurance of the availability of
14 uranium mined in the United States in the event of
15 a market disruption; and

16 (2) to support strategic fuel cycle capabilities in
17 the United States.

18 (d) EXCLUSION.— The Secretary shall exclude from
19 the Uranium Reserve uranium that is mined in the United
20 States by an entity that—

21 (1) is owned or controlled by the Government of
22 the Russian Federation or the Government of the
23 People’s Republic of China; or

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

4 (e) REQUEST FOR INFORMATION.—Not later than 90
5 days after the date of enactment of this Act, the Secretary
6 shall publish a request for information to help the Sec-
7 retary evaluate—

8 (1) options for the operation and management
9 of the Uranium Reserve;

10 (2) contractual mechanisms pursuant to which
11 the Secretary could acquire uranium; and

12 (3) the quantities, form, transportation, and
13 storage of uranium in the Uranium Reserve.

14 (f) BUDGET REQUEST.—For each fiscal year begin-
15 ning after the date of enactment of this Act, the Secretary
16 shall include in the budget justification submitted to Con-
17 gress pursuant to section 1105 of title 31, United States
18 Code—

19 (1) a request for amounts for the acquisition,
20 transportation, and storage of uranium in the Ura-
21 nium Reserve; or

22 (2) an explanation of why amounts are not re-
23 quested for the acquisition, transportation, or stor-
24 age of uranium in the Uranium Reserve.

1 **SEC. 403. REPORT ON ADVANCED METHODS OF MANUFAC-**
2 **TURING AND CONSTRUCTION FOR NUCLEAR**
3 **ENERGY APPLICATIONS.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of enactment of this Act, the Commission shall sub-
6 mit to the appropriate committees of Congress a report
7 (referred to in this subsection as the “report”) on manu-
8 facturing and construction for nuclear energy applications.

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

11 (1) the Secretary;

12 (2) the nuclear energy industry;

13 (3) nuclear and manufacturing technology de-
14 velopers;

15 (4) the manufacturing and construction indus-
16 tries;

17 (5) standards development organizations;

18 (6) nongovernmental organizations; and

19 (7) other public stakeholders.

20 (c) CONTENTS.—

21 (1) IN GENERAL.—The report shall—

22 (A) examine any unique licensing issues or
23 requirements relating to the use of innovative—

24 (i) advanced manufacturing processes;

25 and

26 (ii) advanced construction techniques;

1 (B) examine—

2 (i) the requirements for nuclear-grade
3 components in manufacturing and con-
4 struction for nuclear energy applications;

5 (ii) opportunities to use standard ma-
6 terials, parts, or components in manufac-
7 turing and construction for nuclear energy
8 applications; and

9 (iii) opportunities to use standard ma-
10 terials that are in compliance with existing
11 codes to provide acceptable approaches to
12 support or encapsulate new materials that
13 do not yet have applicable codes;

14 (C) identify any safety aspects of innova-
15 tive advanced manufacturing processes and ad-
16 vanced construction techniques that are not ad-
17 dressed by existing codes and standards, so that
18 generic guidance may be updated or created, as
19 necessary;

20 (D) identify options for addressing the
21 issues, requirements, and opportunities exam-
22 ined under subparagraphs (A) and (B)—

23 (i) within the existing regulatory
24 framework; or

25 (ii) through a new rulemaking; and

1 (E) describe the extent to which Commis-
2 sion action is needed to implement any matter
3 described in the report.

4 (2) COST ESTIMATES, BUDGETS, AND TIME-
5 FRAMES.—The report shall include cost estimates,
6 proposed budgets, and proposed timeframes for im-
7 plementing risk-informed and performance-based
8 regulatory guidance for manufacturing and construc-
9 tion for nuclear energy applications.

10 **TITLE V—MISCELLANEOUS**

11 **SEC. 501. NUCLEAR ENERGY WORKFORCE DEVELOPMENT.**

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

14 (1) in subsection (b), in the matter preceding
15 paragraph (1), by striking “in each of fiscal years
16 2009 to 2019” and inserting “for each of fiscal
17 years 2021 through 2030,”; and

18 (2) by adding at the end the following:

19 “(d) NUCLEAR ENERGY TRAINEESHIP SUBPRO-
20 GRAM.—

21 “(1) DEFINITIONS.—In this subsection:

22 “(A) COMMISSION.—The term ‘Commis-
23 sion’ means the Nuclear Regulatory Commis-
24 sion.

1 “(B) INSTITUTION OF HIGHER EDU-
2 CATION.—The term ‘institution of higher edu-
3 cation’ has the meaning given the term in sec-
4 tion 101(a) of the Higher Education Act of
5 1965 (20 U.S.C. 1001(a)).

6 “(C) NATIONAL LABORATORY.—The term
7 ‘National Laboratory’ has the meaning given
8 the term in section 2 of the Energy Policy Act
9 of 2005 (42 U.S.C 15801).

10 “(2) ESTABLISHMENT.—The Commission shall
11 establish, as a subprogram of the Integrated Univer-
12 sity Program established under this section, a work-
13 force development subprogram under which the
14 Commission, in coordination with institutions of
15 higher education and trade schools, shall competi-
16 tively award traineeships that provide focused train-
17 ing to meet critical mission needs of the Commission
18 and nuclear workforce needs, including needs relat-
19 ing to—

20 “(A) nuclear criticality safety; and

21 “(B) the nuclear tradecraft workforce.

22 “(3) REQUIREMENTS.—In carrying out the
23 workforce development program described in para-
24 graph (2), the Commission shall—

1 “(A) coordinate with the Secretary to
2 prioritize the funding of traineeships that focus
3 on—

4 “(i) nuclear workforce needs; and

5 “(ii) critical mission needs of the
6 Commission;

7 “(B) encourage appropriate partnerships
8 among—

9 “(i) National Laboratories;

10 “(ii) institutions of higher education;

11 “(iii) trade schools; and

12 “(iv) the nuclear energy industry; and

13 “(C) on an annual basis, evaluate nuclear
14 workforce needs for the purpose of imple-
15 menting traineeships in focused topical areas
16 that—

17 “(i) address the workforce needs of
18 that community; and

19 “(ii) support critical mission needs of
20 the Commission.”.

21 **SEC. 502. ANNUAL REPORT ON THE SPENT NUCLEAR FUEL**
22 **AND HIGH-LEVEL RADIOACTIVE WASTE IN-**
23 **VENTORY IN THE UNITED STATES.**

24 (a) DEFINITIONS.—In this section:

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

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

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

13 (b) REPORT.—Not later than January 1, 2022, and
14 annually thereafter, the Secretary shall submit to Con-
15 gress a report that describes—

16 (1) the annual and cumulative amount of pay-
17 ments made by the United States to the holder of
18 a standard contract due to a partial breach of con-
19 tract under the Nuclear Waste Policy Act of 1982
20 (42 U.S.C. 10101 et seq.) resulting in financial
21 damages to the holder;

22 (2) the amount spent by the Department to re-
23 duce future payments projected to be made by the
24 United States to any holder of a standard contract
25 due to a partial breach of contract under the Nu-

1 clear Waste Policy Act of 1982 (42 U.S.C. 10101 et
2 seq.);

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

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

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

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

21 **SEC. 503. TECHNICAL CORRECTION.**

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

24 (1) by striking the third sentence and inserting
25 the following:

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

6 “(A) not more than 75 percent of the an-
7 nual costs to the licensee of owning and oper-
8 ating the facility are devoted to the sale, other
9 than for research and development or education
10 and training, of—

11 “(i) nonenergy services;

12 “(ii) energy; or

13 “(iii) a combination of nonenergy
14 services and energy; and

15 “(B) not more than 50 percent of the an-
16 nual costs to the licensee of owning and oper-
17 ating the facility are devoted to the sale of en-
18 ergy.”;

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

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

22 (3) by striking “c. The Commission” and in-
23 sserting the following:

24 “c. RESEARCH AND DEVELOPMENT ACTIVITIES.—

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