

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.

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## 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

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## 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

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

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

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

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

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

(2) EXCHANGE PROGRAMS AND TRAINING.—

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

(A) the Secretary;

(B) National Laboratories;

(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-

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

“(ii) a finding required under section 52.103(g) of title 10, Code of Federal Regulations (or successor regulations), for a combined license for an advanced nuclear reactor—

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

“(II) for which an application has not been approved by the Commission as of the date of enactment of this subsection.

“(B) AMOUNT OF AWARD.—An award under subparagraph (A) shall be in an amount equal to the total amount assessed by the Commission and collected under section 102(b)(2) from the entity receiving the award for costs relating to the issuance of the license described in that subparagraph, including, as applicable, costs relating to the issuance of an associated construction permit described in section 50.23 of title 10, Code of Federal Regulations (or successor 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                   ministrator 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 (c)(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”.

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