

111TH CONGRESS
2^D SESSION

H. R. 4741

To amend the Energy Policy Act of 2005 to create the right business environment for doubling production of clean nuclear energy and other clean energy and to create mini-Manhattan projects for clean energy research and development.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2010

Mr. FATTAH introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Energy Policy Act of 2005 to create the right business environment for doubling production of clean nuclear energy and other clean energy and to create mini-Manhattan projects for clean energy research and development.

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.**

4 This Act may be cited as the “Clean Energy Act of
5 2010”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) nuclear energy provides—

4 (A) approximately 19 percent of the elec-
5 tricity of the United States; and

6 (B) approximately 70 percent of the car-
7 bon-dioxide free electricity of the United States;

8 (2) nuclear energy has the lowest land-use re-
9 quirements per megawatt of any electricity gener-
10 ating source;

11 (3) the majority of the 104 operating reactors
12 located in the United States were constructed during
13 a 20-year time period beginning in 1970 and ending
14 in 1990; and

15 (4) a broader deployment of nuclear energy (in-
16 cluding novel methods such as the development of
17 small reactors and advanced fuel cycles) would
18 greatly improve the ability of the United States—

19 (A) to reduce greenhouse gas emissions;

20 and

21 (B) to maintain low electricity prices.

22 **SEC. 3. REVISIONS TO LOAN GUARANTEE PROGRAM AU-**
23 **THORITY.**

24 (a) **DEFINITION OF COMMERCIAL TECHNOLOGY.—**

25 Section 1701(1) of the Energy Policy Act of 2005 (42

1 U.S.C. 16511(1)) is amended by striking subparagraph
2 (B) and inserting the following:

3 “(B) EXCLUSION.—The term ‘commercial
4 technology’ does not include a technology if the
5 sole use of the technology is in connection
6 with—

7 “(i) a demonstration project; or

8 “(ii) a project for which the Secretary
9 approved a loan guarantee.”.

10 (b) SUBROGATION.—Section 1702(g)(2) of the En-
11 ergy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is
12 amended by striking subparagraphs (B) and (C) and in-
13 serting the following:

14 “(B) SUPERIORITY OF RIGHTS.—Except as
15 provided in subparagraph (C), the rights of the
16 Secretary, with respect to any property ac-
17 quired pursuant to a guarantee or related
18 agreements, shall be superior to the rights of
19 any other person with respect to the property.

20 “(C) TERMS AND CONDITIONS.—A guar-
21 antee agreement shall include such detailed
22 terms and conditions as the Secretary deter-
23 mines appropriate to—

24 “(i) protect the interests of the United
25 States in the case of default;

1 “(ii) have available all the patents and
2 technology necessary for any person se-
3 lected, including the Secretary, to complete
4 and operate the project;

5 “(iii) provide for sharing the proceeds
6 received from the sale of project assets
7 with other creditors or control the disposi-
8 tion of project assets if necessary to pro-
9 tect the interests of the United States in
10 the case of default; and

11 “(iv) provide such lien priority in
12 project assets as necessary to protect the
13 interests of the United States in the case
14 of a default.”.

15 (c) FEES.—Section 1702(h) of the Energy Policy Act
16 of 2005 (42 U.S.C. 16512(h)) is amended by striking
17 paragraph (2) and inserting the following:

18 “(2) AVAILABILITY.—Fees collected under this
19 subsection shall remain available to the Secretary for
20 expenditure, without further appropriation or fiscal
21 year limitation, for administrative expenses incurred
22 in carrying out this title.

23 “(3) ADJUSTMENT.—The Secretary may adjust
24 the amount or manner of collection of fees under
25 this title as the Secretary determines is necessary to

1 promote, to the maximum extent practicable, eligible
2 projects under this title.

3 “(4) EXCESS FEES.—Of the amount of a fee
4 imposed on an applicant at the conditional commit-
5 ment stage, 75 percent of the amount shall be re-
6 fundable to the applicant if there is no financial
7 close on the application, unless the Secretary deter-
8 mines that the administrative costs of the Depart-
9 ment have exceeded the amount retained.

10 “(5) CREDIT REPORT.—If, in the opinion of the
11 Secretary, the credit rating of an applicant is not
12 relevant to the determination of whether or not sup-
13 port will be provided and the applicant agrees to ac-
14 cept the credit rating assigned to the applicant by
15 the Secretary, the Secretary may waive any require-
16 ment to provide a third-party credit report.”.

17 (d) PROCESSING.—Section 1702 of the Energy Policy
18 Act of 2005 (42 U.S.C. 16512) is amended by adding at
19 the end the following:

20 “(k) ACCELERATED REVIEWS.—To the maximum ex-
21 tent practicable and consistent with sound business prac-
22 tices, the Secretary shall seek to conduct necessary reviews
23 concurrently of an application for a loan guarantee under
24 this title such that decisions as to whether to enter into
25 a commitment on the application can be issued not later

1 than 180 days after the date of submission of a completed
2 application.”.

3 (e) ELIGIBLE PROJECTS.—Section 1703(b)(4) of the
4 Energy Policy Act of 2005 (42 U.S.C. 16513(b)(4)) is
5 amended by inserting “(including nuclear power parts,
6 services, and fuel suppliers)” after “energy facilities”.

7 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
8 1704 of the Energy Policy Act of 2005 (42 U.S.C. 16514)
9 is amended—

10 (1) by redesignating subsection (b) as sub-
11 section (c); and

12 (2) by inserting after subsection (a) the fol-
13 lowing:

14 “(b) USE OF FUNDS.—Of the funds made available
15 under subsection (a), not less than \$10,000,000,000 shall
16 be used to cover the costs of subsidies under this title.”.

17 **SEC. 4. NUCLEAR REGULATORY COMMISSION.**

18 (a) SENSE OF CONGRESS REGARDING BLUE-RIBBON
19 PANEL FOR DEVELOPMENT OF FEDERAL NUCLEAR
20 WASTE POLICY.—It is the sense of Congress that Con-
21 gress supports the convening by the President of a blue-
22 ribbon panel for the development of a Federal nuclear
23 waste policy.

24 (b) SMALL NUCLEAR REACTOR DESIGN DEVELOP-
25 MENT.—Section 952(c) of the Energy Policy Act of 2005

1 (42 U.S.C. 16272(c)) is amended by adding at the end
2 the following:

3 “(3) SMALL NUCLEAR REACTOR DESIGN DE-
4 VELOPMENT.—

5 “(A) IN GENERAL.—In carrying out the
6 Program, in accordance with subparagraph (B),
7 the Secretary shall offer to enter into coopera-
8 tive agreements with reactor manufacturers and
9 electric utilities to license nuclear reactors—

10 “(i) the electrical power capacity of
11 which are less than 350 megawatts per
12 unit; or

13 “(ii) the thermal power capacity of
14 which are less than 900 megawatts per
15 unit.

16 “(B) REQUIREMENTS.—In carrying out
17 subparagraph (A), the Secretary shall—

18 “(i) ensure that not more than 3 of
19 the most technically and economically fea-
20 sible designs will be submitted to the Nu-
21 clear Regulatory Commission for design
22 certification and licensing; and

23 “(ii) with respect to a reactor, pay to
24 the Nuclear Regulatory Commission 50
25 percent of any fees arising from—

1 “(I) the design certification of
2 the reactor;

3 “(II) the first early site permit
4 for the reactor; and

5 “(III) the first combined oper-
6 ating license for the reactor.

7 “(C) RESPONSIBILITY OF NUCLEAR REGU-
8 LATORY COMMISSION.—Not later than 90 days
9 after the date of receipt of an application for a
10 design certification, early site permit, or com-
11 bined operating license, the Nuclear Regulatory
12 Commission shall submit to the appropriate
13 committees of Congress a report regarding the
14 status of the application.

15 “(D) AUTHORIZATION OF APPROPRIA-
16 TIONS.—There is authorized to be appropriated
17 to the Secretary to carry out this paragraph
18 \$200,000,000 for each of fiscal years 2011
19 through 2015, to remain available until ex-
20 pended.”.

21 (c) CONSTRUCTION AND OPERATING LICENCES.—
22 Section 182 of the Atomic Energy Act of 1954 (42 U.S.C.
23 2232) is amended by adding at the end the following:

24 “e. NUCLEAR WASTE CONFIDENCE.—In considering
25 applications for the construction and operation of a nu-

1 clear facility submitted to the Commission under section
2 103 or 104, the Commission shall consider that sufficient
3 capacity will be available in a timely manner to dispose
4 of spent nuclear fuel and high-level radioactive waste re-
5 sulting from the operation of the nuclear facility that is
6 the subject of the application.”.

7 **SEC. 5. FUNDING FOR WORKFORCE DEVELOPMENT AND**
8 **RESEARCH.**

9 (a) NUCLEAR WORKFORCE EDUCATION.—

10 (1) AUTHORIZATION OF APPROPRIATIONS.—

11 There is authorized to be appropriated to the Sec-
12 retary of Education to carry out the education of a
13 nuclear workforce \$100,000,000 for each of fiscal
14 years 2011 through 2020, to remain available until
15 expended.

16 (2) USE OF FUNDS.—In using funds made
17 available under paragraph (1), the Secretary of Edu-
18 cation, in consultation with the Secretary of Labor
19 and the Secretary of Energy, shall—

20 (A) carry out activities to educate and
21 train craftsmen, engineers, operators, and other
22 appropriate workers as determined to be nec-
23 essary by the Secretary of Education to ensure
24 an adequate nuclear workforce; and

1 (B) make grants to develop educational
2 and cooperative programs at—

3 (i) secondary schools, as defined in
4 section 9101 of the Elementary and Sec-
5 ondary Education Act of 1965 (20 U.S.C.
6 7801); and

7 (ii) postsecondary institutions.

8 (b) NUCLEAR REACTOR LIFETIME-EXTENSION RE-
9 SEARCH.—There is authorized to be appropriated to the
10 Secretary of Energy to carry out nuclear reactor uprate
11 and lifetime-extension research \$50,000,000 for each of
12 fiscal years 2011 through 2020, to remain available until
13 expended.

14 (c) CLEAN ENERGY RESEARCH AND DEVELOP-
15 MENT.—

16 (1) AUTHORIZATION OF APPROPRIATIONS.—
17 There is authorized to be appropriated to the Sec-
18 retary of Energy to carry out research and develop-
19 ment activities to advance clean energy
20 \$750,000,000 for each of fiscal years 2011 through
21 2020, to remain available until expended.

22 (2) USE OF FUNDS.—Of the funds made avail-
23 able under paragraph (1) for each of fiscal years
24 2011 through 2020—

1 (A) \$150,000,000 shall be used for the re-
2 search and development of liquid transportation
3 biofuels other than ethanol;

4 (B) \$150,000,000 shall be used for the re-
5 search and development of marketable—

6 (i) carbon dioxide capture, storage, or
7 conversion; or

8 (ii) beneficial reuses of carbon dioxide;

9 (C) \$150,000,000 shall be used for re-
10 search and development to reduce the cost of
11 batteries for electric vehicles;

12 (D) \$150,000,000 shall be used for re-
13 search and development to make solar elec-
14 tricity cost-competitive with respect to tradi-
15 tional sources of electricity generation (includ-
16 ing coal); and

17 (E) \$150,000,000 shall be used for re-
18 search and development to recycle used nuclear
19 fuel (including the research and development of
20 Generation IV nuclear reactors that are de-
21 signed to consume recycled nuclear fuel).

○