

AMENDMENT TO H.R. 2454
OFFERED BY MR. HILL OF INDIANA
(for himself and Mr. Upton of Michigan)

Page 23, after line 18, insert the following:

1 “(I) Nuclear energy.”

Page 25, lines 8 and 9, strike “placed in service after the date of enactment of this section”.

Page 56, after line 15, insert the following new subsection:

2 (c) NATIONAL ELECTRICITY RELIABILITY CORPORA-
3 TION STUDY AND REPORTS.—(1) The National Electricity
4 Reliability Corporation shall study the impact of the provi-
5 sions of the amendment made by section 101 (relating to
6 the combined efficiency and renewable electricity stand-
7 ard) on the reliability of the national electricity system and
8 report the results of the study to the Committee on En-
9 ergy and Commerce of the House of Representatives and
10 to the Senate Committee on Energy and Natural Re-
11 sources.

12 (2) The National Electricity Reliability Corporation
13 shall prepare annual reports to the Department of Energy,
14 the Committee on Energy and Commerce of the House

1 of Representatives and the Senate Committee on Energy
2 and Natural Resources on the consistency of the baseload
3 and offer solutions if needed to balance the baseload.

Page 217, after line 15, insert the following new
subparagraph (and redesignate subparagraphs (B)
through (G) as subparagraphs (C) through (H), respec-
tively):

4 (B) produces clean energy from domestic
5 sources using nonemitting domestic technologies
6 such as nuclear technology;

Page 219, line 16, insert “or nuclear” after “fuels
from solar”.

Page 296, after line 6, insert the following new sec-
tion:

7 **SEC. 199. LICENSING OF NEW NUCLEAR POWER PLANTS.**

8 (a) Section 189 of the Atomic Energy Act is amended
9 thus:

10 **“SEC. 189. HEARINGS AND JUDICIAL REVIEW.**

11 “Section 189a.(1)(A) is modified thus – In any pro-
12 ceeding under this Act, for the granting, suspending, re-
13 voking, or amending of any license or construction permit,
14 or application to transfer control, and in any proceeding
15 for the issuance or modification of rules and regulations
16 dealing with the activities of licensees, and in any pro-

1 ceeding for the payment of compensation, an award, or
2 royalties under section 153, 157, 186c., or 188, the Com-
3 mission shall grant a hearing upon the request of any per-
4 son whose interest may be affected by the proceeding, and
5 shall admit any such person as a party to such proceeding.
6 The Commission may, in the absence of a request therefor
7 by any person whose interest may be affected, issue a con-
8 struction permit, an operating license or an amendment
9 to a construction permit or an amendment to an operating
10 license without a hearing, but upon thirty days' notice and
11 publication once in the Federal Register of its intent to
12 do so. The Commission may dispense with such thirty
13 days' notice and publication with respect to any applica-
14 tion for an amendment to a construction permit or an
15 amendment to an operating license upon a determination
16 by the Commission that the amendment involves no sig-
17 nificant hazards consideration.”.

18 (b) Section 185 of the Atomic Energy Act is amended
19 thus:

20 **“SEC. 185. CONSTRUCTION PERMITS AND OPERATING LI-**
21 **CENSES.**

22 “After any public hearing held under section
23 189a.(1)(A), the Commission shall issue to the applicant
24 a combined construction and operating license if the appli-
25 cation contains sufficient information to support the

1 issuance of a combined license and the Commission deter-
2 mines that there is reasonable assurance that the facility
3 will be constructed and will operate in conformity with the
4 license, the provisions of this Act, and the Commission's
5 rules and regulations. The Commission shall identify with-
6 in the combined license the inspections, tests, and anal-
7 yses, including those applicable to emergency planning,
8 that the licensee shall perform, and the acceptance criteria
9 that, if met, are necessary and sufficient to provide rea-
10 sonable assurance that the facility has been constructed
11 and will be operated in conformity with the license, the
12 provisions of this Act, and the Commission's rules and
13 regulations. Following issuance of the combined license,
14 the Commission shall ensure that the prescribed inspec-
15 tions, tests, and analyses are performed and, prior to oper-
16 ation of the facility, shall find that the prescribed accept-
17 ance criteria are met. Any finding made under this sub-
18 section shall not require a hearing except as provided in
19 section 189a.(1)(B).”

At the end of the bill, add the following new title:

20 **TITLE V—NUCLEAR ENERGY**

21 **SEC. 501. NUCLEAR POWER 2010 PROGRAM.**

22 Section 952 of the Energy Policy Act of 2005 (42
23 U.S.C. 16272) is amended by striking subsection (c) and
24 inserting the following:

1 “(c) NUCLEAR POWER 2010 PROGRAM.—

2 “(1) IN GENERAL.—The Secretary shall carry
3 out a Nuclear Power 2010 Program to position the
4 United States to start construction of new nuclear
5 power plants by 2010 or such other date as the Sec-
6 retary determines to be achievable.

7 “(2) REQUIREMENTS.—

8 “(A) COST SHARING.—The Nuclear Power
9 2010 Program shall be cost-shared with the pri-
10 vate sector.

11 “(B) OBJECTIVES.—The objectives of the
12 Program shall be—

13 “(i) to demonstrate the licensing proc-
14 ess for new nuclear power plants, including
15 the Nuclear Regulatory Commission proc-
16 ess for obtaining early site permits
17 (ESPs), combined construction/operating
18 licenses (COLs), and design certifications;
19 and

20 “(ii) to conduct first-of-a-kind design
21 and engineering work on at least two ad-
22 vanced nuclear reactor designs sufficient to
23 bring those designs to a state of design
24 completion sufficient to allow development
25 of firm cost estimates.

1 “(3) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated
3 \$121,000,000 to the Secretary to carry out the Nu-
4 clear Power 2010 Program for fiscal year 2010.”

5 **SEC. 502. DOMESTIC MANUFACTURING BASE FOR NUCLEAR**

6 **COMPONENTS AND EQUIPMENT.**

7 (a) INTERAGENCY WORKING GROUP.—

8 (1) PURPOSES.—The purposes of this sub-
9 section are—

10 (A) to increase the competitiveness of the
11 United States nuclear energy products and
12 services industries;

13 (B) to identify the stimulus or incentives
14 necessary to cause United States manufacturers
15 of nuclear energy products to expand manufac-
16 turing capacity;

17 (C) to facilitate the export of United
18 States nuclear energy products and services;

19 (D) to reduce the trade deficit of the
20 United States through the export of United
21 States nuclear energy products and services;

22 (E) to retain and create nuclear energy
23 manufacturing and related service jobs in the
24 United States;

1 (F) to integrate the objectives in subpara-
2 graphs (A) through (E), in a manner consistent
3 with the interests of the United States, into the
4 foreign policy of the United States; and

5 (G) to authorize funds for increasing
6 United States capacity to manufacture nuclear
7 energy products and supply nuclear energy
8 services.

9 (2) ESTABLISHMENT.—There is established an
10 interagency working group that, in consultation with
11 representative industry organizations and manufac-
12 turers of nuclear energy products, shall make rec-
13 ommendations to coordinate the actions and pro-
14 grams of the Federal Government to promote in-
15 creasing domestic manufacturing capacity and ex-
16 port of domestic nuclear energy products and serv-
17 ices.

18 (3) MEMBERSHIP.—The working group shall be
19 composed of—

20 (A) the Secretary of Energy (or a des-
21 ignee), who shall—

22 (i) act as a chairperson of the working
23 group; and

24 (ii) provide staff for carrying out the
25 functions of the working group; and

- 1 (B) representatives of---
- 2 (i) the Department of Energy;
- 3 (ii) the Department of Commerce;
- 4 (iii) the Department of Defense;
- 5 (iv) the Department of Treasury;
- 6 (v) the Department of State;
- 7 (vi) the Environmental Protection
- 8 Agency;
- 9 (vii) the United States Agency for
- 10 International Development;
- 11 (viii) the Export-Import Bank of the
- 12 United States;
- 13 (ix) the Trade and Development
- 14 Agency;
- 15 (x) the Small Business Administra-
- 16 tion;
- 17 (xi) the Office of the United States
- 18 Trade Representative; and
- 19 (xii) other Federal agencies, as deter-
- 20 mined by the President.

21 (4) PERSONNEL AND SERVICES.—The heads of

22 appropriate Federal agencies and departments shall

23 detail such personnel and furnish such services to

24 the interagency group, with or without reimburse-

1 ment, as may be necessary to carry out the duties
2 of the working group under paragraph (5).

3 (5) DUTIES OF WORKING GROUP.—The working
4 group shall—

5 (A) by not later than 180 days after the
6 date of enactment of this Act—

7 (i) identify the actions necessary to
8 promote the safe development and applica-
9 tion in foreign countries of nuclear energy
10 products and services—

11 (I) to increase electricity genera-
12 tion from nuclear energy sources
13 through development of new genera-
14 tion facilities;

15 (II) to improve the efficiency,
16 safety, and reliability of existing nu-
17 clear generating facilities through
18 modifications; and

19 (III) to enhance the safe treat-
20 ment, handling, storage, and disposal
21 of used nuclear fuel;

22 (ii) identify mechanisms (including
23 tax stimulus for investment, loans and loan
24 guarantees, and grants) necessary for
25 United States companies—

1 (I) to increase capacity to
2 produce or provide nuclear energy
3 products and services; and

4 (II) to increase their exports of
5 nuclear energy products and services;
6 and

7 (iii) identify administrative or legisla-
8 tive initiatives necessary to—

9 (I) encourage United States com-
10 panies to increase manufacturing ca-
11 pacity for nuclear energy products;

12 (II) provide technical and finan-
13 cial assistance and support to small
14 and midsized businesses to establish
15 quality assurance programs in accord-
16 ance with domestic and international
17 nuclear quality assurance code re-
18 quirements;

19 (III) encourage, through financial
20 incentives, private sector capital in-
21 vestment to expand manufacturing ca-
22 pacity; and

23 (IV) provide technical assistance
24 and financial incentives to small and
25 midsized businesses to develop the

1 workforce necessary to increase manu-
2 facturing capacity and meet domestic
3 and international nuclear quality as-
4 surance code requirements; and

5 (B) by not later than 270 days after the
6 date of enactment of this Act, submit to Con-
7 gress a report describing the findings of the
8 working group under subparagraph (A), includ-
9 ing recommendations for new legislative author-
10 ity, as necessary.

11 (6) TRADE ASSISTANCE.—The working group
12 shall encourage the member agencies of the working
13 group—

14 (A) to provide technical training and edu-
15 cation for international development personnel
16 and local users in the countries of the member
17 agencies;

18 (B) to provide financial and technical as-
19 sistance to nonprofit institutions that support
20 the marketing and export efforts of domestic
21 companies that provide nuclear energy products
22 and services;

23 (C) to develop nuclear energy projects in
24 foreign countries;

1 (D) to provide technical assistance and
2 training materials to loan officers of the World
3 Bank, international lending institutions, com-
4 mercial and energy attaches at embassies of the
5 United States, and other appropriate personnel
6 in order to provide information about nuclear
7 energy products and services to foreign govern-
8 ments or other potential project sponsors;

9 (E) to support, through financial incen-
10 tives, private sector efforts to commercialize
11 and export nuclear energy products and services
12 in accordance with the subsidy codes of the
13 World Trade Organization; and

14 (F) to augment budgets for trade and de-
15 velopment programs in order to support
16 prefeasibility or feasibility studies for projects
17 that utilize nuclear energy products and serv-
18 ices.

19 (7) AUTHORIZATION OF APPROPRIATIONS.—

20 There are authorized to be appropriated to the Sec-
21 retary to carry out this subsection \$20,000,000 for
22 each of fiscal years 2010 and 2011.

23 (b) CREDIT FOR QUALIFYING NUCLEAR POWER
24 MANUFACTURING.—Subpart E of part IV of subchapter
25 A of chapter 1 of the Internal Revenue Code of 1986 is

1 amended by inserting after section 48B the following new
2 section:

3 **“SEC. 48C. QUALIFYING NUCLEAR POWER MANUFAC-**
4 **TURING CREDIT.**

5 “(a) IN GENERAL.—For purposes of section 46, the
6 qualifying nuclear power manufacturing credit for any
7 taxable year is an amount equal to 20 percent of the quali-
8 fied investment for such taxable year.

9 “(b) QUALIFIED INVESTMENT.—

10 “(1) IN GENERAL.—For purposes of subsection
11 (a), the qualified investment for any taxable year is
12 the basis of eligible property placed in service by the
13 taxpayer during such taxable year—

14 “(A) which is either part of a qualifying
15 nuclear power manufacturing project or is
16 qualifying nuclear power manufacturing equip-
17 ment,

18 “(B)(i) the construction, reconstruction, or
19 erection of which is completed by the taxpayer,
20 or

21 “(ii) which is acquired by the taxpayer if
22 the original use of such property commences
23 with the taxpayer,

1 “(C) with respect to which depreciation (or
2 amortization in lieu of depreciation) is allow-
3 able, and

4 “(D) which is placed in service on or be-
5 fore December 31, 2015.

6 “(2) SPECIAL RULE FOR CERTAIN SUBSIDIZED
7 PROPERTY.—Rules similar to section 48(a)(4) shall
8 apply for purposes of this section.

9 “(3) CERTAIN QUALIFIED PROGRESS EXPENDI-
10 TURES RULES MADE APPLICABLE.—Rules similar to
11 the rules of subsections (c)(4) and (d) of section 46
12 (as in effect on the day before the enactment of the
13 Revenue Reconciliation Act of 1990) shall apply for
14 purposes of this section.

15 “(c) DEFINITIONS.—For purposes of this section:

16 “(1) QUALIFYING NUCLEAR POWER MANUFAC-
17 TURING PROJECT.—The term ‘qualifying nuclear
18 power manufacturing project’ means any project
19 which is designed primarily to enable the taxpayer to
20 produce or test equipment necessary for the con-
21 struction or operation of a nuclear power plant.

22 “(2) QUALIFYING NUCLEAR POWER MANUFAC-
23 TURING EQUIPMENT.—The term ‘qualifying nuclear
24 power manufacturing equipment’ means machine
25 tools and other similar equipment, including com-

1 puters and other peripheral equipment, acquired or
2 constructed primarily to enable the taxpayer to
3 produce or test equipment necessary for the con-
4 struction or operation of a nuclear power plant.

5 “(3) PROJECT.—The term ‘project’ includes
6 any building constructed to house qualifying nuclear
7 power manufacturing equipment.”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) ADDITIONAL INVESTMENT CREDIT.—Sec-
10 tion 46 is amended by—

11 (A) striking “and” at the end of paragraph
12 (3);

13 (B) striking the period at the end of para-
14 graph (4) and inserting “, and”; and

15 (C) inserting after paragraph (4) the fol-
16 lowing new paragraph:

17 “(5) the qualifying nuclear power manufac-
18 turing credit.”

19 (2) APPLICATION OF SECTION 49.—Subpara-
20 graph (C) of section 49(a)(1) is amended—

21 (A) by striking “and” at the end of clause
22 (iii);

23 (B) by striking the period at the end of
24 clause (iv) and inserting “, and”; and

1 (C) inserting after clause (iv) the following
2 new clause:

3 “(v) the basis of any property which
4 is part of a qualifying nuclear power equip-
5 ment manufacturing project under section
6 48C.”

7 (3) TABLE OF SECTIONS.—The table of sections
8 preceding section 46 is amended by inserting after
9 the line for section 48B the following new line:

“Sec. 48C. Qualifying nuclear power manufacturing credit.”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to property—

12 (1) the construction, reconstruction, or erection
13 of which began after the date of enactment, or

14 (2) which was acquired by the taxpayer on or
15 after the date of enactment and not pursuant to a
16 binding contract which was in effect on the day prior
17 to the date of enactment.

18 (d) SUSPENSION OF IMPORT TARIFFS AND DUTIES
19 ON NUCLEAR COMPONENTS.—Notwithstanding any other
20 provision of law, no duty, tariff, or fee shall be imposed
21 on the importation of equipment, materials, or components
22 utilized in the construction of a commercial nuclear power
23 plant based on an advanced reactor design certified by the
24 Commission until such time as the Secretary of Energy
25 shall report to the President that sufficient manufacturing

1 capacity exists, with respect to such equipment, materials,
2 or components appropriate for installation in a nuclear
3 plant based on such design, to provide for a competitive
4 market in the United States.

5 **SEC. 503. NUCLEAR ENERGY WORKFORCE.**

6 Section 1101 of the Energy Policy Act of 2005 (42
7 U.S.C. 16411) is amended—

8 (1) by redesignating subsection (d) as sub-
9 section (e); and

10 (2) by inserting after subsection (c) the fol-
11 lowing:

12 “(d) WORKFORCE TRAINING.—

13 “(1) IN GENERAL.—The Secretary of Labor, in
14 cooperation with the Secretary of Energy, shall pro-
15 mulgate regulations to implement a program to pro-
16 vide workforce training to meet the high demand for
17 workers skilled in the nuclear utility and nuclear en-
18 ergy products and services industries.

19 “(2) CONSULTATION.—In carrying out this sub-
20 section, the Secretary of Labor shall consult with
21 representatives of the nuclear utility and nuclear en-
22 ergy products and services industries, and organized
23 labor, concerning skills that are needed in those in-
24 dustries.

1 “(3) AUTHORIZATION OF APPROPRIATIONS.—
2 There are authorized to be appropriated to the Sec-
3 retary of Labor, working in coordination with the
4 Secretaries of Education and Energy, \$20,000,000
5 for each of fiscal years 2010 through 2014 for use
6 in implementing a program to provide workforce
7 training to meet the high demand for workers skilled
8 in the nuclear utility and nuclear energy products
9 and services industries.”.

10 **SEC. 504. TOPOGRAPHY.**

11 When considering a license application for construc-
12 tion and operation of a nuclear power plant using a design
13 that has been previously approved, the Nuclear Regulatory
14 Commission shall consider the topography of the proposed
15 site for the plant in determining the safety of the design.

16 **SEC. 505. WASTE CONFIDENCE.**

17 The Congress finds that the Federal Government has
18 established a policy for the ultimate safe and environ-
19 mentally sound disposal of high-level radioactive waste and
20 spent nuclear fuel, and that each nuclear power plant shall
21 store its own nuclear waste for the life of the plant.

