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An Amendment by Mr. Upton

At the end of the bill, insert new title V

TITLE V

NUCLEAR ENERGY

SEC. 2. STANDBY SUPPORT FOR CERTAIN NUCLEAR PLANT DELAYS.

(a) DEFINITIONS — Section 638(a) of the Energy Policy Act of 2005 (42 U.S.C.

§16014(a)) is amended as follows:

(1) by inserting paragraphs (4), (5) and (6), after paragraph (3), as follows:

“(4) FULL POWER OPERATION.—The term “full power operation” means whichever occurs first of (i) the “commercial operation date” or the equivalent under the terms of the financing documents for such facility, or (ii) operation of such facility at an average of [50%] or greater of nameplate capacity over any consecutive 30-day period subsequent to the completion of startup testing for the facility..

“(5) INCREASED PROJECT COSTS.—The term “increased project costs” means the increased cost of constructing, commissioning, testing, operating or maintaining a reactor prior to full-power operation incurred as a result of a delay covered by the contract [including but not limited to costs of demobilization and remobilization, increased costs of equipment, materials and labor due to delay (in-

1 cluding idle time), increased general and administrative costs, and
2 escalation costs for completing construction].

3 “(6) LITIGATION.—The term “litigation” means adjudication in
4 Federal, State, local or tribal courts and administrative proceedings
5 or hearings at or before Federal, State, local or tribal agencies or
6 administrative bodies.” .

7 (2) by redesignating paragraph (4) as paragraph (7).

8 (3) by striking Subsection 638(a)(2)(B), and inserting as follows:

9 “(B) ESTABLISHMENT OF ACCOUNT.—There is established in
10 the Department an account, which shall be known as the “Standby
11 Support Program Account.”.

12 (4) by striking Subsection 638(a)(2)(C)(ii).

13 (5) by striking the reference to “subsection (d)(5)(a)” in the last sentence
14 in Subsection 638(a)(2)(C)(i), and replacing it with “subsection (d)(5)”.

15 (b) CONTRACT AUTHORITY — Section 638(b) of the Energy Policy Act of 2005
16 (42 U.S.C. §16014(b)) is amended by striking paragraph (1) and inserting the follow-
17 ing:

18 “(1) CONTRACTS.—

19 “(A) IN GENERAL.—The Secretary may enter into contracts under this
20 section with sponsors of an advanced nuclear facility that cover at any one
21 time outstanding a total of not more than 12 reactors, with the 12 reactors con-
22 sisting of not less than two nor more than 4 different reactor designs, in accor-
23 dance with paragraph (2).

1 “(B) REPLACEMENT CONTRACTS.—If any contract entered into under
2 this section terminates or expires without a claim being paid by the Secretary
3 under the contract, the Secretary may enter into a new contract under this sec-
4 tion in replacement of the contract.”.

5 (c) COVERED COSTS.—Section 638(d) of the Energy Policy Act of 2005 (42. U.S.C.
6 §16014(d)) is amended by striking paragraphs (2) and (3) and inserting the following:

7 “(2) COVERAGE.—In the case of reactors that receive combined licenses
8 and on which construction is commenced, the Secretary shall pay—

9 “(A) 100 percent of the covered costs of delay that occur after
10 the initial 30-day period of covered delay; but

11 “(B) not more than \$500,000,000 per contract.

12 “(3) COVERED DEBT OBLIGATIONS.—Debt obligations covered under
13 subparagraph (A) of paragraph (5) shall include debt obligations incurred to
14 pay increased project costs.”

15 (d) TYPES OF COVERED COSTS – Section 638(d) is amended as follows:

16 (1) By striking section 638(d)(5)(B) and replacing it by inserting the follow-
17 ing:

18 “(B) increased project costs, as defined in section 638(a)(5) of this title; and

19 “(C) the incremental difference between the fair market price of power pur-
20 chased to meet the contractual supply agreements or load obligations that would have
21 been met by the advanced nuclear facility but for the delay; and

- 1 i. for retail suppliers of electricity, the average cents per
2 kilowatt-hour paid by retail customers of the project spon-
3 sor(s); or
4 ii. for wholesale suppliers of electricity, the contractual price
5 of electricity from the advanced nuclear facility subject to
6 the delay.

7
8 (e) DISPUTE RESOLUTION — Section 638 of the Energy Policy Act of 2005 (42
9 U.S.C. §16014) is amended—as follows:

10 (1) by redesignating subsections (f) through (h) as subsections (g) through (i),
11 respectively; and

12 (2) by inserting after subsection (e) the following:

13 “(f) DISPUTE RESOLUTION.—

14 “(1) IN GENERAL.—Any controversy or claim arising out of or
15 relating to any contract entered into under this section shall be deter-
16 mined by arbitration in Washington, D.C. according to the then pre-
17 vailing Commercial Arbitration Rules of the American Arbitration As-
18 sociation.

19 “(2) TREATMENT OF DECISION.—A decision by an arbitrator
20 shall be final and binding, and the United States District Court for
21 Washington D.C. or the district in which the project is located shall
22 have jurisdiction to enter judgment on the decision.”

23 **SEC. 3. NUCLEAR POWER 2010 PROGRAM.**

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

3 “(c) NUCLEAR POWER 2010 PROGRAM.—

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

8
9 “(2) REQUIREMENTS.—

10 “(A) COST SHARING.— The Nuclear Power 2010 Program shall
11 be cost-shared with the private sector.

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

13 “(i) to demonstrate the licensing process for new nu-
14 clear power plants, including the Nuclear Regulatory Commis-
15 sion process for obtaining early site permits (ESPs), combined
16 construction/operating licenses (COLs), and design certifica-
17 tions; and

18 “(ii) to conduct first-of-a-kind design and engineering
19 work on at least two advanced nuclear reactor designs suffi-
20 cient to bring those designs to a state of design completion suf-
21 ficient to allow development of firm cost estimates.

1 “(3) AUTHORIZATION OF APPROPRIATIONS –There is author-
2 ized to be appropriated \$121 million to the Secretary to carry out the Nuclear
3 Power 2010 Program for fiscal year 2010.

4 **SEC. 4. DOMESTIC MANUFACTURING BASE FOR NUCLEAR**
5 **COMPONENTS AND EQUIPMENT.**

6 **(a) – INTERAGENCY WORKING GROUP. –**

7 (1) PURPOSES.—The purposes of this subsection are—

8 (A) to increase the competitiveness of the United States nu-
9 clear energy products and services industries;

10 (B) to identify the stimulus or incentives necessary to cause
11 U.S. manufacturers of nuclear energy products to expand
12 manufacturing capacity;

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

15 (D) to reduce the trade deficit of the United States through
16 the export of United States nuclear energy products and ser-
17 vices;

18 (E) to retain and create nuclear energy manufacturing and
19 related service jobs in the United States;

20 (F) to integrate the objectives in paragraphs (A) through
21 (E), in a manner consistent with the interests of the United
22 States, into the foreign policy of the United States; and

1 (G) to authorize funds for increasing United States capacity
2 to manufacture nuclear energy products and supply nuclear en-
3 ergy services.

4 (2) ESTABLISHMENT—There is established an interagency
5 working group that, in consultation with representative industry
6 organizations and manufacturers of nuclear energy products,
7 shall make recommendations to coordinate the actions and pro-
8 grams of the Federal Government to promote increasing do-
9 mestic manufacturing capacity and export of domestic nuclear
10 energy products and services.

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

12 (A) The Secretary of Energy (or a designee), who
13 shall—

14 (i) act as a chairperson of the working
15 group; and

16 (ii) provide staff for carrying out the
17 functions of the working group; and

18 (B) representatives of—

19 (i) the Department of Energy;

20 (ii) the Department of Commerce;

21 (iii) the Department of Defense;

22 (iv) the Department of Treasury;

23 (v) the Department of State;

- 1 (vi) the Environmental Protection Agency;
2 (vii) the United States Agency for Interna-
3 tional Development;
4 (viii) the Export-Import Bank of the United
5 States;
6 (ix) the Trade and Development Agency;
7 (x) the Small Business Administration;
8 (xi) the Office of the U.S. Trade Representa-
9 tive; and
10 (xii) other Federal agencies, as determined by
11 the President.

12 (4) PERSONNEL AND SERVICES.—The heads of ap-
13 propriate Federal agencies and departments shall detail such
14 personnel and furnish such services to the interagency group,
15 with or without reimbursement, as may be necessary to carry
16 out the duties of the working group under paragraph (5).

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

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

20 (i) identify the actions necessary to promote the safe develop-
21 ment and application in foreign countries of nuclear energy
22 products and services—

- 1 (I) to increase electricity generation from nuclear
2 energy sources through development of new generation
3 facilities;
- 4 (II) to improve the efficiency, safety and reliability
5 of existing nuclear generating facilities through modifi-
6 cations; and
- 7 (III) to enhance the safe treatment, handling, storage
8 and disposal of used nuclear fuel;
- 9 (ii) identify mechanisms (including tax stimulus for in-
10 vestment, loans and loan guarantees, and grants) necessary for
11 U.S. companies—
- 12 (I) to increase capacity to produce or provide nuclear
13 energy products and services; and
- 14 (II) to increase their exports of nuclear energy products
15 and services.
- 16 (iii) identify administrative or legislative initiatives necessary
17 to—
- 18 (I) encourage United States companies to increase
19 manufacturing capacity for nuclear energy products;
- 20 (II) provide technical and financial assistance and
21 support to small and midsized businesses to establish
22 quality assurance programs in accordance with domes-

1 tic and international nuclear quality assurance code re-
2 quirements;

3 (III) encourage, through financial incentives, private
4 sector capital investment to expand manufacturing ca-
5 pacity; and

6 (IV) provide technical assistance and financial incen-
7 tives to small and midsized businesses to develop the
8 workforce necessary to increase manufacturing capacity
9 and meet domestic and international nuclear quality as-
10 surance code requirements; and

11 (B) by not later than 270 days after the date of enactment of this
12 Act, submit to Congress a report describing the findings of the
13 working group under subparagraph (A), including recommen-
14 dations for new legislative authority, as necessary.

15 (6) TRADE ASSISTANCE.—The working group shall encourage the member
16 agencies of the working group—

17 (A) to provide technical training and education for international
18 development personnel and local users in the countries of the
19 member agencies;

20 (B) to provide financial and technical assistance to nonprofit insti-
21 tutions that support the marketing and export efforts of domes-
22 tic companies that provide nuclear energy products and ser-
23 vices;

- 1 (C) to develop nuclear energy projects in foreign countries;
- 2 (D) to provide technical assistance and training materials to loan
3 officers of the World Bank, international lending institutions,
4 commercial and energy attaches at embassies of the United
5 States and other appropriate personnel in order to provide in-
6 formation about nuclear energy products and services to for-
7 eign governments or other potential project sponsors;
- 8 (E) to support, through financial incentives, private sector efforts to
9 commercialize and export nuclear energy products and services
10 in accordance with the subsidy codes of the World Trade Or-
11 ganization; and
- 12 (F) to augment budgets for trade and development programs in or-
13 der to support prefeasibility or feasibility studies for projects
14 that utilize nuclear energy products and services.

15 (7) AUTHORIZATION OF APPROPRIATIONS.— There is authorized to be appro-
16 priated to the Secretary to carry out this subsection \$20,000,000 for
17 fiscal years 2010 and 2011.

18

19 (b) CREDIT FOR QUALIFYING NUCLEAR POWER MANUFACTURING.—Subpart E of part
20 IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by
21 inserting after section 48B the following new section:
22 “SEC. 48C. QUALIFYING NUCLEAR POWER MANUFACTURING CREDIT.

1 “(a) IN GENERAL. – For purposes of section 46, the qualifying nuclear power
2 manufacturing credit for any taxable year is an amount equal to 20 percent of
3 the qualified investment for such taxable year.

4 “(b) QUALIFIED INVESTMENT. –

5 “(1) IN GENERAL. –For purposes of subsection (a), the qualified in-
6 vestment for any taxable year is the basis of eligible property placed in
7 service by the taxpayer during such taxable year –

8 “(A) which is either part of a qualifying nuclear power manu-
9 facturing project or is qualifying nuclear power manufacturing
10 equipment,

11 “(B) (i) the construction, reconstruction, or erection of
12 which is completed by the taxpayer, or

13 “(ii) which is acquired by the taxpayer if the original
14 use of such property commences with the taxpayer,

15 “(C) with respect to which depreciation (or amortization in lieu
16 of depreciation) is allowable, and

17 “(D) which is placed in service on or before December 31,

18 2015.

19 “(2) SPECIAL RULE FOR CERTAIN SUBSIDIZED PROPERTY. –Rules similar
20 to section 48(a)(4) shall apply for purposes of this section.

21 “(3) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE
22 APPLICABLE. – Rules similar to the rules of subsections (c)(4) and (d)
23 of section 46 (as in effect on the day before the enactment of the

1 Revenue Reconciliation Act of 1990) shall apply for purposes of this
2 section.

3 “(c) DEFINITIONS. – For purposes of this section –

4 “(1) QUALIFYING NUCLEAR POWER MANUFACTURING PROJECT. – The
5 term ‘qualifying nuclear power manufacturing project’ means any pro-
6 ject which is designed primarily to enable the taxpayer to produce or
7 test equipment necessary for the construction or operation of a nuclear
8 power plant.

9 “(2) QUALIFYING NUCLEAR POWER MANUFACTURING EQUIPMENT. –
10 The term ‘qualifying nuclear power manufacturing equipment’ means
11 machine tools and other similar equipment, including computers and
12 other peripheral equipment, acquired or constructed primarily to en-
13 able the taxpayer to produce or test equipment necessary for the con-
14 struction or operation of a nuclear power plant.

15 “(3) PROJECT. – The term ‘project’ includes any building constructed
16 to house qualifying nuclear power manufacturing equipment.”

17 (b) CONFORMING AMENDMENTS. –

18 (1) ADDITIONAL INVESTMENT CREDIT. – Section 46 is amended by –

19 (A) striking “and” at the end of paragraph (3),

20 (B) striking the period at the end of paragraph (4) and inserting

21 “, and”, and

22 (C) inserting after paragraph (4) the following new paragraph:

1 “(5) the qualifying nuclear power manufacturing
2 credit.”

3 (2) APPLICATION OF SECTION 49. — Subparagraph (C) of section
4 49(a)(1) is amended—

5 (A) by striking “and” at the end of clause (iii),

6 (B) by striking the period at the end of clause (iv) and inserting
7 “, and”, and

8 (C) inserting after clause (iv) the following new clause:

9 “(v) the basis of any property which is part of a qualify-
10 ing nuclear power equipment manufacturing project
11 under section 48C.”

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

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

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

18 (1) the construction, reconstruction, or erection of which began after
19 the date of enactment, or

20 (2) which was acquired by the taxpayer on or after the date of enact-
21 ment and not pursuant to a binding contract which was in effect on the day
22 prior to the date of enactment.]¹

¹ ALTERNATIVES: Effective for property placed in service after the date of enactment or effective for property placed in service in taxable years beginning after the date of enactment.

1 (d) SUSPENSION OF IMPORT TARIFFS AND DUTIES ON NUCLEAR COMPONENTS—

2 Notwithstanding any other provision of law, no duty, tariff or fee shall be im-
3 posed on the importation of equipment, materials or components utilized in the con-
4 struction of a commercial nuclear power plant based on an advanced reactor design
5 certified by the Commission until such time as the Secretary of Energy shall report to
6 the President that sufficient manufacturing capacity exists, with respect to such
7 equipment, materials or components appropriate for installation in a nuclear plant
8 based on such design, to provide for a competitive market in the United States ..

9 **SEC. 05. NUCLEAR ENERGY WORKFORCE.**

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

12 (1) by re-designating subsection (d) as subsection (e); and

13 (2) by inserting after subsection (c) the following:

14 “(d) WORKFORCE TRAINING. —

15 “(1) IN GENERAL. — The Secretary of Labor, in cooperation with the
16 Secretary of Energy, shall promulgate regulations to implement a pro-
17 gram to provide workforce training to meet the high demand for work-
18 ers skilled in the nuclear utility and nuclear energy products and ser-
19 vices industries.

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

1 “(3) AUTHORIZATION OF APPROPRIATIONS. – There is authorized to be
2 appropriated to the Secretary of Labor, working in coordination with
3 the Secretaries of Education and Energy, \$20,000,000 for each of fis-
4 cal years 2008 through 2012 for use in implementing a program to
5 provide workforce training to meet the high demand for workers
6 skilled in the nuclear utility and nuclear energy products and services
7 industries.”.

8 **SEC. 06. LICENSING OF NEW NUCLEAR POWER PLANTS.—**

9 (a) Section 185 of the Atomic Energy Act (42 U.S.C. 2235(b)) is amended by strik-
10 ing subsection (b) and inserting the following –

11 “b. The Commission shall issue to the applicant a combined construction and
12 operating license if the application contains sufficient information to support
13 the issuance of a combined license and the Commission determines that there
14 is reasonable assurance that the facility will be constructed and will operate in
15 conformity with the license, the provisions of this Act, and the Commission’s
16 rules and regulations. The Commission shall identify within the combined li-
17 cense the inspections, tests, and analyses, including those applicable to emer-
18 gency planning, that the licensee shall perform, and the acceptance criteria
19 that, if met, are necessary and sufficient to provide reasonable assurance that
20 the facility has been constructed and will be operated in conformity with the
21 license, the provisions of this Act, and the Commission’s rules and regula-
22 tions. Following issuance of the combined license, the Commission shall en-
23 sure that the prescribed inspections, tests, and analyses are performed and,

1 prior to operation of the facility, shall find that the prescribed acceptance cri-
2 teria are met. Any finding made under this subsection shall not require a hear-
3 ing except as provided in section 189(a)(1)(B).

4 (b) Section 189(a)(1) of the Atomic Energy Act (42 U.S.C. 2239(a)(1)) is amended by
5 striking paragraph (A) and inserting the following:

6 “(A) In any proceeding under this Act for the granting, suspending, re-
7 voking, or amending of any license, full or partial construction permit,
8 or application to transfer control, and in any proceeding for the issu-
9 ance or modification of rules and regulations dealing with the activities
10 of licensees, and in any proceeding for the payment of compensation,
11 an award, or royalties under section 153, 157, 186c., or 188, the Com-
12 mission shall—

13 “(i) grant a hearing upon receipt of a request that complies
14 with the Commission’s regulations, of any person whose inter-
15 est may be affected by the proceeding, and shall

16 “(ii) admit any such person as a party to such proceeding.

17 “(B) ISSUANCE.—

18 “(i) IN GENERAL.—In the absence of a request described in
19 subparagraph (A) relating to a construction permit, an operating li-
20 cense, a combined construction and operating license, or an amend-
21 ment to a construction permit or operating license, the Commission
22 may issue a full or partial construction permit, an operating license, a
23 combined construction and operating license or an amendment to a

1 construction permit or an amendment to an operating license without a
2 hearing, if the Commission publishes in the Federal Register a notice
3 of the proposed issuance but not later than 30 days before the issu-
4 ance.

5 “(ii) EXCEPTION.—The deadline for notice described in clause
6 (i) shall not apply in any case in which the Commission deter-
7 mines that the applicable permit, license, or amendment in-
8 volves no significant hazard.”.

9
10 **SEC. 09. NATIONAL NUCLEAR ENERGY COUNCIL.**

11 (a) DEFINITIONS.—In this section:

12 (1) COUNCIL.—The term “Council” means the National Nuclear Energy
13 Council established under subsection (b).

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

15 (b) ESTABLISHMENT.—The Secretary of Energy shall establish a council, to be
16 known as the “National Nuclear Energy Council.”

17 (c) MEMBERSHIP AND ORGANIZATION.—

18 (1) MEMBERSHIP.—The Council shall be composed of members, to be ap-
19 pointed by the Secretary.

20 (2) OFFICERS.—

21 (A) IN GENERAL.—The officers of the Council shall be—

22 (i) the chairperson;

23 (ii) the vice chairperson; and

1 (iii) such other officers as may be approved by the
2 Council.

3 (B) NO COMPENSATION.—An officer of the Council shall serve
4 without compensation.

5 (C) ELECTIONS.—The chairperson and vice-chairperson shall—

6 (i) be elected by a majority of members of the Council
7 at the initial meeting of the Council; and

8 (ii) serve until replaced by election of the Council.

9 (D) CO-CHAIRPERSON.—The Secretary (or a designee) shall
10 serve as co-chairperson of the Council.

11 (3) COMMITTEES.—

12 (A) IN GENERAL.—The Council may establish such study and
13 administrative committees as the Council determines to be ap-
14 propriate.

15 (B) STUDY COMMITTEES.—

16 (i) IN GENERAL.—A study committee shall only assist
17 the Council in preparing advice, information, or recommenda-
18 tions to the Secretary.

19 (ii) CO-CHAIRPERSON.—The Secretary of Energy (or a
20 designee) shall serve as co-chairperson of each study commit-
21 tee.

22 (iii) MEMBERSHIP.—The members of each study com-
23 mittee shall be selected from the Council membership on the

1 basis of training, experience, and general qualifications to deal
2 with the matters assigned.

3 (C) ADMINISTRATIVE COMMITTEES.—An administrative com-
4 mittee shall be formed solely for the purpose of assisting the chairper-
5 son in the management of the internal affairs of the Council.

6 (4) APPLICABILITY OF FACCA.—The Council shall be subject to the re-
7 quirements of the Federal Advisory Committee Act (5 U.S.C. App.).

8 (d) MEETINGS.—

9 (1) IN GENERAL.—The Council shall meet—

10 (A) at the call of the co-chairpersons; and

11 (B) not less frequently than twice each year.

12 (2) ATTENDANCE AND APPROVAL OF SECRETARY.—The Secretary (or a desig-
13 nee) shall—

14 (A) approve the occurrence and agenda of each meeting of the Coun-
15 cil; and

16 (B) attend each meeting.

17 (3) PUBLIC.—The Council shall—

18 (A) publish information regarding the time and place of all Council
19 meetings; and

20 (B) ensure that each meeting is open to the public.

21 (e) DUTIES.—The Council shall—

22 (1) serve in an advisory capacity to the Secretary regarding nuclear energy on
23 matters submitted to the Council by the Secretary;

- 1 (2) advise, inform, and make recommendations to the Secretary; and
2 (3) represent the views of the nuclear energy industry with respect to any mat-
3 ter relating to nuclear energy.

4 **SEC. 12. CONFIDENCE IN AVAILABILITY OF WASTE DISPOSAL.**

5 (a) CONGRESSIONAL DETERMINATION.—The Congress
6 finds that—

7 (1) there is reasonable assurance that high-level radio-
8 active waste and spent nuclear fuel generated in reactors li-
9 censed by the Nuclear Regulatory Commission in the past, cur-
10 rently, or in the future will be managed in a safe manner with-
11 out significant environmental impact until capacity for ultimate
12 disposal is available; and

13 (2) the Federal government is responsible and has an
14 established a policy for the ultimate safe and environmentally
15 sound disposal of such high-level radioactive waste and spent
16 nuclear fuel.

17 (b) REGULATORY CONSIDERATION.—Notwithstanding
18 any other provision of law, for the period following the licensed opera-
19 tion of a civilian nuclear power reactor or any facility for the treatment
20 or storage of spent nuclear fuel or high-level radioactive waste, no
21 consideration of the public health and safety, common defense and se-
22 curity, or environmental impacts of the storage of high-level radioac-
23 tive waste and spent nuclear fuel generated in reactors licensed by the

1 Nuclear Regulatory Commission in the past, currently, or in the future,
2 is required by the Department of Energy or the Nuclear Regulatory
3 Commission in connection with the development, construction, and
4 operation of, or any permit, license, license amendment, license re-
5 newal or siting approval for, a civilian nuclear power reactor or any
6 facility for the treatment or storage of spent nuclear fuel or high-level
7 radioactive waste. Nothing in this section shall affect the Department
8 of Energy's and Nuclear Regulatory Commission's obligation to con-
9 sider the public health and safety, common defense and security, and
10 environmental impacts of storage during the period of licensed opera-
11 tion of a civilian nuclear power reactor or facility for the treatment or
12 storage of spent nuclear fuel or high-level radioactive waste.

13 (c) EFFECT OF SECTION.—Nothing in this section affect any ob-
14 ligation of the Department of Energy or the Nuclear Regulatory Com-
15 mission to consider the public health and safety, common defense and
16 security, and environmental impacts of storage during the period of li-
17 censed operation of a civilian nuclear power reactor or facility for the
18 treatment or storage of spent nuclear fuel or high-level radioactive
19 waste.