

116TH CONGRESS
2D SESSION

S. 4890

To amend the Atomic Energy Act of 1954 to provide for consultation with State, Tribal, and local governments, the consideration of State, Tribal, and local concerns, and the approval of post-shutdown decommissioning activities reports by the Nuclear Regulatory Commission.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 2020

Mr. SANDERS introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Atomic Energy Act of 1954 to provide for consultation with State, Tribal, and local governments, the consideration of State, Tribal, and local concerns, and the approval of post-shutdown decommissioning activities reports by the Nuclear Regulatory Commission.

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 “Nuclear Plant Decom-
5 missioning Act of 2020”.

1 **SEC. 2. POST-SHUTDOWN DECOMMISSIONING ACTIVITIES**
 2 **REPORTS.**

3 (a) IN GENERAL.—Chapter 10 of title I of the Atomic
 4 Energy Act of 1954 (42 U.S.C. 2131 et seq.) is amended
 5 by adding at the end the following:

6 **“SEC. 113. POST-SHUTDOWN DECOMMISSIONING ACTIVI-**
 7 **TIES REPORTS.**

8 “a. DEFINITIONS.—In this section:

9 “(1) AFFECTED STATE.—The term ‘affected
 10 State’ means—

11 “(A) the host State of a covered facility;

12 and

13 “(B) each State located within 50 miles of
 14 a covered facility.

15 “(2) COMMISSION.—The term ‘Commission’
 16 means the Nuclear Regulatory Commission.

17 “(3) COVERED FACILITY.—The term ‘covered
 18 facility’ means a facility of a licensee for which a
 19 PSDAR is required.

20 “(4) COVERED MATERIAL.—The term ‘covered
 21 material’ means—

22 “(A) high-level radioactive waste;

23 “(B) spent nuclear fuel;

24 “(C) transuranic waste;

25 “(D) byproduct material that meets the re-
 26 quirements of section 11 e. (2); and

1 “(E) any other nuclear or radioactive
2 waste or material for which the Commission de-
3 termines that a material change by the licensee
4 in the manner of handling, storing, or disposing
5 of that waste or material should be preceded by
6 consultation under subsection b.

7 “(5) COVERED PSDAR.—The term ‘covered
8 PSDAR’ means—

9 “(A) the initial PSDAR for a covered facil-
10 ity; and

11 “(B) any subsequent PSDAR for a covered
12 facility in which the licensee proposes, as deter-
13 mined by the Commission—

14 “(i) a significant update to the decom-
15 missioning strategy; or

16 “(ii) a material change in the manner
17 in which covered material is handled,
18 stored, or disposed of.

19 “(6) HOST STATE.—The term ‘host State’
20 means the State in which a covered facility is lo-
21 cated.

22 “(7) LICENSE; LICENSEE.—The terms ‘license’
23 and ‘licensee’ have the meanings given the terms in
24 section 50.2 of title 10, Code of Federal Regulations
25 (or successor regulations).

1 “(8) PSDAR.—The term ‘PSDAR’ means a
2 post-shutdown decommissioning activities report
3 submitted to the Commission and affected States
4 under section 50.82(a)(4)(i) of title 10, Code of Fed-
5 eral Regulations (or successor regulations).

6 “(9) TRANSFEREE.—The term ‘transferee’
7 means an entity to which a licensee proposes to
8 transfer a license for a covered facility.

9 “(10) TRIBAL GOVERNMENT.—The term ‘Tribal
10 government’ means the governing body of an Indian
11 tribe (as defined in section 4 of the Indian Self-De-
12 termination and Education Assistance Act (25
13 U.S.C. 5304)).

14 “b. CONSULTATION REQUIRED.—Notwithstanding
15 any other provision of law (including regulations), a li-
16 censee may not submit to the Commission a proposed cov-
17 ered PSDAR, or transfer to another entity the license, for
18 a covered facility until the licensee and the transferee, if
19 applicable, conduct consultation regarding the develop-
20 ment of the proposed covered PSDAR or the proposed li-
21 cense transfer, as applicable, with—

22 “(1) each affected State; and

23 “(2) each unit of State government or Tribal
24 government that—

25 “(A) is located in an affected State; and

1 “(B) has jurisdiction over land located
2 within 50 miles of the covered facility.

3 “c. SUBMISSION TO COMMISSION; PUBLIC AVAIL-
4 ABILITY.—

5 “(1) IN GENERAL.—After carrying out the con-
6 sultation required under subsection b. with respect
7 to a proposed covered PSDAR or transfer of a li-
8 cense for a covered facility, the licensee shall—

9 “(A) submit to the Commission, as appli-
10 cable—

11 “(i) the proposed covered PSDAR; or

12 “(ii) an application for transfer of a
13 license; and

14 “(B) subject to paragraph (3), make the
15 proposed covered PSDAR or application for
16 transfer of a license, as applicable, available to
17 the public.

18 “(2) PUBLIC AVAILABILITY.—On receipt of a
19 proposed covered PSDAR or application for transfer
20 of a license under paragraph (1)(A), the Commission
21 shall, subject to paragraph (3), make the proposed
22 covered PSDAR or application for transfer of a li-
23 cense, as applicable, available to the public.

24 “(3) EXCLUSION OF CERTAIN INFORMATION.—

25 In making a proposed covered PSDAR or applica-

1 tion for transfer of a license, as applicable, available
2 to the public under paragraph (1)(B) or (2), the
3 Commission or the licensee, as applicable, may re-
4 duct such information as the Commission or the li-
5 censee, as applicable, determines to be necessary to
6 protect—

7 “(A) trade secrets and commercial or fi-
8 nancial information under section 552(b)(4) of
9 title 5, United States Code; or

10 “(B) national security.

11 “d. PUBLIC PARTICIPATION.—For a period of not
12 less than 90 days beginning on the date on which a li-
13 censee submits a proposed covered PSDAR to the Com-
14 mission under subsection c. (1)(A) or the date on which
15 the Commission docketed an application for transfer of a
16 license under section 2.101 of title 10, Code of Federal
17 Regulations (or successor regulations), as applicable, the
18 Commission shall solicit in the host State public comments
19 regarding the proposed covered PSDAR or notice of pro-
20 posed license transfer, including through—

21 “(1) the solicitation of written comments; and

22 “(2) the conduct of not fewer than 2 public
23 meetings.

24 “e. SUPPORT, CONDITIONAL SUPPORT, OR NON-
25 SUPPORT BY HOST STATE.—

1 “(1) IN GENERAL.—Not later than 60 days
2 after the date of receipt of a proposed covered
3 PSDAR or the date on which the Commission dock-
4 ets an application for transfer of a license under sec-
5 tion 2.101 of title 10, Code of Federal Regulations
6 (or successor regulations), as applicable, for a cov-
7 ered facility, the Commission shall notify the host
8 State of the opportunity to file with the Commission,
9 by the date that is 60 days after the date on which
10 the host State receives the notification—

11 “(A) a statement of support for the pro-
12 posed covered PSDAR or license transfer;

13 “(B) a statement of conditional support
14 for the proposed covered PSDAR or license
15 transfer, together with specific recommenda-
16 tions for changes that could lead the host State
17 to support the proposed covered PSDAR or li-
18 cense transfer; or

19 “(C) a statement of nonsupport for the
20 proposed covered PSDAR or license transfer.

21 “(2) STATEMENT OF SUPPORT OR NON-
22 SUPPORT; FAILURE TO SUBMIT.—

23 “(A) IN GENERAL.—If the host State files
24 with the Commission a statement of support
25 under paragraph (1)(A) or a statement of non-

1 support under paragraph (1)(C), or fails to file
 2 a statement with the Commission by the dead-
 3 line specified in paragraph (1), the Commission
 4 shall issue a determination regarding whether
 5 the proposed covered PSDAR is adequate or in-
 6 adequate or a determination regarding whether
 7 to provide consent for the proposed license
 8 transfer, as applicable—

9 “(i) based on the considerations de-
 10 scribed in subparagraph (B); and

11 “(ii) after taking into consideration—

12 “(I) any written comments sub-
 13 mitted by the host State, other af-
 14 fected States, and local communities
 15 with respect to the proposed covered
 16 PSDAR or license transfer; and

17 “(II) any input from the public
 18 under subsection d.

19 “(B) CONSIDERATIONS.—The Commission
 20 shall consider a proposed covered PSDAR or li-
 21 cense transfer to be adequate under subpara-
 22 graph (A) if the Commission determines that—

23 “(i) the proposed covered PSDAR or
 24 license transfer provides for—

1 “(I) the overall protection of
2 human health and the environment;
3 and

4 “(II) adequate protection to the
5 health and safety of the public and
6 the common defense and security;

7 “(ii) the licensee (and, if applicable,
8 the transferee) has a substantial likelihood
9 of implementing the proposed covered
10 PSDAR or license transfer within the
11 timeframe described in the proposed cov-
12 ered PSDAR or license transfer applica-
13 tion;

14 “(iii) the proposed covered PSDAR or
15 license transfer is in accordance with appli-
16 cable law (including regulations); and

17 “(iv) the licensee (and, if applicable,
18 the transferee) has demonstrated that the
19 licensee has, or will have, the funds re-
20 quired to fully implement the proposed cov-
21 ered PSDAR or license transfer within the
22 timeframe described in the proposed cov-
23 ered PSDAR or license transfer applica-
24 tion, based on—

1 “(I) a comprehensive radiological
2 site assessment and characterization;
3 and

4 “(II) a nonradiological site as-
5 sessment and characterization con-
6 ducted by the host State.

7 “(C) DETERMINATION OF ADEQUACY.—
8 Subject to paragraph (4), if the Commission de-
9 termines that a proposed covered PSDAR or li-
10 cense transfer is adequate under subparagraphs
11 (A) and (B), the Commission shall issue a deci-
12 sion document approving the covered PSDAR
13 or license transfer.

14 “(D) DETERMINATION OF INADEQUACY.—
15 “(i) IN GENERAL.—If the Commission
16 determines that a proposed covered
17 PSDAR or license transfer is inadequate
18 under subparagraphs (A) and (B)—

19 “(I) the Commission shall issue a
20 decision document rejecting the pro-
21 posed covered PSDAR or license
22 transfer, including a description of the
23 reasons for the decision, by the appli-
24 cable deadline under paragraph (4);
25 and

1 “(II) the licensee may develop
2 and submit to the Commission a new
3 proposed covered PSDAR or license
4 transfer application in accordance
5 with this section.

6 “(ii) CERTAIN COVERED PSDARS.—If
7 the Commission rejects a proposed covered
8 PSDAR that is the initial PSDAR for a
9 covered facility, the licensee shall develop
10 and submit to the Commission a new pro-
11 posed covered PSDAR in accordance with
12 this section not later than 2 years after the
13 date of cessation of operations at the cov-
14 ered facility.

15 “(3) CONDITIONAL SUPPORT BY HOST
16 STATE.—

17 “(A) IN GENERAL.—In any case in which
18 the host State files with the Commission a
19 statement of conditional support of a proposed
20 covered PSDAR or license transfer under para-
21 graph (1)(B), the Commission shall determine
22 whether the proposed covered PSDAR or li-
23 cense transfer is permissible under applicable
24 law (including regulations).

1 “(B) CHANGES.—Notwithstanding the
2 adequate protection of public health and safety
3 or the common defense and security, for each
4 change recommended by the host State under
5 paragraph (1)(B), the Commission shall—

6 “(i) provide for the inclusion of the
7 change into the final covered PSDAR or li-
8 cense transfer, unless the Commission de-
9 termines the change to be inappropriate
10 for inclusion, based on clear and con-
11 vincing evidence that—

12 “(I) the change violates applica-
13 ble law; or

14 “(II) the total costs of the
15 change substantially outweigh the
16 safety, economic, or environmental
17 benefits of the change to the host
18 State; and

19 “(ii) if applicable, provide the ration-
20 ale for each determination of inappropri-
21 ateness under clause (i).

22 “(C) DECISION DOCUMENT.—

23 “(i) IN GENERAL.—Subject to para-
24 graph (4), based on the determinations
25 made under subparagraphs (A) and (B),

1 the Commission shall issue a decision doc-
2 ument relating to a proposed covered
3 PSDAR or license transfer that, as appli-
4 cable—

5 “(I) approves the proposed cov-
6 ered PSDAR or license transfer with
7 any changes recommended by the host
8 State that are not determined to be
9 inappropriate under subparagraph
10 (B); or

11 “(II) rejects the proposed covered
12 PSDAR or license transfer.

13 “(ii) APPLICABLE LAW.—A decision
14 document issued under clause (i) or sub-
15 paragraph (C) or (D)(i) of paragraph (2)
16 shall be considered to be a final order en-
17 tered in a proceeding under section 189 a.

18 “(D) TREATMENT ON APPROVAL.—On ap-
19 proval by the Commission of a proposed covered
20 PSDAR or license transfer under subparagraph
21 (C)(i)(I) or paragraph (2)(C)—

22 “(i) the covered PSDAR or approval
23 of the license transfer by the Commission
24 shall be final; and

1 “(ii) the licensee may begin implemen-
2 tation of the covered PSDAR.

3 “(E) REJECTION.—

4 “(i) IN GENERAL.—If the Commission
5 rejects a proposed covered PSDAR or li-
6 cense transfer under subparagraph
7 (C)(i)(II), the licensee may develop and
8 submit to the Commission a new proposed
9 covered PSDAR or license transfer appli-
10 cation in accordance with this section.

11 “(ii) CERTAIN COVERED PSDARS.—If
12 the Commission rejects a proposed covered
13 PSDAR that is the initial PSDAR for a
14 covered facility, the licensee shall develop
15 and submit to the Commission a new pro-
16 posed covered PSDAR in accordance with
17 this section not later than 2 years after the
18 date of cessation of operations at the cov-
19 ered facility.

20 “(4) DEADLINE FOR DECISION DOCUMENT.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graphs (B) and (C), the Commission shall issue
23 a decision document relating to a proposed cov-
24 ered PSDAR or license transfer under subpara-
25 graph (C) or (D)(i)(I) of paragraph (2) or

1 paragraph (3)(C)(i) by not later than 1 year
2 after the date on which the proposed covered
3 PSDAR or an application for transfer of a li-
4 cense, as applicable, is submitted to the Com-
5 mission under subsection c. (1)(A).

6 “(B) PROPOSED INTERMEDIATE LICENSE
7 TRANSFERS.—

8 “(i) DEFINITION OF PROPOSED IN-
9 TERMEDIATE LICENSE TRANSFER.—In this
10 subparagraph, the term ‘proposed inter-
11 mediate license transfer’ means a proposed
12 transfer of license—

13 “(I) for a covered facility on be-
14 half of which a proposed covered
15 PSDAR has been submitted by the li-
16 censee to the Commission under sub-
17 section c. (1)(A)(i); and

18 “(II) the notice of which is sub-
19 mitted to the Commission under sub-
20 section c. (1)(A)(ii) before the applica-
21 ble deadline under subparagraph (A)
22 for the issuance by the Commission of
23 a decision document relating to the
24 proposed covered PSDAR described in
25 subclause (I).

1 “(ii) DEADLINE.—Subject to subpara-
2 graph (C), in any case in which a licensee
3 submits to the Commission a notice of a
4 proposed intermediate license transfer of a
5 covered facility, the Commission shall issue
6 a decision document relating to the pro-
7 posed covered PSDAR of the covered facil-
8 ity by not later than 1 year after the date
9 of receipt of the application for transfer of
10 a license.

11 “(C) EXTENSION.—If there are unforeseen
12 circumstances, including unexpected technical
13 issues, site-specific characteristics, or other ex-
14 ternal factors that could affect the ability of the
15 Commission to issue a decision document by a
16 deadline specified in subparagraph (A) or
17 (B)(ii), the Commission may extend the applica-
18 ble deadline for a reasonable period of time, as
19 determined by the Commission.

20 “f. ADDITIONAL REQUIREMENTS.—

21 “(1) ACTION BY TRANSFEREES.—On transfer
22 of a license for a covered facility by a licensee to a
23 transferee in accordance with this section, the trans-
24 feree shall conduct consultation in accordance with
25 subsection b. with respect to each proposed covered

1 PSDAR developed by the transferee for the covered
2 facility.

3 “(2) STATE ENVIRONMENTAL LAW COMPLI-
4 ANCE.—Notwithstanding any other provision of this
5 section, the Commission shall not approve a pro-
6 posed covered PSDAR or license transfer under this
7 section unless the proposed covered PSDAR or li-
8 cense transfer for a covered facility includes a re-
9 quirement that the licensee and the transferee, if ap-
10 plicable, shall comply with applicable State law relat-
11 ing to air, water, or soil quality or radiological
12 standards with respect to the implementation of the
13 proposed covered PSDAR or license transfer in any
14 case in which the applicable State law is more re-
15 strictive than an applicable Federal law.

16 “g. APPLICATION TO EXISTING DECOMMISSIONING
17 ACTIVITIES.—

18 “(1) IN GENERAL.—The Commission shall no-
19 tify—

20 “(A) each licensee or transferee, if applica-
21 ble, of the opportunity to develop and submit to
22 the Commission for approval a revised covered
23 PSDAR for any covered facility of the licensee
24 for which, as of the date of enactment of this
25 section—

1 “(i) decontamination and dismantle-
2 ment activities described in an existing
3 covered PSDAR have not commenced at
4 the covered facility; or

5 “(ii) decontamination and dismantle-
6 ment activities described in an existing
7 covered PSDAR have been commenced at
8 the covered facility for a period of less
9 than 5 years; and

10 “(B) each affected State with respect to a
11 covered facility described in subparagraph (A)
12 of the opportunity to consult with a licensee or
13 transferee described in that subparagraph in
14 accordance with subsection b.

15 “(2) PROCESS.—

16 “(A) IN GENERAL.—Except as provided in
17 paragraphs (3) and (4), if a licensee or trans-
18 feree described in paragraph (1)(A) elects to
19 submit to the Commission a revised covered
20 PSDAR under that paragraph, the process for
21 consideration and approval of the revised cov-
22 ered PSDAR shall be carried out in accordance
23 with—

24 “(i) the process for consideration and
25 approval of a proposed covered PSDAR for

1 a covered facility under subsections b., c.,
2 d., and f.; and

3 “(ii) the process for support, condi-
4 tional support, or nonsupport by the host
5 State under subsection e.

6 “(B) NONSELECTION.—If a licensee or
7 transferee described in paragraph (1)(A) elects
8 not to revise an existing covered PSDAR under
9 that paragraph, the host State may file a state-
10 ment of support, conditional support, or non-
11 support for the existing covered PSDAR in ac-
12 cordance with the process for support, condi-
13 tional support, or nonsupport by a host State
14 under subsection e.

15 “(3) DECISION DOCUMENT.—A decision docu-
16 ment for a revised covered PSDAR submitted under
17 paragraph (1)(A), or for an existing covered PSDAR
18 in any case in which the licensee or transferee elects
19 not to revise the existing covered PSDAR, shall be
20 issued in accordance with subparagraph (C) or
21 (D)(i)(I) of subsection e. (2) or subsection e. (3)(C),
22 as applicable, except that the Commission shall issue
23 the decision document by the date that is 1 year
24 after the date on which the applicable decontamina-

1 tion and dismantlement activities commence at the
2 applicable covered facility.

3 “(4) REVISION AFTER DETERMINATION OF IN-
4 ADEQUACY.—If the Commission rejects a revised
5 covered PSDAR submitted by a licensee or trans-
6 feree under paragraph (1)(A) in accordance with
7 subsection e. (2)(D)(i)(I) or subsection e.
8 (3)(C)(i)(II), the licensee or transferee shall develop
9 and submit to the Commission a new revised covered
10 PSDAR in accordance with this subsection by not
11 later than 2 years after the date of the rejection.”.

12 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

13 (1) IN GENERAL.—The Atomic Energy Act of
14 1954 is amended—

15 (A) in section 103 (42 U.S.C. 2133)—

16 (i) in subsection d., in the second sen-
17 tence, by striking “any any” and inserting
18 “any”; and

19 (ii) by redesignating subsection f. as
20 subsection e.; and

21 (B) in section 111 (42 U.S.C. 2141), by
22 striking the section designation and all that fol-
23 lows through “The Nuclear” in subsection a.
24 and inserting the following:

1 **“SEC. 111. LICENSING BY NUCLEAR REGULATORY COMMIS-**
 2 **SION OF DISTRIBUTION OF CERTAIN MATE-**
 3 **RIALS BY DEPARTMENT OF ENERGY.**

4 “a. The Nuclear”.

5 (2) TABLE OF CONTENTS.—The table of con-
 6 tents of the Atomic Energy Act of 1954 (68 Stat.
 7 919; 126 Stat. 2216) is amended by striking the
 8 items relating to chapter 10 of title I and inserting
 9 the following:

“CHAPTER 10. ATOMIC ENERGY LICENSES

“Sec. 101. License required.

“Sec. 102. Utilization and production facilities for industrial or commercial purposes.

“Sec. 103. Commercial licenses.

“Sec. 104. Medical therapy and research and development.

“Sec. 105. Antitrust provisions.

“Sec. 106. Classes of facilities.

“Sec. 107. Operators’ licenses.

“Sec. 108. War or national emergency.

“Sec. 109. Component and other parts of facilities.

“Sec. 110. Exclusions.

“Sec. 111. Licensing by Nuclear Regulatory Commission of distribution of certain materials by Department of Energy.

“Sec. 112. Domestic medical isotope production.

“Sec. 113. Post-shutdown decommissioning activities reports.”.

10 **SEC. 3. GRANT PROGRAMS TO SUPPORT THE ACTIVITIES**
 11 **OF COMMUNITY ADVISORY BOARDS.**

12 (a) DEFINITIONS.—In this section:

13 (1) COMMUNITY ADVISORY BOARD.—The term
 14 “community advisory board” means a community
 15 committee or other advisory organization that aims
 16 to foster communication and information exchange
 17 between—

1 (A) a licensee planning for and involved in
2 decommissioning activities; and

3 (B) members of a community that may be
4 affected by the decommissioning activities of
5 that licensee.

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

8 (3) DECOMMISSION.—The term “decommis-
9 sion” has the meaning given the term in section
10 50.2 of title 10, Code of Federal Regulations (or
11 successor regulations).

12 (4) LICENSEE.—The term “licensee” has the
13 meaning given the term in section 50.2 of title 10,
14 Code of Federal Regulations (or successor regula-
15 tions).

16 (5) SMALL, RURAL, OR DISADVANTAGED COM-
17 MUNITY.—The term “small, rural, or disadvantaged
18 community” means a community that—

19 (A) has a population of fewer than 50,000
20 individuals; or

21 (B) is disadvantaged with respect to geo-
22 graphic, socioeconomic, public health, or envi-
23 ronmental hazard criteria, as determined by the
24 Commission.

25 (b) SHORT-TERM GRANT PROGRAM.—

1 (1) DEFINITION OF ELIGIBLE ENTITY.—In this
2 subsection, the term “eligible entity” means—

3 (A) a State in which a civilian nuclear
4 power plant or nuclear power generation unit,
5 as determined by the Commission, is decommis-
6 sioned or is in the process of being decommis-
7 sioned during the 3-year period beginning on
8 the date of enactment of this Act; and

9 (B) an Indian Tribe the land of which con-
10 tains a civilian nuclear power plant or nuclear
11 power generation unit, as determined by the
12 Commission, that is decommissioned or is in the
13 process of being decommissioned during the 3-
14 year period beginning on the date of enactment
15 of this Act.

16 (2) ESTABLISHMENT.—Not later than 180 days
17 after the date of enactment of this Act, the Commis-
18 sion shall establish a grant program under which the
19 Commission shall award grants to eligible entities to
20 support the activities of community advisory boards.

21 (3) APPLICATIONS.—An eligible entity desiring
22 a grant under this subsection shall submit to the
23 Commission an application at such time, in such
24 manner, and containing such information as the
25 Commission may require.

1 (4) USE OF FUNDS.—

2 (A) AWARDING OF SUBGRANTS.—An eligi-
3 ble entity shall use a grant awarded under this
4 subsection to make subgrants to community ad-
5 visory boards for use in accordance with sub-
6 paragraph (B).

7 (B) USE OF SUBGRANTS.—A community
8 advisory board may use a subgrant awarded
9 under subparagraph (A)—

- 10 (i) to hire or consult with experts;
11 (ii) for administrative costs;
12 (iii) to cover travel expenses;
13 (iv) for website and social media
14 maintenance;
15 (v) for the preparation of annual re-
16 ports and other communications;
17 (vi) to contract for services;
18 (vii) to reimburse volunteers; and
19 (viii) to cover other reasonable and
20 necessary expenses of the community advi-
21 sory board, as determined to be appro-
22 priate by the Commission.

23 (5) DISTRIBUTION OF FUNDS.—The Commis-
24 sion shall establish a formula to ensure, to the max-

1 imum extent practicable, geographic diversity among
2 grant recipients under this subsection.

3 (6) REQUIREMENT.—In carrying out this sub-
4 section, the Commission, to the maximum extent
5 practicable, shall implement the recommendations
6 described in the report submitted to Congress under
7 section 108 of the Nuclear Energy Innovation and
8 Modernization Act (Public Law 115–439; 132 Stat.
9 5577) entitled “Best Practices for Establishment
10 and Operation of Local Community Advisory Boards
11 Associated with Decommissioning Activities at Nu-
12 clear Power Plants”.

13 (7) COST SHARING.—Notwithstanding any
14 other provision of law, with respect to a subgrant
15 awarded under this subsection, neither the Commis-
16 sion nor an eligible entity may impose a cost-sharing
17 requirement on a community advisory board with re-
18 spect to—

19 (A) any activity that is carried out on be-
20 half of, for the benefit of, or to foster commu-
21 nication and information exchange with, a
22 small, rural, or disadvantaged community; or

23 (B) any activity of the community advisory
24 board if—

1 (i) the applicable nuclear power plant
2 or nuclear power generation unit is located
3 in a small, rural, or disadvantaged commu-
4 nity; or

5 (ii) a small, rural, or disadvantaged
6 community may be disproportionately im-
7 pacted by the applicable decommissioning
8 activities of the licensee.

9 (8) AUTHORIZATION OF APPROPRIATIONS.—

10 There is authorized to be appropriated to the Com-
11 mission to carry out this subsection \$12,500,000 for
12 the period of fiscal years 2021 through 2023, to re-
13 main available until the date that is 5 years after
14 the date of enactment of this Act.

15 (c) LONG-TERM GRANT PROGRAM.—

16 (1) DEFINITIONS.—In this subsection:

17 (A) ELIGIBLE ENTITY.—The term “eligible
18 entity” means—

19 (i) a State in which a civilian nuclear
20 power plant or nuclear power generation
21 unit, as determined by the Commission, is
22 decommissioned or is in the process of
23 being decommissioned more than 3 years
24 after the date of enactment of this Act;
25 and

1 (ii) an Indian Tribe the land of which
2 contains a civilian nuclear power plant or
3 nuclear power generation unit, as deter-
4 mined by the Commission, that is decom-
5 missioned or is in the process of being de-
6 commissioned more than 3 years after the
7 date of enactment of this Act.

8 (B) FUND.—The term “Fund” means the
9 Community Advisory Board Fund established
10 under paragraph (2).

11 (C) PSDAR.—The term “PSDAR” means
12 a post-shutdown decommissioning activities re-
13 port submitted to the Commission and affected
14 States under section 50.82(a)(4)(i) of title 10,
15 Code of Federal Regulations (or successor regu-
16 lations).

17 (2) COMMUNITY ADVISORY BOARD FUND.—

18 (A) ESTABLISHMENT.—There is estab-
19 lished in the Treasury of the United States a
20 fund, to be known as the “Community Advisory
21 Board Fund”.

22 (B) DEPOSITS.—Each fiscal year, there
23 shall be deposited in the Fund an amount equal
24 to the total amount collected by the Commis-

1 sion pursuant to the regulations promulgated
2 under paragraph (7) for the fiscal year.

3 (C) USE OF FUND.—Amounts in the Fund
4 shall be available to the Commission, without
5 further appropriation or fiscal year limitation,
6 for making grants under this subsection.

7 (3) ESTABLISHMENT OF GRANT PROGRAM.—
8 Not later than 1 year after the date of enactment
9 of this Act, the Commission shall establish a grant
10 program under which the Commission shall award
11 grants to eligible entities to support the activities of
12 community advisory boards.

13 (4) APPLICATIONS.—An eligible entity desiring
14 a grant under this subsection shall submit to the
15 Commission an application at such time, in such
16 manner, and containing such information as the
17 Commission may require.

18 (5) USE OF FUNDS.—

19 (A) AWARDING OF SUBGRANTS.—An eligi-
20 ble entity shall use a grant awarded under this
21 subsection to make subgrants to community ad-
22 visory boards for use in accordance with sub-
23 paragraph (B).

1 (B) USE OF SUBGRANTS.—A community
2 advisory board may use a subgrant awarded
3 under subparagraph (A)—

4 (i) to hire or consult with experts;

5 (ii) for administrative costs;

6 (iii) to cover travel expenses;

7 (iv) for website and social media
8 maintenance;

9 (v) for the preparation of annual re-
10 ports and other communications;

11 (vi) to contract for services;

12 (vii) to reimburse volunteers; and

13 (viii) to cover other reasonable and
14 necessary expenses of the community advi-
15 sory board, as determined to be appro-
16 priate by the Commission.

17 (6) COST SHARING.—Notwithstanding any
18 other provision of law, with respect to a subgrant
19 awarded under this subsection, neither the Commis-
20 sion nor an eligible entity may impose a cost-sharing
21 requirement on a community advisory board with re-
22 spect to—

23 (A) any activity that is carried out on be-
24 half of, for the benefit of, or to foster commu-

1 nication and information exchange with, a
2 small, rural, or disadvantaged community; or

3 (B) any activity of the community advisory
4 board if—

5 (i) the applicable nuclear power plant
6 or nuclear power generation unit is located
7 in a small, rural, or disadvantaged commu-
8 nity; or

9 (ii) a small, rural, or disadvantaged
10 community may be disproportionately im-
11 pacted by the applicable decommissioning
12 activities of the licensee.

13 (7) RULEMAKING.—

14 (A) IN GENERAL.—Not later than 180
15 days after the date of enactment of this Act,
16 the Commission shall promulgate regulations
17 requiring a licensee submitting to the Commis-
18 sion a PSDAR relating to the decommissioning
19 of a nuclear power plant or a nuclear power
20 generation unit, as determined by the Commis-
21 sion, for which consultation is required under
22 section 113 b. of the Atomic Energy Act of
23 1954 to certify that the licensee has paid to the
24 Commission for deposit into the Fund—

1 (i) in the case of a PSDAR relating to
2 the decommissioning of 1 or more nuclear
3 power plants, \$500,000 for each of those
4 power plants; or

5 (ii) in the case of a PSDAR relating
6 to the decommissioning of 1 or more nu-
7 clear power generation units, as deter-
8 mined by the Commission, \$500,000 for
9 each nuclear power plant in which those
10 units are located.

11 (B) REQUIREMENTS.—The regulations
12 promulgated under subparagraph (A) shall pro-
13 vide that—

14 (i) for each subsequent PSDAR relat-
15 ing to a nuclear power plant for which a
16 PSDAR was previously submitted relating
17 to the power plant or any nuclear power
18 generation unit located in the power
19 plant—

20 (I) if consultation is required
21 under section 113 b. of the Atomic
22 Energy Act of 1954 with respect to
23 the subsequent PSDAR or any decom-
24 missioning activities relating to the
25 subsequent PSDAR, the licensee sub-

1 mitting the subsequent PSDAR shall
2 certify that the licensee has paid to
3 the Commission for deposit into the
4 Fund \$500,000, which shall be in ad-
5 dition to any amounts previously paid
6 to the Commission for deposit into the
7 Fund relating to any previously sub-
8 mitted PSDAR; and

9 (II) if consultation under section
10 113 b. of the Atomic Energy Act of
11 1954 is not required with respect to
12 the subsequent PSDAR or any decom-
13 missioning activities relating to the
14 subsequent PSDAR, the licensee sub-
15 mitting the subsequent PSDAR shall
16 certify that such consultation is not
17 required;

18 (ii) a licensee may pay to the Commis-
19 sion the amounts described in clause (i) or
20 (ii) of subparagraph (A) or in subclause (I)
21 of clause (i) at any time prior to the sub-
22 mission of a PSDAR relating to those
23 amounts; and

24 (iii) with respect to a merchant power
25 plant, no amounts may be withdrawn from

1 the decommissioning trust fund relating to
2 that merchant power plant for the purpose
3 of paying to the Commission an amount
4 described in—

5 (I) clause (i) or (ii) of subpara-
6 graph (A); or

7 (II) subclause (I) of clause (i).

8 (C) LIMITATION.—A licensee that has paid
9 to the Commission the amount described in
10 clause (i) or (ii) of subparagraph (A) with re-
11 spect to a nuclear power plant shall not be re-
12 quired to pay that amount with respect to the
13 same power plant on submission of any subse-
14 quent PSDAR relating to the decommissioning
15 of that power plant or any nuclear power gen-
16 eration unit located in that power plant if con-
17 sultation is not required with respect to that
18 PSDAR or any decommissioning activities relat-
19 ing to that PSDAR under section 113 b. of the
20 Atomic Energy Act of 1954.

21 (8) REQUIREMENT.—In carrying out this sub-
22 section, the Commission, to the maximum extent
23 practicable, shall implement the recommendations
24 described in the report submitted to Congress under
25 section 108 of the Nuclear Energy Innovation and

1 Modernization Act (Public Law 115–439; 132 Stat.
 2 5577) entitled “Best Practices for Establishment
 3 and Operation of Local Community Advisory Boards
 4 Associated with Decommissioning Activities at Nu-
 5 clear Power Plants”.

6 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS TO ASSIST**
 7 **NUCLEAR CLOSURE COMMUNITIES.**

8 (a) DEFINITIONS.—In this section:

9 (1) ADMINISTRATION.—The term “Administra-
 10 tion” means the Economic Development Administra-
 11 tion.

12 (2) ASSISTANT SECRETARY.—The term “Assist-
 13 ant Secretary” means the Assistant Secretary of
 14 Commerce for Economic Development.

15 (3) NUCLEAR CLOSURE COMMUNITY.—The
 16 term “nuclear closure community” means a commu-
 17 nity that has been impacted, or reasonably dem-
 18 onstrates to the satisfaction of the Assistant Sec-
 19 retary that it will be impacted, by the closure of a
 20 nuclear power plant.

21 (4) SMALL, RURAL, OR DISADVANTAGED COM-
 22 MUNITY.—The term “small, rural, or disadvantaged
 23 community” means a community that—

24 (A) has a population of fewer than 50,000
 25 individuals; or

1 (B) is disadvantaged with respect to geo-
2 graphic, socioeconomic, public health, or envi-
3 ronmental hazard criteria, as determined by the
4 Assistant Secretary.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) IN GENERAL.—There is authorized to be
7 appropriated to the Assistant Secretary to assist in
8 the economic development of nuclear closure commu-
9 nities \$35,000,000 for each of fiscal years 2021
10 through 2029.

11 (2) USE OF FUNDS.—Of any amounts appro-
12 priated under paragraph (1), the Assistant Secretary
13 shall use—

14 (A) 15 percent to provide technical assist-
15 ance to nuclear closure communities under the
16 Research and National Technical Assistance
17 Program of the Administration; and

18 (B) 85 percent for implementation projects
19 in nuclear closure communities under the Eco-
20 nomic Adjustment Assistance Program of the
21 Administration established under section 209 of
22 the Public Works and Economic Development
23 Act of 1965 (42 U.S.C. 3149).

24 (3) COST SHARING.—Notwithstanding any
25 other provision of law, with respect to any amounts

1 appropriated under paragraph (1), the Assistant
 2 Secretary may not impose a cost-sharing require-
 3 ment with respect to—

4 (A) any technical assistance described in
 5 paragraph (2)(A) that is provided to a nuclear
 6 closure community that is a small, rural, or dis-
 7 advantaged community; or

8 (B) any implementation project described
 9 in paragraph (2)(B) in a nuclear closure com-
 10 munity that is a small, rural, or disadvantaged
 11 community.

12 **SEC. 5. FINANCIAL ASSISTANCE FOR COMMUNITIES WITH**
 13 **STRANDED NUCLEAR WASTE.**

14 (a) DEFINITIONS.—In this section:

15 (1) AFFECTED COMMUNITY.—The term “af-
 16 fected community” means a unit of local govern-
 17 ment, including a county, city, town, village, school
 18 district, or special district, that contains stranded
 19 nuclear waste within the boundaries of the unit of
 20 local government, as determined by the Secretary.

21 (2) ELIGIBLE CIVILIAN NUCLEAR POWER
 22 PLANT.—The term “eligible civilian nuclear power
 23 plant” means a nuclear power plant that—

24 (A) has been decommissioned; or

1 (B) is in the process of being decommis-
2 sioned.

3 (3) SECRETARY.—The term “Secretary” means
4 the Secretary of Energy.

5 (4) STRANDED NUCLEAR WASTE.—The term
6 “stranded nuclear waste” means nuclear waste or
7 spent nuclear fuel stored in dry casks or spent fuel
8 pools at a decommissioned or decommissioning nu-
9 clear facility.

10 (b) ESTABLISHMENT.—Not later than 60 days after
11 the date of enactment of this Act, the Secretary shall es-
12 tablish and carry out a noncompetitive grant program to
13 provide financial assistance to units of local government
14 within the jurisdictional boundary of which an eligible ci-
15 vilian nuclear power plant is located to offset the economic
16 and social impacts of stranded nuclear waste in affected
17 communities.

18 (c) ELIGIBILITY.—A unit of local government that is
19 an affected community shall be eligible to receive a grant
20 under this section for a fiscal year.

21 (d) AWARDS.—

22 (1) AMOUNT.—The amount of a grant awarded
23 under subsection (b) shall be equal to \$15 for each
24 kilogram of spent nuclear fuel stored at the eligible

1 civilian nuclear power plant in the affected commu-
2 nity.

3 (2) NUMBER AND FREQUENCY.—With respect
4 to each eligible civilian nuclear power plant, the Sec-
5 retary may only award 1 grant under subsection (b)
6 to each eligible unit of local government for each fis-
7 cal year.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) IN GENERAL.—There are authorized to be
10 appropriated to the Secretary such sums as are nec-
11 essary to carry out this section for each of fiscal
12 years 2020 through 2029.

13 (2) NO OFFSET.—None of the funds made
14 available under this subsection may be used to offset
15 the funding for any other Federal program.

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