scribes how the Department could enhance energy resilience and reduce carbon emissions with the use of micro-reactors and small modular reactors.

(c) Elements

The report required by subsection (b) shall address the following:

(1) An evaluation by the Department of current resilience and carbon reduction requirements for energy for facilities of the Department to determine whether changes are needed to address—

(A) the need to provide uninterrupted power to facilities of the Department for at least 3 days during power grid failures;

(B) the need for protection against cyber threats and electromagnetic pulses; and

(C) resilience to extreme natural events, including earthquakes, volcanic activity, tornados, hurricanes, floods, tsunamis, lahars, landslides, seiches, a large quantity of snowfall, and very low or high temperatures.

(2) A strategy of the Department for using nuclear energy to meet resilience and carbon reduction goals of facilities of the Department.

(3) A strategy to partner with private industry to develop and deploy micro-reactors and small modular reactors to remote communities in order to replace diesel generation and other fossil fuels.

(4) An assessment by the Department of the value associated with enhancing the resilience of a facility of the Department by transitioning to power from micro-reactors and small modular reactors and to co-located nuclear facilities with the capability to provide dedicated power to the facility of the Department during a grid outage or failure.

(5) The plans of the Department—

(A) for deploying a micro-reactor and a small modular reactor to produce energy for use by a facility of the Department in the United States by 2026;

(B) for deploying a small modular reactor to produce energy for use by a facility of the Department in the United States by 2029; and

(C) to include micro-reactors and small modular reactors in the planning for meeting future facility energy needs.

(d) Financial and technical assistance for siting micro-reactors, small modular reactors, and advanced nuclear reactors

(1) In general

The Secretary shall offer financial and technical assistance to entities to conduct feasibility studies for the purpose of identifying suitable locations for the deployment of micro-reactors, small modular reactors, and advanced nuclear reactors in isolated communities.

(2) Requirement

Prior to providing financial and technical assistance under paragraph (1), the Secretary shall conduct robust community engagement and outreach for the purpose of identifying levels of interest in isolated communities.

(3) Limitation

The Secretary shall not disburse more than 50 percent of the amounts available for financial assistance under this subsection to the National Laboratories.

(Pub. L. 117–58, div. D, title III, §40321, Nov. 15, 2021, 135 Stat. 1016.)

Statutory Notes and Related Subsidiaries

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117–58, including authority of Secretary of Labor, see section 18851 of this title.

§ 18752. Property interests relating to certain projects and protection of information relating to certain agreements

(a)[1] Property interests relating to federally funded advanced nuclear reactor projects

(1) Definitions

In this section:

(A) Advanced nuclear reactor

The term ''advanced nuclear reactor'' has the meaning given the term in section 16271(b) of this title.

(B) Property interest

(i) In general

Except as provided in clause (ii), the term ''property interest'' means any interest in real property or personal property (as those terms are defined in section 200.1 of title 2, Code of Federal Regulations (as in effect on November 15, 2021)).

(ii) Exclusion

The term ''property interest'' does not include any interest in intellectual property developed using funding provided under a project described in paragraph (3).

(2) Assignment of property interests

The Secretary may assign to any entity, including the United States, fee title or any other property interest acquired by the Secretary under an agreement entered into with respect to a project described in paragraph (3).

(3) Project described

A project referred to in paragraph (2) is—

(A) a project for which funding is provided pursuant to the funding opportunity announcement of the Department numbered DE–FOA–0002271, including any project for which funding has been provided pursuant to that announcement as of November 15, 2021;

(B) any other project for which funding is provided using amounts made available for the Advanced Reactor Demonstration Program of the Department under the heading ''Nuclear Energy'' under the heading ''ENERGY PROGRAMS'' in title III of division C of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94; 133 Stat. 2670);

[1] So in original. No subsec. (b) has been enacted.

(C) any other project for which Federal funding is provided under the Advanced Reactor Demonstration Program of the Department; or

(D) a project—

(i) relating to advanced nuclear reactors; and

(ii) for which Federal funding is provided under a program focused on development and demonstration.

(4) Retroactive vesting

The vesting of fee title or any other property interest assigned under paragraph (2) shall be retroactive to the date on which the applicable project first received Federal funding as described in any of subparagraphs (A) through (D) of paragraph (3).

(Pub. L. 117–58, div. D, title III, § 40322(a), Nov. 15, 2021, 135 Stat. 1017.)

Editorial Notes

REFERENCES IN TEXT

The Further Consolidated Appropriations Act, 2020, referred to in subsec. (a)(3)(B), is Pub. L. 116–94, Dec. 20, 2019, 133 Stat. 2534. Title III of division C of the Act is title III of div. C of Pub. L. 116–94, Dec. 20, 2019, 133 Stat. 2669, which enacted section 825s–8 of Title 16, Conservation, and provisions set out as notes under section 6939f of this title and 838i of Title 16, and provisions set out in a table under sections 6241 and 7171 of this title. For complete classification of this Act to the Code, see Tables.

Statutory Notes and Related Subsidiaries

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117–58, including authority of Secretary of Labor, see section 18851 of this title.

§ 18753. Civil nuclear credit program

(a) Definitions

In this section:

(1) Certified nuclear reactor

The term ''certified nuclear reactor'' means a nuclear reactor that—

(A) competes in a competitive electricity market; and

(B) is certified under subsection (c)(2)(A)(i) to submit a sealed bid in accordance with subsection (d).

(2) Credit

The term ''credit'' means a credit allocated to a certified nuclear reactor under subsection (e)(2).

(b) Establishment of program

The Secretary shall establish a civil nuclear credit program—

(1) to evaluate nuclear reactors that are projected to cease operations due to economic factors; and

(2) to allocate credits to certified nuclear reactors that are selected under paragraph (1)(B) of subsection (e) to receive credits under paragraph (2) of that subsection.

(c) Certification

(1) Application

(A) In general

In order to be certified under paragraph (2)(A)(i), the owner or operator of a nuclear reactor that is projected to cease operations due to economic factors shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be appropriate, including—

(i) information on the operating costs necessary to make the determination described in paragraph (2)(A)(ii)(I), including—

(I) the average projected annual operating loss in dollars per megawatt-hour, inclusive of the cost of operational and market risks, expected to be incurred by the nuclear reactor over the 4-year period for which credits would be allocated;

(II) any private or publicly available data with respect to current or projected bulk power market prices;

(III) out-of-market revenue streams;

(IV) operations and maintenance costs;

(V) capital costs, including fuel; and

(VI) operational and market risks;

(ii) an estimate of the potential incremental air pollutants that would result if the nuclear reactor were to cease operations;

(iii) known information on the source of produced uranium and the location where the uranium is converted, enriched, and fabricated into fuel assemblies for the nuclear reactor for the 4-year period for which credits would be allocated; and

(iv) a detailed plan to sustain operations at the conclusion of the applicable 4-year period for which credits would be allocated—

(I) without receiving additional credits; or

(II) with the receipt of additional credits of a lower amount than the credits allocated during that 4-year credit period.

(B) Timeline

The Secretary shall accept applications described in subparagraph (A)—

(i) until the date that is 120 days after November 15, 2021; and

(ii) not less frequently than every year thereafter.

(C) Payments from State programs

(i) In general

The owner or operator of a nuclear reactor that receives a payment from a State zero-emission credit, a State clean energy contract, or any other State program with respect to that nuclear reactor shall be eligible to submit an application under subparagraph (A) with respect to that nuclear reactor during any application period beginning after the 120-day period beginning on November 15, 2021.

(ii) Requirement

An application submitted by an owner or operator described in clause (i) with re-