

6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

### § 13523. Management plan

#### (a) Plan preparation

The Secretary, in consultation with the Advisory Board established under section 13522 of this title, shall prepare a management plan for the conduct of research, development, demonstration, and commercial application of energy technologies that is consistent with the goals stated in section 13401 of this title.

#### (b) Contents of plan

The management plan under subsection (a) shall provide for—

- (1) investigation of promising energy and energy efficiency resource technologies that have been identified as potentially significant future contributors to national energy security;
- (2) development of energy and energy efficiency resource technologies that have the potential to reduce energy supply vulnerability, and to minimize adverse impacts on the environment, the global climate, and the economy; and
- (3) creation of opportunities for export of energy and energy efficiency resource technologies from the United States that can enhance the Nation's competitiveness.

#### (c) Energy technology inventory and status report

As part of the management plan, the Secretary, with the advice of the Advisory Board established under section 13522 of this title, shall develop an inventory and status report of technologies to enhance energy supply and to improve the efficiency of energy end uses. The inventory and status report shall include fossil, renewable, nuclear, and energy conservation technologies which have not yet achieved the status of fully reliable and cost-competitive commercial availability, but which the Secretary projects may become available with additional research, development, and demonstration. The inventory and status report shall provide, for each technology—

- (1) an assessment of its—
  - (A) degree of technological maturity; and
  - (B) principal research, development, and demonstration issues, including—
    - (i) the barriers posed by capital, operating, and maintenance costs;
    - (ii) technical performance; and
    - (iii) potential environmental impacts;
- (2) the projected time frame for commercial availability, specifying at a minimum whether the technology will be commercially available in the near-term, mid-term, or long-term, whether there are too many uncertainties to project availability, or whether it is unlikely that the technology will ever be commercial; and
- (3) a projection of the future cost-competitiveness of the technology in comparison with alternative technologies to provide the same energy service.

#### (d) Public comment

The Secretary shall publish the proposed management plan for a written public comment pe-

riod of at least 90 days. The Secretary shall consider such comments and include a summary thereof in the management plan.

#### (e) Plan submission

Within one year after October 24, 1992, the Secretary shall submit the first management plan under this section to Congress. Thereafter, the Secretary shall submit a revised management plan biennially, at the time of submittal of the President's annual budget submission to the Congress.

(Pub. L. 102-486, title XXIII, §2304, Oct. 24, 1992, 106 Stat. 3093.)

### § 13524. Costs related to decommissioning and storage and disposal of nuclear waste

#### (a) Award of contracts

##### (1) Prime contractors

In awarding contracts to perform nuclear hot cell services, the Secretary, in evaluating bids for such contracts, shall exclude from consideration costs related to the decommissioning of nuclear facilities or the storage and disposal of nuclear waste, if—

- (A) one or more of the parties bidding to perform such services is a United States company that is subject to such costs; and
- (B) one or more of the parties bidding to perform such services is a foreign company that is not subject to comparable costs.

##### (2) Subcontractors

Any person awarded a contract subject to the restrictions described in paragraph (1) who subcontracts with a person to perform the services described in such paragraph shall be subject to the same restrictions in evaluating bids among potential subcontractors, as the Secretary was subject to in evaluating bids among prime contractors.

#### (b) Issuance of regulations

The Secretary shall issue regulations not later than 90 days after October 24, 1992, to carry out the requirements of subsection (a).

#### (c) Definitions

As used in this section—

- (1) the term "costs related to decommissioning of nuclear facilities" means any cost associated with the compliance with regulatory requirements governing the decommissioning of nuclear facilities licensed by the Nuclear Regulatory Commission;
- (2) the term "costs related to storage and disposal of nuclear waste" means any costs, whether required by regulation or incurred as a matter of prudent business practice, associated with the storage or disposal of nuclear waste;
- (3) the term "nuclear hot cell services" means services related to the examination of, or performance of various operations on, nuclear fuel rods, control assemblies, or other components that are emitting large quantities of ionizing radiation; and
- (4) the term "nuclear waste" means any radioactive waste material subject to regulation by the Nuclear Regulatory Commission or the Department of Energy.