

(A) 100 percent of the covered costs of delay; but

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

**(3) Subsequent 4 reactors**

In the case of the next 4 reactors that receive a combined license and on which construction is commenced, the Secretary shall pay—

(A) 50 percent of the covered costs of delay that occur after the initial 180-day period of covered delay; but

(B) not more than \$250,000,000 per contract.

**(4) Conditions on payment of certain covered costs**

**(A) In general**

The obligation of the Secretary to pay the covered costs described in subparagraph (B) of paragraph (5) is subject to the Secretary receiving from appropriations or payments from other non-Federal sources amounts sufficient to pay the covered costs.

**(B) Non-Federal sources**

The Secretary may receive and accept payments from any non-Federal source, which shall be made available without further appropriation for the payment of the covered costs.

**(5) Types of covered costs**

Subject to paragraphs (2), (3), and (4), the contract entered into under this section for an advanced nuclear facility shall include as covered costs those costs that result from a delay during construction and in gaining approval for fuel loading and full-power operation, including—

(A) principal or interest on any debt obligation of an advanced nuclear facility owned by a non-Federal entity; and

(B) the incremental difference between—

(i) the fair market price of power purchased to meet the contractual supply agreements that would have been met by the advanced nuclear facility but for the delay; and

(ii) the contractual price of power from the advanced nuclear facility subject to the delay.

**(e) Requirements**

Any contract between a sponsor and the Secretary covering an advanced nuclear facility under this section shall require the sponsor to use due diligence to shorten, and to end, the delay covered by the contract.

**(f) Reports**

For each advanced nuclear facility that is covered by a contract under this section, the Commission shall submit to Congress and the Secretary quarterly reports summarizing the status of licensing actions associated with the advanced nuclear facility.

**(g) Regulations**

**(1) In general**

Subject to paragraphs (2) and (3), the Secretary shall issue such regulations as are necessary to carry out this section.

**(2) Interim final rulemaking**

Not later than 270 days after August 8, 2005, the Secretary shall issue for public comment

an interim final rule regulating contracts authorized by this section.

**(3) Notice of final rulemaking**

Not later than 1 year after August 8, 2005, the Secretary shall issue a notice of final rulemaking regulating the contracts.

**(h) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this section.

(Pub. L. 109-58, title VI, §638, Aug. 8, 2005, 119 Stat. 791.)

PART B—NEXT GENERATION NUCLEAR PLANT PROJECT

**§ 16021. Project establishment**

**(a) Establishment**

The Secretary shall establish a project to be known as the “Next Generation Nuclear Plant Project” (referred to in this part as the “Project”).

**(b) Content**

The Project shall consist of the research, development, design, construction, and operation of a prototype plant, including a nuclear reactor that—

(1) is based on research and development activities supported by the Generation IV Nuclear Energy Systems Initiative under section 16272(c)<sup>1</sup> of this title; and

(2) shall be used—

(A) to generate electricity;

(B) to produce hydrogen; or

(C) both to generate electricity and to produce hydrogen.

(Pub. L. 109-58, title VI, §641, Aug. 8, 2005, 119 Stat. 794; Pub. L. 115-248, §2(b)(2), Sept. 28, 2018, 132 Stat. 3155.)

REFERENCES IN TEXT

Section 16272 of this title, referred to in subsec. (b)(1), was amended generally by Pub. L. 116-260, div. Z, title II, §2003(a), Dec. 27, 2020, 134 Stat. 2459 and, as amended, section 16272(c) of this title no longer refers to the Generation IV Nuclear Energy Systems Initiative.

AMENDMENTS

2018—Pub. L. 115-248 substituted “section 16272(c)” for “section 16272(d)”, which had been an editorial translation of a reference in original text to section 942(d) of Pub. L. 109-58.

**§ 16022. Project management**

**(a) Departmental management**

**(1) In general**

The Project shall be managed in the Department by the Office of Nuclear Energy, Science, and Technology.

**(2) Generation IV Nuclear Energy Systems program**

The Secretary may combine the Project with the Generation IV Nuclear Energy Systems Initiative.

**(3) Existing DOE project management expertise**

The Secretary may utilize capabilities for review of construction projects for advanced

<sup>1</sup> See References in Text note below.