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[COMMITTEE PRINT]

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. --- introduced the following bill; which was referred to the Committee on _____

A BILL

To enhance energy conservation, provide for security and diversity in the energy supply for the American people, and for other purposes.

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 AND TABLE OF CONTENTS.

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Energy Advancement and Conservation Act of 2001”.

6 (b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.



July 13, 2001 (2:28 PM)
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TITLE I—NUCLEAR ENERGY

- Sec. 101. Budget status of Nuclear Waste Fund.
- Sec. 102. License period.
- Sec. 103. Cost recovery from Government agencies.
- Sec. 104. Depleted uranium hexafluoride.

TITLE II—HYDROELECTRIC ENERGY

- Sec. 201. Alternative conditions and fishways.
- Sec. 202. FERC data on hydroelectric licensing.

TITLE III—CLEAN COAL

- Sec. 301. Short title.
- Sec. 302. Findings.

Subtitle A—Accelerated Clean Coal Power Production Program

- Sec. 311. Definitions.
- Sec. 312. Cost and performance goals.
- Sec. 313. Study.
- Sec. 314. Commercial application.
- Sec. 315. Authorization of appropriations.
- Sec. 316. Clean coal power commercial applications initiative.
- Sec. 317. Financial assistance.

Subtitle B—Credit for Emission Reductions and Efficiency Improvements in Existing Coal-Based Electricity Generation Facilities

- Sec. 331. Credit for investment in qualifying clean coal technology.
- Sec. 332. Credit for production from a qualifying clean coal technology unit.

Subtitle C—Incentives for Early Commercial Applications of Advanced Clean Coal Technologies

- Sec. 341. Credit for investment in qualifying advanced clean coal technology.
- Sec. 342. Credit for production from qualifying advanced clean coal technology.
- Sec. 343. Risk pool for qualifying advanced clean coal technology.

Subtitle D—Treatment of Certain Governmental and Other Entities

- Sec. 351. Credits for certain organizations and governmental units.

TITLE IV—BOUTIQUE FUELS

- Sec. 401. Tank draining during transition to summertime RFG.
- Sec. 402. Gasoline blendstock requirements.
- Sec. 403. Boutique fuels.

TITLE V—ENERGY CONSERVATION

Subtitle A—Reauthorization of Federal Energy Conservation Programs

- Sec. 501. Authorization of appropriations.

Subtitle B—Federal Leadership in Energy Conservation

- Sec. 521. Federal facilities and national energy security.



- Sec. 522. Enhancement and extension of authority relating to Federal energy savings performance contracts.
- Sec. 523. Clarification and enhancement of authority to enter utility incentive programs for energy savings.
- Sec. 524. Federal central air conditioner and heat pump efficiency.
- Sec. 525. Federal Energy Bank.
- Sec. 526. Advanced building efficiency tested.
- Sec. 527. Use of interval data in Federal buildings.

Subtitle C—State Programs

- Sec. 531. Amendments to State energy programs.
- Sec. 532. Reauthorization of energy conservation program for schools and hospitals.
- Sec. 533. Amendments to weatherization assistance program.
- Sec. 534. LIHEAP.
- Sec. 535. High performance public buildings.

Subtitle D—Energy Efficiency for Consumer Products

- Sec. 541. Energy Star Program.
- Sec. 542. Labeling of energy efficient appliances.
- Sec. 543. Appliance standards.

Subtitle E—Energy Efficient Vehicles

- Sec. 551. High occupancy vehicle exception.

Subtitle F—Advanced Idle Elimination Systems

- Sec. 561. Advanced idle elimination systems.

TITLE VI—DIESEL FUEL

- Sec. 601. Elimination of diesel fuel phase-in period.

TITLE VII—AUTOMOBILE FUEL ECONOMY

- Sec. 701. Average fuel economy standards for non-passenger automobiles.
- Sec. 702. Consideration of prescribing different average fuel economy standards for non-passenger automobiles.
- Sec. 703. Dual fueled automobiles.
- Sec. 704. Fuel economy of the Federal fleet of automobiles.
- Sec. 705. Amendment to title III of the Energy Policy Act of 1992 regarding the conservation of Federal fleet petroleum-based nonalternative fuels.

TITLE VIII—AUTOMOBILE FUEL ECONOMY

- Sec. 801. National Academy of Sciences study of feasibility and effects of reducing use of fuel for automobiles.



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1 using facilities and property at the Portsmouth Gas-
2 eous Diffusion Plant or the Paducah Gaseous Diffu-
3 sion Plant; and

4 (6) provide for a competitive process for deploy-
5 ment of the full-scale technology, and assignment of
6 rights to use Department of Energy patents if the
7 Department of Energy does not deploy the tech-
8 nology.

9 (c) PUBLIC COMMENT.—Not later than 3 months
10 after the date of the enactment of this Act, the Secretary
11 shall make available a draft version of the plan for a public
12 comment period of 30 days.

13 (d) IMPLEMENTATION.—One month after the plan is
14 transmitted to the Congress under subsection (a), the Sec-
15 retary shall begin to implement the plan.

16 (e) FUNDING.—

17 (1) AUTHORIZATION OF APPROPRIATIONS.—For
18 the purposes of implementing the plan developed
19 under this section, the Secretary may use, without
20 need for further appropriations, the following
21 amounts from the United States Enrichment Cor-
22 poration Fund established under section 1308 of the
23 Atomic Energy Act of 1954 (other than amounts re-
24 served under Public Law 105–204):

25 (A) \$27,000,000 for fiscal year 2002.

1 "c. LICENSE PERIOD.—

2 "(1) IN GENERAL.—Each such"; and

3 (2) by adding at the end the following:

4 "(2) COMBINED LICENSES.—In the case of a
5 combined construction and operating license issued
6 under section 185 b., the initial duration of the li-
7 cense may not exceed 40 years from the date on
8 which the Commission finds, before operation of the
9 facility, that the acceptance criteria required by sec-
10 tion 185 b. are met."

11 SEC. 103. COST RECOVERY FROM GOVERNMENT AGENCIES.

12 Section 161 w. of the Atomic Energy Act of 1954
13 (42 U.S.C. 2201(w)) is amended—

14 (1) by striking "for or is issued" and all that
15 follows through "1702" and inserting "to the Com-
16 mission for, or is issued by the Commission, a li-
17 cense or certificate";

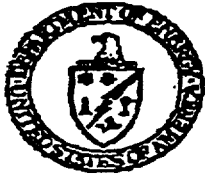
18 (2) by striking "483a" and inserting "9701";
19 and

20 (3) by striking ", of applicants for, or holders
21 of, such licenses or certificates".

22 SEC. 104. DEPLETED URANIUM HEXAFLUORIDE.

23 Section 1(b) of Public Law 105-204 is amended by
24 striking "fiscal year 2002" and inserting "fiscal year
25 2005".





The Under Secretary of Energy
Washington, DC 20585

July 17, 2001

The Honorable Joe Barton
Chairman
Subcommittee on Energy and Air Quality
House Committee on Energy and Commerce
Washington, DC 20510

Dear Chairman Barton,

I am in receipt of your letter dated July 16, 2001 asking for the Department of Energy's views on an amendment that may be offered at the Energy and Commerce Committee markup on Tuesday, July 17, 2001, of the Energy Advancement and Conservation Act of 2001. The Department opposes the amendment.

The Department recently reprogrammed and transferred \$125 million over two years in order to winterize the Portsmouth Gaseous Diffusion Plant, to place the plant in cold stand-by, and to provide enhanced benefits for those workers who would be laid off as a result of United States Enrichment Corporation's decision to cease uranium enrichment activities at the Portsmouth facility.

At that time, the Department announced that it was initiating a review, in part to determine whether a domestic uranium enrichment industry is economically feasible or necessary, and what role the Portsmouth facility should play in such an industry. The review has since grown to involve several Cabinet-level agencies.

To date, the Administration has not finished this review and feels that the actions required by this amendment could be contrary to Administration policy once the review is complete. Accordingly, we ask that this language not be adopted at this time, and not be considered prior to completion of the review.

Thank you for the opportunity to comment on this amendment and for the work that you and your staff have put in to move this valuable legislation out of your Subcommittee. If you have any further questions on this amendment, or any other issue, please call me or have your staff contact Michael Whatley, Director, Congressional and Intergovernmental Affairs, at (202) 586-5450.

Sincerely,

Robert G. Card

**AMENDMENT TO COMMITTEE PRINT
OFFERED BY MR. MARKEY**

Page 5, after line 25, insert the following new section, and make the necessary change to the table of contents:

1 **SEC. 105. NUCLEAR REGULATORY COMMISSION MEETINGS.**
2 If a quorum of the Nuclear Regulatory Commission
3 gathers to discuss official Commission business the discus-
4 sions shall be recorded, and the Commission shall notify
5 the public of such discussions within 15 days after they
6 occur. The Commission shall promptly make a transcript
7 of the recording available to the public on request, except
8 to the extent that public disclosure is exempted or prohib-
9 ited by law. This section shall not apply to a meeting,
10 within the meaning of that term under section 552b(a)(2)
11 of title 5, United States Code.

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1 under Public Law 105-204) for the Paducah Gaseous Dif-
2 fusion Plant for activities that do not duplicate the feed
3 and withdrawal operations at the Portsmouth Gaseous
4 Diffusion Plant, \$169,000,000 for the period encom-
5 passing fiscal years 2002 through 2005.

6 **SEC. 106. RESEARCH AND DEVELOPMENT.**

7 (a) **PLAN.**—Not later than 5 months after the date
8 of the enactment of this Act, the Secretary shall transmit
9 to the Congress a detailed research and development plan
10 with respect to advanced gas centrifuge technology for
11 uranium enrichment.

12 (b) **ELEMENTS.**—The plan required under subsection
13 (a) shall—

14 (1) identify the technical obstacles to the de-
15 ployment of an advanced gas centrifuge technology
16 that will be cost competitive with advanced gas cen-
17 trifuge technologies deployed in other nations, and
18 propose a strategy to overcome those obstacles;

19 (2) include plans for the construction of a pilot
20 facility at a Department of Energy-owned Gaseous
21 Diffusion Plant, and for full-scale deployment of ad-
22 vanced gas centrifuge technology, as necessary to
23 move gas centrifuge technology for uranium enrich-
24 ment from the laboratory to the marketplace, taking
25 into consideration—

**AMENDMENT TO STAFF DRAFT
OFFERED BY MR. STRICKLAND**

Page 5, after line ²⁵6, insert the following new sections, and make the necessary changes to the table of contents:

105
1 **SEC. 104. PORTSMOUTH COLD STANDBY.**

2 The Secretary of Energy (in this title referred to as
3 the "Secretary") may use, without need for further appro-
4 priations, funds from the United States Enrichment Cor-
5 poration Fund established under section 1308 of the
6 Atomic Energy Act of 1954 (other than amounts reserved
7 under Public Law 105-204) for the implementation of
8 cold standby status at the Portsmouth Gaseous Diffusion
9 Plant, consistent with the plan required under section
10 107(b), in the following amounts:

- 11 (1) \$36,000,000 for fiscal year 2002.
12 (2) \$43,000,000 for fiscal year 2003.
13 (3) \$43,000,000 for fiscal year 2004.
14 (4) \$47,000,000 for fiscal year 2005.

15 **SEC. 105. PADUCAH FUNDING.**

16 The Secretary may use, without need for further ap-
17 propriations, funds from the United States Enrichment
18 Corporation Fund established under section 1308 of the
19 Atomic Energy Act of 1954 (other than amounts reserved

1 (A) confirmation of technical performance;
2 and

3 (B) initiation of preliminary plant design
4 and engineering that validates economic projec-
5 tions and considers cost effectiveness, accessi-
6 bility to infrastructure, turnover activities,
7 schedule, financing mechanisms, and risks of
8 construction;

9 (3) provide a process to validate and dem-
10 onstrate commercial feasibility, if the pilot facility
11 described in paragraph (2) is not constructed;

12 (4) set forth a schedule to ensure full-scale de-
13 ployment, and a strategy to provide a reliable and
14 economical domestic source of uranium enrichment
15 services until such full-scale deployment is com-
16 pleted;

17 (5) evaluate the relative merits of full-scale de-
18 ployment by—

- 19 (A) private sector companies;
- 20 (B) a government-owned corporation;
- 21 (C) a partnership between the private and
- 22 public sectors; and
- 23 (D) the Department of Energy,

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1 **TITLE I—NUCLEAR ENERGY**

2 **SEC. 101. BUDGET STATUS OF NUCLEAR WASTE FUND.**

3 (a) **IN GENERAL.**—Notwithstanding any other provi-
4 sion of law, the receipts and disbursements of the Nuclear
5 Waste Fund established under section 302 of the Nuclear
6 Waste Policy Act of 1982 (42 U.S.C. 10222) shall not
7 be counted as new budget authority, outlays, receipts, or
8 deficit or surplus for purposes of—

9 (1) the budget of the United States Govern-
10 ment as submitted by the President;

11 (2) the congressional budget; or

12 (3) the Balanced Budget and Emergency Def-
13 icit Control Act of 1985.

14 (b) **EFFECT ON PAYGO SCORECARD.**—Upon the en-
15 actment of this Act, the Director of the Office of Manage-
16 ment and Budget shall not make any estimates of changes
17 in direct spending outlays and receipts under section
18 252(d) of the Balanced Budget and Emergency Deficit
19 Control Act of 1985 resulting from the enactment of sub-
20 section (a) of this section.

21 **SEC. 102. LICENSE PERIOD.**

22 Section 103 c. of the Atomic Energy Act of 1954 (42
23 U.S.C. 2133(e)) is amended—

24 (1) by striking “c. Each such” and inserting
25 the following:



- 1 (B) \$40,000,000 for fiscal year 2003.
- 2 (C) \$58,000,000 for fiscal year 2004.
- 3 (D) \$67,000,000 for fiscal year 2005.
- 4 (E) \$62,000,000 for fiscal year 2006.
- 5 (2) PLAN.—The Secretary may use, without
- 6 need for further appropriations, funds from the
- 7 United States Enrichment Corporation Fund estab-
- 8 lished under section 1308 of the Atomic Energy Act
- 9 of 1954 (other than amounts reserved under Public
- 10 Law 105-204) to pay the costs of developing the
- 11 plan under this section.

12 **SEC. 107. SHORT-TERM RELIABILITY OF DOMESTIC URA-**
 13 **NIUM ENRICHMENT CAPACITY.**

14 (a) CRITERIA.—Not later than 4 months after the
 15 date of the enactment of this Act, the Secretary shall pre-
 16 pare, and make available for a 30-day period of public
 17 comment, draft criteria for determining when the hot re-
 18 start of facilities at the Portsmouth Gaseous Diffusion
 19 Plant may be necessary, if supplies of nuclear fuel are dis-
 20 rupted or anticipated to be disrupted, to mitigate the im-
 21 pacts on—

- 22 (1) the supply of nuclear fuel to power plants
- 23 in the United States; and
- 24 (2) uranium enrichment supply contracts with
- 25 foreign utilities for which the United States Govern-

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1 ment is liable for performance in the event of non-
2 performance by the United States Enrichment Cor-
3 poration or its successors, or where the United
4 States has obligations under Federal law or treaty.

5 (b) PLAN.—Not later than 6 months after the date
6 of the enactment of this Act, the Secretary shall prepare,
7 and make available for a 30-day period of public comment,
8 a plan for the hot restart of facilities at the Portsmouth
9 Gaseous Diffusion Plant. Such plan shall—

10 (1) incorporate the criteria developed under
11 subsection (a);

12 (2) provide for uranium enrichment capabilities
13 of up to 3,000,000 separative work units per year;

14 (3) ensure the capability of producing both
15 higher assay (up to 10 percent U 235) and lower
16 assay (0.7 percent to 4.95 percent U 235) fuels;

17 (4) include options for the use of the Depart-
18 ment of Energy's inventory of natural uranium;

19 (5) provide for the retention of sufficient R-114
20 refrigerant to operate the Portsmouth Gaseous Dif-
21 fusion Plant for 15 years or until there is equivalent
22 replacement uranium enrichment capacity deployed
23 in the United States; and

24 (6) include cost estimates for hot restart and
25 annual operating costs of the facility.

1 (c) TRANSMITTAL TO CONGRESS.—Not later than 8
2 months after the date of the enactment of this Act, the
3 Secretary shall transmit to the Congress the plan de-
4 scribed in subsection (b), including the criteria developed
5 under subsection (a).

6 (d) FUNDING.—The Secretary may use, without need
7 for further appropriations, funds from the United States
8 Enrichment Corporation Fund established under section
9 1308 of the Atomic Energy Act of 1954 (other than
10 amounts reserved under Public Law 105–204) to pay the
11 costs of developing the criteria and plan under this section.

12 **SEC. 108. COOPERATIVE RESEARCH AND DEVELOPMENT**
13 **AND SPECIAL DEMONSTRATION PROJECTS**
14 **FOR THE URANIUM MINING INDUSTRY.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the Secretary
17 \$10,000,000 for each of fiscal years 2002, 2003, and 2004
18 for—

19 (1) cooperative, cost-shared, agreements be-
20 tween the Department of Energy and domestic ura-
21 nium producers to identify, test, and develop im-
22 proved in situ leaching mining technologies, includ-
23 ing low-cost environmental restoration technologies
24 that may be applied to sites after completion of in
25 situ leaching operations; and

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1 (2) funding for competitively selected dem-
2 onstration projects with domestic uranium producers
3 relating to—

4 (A) enhanced production with minimal en-
5 vironmental impacts;

6 (B) restoration of well fields; and

7 (C) decommissioning and decontamination
8 activities.

9 (b) DOMESTIC URANIUM PRODUCER.—For purposes
10 of this section, the term “domestic uranium producer” has
11 the meaning given that term in section 1018(4) of the En-
12 ergy Policy Act of 1992 (42 U.S.C. 2296b–7(4)), except
13 that the term shall not include any producer that has not
14 produced uranium from domestic reserves on or after July
15 30, 1998.

16 **SEC. 109. MAINTENANCE OF A VIABLE DOMESTIC URANIUM**
17 **CONVERSION INDUSTRY.**

18 (a) IN GENERAL.—For Department of Energy ex-
19 penses necessary in providing to Converdyn a payment for
20 losses associated with providing conversion services for the
21 production of low-enriched uranium (excluding imports re-
22 lated to actions taken under the United States/Russia
23 HEU Agreement), there are authorized to be appropriated
24 \$8,000,000 for each of fiscal years 2002, 2003, and 2004.

1 (b) RATE.—The payment shall be at a rate, deter-
2 mined by the Secretary, that—

3 (1) is based on the difference between
4 Converdyn's costs and its sale price for providing
5 conversion services for the production of low-en-
6 riched uranium fuel, but does not exceed the amount
7 appropriated under subsection (a); and

8 (2) shall be contingent on submission to the
9 Secretary of a financial statement satisfactory to the
10 Secretary that is certified by an independent auditor
11 for each year.

12 (c) TIMING.—A payment under subsection (a) shall
13 be provided as soon as practicable after receipt and ver-
14 ification of the financial statement submitted under sub-
15 section (b).

16 **SEC. 110. PROHIBITION OF COMMERCIAL SALES OF URA-**
17 **NIUM BY THE UNITED STATES UNTIL 2009.**

18 Section 3112 of the USEC Privatization Act (42
19 U.S.C. 2297h-10) is amended by adding at the end the
20 following new subsection:

21 “(g) PROHIBITION ON SALES.—Notwithstanding any
22 other provision of law, the United States Government shall
23 not sell or transfer any uranium (including natural ura-
24 nium concentrates, natural uranium hexafluoride, en-
25 riched uranium, depleted uranium, or uranium in any

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1 other form) through March 23, 2009 (except sales or
 2 transfers for use by the Tennessee Valley Authority in re-
 3 lation to the Department of Energy's IIEU or Tritium
 4 programs, or the Department or Energy research reactor
 5 sales program, or for emergency purposes in the event of
 6 a disruption in supply to end users in the United States).
 7 The aggregate of sales or transfers of uranium by the
 8 United States Government after March 23, 2009, shall not
 9 exceed 3,000,000 pounds U₃O₈ per calendar year.”

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