118TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPT. 118–391
Part 1

ATOMIC ENERGY ADVANCEMENT ACT

FEBRUARY 16, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mrs. RODGERS of Washington, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 6544]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 6544) to advance the benefits of nuclear energy by enabling efficient, timely, and predictable licensing, regulation, and deployment of nuclear energy technologies, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

CONTENTS

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Atomic Energy Advancement Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—NUCLEAR REGULATORY COMMISSION

Subtitle A—Efficiency, Performance, and Preparation for the Future

SEC. 101. NRC MISSION ALIGNMENT.

(a) MISSION OF THE COMMISSION.—

(1) UPDATE.—Not later than 1 year after the date of enactment of this Act, the Nuclear Regulatory Commission shall, while remaining consistent with the policies of the Atomic Energy Act of 1954 (including to provide reasonable assurance of adequate protection of the public health and safety, to promote the common defense and security, and to protect the environment), update the mission statement of the Commission to include that licensing and regulation of nuclear energy activities be conducted in a manner that is efficient and does not unnecessarily limit—

(A) the potential of nuclear energy to improve the general welfare; and

(B) the benefits of nuclear energy technology to society.

(2) REPORT.—Upon completion of the update to the mission statement required under paragraph (1), the Nuclear Regulatory Commission shall submit to Congress a report that describes—

(A) the updated mission statement; and

(B) the guidance that the Nuclear Regulatory Commission will provide to staff of the Nuclear Regulatory Commission to ensure effective performance of such mission.

(b) OFFICE OF NUCLEAR REACTOR REGULATION.—Section 203 of the Energy Reorganization Act of 1974 (42 U.S.C. 5843) is amended—

(1) in subsection (a), by striking "(a) There" and inserting the following:

"(a) ESTABLISHMENT; APPOINTMENT OF DIRECTOR.—There";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1)—

(i) by striking "(b) Subject" and inserting the following:

"(b) FUNCTIONS OF DIRECTOR.—Subject"; and

(ii) by striking "delegate including:" and inserting "delegate, including the following:"; and

(B) in paragraph (3), by striking "for the discharge of the" and inserting "to fulfill the licensing and regulatory oversight";

(3) in subsection (c), by striking "(c) Nothing" and inserting the following:

"(d) RESPONSIBILITY FOR SAFE OPERATION OF FACILITIES.—Nothing"; and

(4) by inserting after subsection (b) the following:

"(c) LICENSING PROCESS.—In carrying out the principal licensing and regulation functions under subsection (b)(1), the Director of Nuclear Reactor Regulation shall—

"(1) establish techniques and guidance for evaluating applications for licenses for nuclear reactors to support efficient, timely, and predictable reviews of applications for such licenses to enable the safe and secure use of nuclear reactors;

"(2) maintain the techniques and guidance established under paragraph (1) by periodically assessing and, if necessary, modifying such techniques and guidance; and

"(3) obtain approval from the Commission if establishment or modification of the techniques and guidance established under paragraph (1) or (2) involves policy formulation.".

SEC. 102. NUCLEAR LICENSING EFFICIENCY.

(a) EFFICIENT LICENSING REVIEWS.—

(1) GENERAL.—Section 181 of the Atomic Energy Act of 1954 (42 U.S.C. 2231) is amended—

(A) by striking "The provisions of" and inserting the following:

"(a) The provisions of"; and

(B) by adding at the end the following:

"(b) Consistent with the declaration in section 1, the Commission shall provide for efficient, timely, and predictable reviews and proceedings for the granting, suspending, revoking, or amending of any license or construction permit, or application to transfer control, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licenses.".

(2) CONSTRUCTION PERMITS AND OPERATING LICENSES.—Section 185 of the Atomic Energy Act of 1954 (42 U.S.C. 2235) is amended by adding at the end the following:

"c. APPLICATION REVIEWS FOR PRODUCTION AND UTILIZATION FACILITIES OF AN EXISTING SITE.—In reviewing an application for an early site permit, construction permit, operating license, or combined construction permit and operating license for a production facility or utilization facility located at the site of a production facility or utilization facility licensed by the Commission, the Commission shall, to the extent practicable, use information that was part of the licensing basis of the licensed production facility or utilization facility.".

(b) PERFORMANCE METRICS AND MILESTONES.—Section 102(c) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215(c)) is amended—

(1) in paragraph (3)—

(A) in the paragraph heading, by striking "180" and inserting "90"; and

(B) by striking "180" and inserting "90"; and

(2) by adding at the end the following:

"(4) PERIODIC UPDATES TO METRICS AND SCHEDULES.—

"(A) REVIEW AND ASSESSMENT.—Not less frequently than once every 3 years, the Commission shall review and assess, based on the licensing and regulatory activities of the Commission, the performance metrics and milestone schedules developed under paragraph (1).

"(B) REVISIONS.—After each review and assessment under subparagraph (A), the Commission shall revise, as appropriate, the performance metrics and milestone schedules developed under paragraph (1) to provide the most efficient performance metrics and milestone schedules reasonably achievable.".

(c) CLARIFICATION ON FUSION REGULATION.—Section 103(a)(4) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2133 note; Public Law 115–439) is amended—

(1) by striking "Not later" and inserting the following:

"(A) IN GENERAL.—Not later"; and

(2) by adding at the end the following:

"(B) EXCLUSION OF FUSION REACTORS.—Notwithstanding section 3(1), for purposes of subparagraph (A), the term 'advanced nuclear reactor applicant' does not include an applicant for a license for a nuclear fusion reactor.".

(d) TECHNICAL CORRECTION.—Section 104 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(c)) is amended—

(1) by striking the third sentence and inserting the following:

"(3) LIMITATION ON UTILIZATION FACILITIES.—The Commission may issue a license under this section for a utilization facility useful in the conduct of research and development activities of the types specified in section 31 if—

"(A) not more than 75 percent of the annual costs to the licensee of owning and operating the facility are devoted to the sale, other than for research and development or education and training, of—

"(i) nonenergy services;

"(ii) energy; or

"(iii) a combination of nonenergy services and energy; and

"(B) not more than 50 percent of the annual costs to the licensee of owning and operating the facility are devoted to the sale of energy.";

(2) in the second sentence, by striking "The Commission" and inserting the following:

"(2) REGULATION.—The Commission"; and

(3) by striking "C. The Commission" and inserting the following:

"C. RESEARCH AND DEVELOPMENT ACTIVITIES.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Commission".

(e) FUSION MACHINES.—

(1) DEFINITION.—Section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014) is amended by adding at the end the following:

"kk. FUSION MACHINE.—The term 'fusion machine' means a particle accelerator that is capable of—

"(1) transforming atomic nuclei, through fusion processes, into other elements, isotopes, or particles; and

"(2) directly capturing and using the resultant products, including particles, heat, and other electromagnetic radiation.".

(2) TECHNOLOGY-INCLUSIVE REGULATORY FRAMEWORK.—

(A) IN GENERAL.—Section 103(a) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2133 note) is further amended—

(i) in paragraph (4), by adding at the end the following:

"(C) FUSION MACHINE APPLICANTS.—Not later than December 31, 2027, the Commission shall complete a rulemaking to establish a technology-inclusive, regulatory framework for optional use by fusion machine applicants for new license applications."; and

(ii) in paragraph (5)(B)(ii), by inserting "and fusion machine license applications" after "commercial advanced nuclear reactor license applications".

(B) DEFINITIONS.—Section 3 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215 note) is amended by adding at the end the following:

"(21) FUSION MACHINE.—The term 'fusion machine' has the meaning given such term in subsection kk. of section 11 of the Atomic Energy Act of 1954.".

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Nuclear Regulatory Commission shall submit to Congress a report on—

(A) the results of a study, conducted in consultation with Agreement States (as defined in section 3 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215 note) and the private fusion sector, on risk- and performance-based, design-specific licensing frameworks for mass-manufactured fusion machines (as defined in subsection kk. of section 11 of the Atomic Energy Act of 1954, as added by this subsection), that includes evaluation of the Federal Aviation Administration's design, manufacturing, and operations certification process for aircraft as a potential model for mass-manufactured fusion machine regulations; and

(B) the estimated timeline for the Commission to issue consolidated guidance or regulations for licensing mass-manufactured fusion machines, taking into account the results of such study and the anticipated need for such guidance or regulations.

SEC. 103. STRENGTHENING THE NRC WORKFORCE.

(a) COMMISSION WORKFORCE.—

(1) GENERAL AUTHORITY.—The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by inserting after section 161A the following:

"SEC. 161B. COMMISSION WORKFORCE.

"(a) DIRECT HIRE AUTHORITY.—

"(1) IN GENERAL.—Notwithstanding section 161 d. of this Act and section 2(b) of Reorganization Plan No. 1 of 1980 (94 Stat. 3585; 5 U.S.C. app.), and without regard to any provision of title 5 (except sections 3303 and 3328), United States Code, governing appointments in the civil service, if the Chairman of the Nuclear Regulatory Commission (in this section referred to as the 'Chairman') issues or renews a certification that there is a severe shortage of candidates or a critical hiring need for covered positions to carry out the Nuclear Regulatory Commission's (in this section referred to as the 'Commission') responsibilities and activities in a timely, efficient, and effective manner, the Chairman may, during any period when such a certification is in effect—

"(A) recruit and directly appoint highly qualified individuals into the excepted service for covered positions; and

"(B) establish in the excepted service term-limited covered positions and recruit and directly appoint highly qualified individuals into such term-limited covered positions, which may not exceed a term of 4 years.

"(2) LIMITATIONS.—

"(A) MERIT PRINCIPLES.—To the maximum extent practicable, any action authorized pursuant to paragraph (1) shall be consistent with the merit principles of section 2301 of title 5, United States Code.

"(B) NUMBER.—The number of highly qualified individuals serving in—

"(i) covered positions pursuant to paragraph (1)(A) may not exceed 210 at any one time; and

"(ii) term-limited covered positions pursuant to paragraph (1)(B) may not exceed 80 at any one time.

"(C) COMPENSATION.—The Chairman may not use authority under paragraph (1)(A) or paragraph (1)(B) to compensate individuals recruited and directly appointed into a covered position or a term-limited covered position at an annual rate of basic pay higher than the annual salary payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(D) SENIOR EXECUTIVE SERVICE POSITION.—The Chairman may not, under paragraph (1)(A) or paragraph (1)(B), appoint highly qualified individuals to any Senior Executive Service position, as defined in section 3132 of title 5, United States Code.

"(3) RENEWAL.—The Chairman may renew a certification issued or renewed under this subsection if the Chairman determines there is still a severe shortage of candidates or a critical hiring need for covered positions to carry out the Commission's responsibilities and activities in a timely, efficient, and effective manner.

"(4) TERMINATION.—A certification issued or renewed under this subsection shall terminate on the earlier of—

"(A) the date that is 10 years after the certification is renewed or issued; or

"(B) the date on which the Chairman determines there is no longer a severe shortage of candidates or a critical hiring need for covered positions to carry out the Commission's responsibilities and activities in a timely, efficient, and effective manner.

"(5) LEVEL OF POSITIONS.—To the extent practicable, in carrying out paragraph (1) the Chairman shall recruit and directly appoint highly qualified individuals into the excepted service to entry, mid, and senior level covered positions, including term-limited covered positions.

"(b) ADDRESSING INSUFFICIENT COMPENSATION OF EMPLOYEES AND OTHER PERSONNEL OF THE COMMISSION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, if the Chairman issues or renews a certification that compensation for employees or other personnel of the Commission serving in a covered position is insufficient to retain or attract such employees and other personnel to allow the Commission to carry out the responsibilities and activities of the Commission in a timely, efficient, and effective manner, the Chairman may, during any period when such a certification is in effect, fix the compensation for such employees or other personnel serving in a covered position without regard to any provision of title 5, United States Code, governing General Schedule classification and pay rates.

"(2) CERTIFICATION REQUIREMENTS.—A certification issued or renewed under this subsection shall—

"(A) apply to employees or other personnel who serve in covered positions;

"(B) terminate on the earlier of—

"(i) the date that is 10 years after the certification is issued or renewed; or

"(ii) the date on which the Chairman determines that the use of the authority of the Chairman under this subsection to fix compensation for employees or other personnel serving in a covered position is no longer necessary to retain or attract such employees and other personnel to allow the Commission to carry out the Commission's responsibilities and activities in a timely, efficient, and effective manner; and

"(C) be no broader than necessary to achieve the objective of retaining or attracting employees and other personnel serving in a covered position to allow the Commission to carry out the Commission's responsibilities and activities in a timely, efficient, and effective manner.

"(3) RENEWAL.—The Chairman may renew a certification issued or renewed under this subsection if the Chairman determines that use of the authority of the Chairman under this subsection to fix compensation for employees or other personnel serving in a covered position is still necessary to retain or attract such employees or other personnel to allow the Commission to carry out the Commission's responsibilities and activities in a timely, efficient, and effective manner.

"(4) APPLICABILITY.—The authority under this subsection to fix the compensation of employees or other personnel during any period when a certification issued or renewed under paragraph (1) is in effect shall apply with respect to an employee or other personnel serving in a covered position regardless of when the employee or other personnel was hired.

"(5) RETENTION OF LEVEL OF FIXED COMPENSATION.—The termination of a certification issued or renewed under paragraph (1) shall not affect the compensation of an employee or other personnel serving in a covered position whose compensation was fixed by the Chairman in accordance with paragraph (1).

"(6) LIMITATION ON COMPENSATION.—The Chairman may not use the authority under paragraph (1) to fix the compensation of employees or other personnel at an annual rate of basic pay higher than the annual salary payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(7) EXPERTS AND CONSULTANTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Chairman may—

"(i) obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code;

"(ii) compensate those experts and consultants for each day (including travel time) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of that title; and

"(iii) pay to the experts and consultants serving away from the homes or regular places of business of the experts and consultants travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of that title for persons in Government service employed intermittently.

"(B) LIMITATIONS.—The Chairman shall—

"(i) to the maximum extent practicable, limit the use of experts and consultants pursuant to subparagraph (A); and

"(ii) ensure that the employment contract of each expert and consultant employed pursuant to subparagraph (A) is subject to renewal not less frequently than annually.

"(c) ADDITIONAL COMPENSATION AUTHORITY.—

"(1) FOR NEW EMPLOYEES.—The Chairman may pay a person recruited and directly appointed under subsection (a) a 1-time hiring bonus in an amount not to exceed $25,000.

"(2) FOR EXISTING EMPLOYEES.—

"(A) IN GENERAL.—Subject to subparagraph (B), an employee or other personnel who the Chairman determines exhibited exceptional performance in a fiscal year may be paid a performance bonus in an amount not to exceed the least of—

"(i) $25,000; and

"(ii) the amount of the limitation that is applicable for a calendar year under section 5307(a)(1) of title 5, United States Code.

"(B) LIMITATIONS.—

"(i) SUBSEQUENT BONUSES.—Any person who receives a performance bonus under subparagraph (A) may not receive another performance bonus under that subparagraph for a period of 5 years thereafter.

"(ii) HIRING BONUSES.—Any person who receives a 1-time hiring bonus under paragraph (1) may not receive a performance bonus under subparagraph (A) unless more than one year has elapsed since the payment of such 1-time hiring bonus.

"(d) IMPLEMENTATION PLAN AND REPORT.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Chairman shall develop and implement a plan to carry out this section. Before implementing such plan, the Chairman shall submit to the Committee on Energy and Commerce of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Office of Personnel Management a report on the details of the plan.

"(2) REPORT CONTENT.—The report submitted under paragraph (1) shall include—

"(A) evidence and supporting documentation justifying the plan; and

"(B) budgeting projections on costs and benefits resulting from the plan.

"(3) CONSULTATION.—The Chairman may consult with the Office of Personnel Management, the Office of Management and Budget, and the Comptroller General of the United States in developing the plan under paragraph (1).

"(e) DELEGATION.—The Chairman shall delegate, subject to the direction and supervision of the Chairman, the authority provided by subsections (a), (b), and (c) to the Executive Director for Operations of the Commission.

"(f) INFORMATION ON HIRING, VACANCIES, AND COMPENSATION.—

"(1) IN GENERAL.—The Commission shall include in its budget materials submitted in support of the budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code), for each fiscal year beginning after the date of enactment of this section, information relating to hiring, vacancies, and compensation at the Commission.

"(2) INCLUSIONS.—The information described in paragraph (1) shall include—

"(A) an analysis of any trends with respect to hiring, vacancies, and compensation at the Commission;

"(B) a description of the efforts to retain and attract employees or other personnel to serve in covered positions at the Commission;

"(C) information that describes—

"(i) if a certification under subsection (a) was in effect at any point in the previous year, how the authority provided by that subsection is being used to address the hiring needs of the Commission;

"(ii) the total number of highly qualified individuals serving in—

"(I) covered positions pursuant to subsection (a)(1)(A); and

"(II) term-limited covered positions pursuant to subsection (a)(1)(B);

"(iii) if a certification under subsection (b) was in effect at any point in the previous year, how the authority provided by that subsection is being used to address the hiring or retention needs of the Commission;

"(iv) the total number of employees or other personnel serving in a covered position that have their compensation fixed pursuant to subsection (b);

"(v) if a certification under subsection (a) or (b) was terminated or was not in effect at any point in the previous year, why such a certification was terminated or was not in effect;

"(vi) the attrition levels with respect to term-limited covered positions appointed under subsection (a)(1)(B), including the number of individuals leaving a term-limited covered position before completion of the applicable term of service and the average length of service for such individuals as a percentage of the applicable term of service; and

"(vii) the number of experts and consultants retained under subsection (b)(7); and

"(D) an assessment of—

"(i) the current critical workforce needs of the Commission and any critical workforce needs that the Commission anticipates in the next five years; and

"(ii) additional skillsets that are or likely will be needed for the Commission to fulfill the licensing and oversight responsibilities of the Commission.

"(g) COVERED POSITION.—In this section, the term 'covered position' means a position in which an employee or other personnel is responsible for conducting work of a scientific, technical, engineering, mathematical, legal, managerial, or otherwise highly specialized or skilled nature.".

(2) TABLE OF CONTENTS.—The table of contents of the Atomic Energy Act of 1954 is amended by inserting after the item relating to section 161 the following:

"Sec. 161A. Use of firearms by security personnel.
"Sec. 161B. Commission workforce.".

(b) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than September 30, 2032, the Comptroller General of the United States shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that—

(1) evaluates the extent to which the authorities provided under subsections (a), (b), and (c) of section 161B of the Atomic Energy Act of 1954 (as added by this Act) have been utilized;

(2) describes the role in which the highly qualified individuals recruited and directly appointed pursuant to section 161B(a) of the Atomic Energy Act of 1954 (as added by this Act) have been utilized to support the licensing of advanced nuclear reactors;

(3) assesses the effectiveness of the authorities provided under subsections (a), (b), and (c) of section 161B of the Atomic Energy Act of 1954 (as added by this Act) in helping the Nuclear Regulatory Commission fulfill its mission;

(4) makes recommendations to improve the Nuclear Regulatory Commission's strategic workforce management; and

(5) makes recommendations with respect to whether Congress should enhance, modify, or discontinue the authorities provided under subsections (a), (b), and (c) of section 161B of the Atomic Energy Act of 1954 (as added by this Act).

(c) ANNUAL SOLICITATION FOR NUCLEAR REGULATOR APPRENTICESHIP NETWORK APPLICATIONS.—The Nuclear Regulatory Commission, on an annual basis, shall solicit applications for the Nuclear Regulator Apprenticeship Network.

Subtitle B—Fee Reduction

SEC. 111. ADVANCED REACTOR FEE REDUCTION.

(a) DEFINITIONS.—Section 3 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215 note; Public Law 115–439) is amended—

(1) by redesignating paragraphs (2) through (15) as paragraphs (3), (6), (7), (8), (9), (10), (11), (14), (15), (16), (17), (18), (19), and (20), respectively;

(2) by inserting after paragraph (1) the following:

"(2) ADVANCED NUCLEAR REACTOR APPLICANT.—The term 'advanced nuclear reactor applicant' means an entity that has submitted to the Commission an application for a license for an advanced nuclear reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).";

(3) by inserting after paragraph (3) (as so redesignated) the following:

"(4) ADVANCED NUCLEAR REACTOR PREAPPLICANT.—The term 'advanced nuclear reactor preapplicant' means an entity that has submitted to the Commission a licensing project plan for the purposes of submitting a future application for a license for an advanced nuclear reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

"(5) AGENCY SUPPORT.—The term 'agency support' has the meaning given the term 'agency support (corporate support and the IG)' in section 170.3 of title 10, Code of Federal Regulations (or any successor regulation).''; and

(4) by inserting after paragraph (11) (as so redesignated) the following:

"(12) MISSION-DIRECT PROGRAM SALARIES AND BENEFITS.—The term 'mission-direct program salaries and benefits' has the meaning given such term in section 170.3 of title 10, Code of Federal Regulations (or any successor regulation).

"(13) MISSION-INDIRECT PROGRAM SUPPORT.—The term 'mission-indirect program support' has the meaning given such term in section 170.3 of title 10, Code of Federal Regulations (or any successor regulation).''.

(b) EXCLUDED ACTIVITIES.—Section 102(b)(1)(B) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215(b)(1)(B)) is amended by adding at the end the following:

"(iv) The total costs of mission-indirect program support and agency support that, under paragraph (2)(B)(ii), may not be included in the professional hourly rate charged for fees assessed and collected from advanced nuclear reactor applicants.

"(v) The total costs of mission-indirect program support and agency support that, under paragraph (2)(C)(ii), may not be included in the professional hourly rate charged for fees assessed and collected from advanced nuclear reactor preapplicants.''.

(c) FEES FOR SERVICE OR THING OF VALUE.—Section 102(b) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215(b)) is amended by striking paragraph (2) and inserting the following:

"(2) FEES FOR SERVICE OR THING OF VALUE.—

"(A) IN GENERAL.—In accordance with section 9701 of title 31, United States Code, the Commission shall assess and collect fees from any person who receives a service or thing of value from the Commission to cover the costs to the Commission of providing the service or thing of value.

"(B) ADVANCED NUCLEAR REACTOR APPLICANTS.—The professional hourly rate charged for fees assessed and collected from an advanced nuclear reactor applicant under this paragraph relating to the review of a submitted application for an advanced nuclear reactor may not—

"(i) exceed the professional hourly rate for mission-direct program salaries and benefits of the Nuclear Reactor Safety Program; and

"(ii) include the costs of mission-indirect program support and agency support.

"(C) ADVANCED NUCLEAR REACTOR PREAPPLICANTS.—The professional hourly rate charged for fees assessed and collected from an advanced nuclear reactor preapplicant under this paragraph relating to the review of submitted materials as described in the licensing project plan of such advanced nuclear reactor preapplicant may not—

"(i) exceed the professional hourly rate for mission-direct program salaries and benefits of the Nuclear Reactor Safety Program; and

"(ii) include the costs of mission-indirect program support and agency support.

"(D) CALCULATION OF HOURLY RATE.—In this paragraph, the professional hourly rate for mission-direct program salaries and benefits of the Nuclear Reactor Safety Program equals the quotient obtained by dividing—

"(i) the full-time equivalent rate (within the meaning of the document of the Commission entitled 'FY 2023 Final Fee Rule Work Papers' (or a successor document)) for mission-direct program salaries and benefits of the Nuclear Reactor Safety Program (as determined by the Commission) for a fiscal year; by

"(ii) the productive hours assumption for that fiscal year, determined in accordance with the formula established in the document referred to in clause (i) (or a successor document).".

(d) SUNSET.—Section 102(f) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215(f)) is amended to read as follows:

"(f) CESSATION OF EFFECTIVENESS.—Paragraphs (1)(B)(v) and (2)(C) of subsection (b) shall cease to be effective on September 30, 2029.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2024.

SEC. 112. ADVANCED NUCLEAR REACTOR PRIZE.

Section 103 of the Nuclear Energy Innovation and Modernization Act (Public Law 115–439; 132 Stat. 5571) is amended by adding at the end the following:

"(f) PRIZES FOR ADVANCED NUCLEAR REACTOR LICENSING.—

"(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

"(A) a non-Federal entity; and

"(B) the Tennessee Valley Authority.

"(2) PRIZE FOR ADVANCED NUCLEAR REACTOR LICENSING.—

"(A) IN GENERAL.—Notwithstanding section 169 of the Atomic Energy Act of 1954 (42 U.S.C. 2209) and subject to the availability of appropriations, the Secretary is authorized to make, with respect to each award category described in subparagraph (C), an award in an amount described in subparagraph (B) to the first eligible entity—

"(i) to which the Commission issues an operating license for an advanced nuclear reactor under part 50 of title 10, Code of Federal Regulations (or successor regulations), for which an application has not been approved by the Commission as of the date of enactment of this subsection; or

"(ii) for which the Commission makes a finding described in section 52.103(g) of title 10, Code of Federal Regulations (or successor regulations), with respect to a combined license for an advanced nuclear reactor—

"(I) that is issued under subpart C of part 52 of that title (or successor regulations); and

"(II) for which an application has not been approved by the Commission as of the date of enactment of this subsection.

"(B) AMOUNT OF AWARD.—Subject to paragraph (3), an award under subparagraph (A) shall be in an amount equal to the total amount assessed by the Commission and collected under section 102(b)(2) from the eligible entity receiving the award for costs relating to the issuance of the license described in that subparagraph, including, as applicable, costs relating to the issuance of an associated construction permit described in section 50.23 of title 10, Code of Federal Regulations (or successor regulations), or early site permit (as defined in section 52.1 of that title (or successor regulations)).

"(C) AWARD CATEGORIES.—An award under subparagraph (A) may be made for—

"(i) the first advanced nuclear reactor for which the Commission—

"(I) issues a license in accordance with clause (i) of subparagraph (A); or

"(II) makes a finding in accordance with clause (ii) of that subparagraph;

"(ii) an advanced nuclear reactor that—

"(I) uses isotopes derived from spent nuclear fuel (as defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101)) or depleted uranium as fuel for the advanced nuclear reactor; and

"(II) is the first advanced nuclear reactor described in subclause (I) for which the Commission—

"(aa) issues a license in accordance with clause (i) of subparagraph (A); or

"(bb) makes a finding in accordance with clause (ii) of that subparagraph;

"(iii) an advanced nuclear reactor that—

"(I) is a nuclear integrated energy system—

"(aa) that is composed of 2 or more co-located or jointly operated subsystems of energy generation, energy storage, or other technologies;

"(bb) in which not fewer than 1 subsystem described in item (aa) is a nuclear energy system; and

"(cc) the purpose of which is—

"(AA) to reduce greenhouse gas emissions in both the power and nonpower sectors; and

"(BB) to maximize energy production and efficiency; and

"(II) is the first advanced nuclear reactor described in subclause (I) for which the Commission—

"(aa) issues a license in accordance with clause (i) of subparagraph (A); or

"(bb) makes a finding in accordance with clause (ii) of that subparagraph;

"(iv) an advanced reactor that—

"(I) operates flexibly to generate electricity or high temperature process heat for nonelectric applications; and

"(II) is the first advanced nuclear reactor described in subclause (I) for which the Commission—

"(aa) issues a license in accordance with clause (i) of subparagraph (A); or

"(bb) makes a finding in accordance with clause (ii) of that subparagraph; and

"(v) the first advanced nuclear reactor for which the Commission grants approval to load nuclear fuel pursuant to the technology-inclusive regulatory framework established under subsection (a)(4).

"(3) FEDERAL FUNDING LIMITATION.—

"(A) EXCLUSION OF TVA FUNDS.—In this paragraph, the term 'Federal funds' does not include funds received under the power program of the Tennessee Valley Authority established pursuant to the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.).

"(B) LIMITATION ON AMOUNTS EXPENDED.—An award under this subsection shall not exceed the total amount expended (excluding any expenditures made with Federal funds received for the applicable project and an amount equal to the minimum cost-share required under section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352)) by the eligible entity receiving the award for licensing costs relating to the project for which the award is made.

"(C) REPAYMENTS AND DIVIDENDS NOT REQUIRED.—Notwithstanding section 9104(a)(4) of title 31, United States Code, or any other provision of law, an eligible entity that received an award under this subsection shall not be required—

"(i) to repay that award or any part of that award; or

"(ii) to pay a dividend, interest, or other similar payment based on the sum of that award.".

Subtitle C—Siting, Licensing, and Oversight Reviews

SEC. 121. MODERNIZATION OF NUCLEAR REACTOR ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Nuclear Regulatory Commission (in this section referred to as the "Commission") shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the efforts of the Commission to facilitate efficient, timely, and predictable environmental reviews of nuclear reactor applications, including through expanded use of categorical exclusions, environmental assessments, and generic environmental impact statements.

(b) REPORT.—In completing the report under subsection (a), the Commission shall—

(1) describe the actions the Commission will take to implement the amendments to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) made by section 321 of the Fiscal Responsibility Act of 2023;

(2) consider—

(A) using through adoption, incorporation by reference, or other appropriate means, categorical exclusions, environmental assessments, and environmental impact statements prepared by other Federal agencies to streamline environmental reviews of nuclear reactor applications by the Commission;

(B) using categorical exclusions, environmental assessments, and environmental impact statements prepared by the Commission to streamline environmental reviews of nuclear reactor applications by the Commission;

(C) using mitigated findings of no significant impact in environmental reviews of nuclear reactor applications by the Commission to reduce the impact of a proposed action to a level that is not significant;

(D) the extent to which the Commission may rely on prior studies or analyses prepared by Federal, State, and local governmental permitting agencies to streamline environmental reviews of nuclear reactor applications by the Commission;

(E) opportunities to coordinate the development of environmental assessments and environmental impact statements with other Federal agencies to avoid duplicative environmental reviews and to streamline environmental reviews of nuclear reactor applications by the Commission;

(F) opportunities to streamline formal and informal consultations and coordination with other Federal, State, and local governmental permitting agencies during environmental reviews of nuclear reactor applications by the Commission;

(G) opportunities to streamline the Commission's analyses of alternatives, including the Commission's analysis of alternative sites, in environmental reviews of nuclear reactor applications by the Commission;

(H) establishing new categorical exclusions that could be applied to actions relating to new nuclear reactors applications;

(I) amending section 51.20(b) of title 10, Code of Federal Regulations, to allow the Commission to determine on a case-specific basis whether an environmental assessment (rather than an environmental impact statement or supplemental environmental impact statement) is appropriate for a particular nuclear reactor application, including in proceedings in which the Commission relies upon a generic environmental impact statement for advanced nuclear reactors;

(J) authorizing the use of an applicant's environmental impact statement as the Commission's draft environmental impact statement, consistent with section 107(f) of the National Environmental Policy Act of 1969 (42 U.S.C. 4336a(f));

(K) opportunities to adopt online and digital technologies, including technologies that would allow applicants and cooperating agencies to upload documents and coordinate with the Commission to edit documents in real time, that would streamline communications between—

(i) the Commission and applicants; and

(ii) the Commission and other relevant cooperating agencies;

(L) in addition to implementing measures under subsection (c), potential revisions to part 51 of title 10, Code of Federal Regulations, and relevant Commission guidance documents, to—

(i) facilitate efficient, timely, and predictable environmental reviews of nuclear reactor applications;

(ii) assist decision-making about relevant environmental issues;

(iii) maintain openness with the public;

(iv) meet obligations under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(v) reduce burdens on licensees, applicants, and the Commission; and

(3) include a schedule for promulgating the rule required under subsection (c).

(c) RULEMAKING.—Not later than 2 years after the submission of the report under subsection (a), the Commission shall promulgate a final rule implementing, to the maximum extent practicable, measures considered by the Commission under subsection (b)(2) that are necessary to streamline the Commission's review of nuclear reactor applications.

SEC. 122. NUCLEAR FOR BROWNFIELD SITES.

(a) DEFINITIONS.—In this section:

(1) BROWNFIELD SITE.—The term "brownfield site" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(2) COMMISSION.—The term "Commission" means the Nuclear Regulatory Commission.

(3) COVERED SITE.—The term "covered site" means a brownfield site, a retired fossil fuel site, or a site that is both a retired fossil fuel site and a brownfield site.

(4) PRODUCTION FACILITY.—The term "production facility" has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(5) RETIRED FOSSIL FUEL SITE.—The term "retired fossil fuel site" means the site of 1 or more fossil fuel electric generation facilities that are retired or scheduled to retire, including multiunit facilities that are partially shut down.

(6) UTILIZATION FACILITY.—The term "utilization facility" has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(b) IDENTIFICATION OF REGULATORY ISSUES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall evaluate the extent to which modification of regulations, guidance, or policy is needed to enable efficient, timely, and predictable licensing reviews for, and to support the oversight of, production facilities or utilization facilities at covered sites.

(2) REQUIREMENT.—In carrying out paragraph (1), the Commission shall consider how licensing reviews for production facilities or utilization facilities at covered sites may be expedited by—

(A) siting and operating a production facility or a utilization facility at or near existing site infrastructure to support the reuse of such infrastructure, including—

(i) electric switchyard components and transmission infrastructure;

(ii) heat-sink components;

(iii) steam cycle components;

(iv) roads;

(v) railroad access; and

(vi) water availability;

(B) using early site permits;

(C) using plant parameter envelopes or similar standardized site parameters on a portion of a larger site; and

(D) using a standardized application for similar sites.

(3) REPORT.—Not later than 14 months after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report describing any regulations, guidance, and policies evaluated under paragraph (1).

(c) LICENSING.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Commission shall, based on the evaluation under subsection (b)—

(A) develop and implement strategies to enable efficient, timely, and predictable licensing reviews for, and to support the oversight of, production facilities or utilization facilities at covered sites; and

(B) initiate a rulemaking to enable efficient, timely, and predictable licensing reviews for, and to support the oversight of, production facilities or utilization facilities at covered sites.

(2) REQUIREMENTS.—In carrying out paragraph (1), consistent with the mission of the Commission, the Commission shall consider matters relating to—

(A) the use of existing site infrastructure;

(B) existing emergency preparedness organizations and planning;

(C) the availability of historical site-specific environmental data;

(D) previously completed environmental reviews required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(E) activities associated with the potential decommissioning of facilities or decontamination and remediation at covered sites; and

(F) community engagement and historical experience with energy production.

(d) REPORT.—Not later than 3 years after the date of enactment of this Act, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the actions taken by the Commission under subsection (c)(1).

SEC. 123. ADVANCEMENT OF NUCLEAR REGULATORY OVERSIGHT.

(a) IMPLEMENTING LESSONS LEARNED FROM THE COVID–19 HEALTH EMERGENCY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report on actions taken by the Commission during the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID–19.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) identify any processes, procedures, and other regulatory policies that the Commission revised or temporarily suspended during the public health emergency described in paragraph (1);

(B) examine how any revision or temporary suspension of a process, procedure, or other regulatory policy identified under subparagraph (A) affected the ability of the Commission to license and regulate the civilian use of radioactive materials in the United States to protect public health and safety, promote the common defense and security, and protect the environment;

(C) discuss lessons learned from the matters described in subparagraph (B);

(D) list actions that the Commission has taken or will take to incorporate into the licensing and oversight activities of the Commission, without compromising the mission of the Commission, the lessons described in subparagraph (C); and

(E) describe when the actions listed under subparagraph (D) were implemented or may be implemented.

(b) ADVANCING EFFICIENT, RISK-INFORMED OVERSIGHT AND INSPECTIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall develop and submit to the appropriate committees of Congress a report that identifies specific improvements to the nuclear reactor and materials oversight and inspection programs carried out pursuant to the Atomic Energy Act of 1954 that the Commission may implement to maximize the efficiency of such programs through, where appropriate, the use of risk-informed, performance-based procedures, expanded incorporation of information technologies, and staff training.

(2) STAKEHOLDER INPUT.—In developing the report under paragraph (1), the Commission shall, as appropriate, seek input from—

(A) the Secretary of Energy;

(B) the National Laboratories;

(C) the nuclear energy industry; and

(D) nongovernmental organizations that are related to nuclear energy.

(3) CONTENTS.—The report submitted under paragraph (1) shall—

(A) assess specific elements of oversight and inspections that may be modified by the use of technology, improved planning, and continually updated risk-informed, performance-based assessment, including—

(i) use of travel resources;

(ii) planning and preparation for inspections, including entrance and exit meetings with licensees;

(iii) document collection and preparation, including consideration of whether nuclear reactor data are accessible prior to onsite visits or requests to the licensee and that document requests are timely and within the scope of inspections;

(iv) the cross-cutting issues program; and

(v) the scope of event reporting required by licensees to ensure decisions are risk-informed;

(B) identify and assess measures to improve oversight and inspections, including—

(i) elimination of areas of duplicative or otherwise unnecessary activities;

(ii) increased use of templates in documenting inspection results; and

(iii) periodic training of Commission staff and leadership on the application of risk-informed criteria for—

(I) inspection planning and assessments;

(II) agency decision making processes on the application of regulations and guidance; and

(III) the application of the Commission's standard of reasonable assurance of adequate protection;

(C) assess measures to advance risk-informed procedures, including—

(i) increased use of inspection approaches that balance the level of resources commensurate with safety significance;

(ii) increased review of the use of inspection program resources based on licensee performance;

(iii) expansion of modern information technology, including artificial intelligence and machine learning to risk inform oversight and inspection decisions; and

(iv) updating the Differing Professional Views or Opinions process to ensure any impacts on agency decisions and schedules are commensurate with the safety significance of the differing opinion;

(D) assess the ability of the Commission, consistent with its obligations to provide reasonable assurance of adequate protection of health and safety pursuant to the Atomic Energy Act of 1954, to enable licensee innovations that may advance nuclear reactor operational efficiency and safety, including the criteria of the Commission for timely acceptance of licensee adoption of advanced technologies, including digital technologies;

(E) identify recommendations resulting from the assessments described in subparagraphs (A) through (D);

(F) identify specific actions that the Commission will take to incorporate into the training, inspection, oversight, and licensing activities, and regulations of the Commission, without compromising the mission of the Commission, the recommendations identified under subparagraph (E); and

(G) describe when the actions identified under subparagraph (F) may be implemented.

(c) OFFICE AND FACILITY SPACE REVIEW.—

(1) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(A) review office and other facility space requirements of the Commission; and

(B) submit to the appropriate committees of Congress a report, with recommendations, on the results of such review.

(2) CONTENTS.—The report described in paragraph (1) shall include—

(A) an examination of—

(i) the costs associated with the headquarters, regional offices, and technical training center of the Commission, including examination of—

(I) costs that do not support the Commission's mission, including rent subsidies for other Federal agencies; and

(II) opportunities to reduce future costs through reduction in unnecessary office space, consolidation of offices, use of advanced information technology, or any other appropriate means; and

(ii) current and anticipated office and facility requirements to efficiently accomplish the mission of the Commission; and

(B) recommendations to Congress, the Commission, and the General Services Administration for actions that may assist in reducing office and facility costs to licensees and taxpayers.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(2) COMMISSION.—The term "Commission" means the Nuclear Regulatory Commission.

(3) LICENSEE.—The term "licensee" means a person that holds a license issued under section 103 or section 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133; 2134).

TITLE II—NUCLEAR TECHNOLOGY DEPLOYMENT

SEC. 201. ADVANCED NUCLEAR DEPLOYMENT.

(a) ENABLING PREPARATIONS FOR ADVANCED NUCLEAR REACTOR DEMONSTRATIONS ON FEDERAL SITES.—

(1) IN GENERAL.—Section 102(b)(1)(B) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215(b)(1)(B)) is further amended by adding at the end the following:

"(vi) Costs for—

"(I) activities to review and approve or disapprove an application for an early site permit (as defined in section 52.1 of title 10, Code of Federal Regulations (or any successor regulation)) to demonstrate an advanced nuclear reactor on a Department of Energy site or any site or installation that is critical national security infrastructure (as defined in section 327(d) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019); and

"(II) pre-application activities relating to an early site permit (as so defined) to demonstrate an advanced nuclear reactor on a Department of Energy site or any site or installation that is critical national security infrastructure (as defined in section 327(d) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2024.

(b) REGULATORY REQUIREMENTS FOR MICRO-REACTORS.—

(1) MICRO-REACTOR LICENSING.—The Nuclear Regulatory Commission (in this subsection referred to as the "Commission") shall—

(A) not later than 18 months after the date of enactment of this Act, develop risk-informed and performance-based strategies and guidance to license and regulate micro-reactors pursuant to section 103 of the Atomic Energy Act of 1954 (42 U.S.C. 2133), including strategies and guidance for—

(i) staffing and operations;

(ii) oversight and inspections;

(iii) safeguards and security;

(iv) emergency preparedness;

(v) risk analysis methods, including alternatives to probabilistic risk assessments;

(vi) decommissioning funding assurance methods that permit the use of design- and site-specific cost estimates;

(vii) the transportation of fueled micro-reactors; and

(viii) siting, including in relation to—

(I) the population density criterion limit described in the policy issue paper on population-related siting considerations for advanced reactors dated May 8, 2020, and numbered SECY–20–0045;

(II) licensing mobile deployment; and

(III) environmental reviews; and

(B) not later than 3 years after the date of enactment of this Act, implement, as appropriate, the strategies and guidance developed under subparagraph (A)—

(i) within the existing regulatory framework;

(ii) through the technology-inclusive, regulatory framework to be established under section 103(a)(4)(A) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2133 note; Public Law 115–439); or

(iii) through a pending or new rulemaking.

(2) CONSIDERATIONS.—In developing and implementing strategies and guidance under paragraph (1), the Commission shall consider—

(A) the unique characteristics of micro-reactors, including characteristics relating to—

(i) physical size;

(ii) design simplicity; and

(iii) source term;

(B) opportunities to address redundancies and inefficiencies;

(C) opportunities to consolidate review phases and reduce transitions between review teams;

(D) opportunities to establish integrated review teams to ensure continuity throughout the review process; and

(E) other relevant considerations discussed in the policy issue paper on policy and licensing considerations related to micro-reactors dated October 6, 2020, and numbered SECY–20–0093.

(3) CONSULTATION.—In carrying out paragraph (1), the Commission shall consult with—

(A) the Secretary of Energy;

(B) the heads of other Federal agencies, as appropriate;

(C) micro-reactor technology developers; and

(D) other stakeholders.

(c) EXPEDITED SUBSEQUENT COMBINED LICENSES.—

(1) IN GENERAL.—In accordance with this subsection, the Nuclear Regulatory Commission (referred to in this subsection as the "Commission") shall establish

and carry out an expedited procedure for issuing a combined license pursuant to section 185 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2235).

(2) QUALIFICATIONS.—To qualify for the expedited procedure under paragraph (1), an applicant—

(A) shall submit a combined license application for a new nuclear reactor based off a previously licensed design;

(B) shall propose to construct the new nuclear reactor on or adjacent to a site on which a nuclear reactor already operates or previously operated; and

(C) may not be subject to an order of the Commission to suspend or revoke a license under section 2.202 of title 10, Code of Federal Regulations (or any successor regulation).

(3) EXPEDITED PROCEDURE.—With respect to a combined license for which the applicant has satisfied the requirements described in paragraph (2), the Commission shall, to the maximum extent practicable—

(A) not later than 1 year after the application is accepted for docketing, issue a draft environmental impact statement;

(B) not later than 18 months after the application is accepted for docketing—

(i) complete the technical review process; and

(ii) issue a safety evaluation report and final environmental impact statement;

(C) not later than 2 years after the application is accepted for docketing, complete any necessary public licensing hearings and related processes; and

(D) not later than 25 months after the application is accepted for docketing, make a final decision on whether to issue the combined license.

(4) PERFORMANCE AND REPORTING.—

(A) DELAYS IN ISSUANCE.—Not later than 30 days after the applicable deadline, the Executive Director for Operations of the Commission shall inform the Commission of any failure to meet a deadline under paragraph (3).

(B) DELAYS IN ISSUANCE EXCEEDING 90 DAYS.—If any deadline under paragraph (3) is not met by the date that is 90 days after the applicable date required under such paragraph, the Commission shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the delay, including a detailed explanation accounting for the delay and a plan for completion of the applicable action.

(d) PILOT PROGRAM FOR NUCLEAR POWER PURCHASE AGREEMENTS.—

(1) IN GENERAL.—Subtitle B of title VI of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 782) is amended by adding at the end the following:

"SEC. 639A. LONG-TERM NUCLEAR POWER PURCHASE AGREEMENT PILOT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish a pilot program under which the Secretary shall enter into at least one long-term power purchase agreement for power generated by a commercial nuclear reactor with respect to which an operating license is issued by the Nuclear Regulatory Commission after January 1, 2024.

"(b) REQUIREMENTS.—In establishing the pilot program under this section, the Secretary shall—

"(1) consult with the heads of other Federal departments and agencies that may benefit from purchasing nuclear power for a period of longer than 10 years, including the Secretary of Defense; and

"(2) not later than December 31, 2028, enter into at least one long-term agreement to purchase power from a commercial nuclear reactor described in subsection (a).

"(c) PERIOD OF AGREEMENT.—Notwithstanding any other provision of law, an agreement entered into pursuant to subsection (b)(2) to purchase power from a commercial nuclear reactor shall be made for a period of at least 10 years and not more than 40 years.

"(d) PRIORITY.—In carrying out this section, the Secretary shall prioritize entering into long-term power purchase agreements for power generated by first-of-a-kind or early deployment commercial nuclear reactors that will provide reliable and resilient power—

"(1) to high-value assets for national security purposes; or

"(2) for other purposes that the Secretary determines are in the national interest, including for remote off-grid scenarios or grid-connected scenarios that provide capabilities commonly known as 'islanding power capabilities' during an emergency.

"(e) RATES.—A long-term power purchase agreement entered into under this section may not be at a rate that is higher than the average market rate, unless the

agreement is for power generated by a commercial nuclear reactor described in subsection (d).".

(2) TABLE OF CONTENTS.—The table of contents of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594) is amended by inserting after the item relating to section 639 the following:

"Sec. 639A. Long-term nuclear power purchase agreement pilot program.".

SEC. 202. GLOBAL NUCLEAR COOPERATION.

(a) GLOBAL NUCLEAR ENERGY ASSESSMENT STUDY.—

(1) STUDY REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of State, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the Commission, shall conduct a study on the global status of—

(A) the civilian nuclear energy industry; and

(B) the supply chains of the civilian nuclear energy industry.

(2) CONTENTS.—The study conducted under paragraph (1) shall include—

(A) information on the status of the civilian nuclear energy industry, the long-term risks to such industry, and the basis for such risks;

(B) information on how the use of the civilian nuclear energy industry, relative to other types of energy industries, can reduce the emission of criteria pollutants and carbon dioxide;

(C) information on the role the United States civilian nuclear energy industry plays in United States foreign policy;

(D) information on the importance of the United States civilian nuclear energy industry to countries that are allied to the United States;

(E) information on how the United States may collaborate with such countries in developing, deploying, and investing in nuclear technology;

(F) information on how foreign countries use nuclear energy when crafting and implementing their own foreign policy, including such use by foreign countries that are strategic competitors;

(G) an evaluation of how nuclear nonproliferation and security efforts and nuclear energy safety are affected by the involvement of the United States in—

(i) international markets; and

(ii) setting civilian nuclear energy industry standards;

(H) an evaluation of how industries in the United States, other than the civilian nuclear energy industry, benefit from the generation of electricity by nuclear power plants;

(I) information on utilities and companies in the United States that are involved in the civilian nuclear energy supply chain, including, with respect to such utilities and companies—

(i) financial challenges;

(ii) nuclear liability issues;

(iii) foreign strategic competition; and

(iv) risks to continued operation; and

(J) recommendations for how the United States may—

(i) develop a national strategy to increase the role nuclear energy plays in diplomacy and strategic energy policy;

(ii) develop a strategy to mitigate foreign competitor's utilization of their civilian nuclear energy industries in diplomacy;

(iii) align its nuclear energy policy with national security objectives; and

(iv) remove regulatory barriers to the development of the United States civilian nuclear energy supply chain.

(3) REPORT TO CONGRESS.—Not later than 6 months after the study is conducted under paragraph (1), the Secretary of Energy shall submit to the appropriate committees of Congress a report, including a classified annex as necessary, on the results of such study.

(b) PROGRAM TO TRAIN AND SHARE EXPERTISE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of State and the Commission, shall develop and carry out a program under which the Secretary of Energy shall train foreign nuclear energy experts and standardize practices.

(2) REQUIREMENTS.—In carrying out the program developed under paragraph (1), the Secretary of Energy shall—

(A) issue guidance for best safety practices in the global civilian nuclear energy industry based on practices established in the United States;

(B) train foreign nuclear energy experts on the operation and safety and security practices used by the United States civilian nuclear energy industry;

(C) review global supply chain risks for foreign civilian nuclear energy industries;

(D) identify weaknesses and concerns found in foreign civilian nuclear energy industries; and

(E) establish partnerships with foreign countries that have developed or are developing civilian nuclear energy industries.

(3) FOREIGN NUCLEAR ENERGY EXPERT.—In this subsection, the term "foreign nuclear energy expert" does not include a person who is from a country—

(A) in which intellectual property theft is legal;

(B) that takes actions to undermine the civilian nuclear energy industry or other critical industries of the United States; or

(C) which the Secretary of Energy determines is inimical to the interest of the United States.

(c) INTERNATIONAL NUCLEAR REACTOR EXPORT AND INNOVATION ACTIVITIES.—

(1) COORDINATION.—The Commission shall—

(A) coordinate all work of the Commission relating to—

(i) issuing a license for the import or export of a nuclear reactor under section 103 of the Atomic Energy Act of 1954 (42 U.S.C. 2133); and

(ii) international regulatory cooperation and assistance relating to nuclear reactors; and

(B) support—

(i) the consideration of international technical standards to assist the design, licensing, and construction of advanced nuclear systems;

(ii) efforts to help build competent nuclear regulatory organizations and legal frameworks in foreign countries that are seeking to develop civilian nuclear energy industries; and

(iii) exchange programs and training provided in coordination with the Secretary of State to foreign countries relating to civilian nuclear energy industry regulation and oversight to improve nuclear technology licensing.

(2) CONSULTATION.—In supporting exchange programs and training under paragraph (1)(B)(iii), the Commission shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of State;

(C) the National Laboratories;

(D) the private sector; and

(E) institutions of higher education.

(3) NUCLEAR REACTOR EXPORT AND INNOVATION BRANCH.—The Commission may establish within the Office of International Programs of the Commission a branch, to be known as the "International Nuclear Reactor Export and Innovation Branch", to carry out the nuclear reactor export and innovation activities described in paragraph (1) as the Commission determines appropriate.

(4) EXCLUSION OF INTERNATIONAL ACTIVITIES FROM THE FEE BASE.—

(A) IN GENERAL.—Section 102 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215) is amended—

(i) in subsection (a), by adding at the end the following:

"(4) INTERNATIONAL NUCLEAR REACTOR EXPORT AND INNOVATION ACTIVITIES.—The Commission shall identify in the annual budget justification international nuclear reactor export and innovation activities described in section 202(c)(1) of the Atomic Energy Advancement Act."; and

(ii) in subsection (b)(1)(B), as amended by the preceding provisions of this Act, by adding at the end the following:

"(vii) Costs for international nuclear reactor export and innovation activities described in section 202(c)(1) of the Atomic Energy Advancement Act.".

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect on October 1, 2024.

(d) DENIAL OF CERTAIN DOMESTIC LICENSES FOR NATIONAL SECURITY PURPOSES.—

(1) DEFINITION OF COVERED FUEL.—In this subsection, the term "covered fuel" means enriched uranium that is fabricated into fuel assemblies for nuclear reactors by an entity that—

(A) is owned or controlled by the Government of the Russian Federation or the Government of the People's Republic of China; or

(B) is organized under the laws of, or otherwise subject to the jurisdiction of, the Russian Federation or the People's Republic of China.

(2) PROHIBITION ON UNLICENSED POSSESSION OR OWNERSHIP OF COVERED FUEL.—Unless specifically authorized by the Commission in a license issued under section 53 of the Atomic Energy Act of 1954 (42 U.S.C. 2073), no person subject to the jurisdiction of the Commission may possess or own covered fuel.

(3) LICENSE TO POSSESS OR OWN COVERED FUEL.—

(A) CONSULTATION REQUIRED PRIOR TO ISSUANCE.—The Commission shall not issue a license to possess or own covered fuel under section 53 of the Atomic Energy Act of 1954 (42 U.S.C. 2073) unless the Commission has first consulted with the Secretary of Energy and the Secretary of State before issuing the license.

(B) PROHIBITION ON ISSUANCE OF LICENSE.—

(i) IN GENERAL.—Subject to clause (iii), a license to possess or own covered fuel shall not be issued if the Secretary of Energy and the Secretary of State make the determination described in clause (ii).

(ii) DETERMINATION.—

(I) IN GENERAL.—The determination referred to in clause (i) is a determination that possession or ownership, as applicable, of covered fuel poses a threat to the national security of the United States that adversely impacts the physical and economic security of the United States.

(II) JOINT DETERMINATION.—A determination described in subclause (I) shall be jointly made by the Secretary of Energy and the Secretary of State.

(III) TIMELINE.—

(aa) NOTICE OF APPLICATION.—Not later than 30 days after the date on which the Commission receives an application for a license to possess or own covered fuel, the Commission shall notify the Secretary of Energy and the Secretary of State of the application.

(bb) DETERMINATION.—The Secretary of Energy and the Secretary of State shall have a period of 180 days, beginning on the date on which the Commission notifies the Secretary of Energy and the Secretary of State under item (aa) of an application for a license to possess or own covered fuel, in which to make the determination described in subclause (I).

(cc) COMMISSION NOTIFICATION.—On making the determination described in subclause (I), the Secretary of Energy and the Secretary of State shall immediately notify the Commission.

(dd) CONGRESSIONAL NOTIFICATION.—Not later than 30 days after the date on which the Secretary of Energy and the Secretary of State notify the Commission under item (cc), the Commission shall notify the appropriate committees of Congress of the determination.

(ee) PUBLIC NOTICE.—Not later than 15 days after the date on which the Commission notifies Congress under item (dd) of a determination made under subclause (I), the Commission shall make that determination publicly available.

(iii) EFFECT OF NO DETERMINATION.—The prohibition described in clause (i) shall not apply if the Secretary of Energy and the Secretary of State do not make the determination described in clause (ii) by the date described in subclause (III)(bb) of that clause.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means each of the following:

(A) The Committee on Energy and Commerce of the House of Representatives.

(B) The Committee on Foreign Affairs of the House of Representatives.

(C) The Committee on Environment and Public Works of the Senate.

(D) The Committee on Energy and Natural Resources of the Senate.

(E) The Committee on Foreign Relations of the Senate.

(2) COMMISSION.—The term "Commission" means the Nuclear Regulatory Commission.

SEC. 203. AMERICAN NUCLEAR COMPETITIVENESS.

(a) PROCESS FOR REVIEW AND AMENDMENT OF PART 810 GENERALLY AUTHORIZED DESTINATIONS.—

(1) IDENTIFICATION AND EVALUATION OF FACTORS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy, with the concurrence of the Secretary of State, shall identify and evaluate factors, other

than agreements for cooperation entered into in accordance with section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), that may be used to determine a country's generally authorized destination status under part 810 of title 10, Code of Federal Regulations, and to list such country as a generally authorized destination in Appendix A to part 810 of title 10, Code of Federal Regulations.

(2) PROCESS UPDATE.—The Secretary of Energy shall review and, as appropriate, update the Department of Energy's process for determining a country's generally authorized destination status under part 810 of title 10, Code of Federal Regulations, and for listing such country as a generally authorized destination in Appendix A to part 810 of title 10, Code of Federal Regulations, taking into consideration, and, as appropriate, incorporating factors identified and evaluated under paragraph (1).

(3) REVISIONS TO LIST.—Not later than one year after the date of enactment of this Act, and at least once every 5 years thereafter, the Secretary of Energy shall, in accordance with any process updated pursuant to this subsection, review the list in Appendix A to part 810 of title 10, Code of Federal Regulations, and amend such list as appropriate.

(b) LICENSING DOMESTIC NUCLEAR PROJECTS IN WHICH UNITED STATES ALLIES INVEST.—

(1) IN GENERAL.—The prohibitions against issuing certain licenses for utilization facilities to certain aliens, corporations, and other entities described in the second sentence of section 103 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) and the second sentence of section 104 d. of that Act (42 U.S.C. 2134(d)) shall not apply to an entity described in paragraph (2) of this subsection if the Nuclear Regulatory Commission determines that issuance of the applicable license to that entity is not inimical to—

(A) the common defense and security; or

(B) the health and safety of the public.

(2) ENTITIES DESCRIBED.—

(A) IN GENERAL.—An entity referred to in paragraph (1) is an alien, corporation, or other entity that is owned, controlled, or dominated by—

(i) the government of—

(I) a country, other than a country described in subparagraph (B), that is a member of the Organization for Economic Co-operation and Development on the date of enactment of this Act; or

(II) the Republic of India;

(ii) a corporation that is incorporated in a country described in subclause (I) or (II) of clause (i); or

(iii) an alien who is a citizen or national of a country described in subclause (I) or (II) of clause (i).

(B) EXCLUSION.—A country described in this subparagraph is a country—

(i) any department, agency, or instrumentality of the government of which, on the date of enactment of this Act, is subject to sanctions under section 231 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525); or

(ii) any citizen, national, or entity of which, as of the date of enactment of this Act, is included on the List of Specially Designated Nationals and Blocked Persons maintained by the Office of Foreign Assets Control of the Department of the Treasury pursuant to sanctions imposed under section 231 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525).

(3) TECHNICAL AMENDMENT.—Section 103 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is amended, in the second sentence, by striking "any any" and inserting "any".

(4) SAVINGS CLAUSE.—Nothing in this subsection affects the requirements of section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565).

(c) LICENSING CONSIDERATIONS RELATING TO USE OF NUCLEAR ENERGY FOR NONELECTRIC APPLICATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Nuclear Regulatory Commission (in this subsection referred to as the "Commission") shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report addressing any unique licensing issues or requirements relating to—

(A) the flexible operation of advanced nuclear reactors, such as ramping power output and switching between electricity generation and nonelectric applications;

(B) the use of advanced nuclear reactors exclusively for nonelectric applications; and

(C) the collocation of advanced nuclear reactors with industrial plants or other facilities.

(2) STAKEHOLDER INPUT.—In developing the report under paragraph (1), the Commission shall seek input from—

(A) the Secretary of Energy;
(B) the nuclear energy industry;
(C) technology developers;
(D) the industrial, chemical, and medical sectors;
(E) nongovernmental organizations; and
(F) other public stakeholders.

(3) CONTENTS.—The report under paragraph (1) shall describe—

(A) any unique licensing issues or requirements relating to the matters described in subparagraphs (A) through (C) of paragraph (1), including, with respect to the nonelectric applications referred to in subparagraphs (A) and (B) of that paragraph, any licensing issues or requirements relating to the use of nuclear energy—

(i) for hydrogen or other liquid and gaseous fuel or chemical production;
(ii) for water desalination and wastewater treatment;
(iii) for heat used in industrial processes;
(iv) for district heating;
(v) in relation to energy storage;
(vi) for industrial or medical isotope production; and
(vii) other applications, as identified by the Commission;

(B) options for addressing such issues or requirements—

(i) within the existing regulatory framework;
(ii) through the technology-inclusive, regulatory framework to be established under section 103(a)(4)(A) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2133 note; Public Law 115–439); or
(iii) through a new rulemaking;

(C) the extent to which Commission action is needed to implement any matter described in the report; and

(D) cost estimates, proposed budgets, and proposed timeframes for implementing risk-informed and performance-based regulatory guidance for licensing advanced nuclear reactors for nonelectric applications.

(d) REPORT ON ADVANCED METHODS OF MANUFACTURING AND CONSTRUCTION FOR NUCLEAR ENERGY PROJECTS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Nuclear Regulatory Commission (in this subsection referred to as the "Commission") shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on advanced methods of manufacturing and construction for nuclear energy projects.

(2) STAKEHOLDER INPUT.—In developing the report under paragraph (1), the Commission shall seek input from—

(A) the Secretary of Energy;
(B) the nuclear energy industry;
(C) the National Laboratories;
(D) institutions of higher education;
(E) nuclear and manufacturing technology developers;
(F) the manufacturing and construction industries;
(G) standards development organizations;
(H) labor unions;
(I) nongovernmental organizations; and
(J) other public stakeholders.

(3) CONTENTS.—

(A) IN GENERAL.—The report under paragraph (1) shall—

(i) examine any unique licensing issues or requirements relating to the use, for nuclear energy projects, of—

(I) advanced manufacturing techniques; and
(II) advanced construction techniques;

(ii) examine—

(I) the requirements for nuclear-grade components in manufacturing and construction for nuclear energy projects;
(II) opportunities to use standard materials, parts, or components in manufacturing and construction for nuclear energy applications; and
(III) opportunities to use standard materials that are in compliance with existing codes and standards to provide acceptable ap-

proaches to support or encapsulate new materials that do not yet have applicable codes or standards;

(iii) identify safety aspects of advanced manufacturing processes and advanced construction techniques that are not addressed by existing codes and standards, so that generic guidance for nuclear energy projects may be updated or created as necessary by the Commission;

(iv) identify options for addressing the issues, requirements, and opportunities examined under clauses (i) and (ii)—

(I) within the existing regulatory framework; or

(II) through a new rulemaking; and

(v) describe the extent to which Commission action is needed to implement any matter described in the report.

(B) COST ESTIMATES, BUDGETS, AND TIMEFRAMES.—The report under paragraph (1) shall include cost estimates, proposed budgets, and proposed timeframes for implementing risk-informed and performance-based regulatory guidance for advanced manufacturing and construction for nuclear energy projects.

(e) EXTENSION OF THE PRICE-ANDERSON ACT.—

(1) EXTENSION.—Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the "Price-Anderson Act") is amended by striking "December 31, 2025" each place it appears and inserting "December 31, 2065".

(2) LIABILITY.—Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the "Price-Anderson Act") is amended—

(A) in subsection d. (5), by striking "$500,000,000" and inserting "$2,000,000,000"; and

(B) in subsection e. (4), by striking "$500,000,000" and inserting "$2,000,000,000".

(3) REPORT.—Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) (commonly known as the "Price-Anderson Act") is amended by striking "December 31, 2021" and inserting "December 31, 2061".

(4) DEFINITION OF NUCLEAR INCIDENT.—Section 11 q. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(q)) is amended, in the second proviso, by striking "if such occurrence" and all that follows through "United States:" and inserting a colon.

(f) RISK POOLING PROGRAM ASSESSMENT.—

(1) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall carry out a review of, and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on, the Secretary of Energy's actions with respect to the program described in section 934(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17373(e)).

(2) CONTENTS.—The report described in paragraph (1) shall include—

(A) an evaluation of the Secretary of Energy's actions to determine the risk-informed assessment formula under section 934(e)(2)(C) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17373(e)(2)(C)); and

(B) a review of the Secretary of Energy's methodology to collect information to determine and implement the formula.

PURPOSE AND SUMMARY

H.R. 6544, the Atomic Energy Advancement Act, would advance the benefits of nuclear energy by establishing requirements for the Nuclear Regulatory Commission (NRC) to license and regulate nuclear energy technology in an efficient, predictable, and timely manner. It would reduce the cost and regulatory barriers for deployment of advanced nuclear technologies, while assuring regulation remains protective of public health and safety. The bill would also enhance NRC workforce hiring authorities to assist with anticipated new license applications, improve federal government coordination and support of nuclear energy technology exports, and extend expiring Price-Anderson Act indemnity coverage necessary for domestic and international U.S. nuclear projects.

BACKGROUND AND NEED FOR LEGISLATION

Nuclear energy is essential for a diverse, secure energy mix, for reliability, for responsible policy to reduce greenhouse gas emissions on the electric grid. It is vital for national security—from the long-term relationships U.S. civilian nuclear exports create for the nation to the strength of the nuclear research, industrial, and workforce base established by a healthy industry.

In many respects, the nuclear industry today reflects the success of U.S. nuclear policy dating to Congressional policy following World War II to foster peacetime development of "atomic" energy. As Congress focused in those early years on the development of the national laboratory R&D and production infrastructure for nuclear weapons through the Atomic Energy Act of 1946, it also focused on development of nuclear reactors for power and naval propulsion. In time, and in keeping with President Eisenhower's 1953 Atoms for Peace proposal, Congress fundamentally revised the Atomic Energy Act to remove barriers to the peaceful, civilian application of nuclear technology. The Atomic Energy Act of 1954 (AEA) established the policy that "the development, use, and control of atomic energy shall be directed so as to promote world peace, improve the general welfare, increase the standard of living, and strengthen free competition and private enterprise." [1]

The Act assigned regulation and licensing of nuclear energy to the Atomic Energy Commission (AEC), which oversaw development of the nuclear industry into the 1970s. In The Energy Reorganization Act of 1974, Congress abolished the AEC and assigned the regulation and licensing of nuclear energy and nuclear materials to the NRC. Remaining functions relating to the development and promotion of nuclear technologies were assigned to what is now the Department of Energy (DOE).

The four decades following AEA enactment witnessed tremendous growth of the U.S. nuclear industry, supported by the government's own nuclear industrial infrastructure for fuels and technologies, and then pioneering developments by private industry.[2] At the same time, the United States expanded international nuclear relationships, through establishment of the International Atomic Energy Agency [3] and through Atomic Energy Act Section 123 agreements [4] as well as related nuclear treaties—all serving to establish the United States as a leader on nuclear technology, nuclear safety, and non-proliferation safeguards.

Today, the United States maintains the world's largest nuclear power industry. With 93 operating reactors (down from 112 in 1990),[5] the U.S. domestic industry accounts for more than 30 per-

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[1] Section 3 of the Act states: "It is the purpose of this Act to effectuate the policies set forth above by providing for . . . a program to encourage widespread participation in the development and utilization of atomic energy for peaceful purposes to the maximum extent consistent with the common defense and security and with health and safety of the public . . ."

[2] Westinghouse designed the first fully commercial pressurized water reactor (PWR), developed by Argonne National Lab (including at what is now Idaho National Lab), and GE designed a prototype boiling water reactor (BWR), also developed by Argonne, in 1960—designs which account for some 89% of world capacity. See "*Outline History of Nuclear Energy,*" World Nuclear Association.

[3] See IAEA *history* at *https://www.iaea.org/about/overview/history.*

[4] See "*123 Agreements for Peaceful Cooperation,*" National Nuclear Security Administration.

[5] This number includes Plant Vogle Unit 3 in Georgia, which recently started preliminary operations, and will increase to 94 reactors when Vogtle Unit 4 comes on-line, as expected, in early 2024.

cent of worldwide nuclear generation, and just under 19 percent of U.S. electrical output. The current fleet of reactors is operated by 21 different power companies at some 54 sites, across 28 different states.[6] This energy output also represents about 55 percent of the nation's carbon-dioxide free power generation—accounting for most of the clean power production in some of these states.

With over 4,500 years of operational experience, the U.S nuclear fleet has been operating at the highest levels of performance and safety in its history and has been ranked as the highest performing nuclear industry in the world. Safe operations—leading to longer run times, more efficient operations—enabled the industry to produce record levels of power in 2019 and 2020, even with fewer operating plants.[7] Capacity factors surpass 90 percent, more than any other generating source, which underscores the role nuclear plays in the reliable production of power.

Despite this performance, U.S. nuclear industry growth has experienced a period of stagnation and decline. Domestic nuclear capacity has been nearly flat for three decades.[8] Congress enacted incentives for new nuclear power plants in the Energy Policy Act of 2005, including tax credits and DOE loan guarantee authorities, to little avail.[9] High up-front construction costs, low electricity demand growth, and competition in electricity markets from natural gas and renewable energy generation undermined the demand for new nuclear power plants. Many of these same factors led to the permanent shut down of 13 operating reactors between 2013 and April 2022.[10] On the international front, U.S. industry has been largely absent from what is estimated as a $500 billion to $740 billion market this decade, with Russia and China leading on plans to construct upwards of 70 reactors across multiple countries.[11]

The domestic and international state of play has left the United States vulnerable to losing its leadership on nuclear technology, and related strategic, safety, and nuclear security benefits. It is the Committee's view that efforts to reassert this leadership require strengthening the implementation of core Atomic Energy Act policies, which remain foundational for advancing the benefits of nuclear technology.

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[6] See data and descriptions of U.S. industry from the U.S. Nuclear Regulatory Commission *Information Digest*, 2022–2023 and *Nuclear Power in the USA*, World Nuclear Association (April 2023).

[7] See "*The Nexus Between Safety and Operational Performance in the U.S. Nuclear Industry*," Nuclear Energy Institute, March 2020.

[8] See "*Nuclear Explained: U.S. Nuclear Industry*," Energy Information Administration (April 2022).

[9] During this period, for the first time since its 1974 formation, NRC had to process a significant number of new license requests. By 2009, NRC had received 18 applications for 28 new reactors—state of the art versions of traditional, so-called lighter-water reactor designs. NRC eventually issued licenses for the construction and operation of 14 new reactors. Yet only two of those licensed units have been constructed, with the remaining licenses terminated or on indefinite hold by the applicants.

[10] Three of the closures were because of need for expensive repairs, three were retired under agreements with state utility regulators, six could not compete in regional wholesale electric markets. Many of the shutdowns had substantial time remaining on their operating licenses or were planning 20-year license extensions. See "*Nuclear Energy: Overview of Congressional Issues*" Congressional Research Service, January 17, 2024 (R4283) and "*Advanced Nuclear Reactors: Technology Overview and Current Issues,*" Congressional Research Service, February 17, 2023 (R5706).

[11] See "*Restoring America's Competitive Nuclear Energy Advantage: A Strategy to assure U.S. national Security,*" Department of Energy, April 2020. China is constructing or plans to construct 68 new reactors domestically, in addition to its existing 55 reactors, according to the World Nuclear Association.

Next generation nuclear technologies hold great promise for a resurgence of American nuclear development and deployment by the end of the decade. These advanced reactor designs use combinations of new and existing technologies and materials to improve upon the earlier generations of reactors. They offer potential advances that combine attributes relating to improved cost, safety, security, waste management, and/or versatility.[12]

Implementing regulatory policies to advance nuclear technology—and maintain the existing fleet—requires an effective, efficient NRC licensing process, one which provides reasonable assurance of adequate protection of public health and safety and does so in service to the broader public interest and national security goals of the Atomic Energy Act. Successful implementation also requires coordination among relevant federal agencies, efficient development of international nuclear engagement, and predictable long-term policies that will foster capital investment.

Congressional oversight indicates that NRC is not sufficiently prepared to license a new generation of advanced reactors in a cost-effective or timely manner. The Government Accountability Office (GAO) has found the NRC has fallen short on efficiently managing review of new designs, engagement with applicants, and effective hiring and retaining staff.[13]

The NRC licensing process, as indicated by recent experience, remains unpredictable and expensive. For example, the NuScale Power application, which was for a simplified and smaller version of a reactor design that NRC had been regulating since the 1970s, experienced various NRC licensing management shortcomings (among other issues) that unnecessarily prolonged review and increased licensing costs for a design certification.[14] Industry comments to an NRC review of this application process noted "increasing NRC review costs for new reactor applications are not sustainable and are on a trajectory toward $100 million for each new design."[15] NRC efforts to develop more flexible and more efficient regulatory processes for new designs, as Congress has required, have been falling short—raising questions how NRC can examine new designs with efficiency, and at a pace sufficient to enable safe, widespread commercial deployment of advanced technologies.[16] Meanwhile, other licensing activity for the existing fleet, such as for subsequent license renewals and power up rates take longer and cost more, despite years of agency experience.[17]

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[12] Ibid. The current fleet of U.S. nuclear power plants uses "light-water technology" and a once through fuel cycle to generate electricity. Dozens of companies are developing alternative designs, using "small modular reactor" (SMR) designs and in many cases materials other than water as a coolant.

[13] See "NRC Needs to Take Additional Actions to Prepare to License Advanced Reactors," Government Accountability Report, July 2023 (GA)–23–105997.

[14] See "Lessons-Learned from the Design Certification Review of the NuScale Power, LLC Small Modular Reactor," February 19, 2021 (ML21050A431).

[15] See Responses for Additional Questions for the Record, Dr. Jess C. Gehin, Idaho National Laboratory, House Energy and Commerce Committee Hearing "American Nuclear Energy Expansion: Power a Clean and Secure Future," April 18, 2023.

[16] See July 14, 2023, bi-cameral, bi-partisan *letter* to NRC urging modification to proposed rule entitled "Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors," signed by 20 senators and 44 House members, at https://energycommerce.house.gov/.

[17] See Subcommittee on Energy, Climate, and Grid Security hearings "Oversight of NRC: Ensuring Efficient and Predictable Nuclear Safety Regulation for a Prosperous America," June 14, 2023, and "American Nuclear Energy Expansion: Updating Policies for Efficient, Predictable Licensing and Deployment," July 18, 2023.

Updating statutory requirements and providing the policy framework that fosters a more efficient, responsive licensing process, able to meet growing application demands—at reduced costs for first-of-a-kind technologies—will align the critical work to maintain public trust and assure safety with the core goals of the Atomic Energy Act. Additional reforms to assure coordination and focus on promoting nuclear technology, safety, security at DOE also will help reinvigorate federal programs for nuclear advancement with America's allies.

WHAT THE LEGISLATION WOULD DO

H.R. 6544 would establish requirements and incentives to help expand the use of nuclear energy and its many benefits for the United States by enabling more efficient, timely, and predictable licensing, by reducing costs for new, advanced technologies, and by facilitating efficient deployment of nuclear energy technologies. Among other things, the bill:

- Directs the NRC leadership to align the expressed mission of NRC with the foundational goals of the Atomic Energy Act.
- Requires that NRC conduct efficient, timely, and predictable licensing processes and establish, and regularly update, metrics and milestones to measure licensing performance to meet efficiency goals.
- Updates NRC hiring authorities to enable recruitment and appointment of highly qualified individuals to meet critical hiring needs.
- Reduces NRC fees collected from applicants for advanced nuclear reactor licenses and establishes prize incentives for first of a kind technology and uses.
- Directs NRC to identify and implement measures to facilitate more efficient, timely environmental reviews for siting of nuclear reactors.
- Directs the NRC to identify and implement measures to facilitate licensing of nuclear facilities at retired fossil fuel sites.
- Directs the NRC to update its reactor oversight procedures to increase efficiency and assure appropriate focus on the most safety significant issues.
- Authorizes NRC funding to support preapplication activities and early site permit reviews for advanced reactors that will be located on either DOE or critical national security infrastructure sites.
- Improves global nuclear cooperation through enhanced DOE and NRC technical support for U.S. allies, and reduced barriers to investment in U.S. projects.
- Requires DOE to update its nuclear export review policy and extends the critical indemnification program under the Price-Anderson Act.

Section 101—NRC mission alignment

When Congress established the NRC in the Energy Reorganization Act of 1974, it stated that the regulatory and licensing functions of the AEC be separated from the performance of other functions established in the Atomic Energy Act. Nevertheless, NRC's licensing mission to protect public safety and security remained in service to the policies Congress established in the AEA, e.g., "to

make maximum contribution to the general welfare . . . .”[18] Requiring NRC leadership to reflect and communicate this policy in the agency mission, along with new statutory direction to create a mechanism for constant and measurable improvement, will provide a clear and accountable framework to assess and incentivize a renewed culture of performance at the agency.

Section 101 would direct NRC Commissioners to update the agency's mission statement to include that licensing and regulation of nuclear energy activities be conducted in a manner that is efficient and does not unnecessarily limit the potential for nuclear energy to improve the general welfare or benefits of nuclear energy to society. It also establishes requirements for NRC to develop techniques and guidelines to support efficient, timely, and predictable reviews of reactor license applications to enable the safe and secure use of nuclear reactors, and to assess and modify such techniques and guidelines periodically.

These requirements would reinforce NRC's guiding Principles of Good Regulation, which call for continuous improvement and for “the best possible management and administration of regulatory activities” and “the highest technical and managerial competence.”[19] These principles reflect the values staff and leadership should embrace to enable NRC's mission to serve the goals of the Atomic Energy Act, which includes establishing public trust in the public safety and security of nuclear technologies. As one NRC Commissioner testified to the Committee: “The primacy of NRC's mission to protect public safety and security, and the environment is indisputable. But we must innovate how we accomplish that mission and must do so with a sense of urgency, in recognition of our national and global energy needs.”[20] This Section supports this goal.

Section 102—Nuclear licensing efficiency

In keeping with the explicit mission statement and license efficiency mechanism to be established in Section 101, this Section would amend the core AEA to require that the NRC provide efficient, timely, and predictable reviews and proceedings for licensing and regulation. It would also amend the Nuclear Energy Innovation Modernization Act (NEIMA) to require NRC to review, assess, and revise licensing performance metrics and milestone schedules established in that Act to provide the most efficient performance metrics and milestone schedules reasonably achievable.

In addition, Section 102 provides other practical reforms to licensing; it would require NRC, when licensing a facility where there are already licensed nuclear facilities, to use information that was part of the licensing basis for those facilities to the extent practicable. The Section, as amended in Committee, would also provide clarification for nuclear fusion technology in NRC's regulatory framework for advanced reactors to remove regulatory uncertainty.

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[18] As Section 2 of the Act states: “the development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare, subject at all times to the paramount objective of making the maximum contribution to the common defense and security;”

[19] See Wright and Caputo Commission Action Memoranda (COM), “Measuring NRC Success,” August 29, 2023, *COMDAW–23–0001/COMAXC–23–0002.*

[20] See Subcommittee on Energy, Climate, and Grid Security hearing “Oversight of NRC: Ensuring Efficient and Predictable Nuclear Safety Regulation for a Prosperous America,” June 14, 2023.

The Section also includes technical corrections to NEIMA relating to assessing fees for research reactors.

Section 103—Strengthening the NRC workforce

Section 103 would amend the AEA to provide additional hiring authority, with more direction and accountability than exists in current AEA hiring authorities, which NRC has not used fully to address hiring needs. This new provision would authorize the NRC Chair to recruit and directly appoint highly qualified individuals to address a severe shortage of candidates, or a critical hiring need, to carry out NRC activities in a timely, efficient, and effective manner. The number of employees recruited or appointed under this provision would be capped. The Section would provide for the NRC to increase employee compensation, up to a certain limit, to assist with recruitment and employee retention. Additionally, the Section would authorize the NRC to obtain the services of outside experts and consultants and would allow provision of bonuses. The Section would require annual reporting to Congress and require a Comptroller General assessment of the program.

Sec. 111—Advanced reactor fee reduction

NRC hourly fees can represent a significant financial barrier for potential advanced reactor applicants, particularly those seeking licenses for small nuclear reactors.[21] Reducing fees charged in the licensing process for advanced technologies will reduce barriers to entry without removing the financial incentive to produce quality applications. Section 111 would amend NEIMA to reduce the hourly rate for fees assessed and collected by the NRC from applicants and pre-applicants for advanced nuclear reactor licenses by requiring that fees reflect only mission-direct program costs. Mission indirect and other agency support costs would be excluded from NRC's fee recovery requirements. Essentially, fees paid should only cover the actual, direct license review work. Hearing testimony indicated this could cut fees effectively by more than half.[22] The Section would sunset the reduced hourly rates for preapplications in 2029, to incentivize advanced reactors to engage NRC on first-of-a-kind technologies in the near term, while reducing the need for additional Congressional appropriations for this activity in the long term.

Section 112—Advance nuclear reactor prize

To add incentives for private investment in and deployment of innovative technologies, this Section would authorize the Secretary of Energy to issue a prize, which would reimburse application costs for the first advanced reactors that receive operating licenses from NRC in five categories. The promise of an award for applicants that successfully reach operating status will incentivize first-movers to submit quality applications. The awards would cover fees as-

[21] For example, responses to Energy and Commerce Committee information requests from Idaho National laboratory, the Breakthrough Institute, the Clean Air Task Force, and the Nuclear Innovation Alliance, in Committee files, all raise fees as potential barriers to licensing technology.

[22] See Subcommittee on Energy, Climate, and Grid Security legislative hearing "American Nuclear Energy Expansion: Updating Policies for Efficient, Predictable Licensing and Deployment," July 18, 2023, testimony of Dan Dorman, NRC Executive Director of Operations. and hearing testimony. See also "Unlocking Advanced Nuclear Innovation: The Role of Fee Reform and Public Investment," Nuclear Innovation Alliance, May 2021.

sessed by the NRC and collected from a non-federal entity or the Tennessee Valley Authority for the first reactors that are made operational in the following categories: (1) the first advanced nuclear reactor licensed; (2) the first advanced nuclear reactor to use isotopes processed from spent nuclear fuel as fuel for a reactor; (3) the first advanced reactor that is part of an integrated energy system; (4) the first advanced reactor that is used for nonelectric applications; and (5) the first nuclear reactor licensed under the new technology-inclusive framework required by NEIMA. Because application fees would be reduced by Section 111, the total prize amounts would be lower than existing costs; this also will lower DOE appropriations for the prize program. The Committee expects that DOE will implement the awards program under this Section in conjunction with, to the maximum extent practicable, within the same organizational structure as, the Advanced Nuclear Energy Licensing Cost-Share Grant Program.

Section 121—Modernization of nuclear reactor environmental reviews

NRC implementation of the National Environmental Policy Act (NEPA) would benefit from the full use of tools and practices available in the law to reduce duplicative work, capture efficient processes, and more effectively use available information to assure its process is efficient, timely, and useful to the public. The NRC has been working to implement the new amendments to NEPA in the Fiscal Responsibility Act of 2023 (FRA) and "analyzing whether and how broader regulatory, rulemaking, guidance, or procedural changes may be needed" as a result of the FRA.[23] Section 121 would direct NRC to report to its authorizing committees the actions it will take to implement measures to facilitate reviews, including through use of categorical exclusions, environmental assessments, and generic environmental assessments, as well as process efficiencies to reduce duplicative reviews. Process questions, such as the use of NRC's adjudicatory hearing process and notice and comment rulemaking should be addressed in this effort.[24] The Section directs NRC to complete any rulemaking within two years.

Section 122—Nuclear for Brownfields site preparation

There is growing interest among electric utilities, states, local communities, and policymakers to site nuclear facilities at sites with retiring fossil-fuel energy plants, including Brownfields sites, to achieve emissions-reduction goals and provide dispatchable, baseload electricity. DOE recently examined the potential for the reuse of such sites in ways that leverage existing energy infrastructure at coal plants while delivering economic and environmental benefits to the local communities.[25] Yet NRC does not have experience licensing reactors on such sites. This Section would direct the NRC to identify and report on regulations, guidance, or policy necessary to license and oversee nuclear facilities at brownfield sites,

[23] Letter from NRC Chairman Christopher T. Hanson to Energy and Commerce Chair Cathy McMorris Rodgers, September 1, 2023, on actions NRC is taking to update NEPA implementation.

[24] Ibid.

[25] See "Investigating Benefits and Challenges of Converting Retiring Coal Plants into Nuclear Plants," DOE, September 2022 (*INL/RPT–22–67964*).

including sites with retired fossil fuel facilities, and at retired fossil fuel sites, where one or more electric generation facilities are retired or scheduled to retire. The NRC would be required to develop and implement strategies, including through rulemaking, to enable and support licensing of nuclear facilities, taking into consideration matters relating to existing emergency planning, environmental data and reviews, decontamination and remediation, community engagement, and historical experience with energy use at the sites.

Section 123—Advancement of nuclear regulatory oversight

To be a modern, innovative regulator, NRC must periodically look back on its regulatory experience, learn from that experience, and update regulations and procedures accordingly to assure efficient mission performance, while maintaining public trust. The NRC developed its highly regarded Reactor Oversight Process in the 1990s based on this type of review and should continue to update its oversight consistent with its strategic plan to be "a learning organization."[26] In keeping with this policy, Section 123 would direct the NRC to submit a report that examines NRC oversight actions during the Covid–19 pandemic and that explains how the NRC will incorporate resulting lessons identified into its oversight processes and procedures to become more efficient. The Section would also direct the NRC to develop a report that assesses and describes what actions the NRC will take to modify and improve its nuclear reactor oversight and inspections programs to maximize the efficiency of such programs through risk-informed, performance-based procedures, information technology, regular staff training, and other measures. The Section would also direct the Government Accountability Office to examine and make recommendations to reduce NRC office and facility costs through reduction or consolidation of offices and related measures, as appropriate.

Section 201—Advanced nuclear deployment

This Section would implement several measures to assist deployment of advanced nuclear technologies, including for use at critical national security sites. To assist in the deployment of demonstration projects on DOE or at Department of Defense (DOD) critical security sites, the Section would exclude from the NRC fee recovery requirements preapplication activities and reviews for early site permits associated with advanced nuclear reactor demonstrations. This will help free any DOE or DOD funding for other support of the demonstration and licensing process. The Section would direct the NRC to develop risk-informed, performance-based strategies for licensing micro-reactors, including rulemaking, as appropriate. It is expected NRC would implement this directive efficiently within either the existing regulatory framework or the technology-inclusive regulatory framework NRC is establishing under NEIMA, the so-called Part 53 rulemaking. The Section would also require the NRC to establish procedures to ensure licensing decisions to construct and operate new reactors using previously licensed designs and sited on, or adjacent to, existing sites to be made within 25 months. Finally, to assist deployment for new technologies uses for energy security and certain critical infrastructure, the Section would au-

[26] See NRC Strategic Plan FY 2022–2026, page 13.

thorize the Secretary of Energy to enter into power purchase agreements of up to 40 years for eligible nuclear reactors, with a priority for advanced reactors that provide power to high-value assets or to increase energy security in remote locations.

Section 202—Global nuclear cooperation

Advancing the core goals of the Atomic Energy Act requires a renewed focus on America's international nuclear energy relationships, particularly to compete with Russia and China. This Section would direct the Secretary of Energy to conduct a comprehensive study of the global status of civilian nuclear energy and to recommend measures to increase the role of U.S. nuclear energy in strategic energy policy, to develop U.S. nuclear supply chains, and to mitigate foreign competitor's strategic use of civil nuclear energy for geopolitical purposes. The Section would require the Secretary to establish a program to promote U.S. safety standards, technology, and expertise through training and partnerships with foreign allies.

The Section would also direct the NRC to coordinate international activities to support regulatory cooperation with allied countries as well as countries seeking to establish nuclear regulatory frameworks of their own. The Section would provide that NRC may establish an "International Nuclear Reactor Export and Innovation Branch" to coordinate international nuclear export and innovation activities through a single office. The Committee encourages the NRC to take this action, but this legislation does not prevent the NRC from realigning international activities in the future. The fees for this international work would be excluded from the NRC's fee recovery requirements. Finally, the Section would amend the AEA to provide for the NRC denial of licenses to possess or own nuclear fuel assemblies fabricated by Russia or China owned or controlled entities. While fully fabricated fuel from Russia or China is not currently used by domestic nuclear power facilities, this provision would provide a backstop authority to ensure domestic fuel fabricators will not be subject to market manipulation by foreign, state-sponsored entities.

Section 203—American nuclear competitiveness

A key step for increasing American nuclear leadership and competitiveness is to strengthen U.S. nuclear commerce with the international market and American allies. DOE has responsibility for authorizing the transfer unclassified nuclear technology and assistance to foreign atomic energy activities in the United States and abroad. Under Section 57 b. (2) of the AEA, which is implemented in Part 810 of Title 10, Code of Federal Regulations (Part 810), the Secretary of Energy may grant "general authorizations" for certain activities found to be non-inimical to the interest of the United States.[27] When DOE updated its Part 810 regulations in 2015, it established a list of "generally authorized" countries to which transfers of civilian nuclear technology would be authorized without the need for specific DOE reviews. DOE recognized at the time that global nuclear markets had become more dynamic, which was

[27] See 10 CFR Part 810 Assistance to Foreign Atomic Energy Activities, Reference Handbook, National Nuclear Security Administration, DOE, 2015.

a basis for establishing the generally authorized list. Inclusion on list involves a number of considerations, including whether the countries have established a nuclear cooperation agreement pursuant to Section 123 of the AEA. This treaty level agreement may be a barrier for certain appropriate interactions in establishing nuclear commerce. Given global dynamics and the urgency to enable access of U.S. technology vendors to access international market and allies, DOE should periodically revise this list, and examine the factors it considers for inclusion on the list while assuring the listings will not be inimical to the interests of the United States. Section 203 would direct the Secretary of Energy to identify factors other than agreements under Section 123 of the AEA that may be used to determine a country's status to be "generally authorized" to receive unclassified nuclear technology and assistance and to update its list of "generally authorized" countries at least every five years, taking these factors into account.

At the outset of the civilian nuclear age, Congress instituted a policy to limit foreign participation in the American nuclear energy market. Given the globally integrated nature of the nuclear market today and current strategic interests, this provision unnecessarily inhibits America's allies from operating commercial nuclear power plants, and related long-term energy security and strategic relationships. This Section would remove the blanket restriction on investments in U.S. nuclear technology by certain foreign allies and companies incorporated within those allied countries. Lifting the restriction on foreign ownership does not remove any other federal responsibilities to assure licensing is not inimical the interests of the United States. The Committee expects the NRC to interpret the phrase "ultimately owned, controlled, or dominated by" to mean the final parent entity that has ultimate and final decision-making control over the applicant, notwithstanding any intermediate entities between the applicant and the final parent entity, that may or may not be members of the Organization for Economic Co-operation and Development.

From the beginning of the nuclear industry, stakeholders sought to assure that adequate funds are available to the public to satisfy claims if a nuclear event were to occur. There was also a desire to remove barriers to private sector participation in the nuclear power industry, given the perceived potential for significant liability claims in the event of a catastrophic nuclear event. Congress enacted the Price-Anderson Act in 1957 to address these issues, establishing accident liability limits for the nuclear industry and a mechanism to assure damage compensation would be readily available within those limits.[28] Given its vital importance for the industry, as well as the DOE nuclear enterprise, Congress has extended the Price-Anderson Act several times, most recently in the Energy Policy Act of 2005 through 2025. This Section would extend the Act to December 31, 2065, would increase the indemnification coverage for incidents outside the United States to comport with international agreements,[29] and would require the Comptroller General to study risk-pooling analyses associated with the Act.

[28] See The Price-Anderson Act: 2021 Report to Congress, NRC, December 2021, from which this description is drawn. See, also, Price-Anderson Act Report to Congress, DOE, January 2023. Both agencies recommend extension of the Act.

[29] Ibid.

Finally, the Section also would require the NRC to study and recommend steps for efficient licensing for new, nonelectric uses of nuclear energy and for advanced manufacturing techniques to build American nuclear reactors.

COMMITTEE ACTION

On Tuesday July 18, 2023, the Subcommittee on Energy, Climate, and Grid Security held a hearing on 15 pieces of legislation, including legislation and discussion drafts of all provisions eventually included in H.R. 6544. The title of the hearing was "American Nuclear Energy Expansion: Updating Policies for Efficient, Predictable Licensing and Deployment." The Subcommittees received testimony from:

- Dan Dorman, Executive Director of Operations, U.S. Nuclear Regulatory Commission;
- Michael Goff, Principal Deputy Assistant Secretary, Office of Nuclear Energy, Department of Energy;
- Maria Korsnick, President and CEO, Nuclear Energy Institute;
- The Honorable Jeffrey S. Merrifield, Chairman, Advanced Nuclear Working Group, U.S. Nuclear Industry Council;
- Ted Nordhaus, Founder and Executive Director, The Breakthrough Institute; and
- Jackie Toth, Deputy Director, Good Energy Collective.

On October 24, 2023, the Subcommittee on Energy, Climate, and Grid Security met in open markup session and forwarded nine discussion drafts, H.R. 995, with amendment, and H.R. 4528, with amendment, by unanimous consent to the full Committee. This legislation was subsequently compiled into H.R. 6544.

H.R. 6544 was introduced Rep. Jeff Duncan (SC–03) on December 1, 2023. The introduced bill included the following bills approved by the subcommittee as discussion drafts or as introduced bills: H.R. 6265, NRC Mission Alignment Act; H.R. 6236, Nuclear Licensing Efficiency Act, H.R. 4528; Strengthening the NRC Workforce Act of 2023; H.R. 6326, Advanced Reactor Fee Reduction Act; H.R. 6253, Advanced Nuclear Reactor Prize Act; H.R. 6252, Modernize Nuclear Reactor Environmental Reviews Act; H.R. 6268, Nuclear for Brownfields Site Preparation Act; H.R. 6346, Advancing Nuclear Regulatory Oversight Act; H.R. 6526, Advanced Nuclear Deployment Act; H.R. 995, Global Nuclear Energy Assessment and Cooperation Act; and H.R. 6303, Strengthening American Nuclear Competitiveness Act.

On December 5, 2023, the full Committee on Energy and Commerce met in open markup session and ordered H.R. 6544, which combined all legislation under consideration in the October 20, 2023, Subcommittee markup into one bill, favorably reported, as amended, to the House by a record vote of 47 yeas and 2 nays.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The following reflects the record votes taken during the Committee consideration:

COMMITTEE ON ENERGY AND COMMERCE
118TH CONGRESS
ROLL CALL VOTE # 2

BILL: H.R. 6544, Atomic Energy Advancement Act

AMENDMENT: A motion by Chair Rodgers to order H.R. 6544 favorably reported to the House, as amended (Final Passage).

DISPOSITION: AGREED TO, by a roll call vote of 47 yeas to 2 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Rodgers	X			Rep. Pallone	X		
Rep. Burgess	X			Rep. Eshoo	X		
Rep. Latta	X			Rep. DeGette	X		
Rep. Guthrie	X			Rep. Schakowsky		X	
Rep. Griffith	X			Rep. Matsui	X		
Rep. Bilirakis	X			Rep. Castor	X		
Rep. Johnson	X			Rep. Sarbanes	X		
Rep. Bucshon	X			Rep. Tonko	X		
Rep. Hudson	X			Rep. Clarke	X		
Rep. Walberg	X			Rep. Cárdenas	X		
Rep. Carter	X			Rep. Ruiz	X		
Rep. Duncan	X			Rep. Peters	X		
Rep. Palmer				Rep. Dingell	X		
Rep. Dunn				Rep. Veasey	X		
Rep. Curtis	X			Rep. Kuster	X		
Rep. Lesko	X			Rep. Kelly	X		
Rep. Pence	X			Rep. Barragán		X	
Rep. Crenshaw	X			Rep. Blunt Rochester	X		
Rep. Joyce	X			Rep. Soto	X		
Rep. Armstrong	X			Rep. Craig	X		
Rep. Weber	X			Rep. Schrier	X		
Rep. Allen	X			Rep. Trahan	X		
Rep. Balderson	X			Rep. Fletcher			
Rep. Fulcher	X						
Rep. Pfluger	X						
Rep. Harshbarger	X						
Rep. Miller-Meeks	X						
Rep. Cammack	X						
Rep. Obernolte	X						

12/05/2023

OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII, the Committee held hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.R. 6544 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII, at the time this report was filed, the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to ensure there is an adequate and reliable supply of critical energy resources that are essential to the energy security of the United States.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 6544 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

RELATED COMMITTEE AND SUBCOMMITTEE HEARINGS

Pursuant to clause 3(c)(6) of rule XIII, the following related hearings were used to develop or consider H.R. 6544:

- On January 31, 2023, the Committee on Energy and Commerce held ahearing entitled, "American Energy Expansion: Strengthening Economic, Environmental, and National Security." The Committee received testimony from:
  - The Honorable Paul Dabbar, Former Under Secretary of Energy, Department of Energy;
  - Robert McNalley, President, Rapidan Energy Group, LLC;
  - Donna Jackson, Director of Membership Development—National Center for Public Policy Research, Project 21; and,
  - Ana Unruh Cohen, Former Majority Staff Director, U.S. House Select Committee on the Climate Crisis.

- On February 7, 2023, the Subcommittee on Energy, Climate, and Grid Security and the Subcommittee on Environment, Manufacturing, and Critical Materials held a joint legislative hearing entitled, "Unleashing American Energy, Lowering Energy Costs, and Strengthening Supply Chains," on 17 pieces of legislation, including a discussion draft that would become H.R. 6544. The Subcommittees received testimony from:
  - The Honorable Mark Menezes, Former United States Deputy Secretary of Energy, Department of Energy;
  - The Honorable Bernard McNamee, Former Commissioner, Federal Energy Regulatory Commission;
  - Jeffrey Eshelman, II, President and Chief Executive Officer, Independent Petroleum Association of America;
  - Katie Sweeney, Executive Vice President and Chief Operating Officer, National Mining Association;
  - Raul Garcia, Legislative Director for Healthy Communities, Earthjustice; and
  - Tyson Slocum, Director of the Energy Program, Public Citizen.
- On April 18, 2023, the Subcommittee on Energy, Climate, and Grid Security held a hearing entitled, "American Nuclear Energy Expansion: Powering a Clean and Secure Future." The Subcommittee received testimony from:
  - Jess C. Gehin, Ph.D, Associate Laboratory Director, Nuclear Science and Technology, Idaho National Laboratory;
  - Regis Repko, Senior Vice President, Generation and Transmission, Duke Energy;
  - Jeremy Harrell, Board of Directors Chair, U.S. Nuclear Industry Council and Chief Strategy Officer, ClearPath; and
  - Armond Cohen, Executive Director, Clean Air Task Force.
- On May 11, 2023, the Subcommittee on Energy, Climate, and Grid Security held a hearing entitled, "The Fiscal Year 2024 Department of Energy Budget." The Committee received testimony from:
  - The Honorable Jennifer Granholm, Secretary, U.S. Department of Energy.
- On June 14, 2023, the Subcommittee on Energy, Climate, and Grid Security held an oversight hearing entitled, "Oversight of NRC: Ensuring Efficient and Predictable Nuclear Safety Regulation for a Prosperous America." The Subcommittee received testimony from:
  - Then Honorable Christopher T. Hanson, Chairman, U.S. Nuclear Regulatory Commission,
  - The Honorable Jeff Baran, Commissioner,
  - The Honorable David A. Wright, Commissioner,
  - The Honorable Annie Caputo, Commissioner,
  - The Honorable Bradley R. Crowell, Commissioner.
- On Tuesday July 18, 2023, the Subcommittee on Energy, Climate, and Grid Security held a hearing on 15 pieces of legislation, including legislation and discussion drafts of all provisions eventually included in H.R. 6544. The title of the hearing was "American Nuclear Energy Expansion: Updating Policies

for Efficient, Predictable Licensing and Deployment." The Subcommittees received testimony from:

- Dan Dorman, Executive Director of Operations, U.S. Nuclear Regulatory Commission;
- Michael Goff, Principal Deputy Assistant Secretary, Office of Nuclear Energy, Department of Energy;
- Maria Korsnick, President and CEO, Nuclear Energy Institute;
- The Honorable Jeffrey S. Merrifield, Chairman, Advanced Nuclear Working Group, U.S. Nuclear Industry Council;
- Ted Nordhaus, Founder and Executive Director, The Breakthrough Institute; and
- Jackie Toth, Deputy Director, Good Energy Collective.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974. At the time this report was filed, the estimate was not available.

EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 6544 contains no earmarks, limited tax benefits, or limited tariff benefits.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title; Table of Contents

Section 1 provides that the Act may be cited as the "Atomic Energy Advancement Act".

Title 1—Nuclear Regulatory Commission

SUBTITLE A—EFFICIENCY, PERFORMANCE, AND PREPARATION FOR THE FUTURE

Sec. 101. NRC mission alignment

The Section would direct the NRC to update its mission statement to include that licensing and regulation of nuclear energy activities be conducted in a manner that is efficient and does not unnecessarily limit the potential for nuclear energy to improve the general welfare or benefits of nuclear energy to society. The legisla-

tion would also amend the Energy Reorganization Act of 1974 to require the NRC's Director of Nuclear Reactor Regulation to establish licensing techniques and guidance to support efficient, timely, and predictable reviews of license applications.

Sec. 102. Nuclear licensing efficiency

The Section would amend the Atomic Energy Act (AEA) to require that the NRC provide efficient, timely, and predictable reviews and proceedings for licensing and for the modification of its rules and regulations. It would require NRC, when licensing a facility where there are already licensed nuclear facilities, to use information that was part of the licensing basis for those facilities to the extent practicable. The Section would also amend the NEIMA to require NRC to review, assess, and revise licensing performance metrics and milestone schedules required under that Act to provide the most efficient performance metrics and milestone schedules reasonably achievable. The Section would also amend NEIMA to exclude nuclear fusion reactors from NRC's new regulatory framework for advanced reactors and to provide technical corrections relating to research reactors.

Sec. 103. Strengthening the NRC workforce

The Section would amend the AEA to authorize the NRC Chairman, upon certification that such need exists, to recruit and directly appoint highly qualified individuals to address a severe shortage of candidates or a critical hiring need for covered positions to carry out NRC activities in a timely, efficient, and effective manner. The number of employees recruited or appointed under this provision would be capped. The Section would authorize the NRC to increase employee compensation, up to a certain limit, to assist with recruitment and retention of employees, pursuant to the certification that such increased compensation is necessary. Additionally, the Section would authorize the NRC to obtain the services of outside experts and consultants and would allow provision of bonuses of up to $25,000 per employee. The Section would require annual reporting to Congress and require a Comptroller General assessment of the program.

SUBTITLE B—FEE REDUCTION

Sec. 111. Advanced reactor fee reduction

The Section would amend NEIMA to reduce the hourly rate for fees assessed and collected by the NRC from applicants for advanced nuclear reactor licenses. It would also reduce the hourly rate, through fiscal year 2029, for such fees from entities that engage in preapplication activities for purposes of submitting a future advanced nuclear reactor license application. The provision would provide that fees reflect only mission-direct program costs and that the Commission may not collect fees from qualified entities for costs that are not mission-direct program costs. Such mission indirect and other agency support costs would be excluded from NRC's fee recovery requirements.

Sec. 112. Advance nuclear reactor prize

The Section would authorize the Secretary of Energy to make targeted awards to cover fees assessed by the NRC and collected from a non-federal entity or the Tennessee Valley Authority for the first technologies that are licensed and made operational in five categories: (1) the first advanced nuclear reactor licensed; (2) the first advanced nuclear reactor to use isotopes derived from spent nuclear fuel as fuel for a reactor; (3) the first advanced reactor that is part of an integrated energy system; (4) the first advanced reactor that is used for nonelectric applications; and (5) the first nuclear reactor licensed under the new technology-inclusive framework required by NEIMA.

SUBTITLE C—SITING, LICENSING, AND OVERSIGHT REVIEWS

Sec. 121. Modernization of nuclear reactor environmental reviews

The Section would direct the NRC to submit a report and conduct a rulemaking to facilitate efficient, timely environmental reviews of nuclear reactor applications pursuant to NEPA. The report would include a description of actions taken to implement recent amendments to NEPA and to consider additional measures to facilitate timely reviews while meeting the obligations of NEPA, including through use of categorical exclusions, environmental assessments, and generic environmental assessments, as well as process efficiencies to reduce duplicative reviews. The NRC would be required to complete a final rulemaking, two years after completing its report, that implements identified measures to update its environmental review requirements.

Sec. 122. Nuclear for Brownfields site preparation

The Section would direct the NRC to identify and report on regulations, guidance, or policy necessary to license and oversee nuclear facilities at brownfield sites, including sites with retired fossil fuel facilities, and at retired fossil fuel sites, where one or more electric generation facilities are retired or scheduled to retire. The NRC would be required to consider how existing site infrastructure can be reused and how early site permits, plant parameter envelops, or standardized applications for similar sites may be used for licensing. The NRC would be required to develop and implement strategies, including through rulemaking, to enable and support licensing of nuclear facilities, taking into consideration matters relating to existing emergency planning, environmental data and reviews, decontamination and remediation, community engagement, and historical experience with energy use at the sites.

Sec. 123. Advancement of nuclear regulatory oversight

The Section would direct the NRC to submit a report that examines any changes, including temporary changes, the NRC made to its regulatory oversight processes or procedures during the Covid–19 pandemic and that explains how the NRC will incorporate resulting lessons identified into its oversight processes and procedures to become more efficient. The Section would also direct the NRC to develop a report, in consultation with federal, industry, and nongovernmental stakeholders, that assesses, and describes what actions the NRC will take to modify and improve its nuclear

reactor oversight and inspections programs to maximize the efficiency of such programs through risk-informed, performance-based procedures, information technology, regular staff training, and other measures. The Section would also direct the Comptroller General to examine and make recommendations to reduce NRC office and facility costs through reduction or consolidation of offices and related measures, as appropriate.

Title II—Nuclear Technology Deployment

Sec. 201. Advanced nuclear deployment

The Section would amend NEIMA to authorize funding to the NRC to support preapplication activities and early site permit reviews for advanced reactors that will be located on either DOE or critical national security infrastructure sites. The activities would be excluded from the NRC's fee recovery requirements. The Section would direct the NRC to identify and implement regulatory guidance or, as necessary, issue regulations for licensing issues concerning micro-reactors. The Section would require the NRC to establish procedures to ensure licensing decisions to construct and operate new reactors using previously licensed designs, and sited on, or adjacent to, existing sites to be made within 25 months. The Section would authorize the Secretary of Energy to enter into power purchase agreements of up to 40 years for eligible nuclear reactors, with a priority for advanced reactors that provide power to high-value assets or to increase energy security in remote locations.

Sec. 202. Global nuclear cooperation

The Section would direct the Secretary of Energy to conduct a comprehensive study of the global status of civilian nuclear energy and supply chains and to recommend measures to increase the role of U.S. nuclear energy in diplomacy and strategic energy policy and remove regulatory barriers to U.S. nuclear energy supply chains. The Section would require the Secretary to establish a program to promote U.S. safety standards, technology, and expertise through training and partnerships with foreign allies. The Section would also establish an "International Nuclear Reactor Export and Innovation Branch" within the NRC's international programs office to coordinate Commission international nuclear export and innovation activities. The fees for such activity would be excluded from the NRC's fee recovery requirements. The Section would amend the AEA to require NRC denial of licenses to possess or own nuclear fuel assemblies fabricated by Russia or China owned or controlled entities, if the Secretary of Energy, in consultation with the Secretary of State, determines the possession or ownership poses a threat to national and economic security of the United States.

Sec. 203. American nuclear competitiveness

The Section would direct the Secretary of Energy to identify factors other than agreements under Section 123 of the AEA that may be used to determine a country's status to be "generally authorized" to receive unclassified nuclear technology and assistance and to update its list of "generally authorized" countries at least every five years, taking these factors into account. It would remove restric-

tions on investments in U.S. nuclear technology by certain foreign allies and companies incorporated within those allied countries. The Section would extend Section 170 of the AEA, commonly known as the "Price-Anderson Act," to December 31, 2065, would increase the indemnification coverage, and would require the Comptroller General to study risk-pooling analyses associated with the Act. The Section also would require the NRC to study and recommend steps for efficient licensing for new, nonelectric uses of nuclear energy and for advanced manufacturing techniques to build American nuclear reactors.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

ENERGY REORGANIZATION ACT OF 1974

* * * * * * *

TITLE II—NUCLEAR REGULATORY COMMISSION; NUCLEAR WHISTLEBLOWER PROTECTION

* * * * * * *

OFFICE OF NUCLEAR REACTOR REGULATION

SEC. 203. [(a) There] *(a) ESTABLISHMENT; APPOINTMENT OF DIRECTOR.—There* is hereby established in the Commission an Office of Nuclear Reactor Regulation under the direction of a Director of Nuclear Reactor Regulation, who shall be appointed by the Commission, who may report directly to the Commission, as provided in section 209, and who shall serve at the pleasure of and be removable by the Commission.

[(b) Subject] *(b) FUNCTIONS OF DIRECTOR.—Subject* to the provisions of this Act, the Director of Nuclear Reactor Regulation shall perform such functions as the Commission shall [delegate including:] *delegate, including the following:*

(1) Principal licensing and regulation involving all facilities, and materials licensed under the Atomic Energy Act of 1954, as amended, associated with the construction and operation of nuclear reactors licensed under the Atomic Energy Act of 1954, as amended;

(2) Review the safety and safeguards of all such facilities, materials, and activities, and such review functions shall include, but not be limited to—

(A) monitoring, testing and recommending upgrading of systems designed to prevent substantial health or safety hazards; and

(B) evaluating methods of transporting special nuclear and other nuclear materials and of transporting and storing high-level radioactive wastes to prevent radiation hazards to employees and the general public.

(3) Recommend research necessary [for the discharge of the] *to fulfill the licensing and regulatory oversight* functions of the Commission.

(c) LICENSING PROCESS.—In carrying out the principal licensing and regulation functions under subsection (b)(1), the Director of Nuclear Reactor Regulation shall—

(1) establish techniques and guidance for evaluating applications for licenses for nuclear reactors to support efficient, timely, and predictable reviews of applications for such licenses to enable the safe and secure use of nuclear reactors;

(2) maintain the techniques and guidance established under paragraph (1) by periodically assessing and, if necessary, modifying such techniques and guidance; and

(3) obtain approval from the Commission if establishment or modification of the techniques and guidance established under paragraph (1) or (2) involves policy formulation.

[(c) Nothing] *(d) RESPONSIBILITY FOR SAFE OPERATION OF FACILITIES.—Nothing* in this section shall be construed to limit in any way the functions of the Administration relating to the safe operation of all facilities resulting from all activities within the jurisdiction of the Administration pursuant to this Act.

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ATOMIC ENERGY ACT OF 1954

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TITLE I—ATOMIC ENERGY

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CHAPTER 2. DEFINITIONS

SEC. 11. DEFINITION.—The intent of Congress in the definitions as given in this section should be construed from the words or phrases used in the definitions. As used in this Act:

a. The term "agency of the United States" means the executive branch of the United States, or any Government agency, or the legislative branch of the United States, or any agency, committee, commission, office, or other establishment in the legislative branch, or the judicial branch of the United States, or any office, agency, committee, commission, or other establishment in the judicial branch.

b. The term "agreement for cooperation" means any agreement with another nation or regional defense organization authorized or permitted by sections 54, 57, 64, 82, 91c., 103, 104, or 144, and made pursuant to section 123.

c. The term "atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation.

d. The term "atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

e. The term "byproduct material" means—

(1) any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

(2) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content;

(3)(A) any discrete source of radium-226 that is produced, extracted, or converted after extraction, before, on, or after the date of enactment of this paragraph for use for a commercial, medical, or research activity; or

(B) any material that—

(i) has been made radioactive by use of a particle accelerator; and

(ii) is produced, extracted, or converted after extraction, before, on, or after the date of enactment of this paragraph for use for a commercial, medical, or research activity; and

(4) any discrete source of naturally occurring radioactive material, other than source material, that—

(A) the Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate Federal agency, determines would pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety or the common defense and security; and

(B) before, on, or after the date of enactment of this paragraph is extracted or converted after extraction for use in a commercial, medical, or research activity.

f. The term "Commission" means the Atomic Energy Commission.

g. The term "common defense and security" means the common defense and security of the United States.

h. The term "defense information" means any information in any category determined by any Government agency authorized to classify information, as being information respecting, relating to, or affecting the national defense.

i. The term "design" means (1) specifications, plans, drawings, blueprints, and other items of like nature; (2) the information contained therein; or (3) the research and development data pertinent to the information contained therein.

j. The term "extraordinary nuclear occurrence" means any event causing a discharge or dispersal of source, special nuclear, or by-

product material from its intended place of confinement in amounts offsite, or causing radiation levels offsite, which the Nuclear Regulatory Commission or the Secretary of Energy, as appropriate, determines to be substantial, and which the Nuclear Regulatory Commission or the Secretary of Energy, as appropriate, determines has resulted or will probably result in substantial damages to persons offsite or property offsite. Any determination by the Nuclear Regulatory Commission or the Secretary of Energy, as appropriate, that such an event has, or has not, occurred shall be final and conclusive, and no other official or any court shall have power or jurisdiction to review any such determination. The Nuclear Regulatory Commission or the Secretary of Energy, as appropriate, shall establish criteria in writing setting forth the basis upon which such determination shall be made. As used in this subsection, "offsite" means away from "the location" or the "contract location" as defined in the applicable Nuclear Regulatory Commission or the Secretary of Energy, as appropriate, indemnity agreement, entered into pursuant to section 170.

k. The term "financial protection" means the ability to respond in damages for public liability and to meet the costs of investigating and defending claims and settling suits for such damages.

l. The term "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

m. The term "indemnitor" means (1) any insurer with respect to his obligations under a policy of insurance furnished as proof of financial protection; (2) any licensee, contractor or other person who is obligated under any other form of financial protection, with respect to such obligations; and (3) the Nuclear Regulatory Commission or the Secretary of Energy, as appropriate, with respect to any obligation undertaken by it in an indemnity agreement entered into pursuant to section 170.

n. The term "international arrangement" means any international agreement hereafter approved by the Congress or any treaty during the time such agreement or treaty is in full force and effect, but does not include any agreement for cooperation.

o. The term "Energy Committees" means the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.

p. The term "licensed activity" means an activity licensed pursuant to this Act and covered by the provisions of section 170 a.

q. The term "nuclear incident" means any occurrence, including an extraordinary nuclear occurrence, within the United States causing, within or outside the United States, bodily injury, sickness, disease, or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct material: *Provided, however,* That as the term is used in section 170 l., it shall include any such occurrence outside the United States: *And provided further,* That as the term is used in section 170 d., it shall include any such occurrence outside the United States [if such occurrence involves source, special nu-

clear, or byproduct material owned by, and used by or under contract with, the United States:]*: And provided further,* That as the term is used in section 170 c., it shall include any such occurrence outside both the United States and any other nation if such occurrence arises out of or results from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct material licensed pursuant to chapters 6, 7, 8, and 10 of this Act, which is used on connection with the operation of a licensed stationary production or utilization facility or which moves outside the territorial limits of the United States in transit from one person licensed by the Nuclear Regulatory Commission to another person licensed by the Nuclear Regulatory Commission.

r. The term "operator" means any individual who manipulates the controls of a utilization or production facility.

s. The term "person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

t. The term "person indemnified" means (1) with respect to a nuclear incident occurring within the United States or outside the United States as the term is used in section 170 c., and with respect to any nuclear incident in connection with the design, development, construction, operation, repair, maintenance, or use of the nuclear ship Savannah, the person with whom an indemnity agreement is executed or who is required to maintain financial protection, and any other person who may be liable for public liability or (2) with respect to any other nuclear incident occurring outside the United States, the person with whom an indemnity agreement is executed and any other person who may be liable for public liability by reason of his activities under any contract with the Secretary of Energy or any project to which indemnification under the provisions of section 170 d., has been extended or under any subcontract, purchase order, or other agreement, of any tier, under any such contract or project.

u. The term "produce," when used in relation to special nuclear material, means (1) to manufacture, make, produce, or refine special nuclear material; (2) to separate special nuclear material from other substances in which such material may be contained; or (3) to make or to produce new special nuclear material.

v. The term "production facility" means (1) any equipment or device determined by rule of the Commission to be capable of the production of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the Commission. Except with respect to the export of a uranium enrichment production facility, such term as used in chapters 10 and 16 shall not include any equipment or device (or important component part especially designed for such equipment or device) capable of separating the isotopes of uranium or enriching uranium in the isotope 235.

w. The term "public liability" means any legal liability arising out of or resulting from a nuclear incident or precautionary evacuation (including all reasonable additional costs incurred by a State, or a political subdivision of a State, in the course of responding to a nuclear incident or a precautionary evacuation), except: (i) claims under State or Federal workmen's compensation acts of employees of persons indemnified who are employed at the site of and in connection with the activity where the nuclear incident occurs; (ii) claims arising out of an act of war; and (iii) whenever used in subsections a., c., and k. of section 170, claims for loss of, or damage to, or loss of use of property which is located at the site of and used in connection with the licensed activity where the nuclear incident occurs. "Public liability" also includes damage to property of persons indemnified: *Provided,* That such property is covered under the terms of the financial protection required, except property which is located at the site of and used in connection with the activity where the nuclear incident occurs.

x. The term "research and development" means (1) theoretical analysis, exploration, or experimentation; or (2) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

y. The term "Restricted Data" means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142.

z. The term "source material" means (1) uranium, thorium, or any other material which is determined by the Commission pursuant to the provisions of section 61 to be source material; or (2) ores containing one or more of the foregoing materials, in such concentration as the Commission may by regulation determine from time to time.

aa. The term "special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51, determines to be special nuclear material, but does not include source material; or (2) any material artifically enriched by any of the foregoing, but does not include source material.

bb. The term "United States" when used in a geographical sense includes all Territories and possessions of the United States, the Canal Zone and Puerto Rico.

cc. The term "utilization facility" means (1) any equipment or device, except an atomic weapon, determined by rule of the Commission to be capable of making use of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public, or peculiarly adapted for making use of atomic energy in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the Commission.

dd. The terms "high-level radioactive waste" and "spent nuclear fuel" have the meanings given such terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

ee. The term "transuranic waste" means material contaminated with elements that have an atomic number greater than 92, including neptunium, plutonium, americium, and curium, and that are in concentrations greater than 10 nanocuries per gram, or in such other concentrations as the Nuclear Regulatory Commission may prescribe to protect the public health and safety.

ff. The term "nuclear waste activities", as used in section 170, means activities subject to an agreement of indemnification under subsection d. of such section, that the Secretary of Energy is authorized to undertake, under this Act or any other law, involving the storage, handling, transportation, treatment, or disposal of, or research and development on, spent nuclear fuel, high-level radioactive waste, or transuranic waste, including (but not limited to) activities authorized to be carried out under the Waste Isolation Pilot Project under section 213 of Public Law 96–164 (93 Stat. 1265).

gg. The term "precautionary evacuation" means an evacuation of the public within a specified area near a nuclear facility, or the transportation route in the case of an accident involving transportation of source material, special nuclear material, byproduct material, high-level radioactive waste, spent nuclear fuel, or transuranic waste to or from a production or utilization facility, if the evacuation is—

(1) the result of any event that is not classified as a nuclear incident but that poses imminent danger of bodily injury or property damage from the radiological properties of source material, special nuclear material, byproduct material, high-level radioactive waste, spent nuclear fuel, or transuranic waste, and causes an evacuation; and

(2) initiated by an official of a State or a political subdivision of a State, who is authorized by State law to initiate such an evacuation and who reasonably determined that such an evacuation was necessary to protect the public health and safety.

hh. The term "public liability action", as used in section 170, means any suit asserting public liability. A public liability action shall be deemed to be an action arising under section 170, and the substantive rules for decision in such action shall be derived from the law of the State in which the nuclear incident involved occurs, unless such law is inconsistent with the provisions of such section.

jj. LEGAL COSTS.—As used in section 170, the term "legal costs" means the costs incurred by a plaintiff or a defendant in initiating, prosecuting, investigating, settling, or defending claims or suits for damage arising under such section.

kk. FUSION MACHINE.—The term "fusion machine" means a particle accelerator that is capable of—

(1) transforming atomic nuclei, through fusion processes, into other elements, isotopes, or particles; and

(2) directly capturing and using the resultant products, including particles, heat, and other electromagnetic radiation.

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CHAPTER 10. ATOMIC ENERGY LICENSES

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SEC. 103. COMMERCIAL LICENSES.—

a. The Commission is authorized to issue licenses to persons applying therefor to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export under the terms of an agreement for cooperation arranged pursuant to section 123, utilization or production facilities for industrial or commercial purposes. Such licenses shall be issued in accordance with the provisions of chapter 16 and subject to such conditions as the Commission may by rule or regulation establish to effectuate the purposes and provisions of this Act.

b. The Commission shall issue such licenses on a non-exclusive basis to persons applying therefor (1) whose proposed activities will serve a useful purpose proportionate to the quantities of special nuclear material or source material to be utilized; (2) who are equipped to observe and who agree to observe such safety standards to protect health and to minimize danger to life or property as the Commission may by rule establish; and (3) who agree to make available to the Commission such technical information and data concerning activities under such licenses as the Commission may determine necessary to promote the common defense and security and to protect the health and safety of the public. All such information may be used by the Commission only for the purposes of the common defense and security and to protect the health and safety of the public.

c. Each such license shall be issued for a specified period, as determined by the Commission, depending on the type of activity to be licensed, but not exceeding forty years from the authorization to commence operations, and may be renewed upon the expiration of such period.

d. No license under this section may be given to any person or activities which are not under or within the jurisdiction of the United States, except for the export of production or utilization facilities under terms of an agreement for cooperation arranged pursuant to section 123, or except under the provisions of section 109. No license may be issued to an alien or [any any] *any* corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government. In any event, no license may be issued to any person within the United States if, in the opinion of the Commission, the issuance of a license to such person would be inimical to the common defense and security or to the health and safety of the public.

f. Each license issued for a utilization facility under this section or section 104 b. shall require as a condition thereof that in case of any accident which could result in an unplanned release of quantities of fission products in excess of allowable limits for normal operation established by the Commission, the licensee shall immediately so notify the Commission. Violation of the condition prescribed by this subsection may, in the Commission's discretion, constitute grounds for license revocation. In accordance with section 187 of this Act, the Commission shall promptly amend each license for a utilization facility issued under this section or section 104 b.

which is in effect on the date of enactment of this subsection to include the provisions required under this subsection.

SEC. 104. MEDICAL THERAPY AND RESEARCH AND DEVELOPMENT.—

a. The Commission is authorized to issue licenses to persons applying therefor for utilization facilities for use in medical therapy. In issuing such licenses the Commission is directed to permit the widest amount of effective medical therapy possible with the amount of special nuclear material available for such purposes and to impose the minimum amount of regulation consistent with its obligations under this Act to promote the common defense and security and to protect the health and safety of the public.

b. As provided for in subsection 102 b. or 102 c., or where specifically authorized by law, the Commission is authorized to issue licenses under this subsection to persons applying therefor for utilization and production facilities for industrial and commercial purposes. In issuing licenses under this subsection, the Commission shall impose the minimum amount of such regulations and terms of license as will permit the Commission to fulfill its obligations under this Act.

c. [The Commission] *RESEARCH AND DEVELOPMENT ACTIVITIES.—*

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Commission is authorized to issue licenses to persons applying therefor for utilization and production facilities useful in the conduct of research and development activities of the types specified in section 31. [The Commission]

(2) REGULATION.—The Commission is directed to impose only such minimum amount of regulation of the licensee as the Commission finds will permit the Commission to fulfill its obligations under this Act to promote the common defense and security and to protect the health and safety of the public and will permit the conduct of widespread and diverse research and development. [The Commission is authorized to issue licenses under this section for utilization facilities useful in the conduct of research and development activities of the types specified in section 31 in which the licensee sells research and testing services and energy to others, subject to the condition that the licensee shall recover not more than 75 percent of the annual costs to the licensee of owning and operating the facility through sales of nonenergy services, energy, or both, other than research and development or education and training, of which not more than 50 percent may be through sales of energy.]

(3) LIMITATION ON UTILIZATION FACILITIES.—The Commission may issue a license under this section for a utilization facility useful in the conduct of research and development activities of the types specified in section 31 if—

(A) not more than 75 percent of the annual costs to the licensee of owning and operating the facility are devoted to the sale, other than for research and development or education and training, of—

(i) nonenergy services;

(ii) energy; or

(iii) a combination of nonenergy services and energy; and

(B) not more than 50 percent of the annual costs to the licensee of owning and operating the facility are devoted to the sale of energy.

d. No license under this section may be given to any person for activities which are not under or within the jurisdiction of the United States, except for the export of production or utilization facilities under terms of an agreement for cooperation arranged pursuant to section 123 or except under the provisions of section 109. No license may be issued to any corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government. In any event, no license may be issued to any person within the United States if, in the opinion of the Commission, the issuance of a license to such person would be inimical to the common defense and security or to the health and safety of the public.

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CHAPTER 14. GENERAL AUTHORITY

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SEC. 161A. USE OF FIREARMS BY SECURITY PERSONNEL.

a. DEFINITIONS.—In this section, the terms "handgun", "rifle", "shotgun", "firearm", "ammunition", "machinegun", "short-barreled shotgun", and "short-barreled rifle" have the meanings given the terms in section 921(a) of title 18, United States Code.

b. AUTHORIZATION.—Notwithstanding subsections (a)(4), (a)(5), (b)(2), (b)(4), and (o) of section 922 of title 18, United States Code, section 925(d)(3) of title 18, United States Code, section 5844 of the Internal Revenue Code of 1986, and any law (including regulations) of a State or a political subdivision of a State that prohibits the transfer, receipt, possession, transportation, importation, or use of a handgun, a rifle, a shotgun, a short-barreled shotgun, a short-barreled rifle, a machinegun, a semiautomatic assault weapon, ammunition for any such gun or weapon, or a large capacity ammunition feeding device, in carrying out the duties of the Commission, the Commission may authorize the security personnel of any licensee or certificate holder of the Commission (including an employee of a contractor of such a licensee or certificate holder) to transfer, receive, possess, transport, import, and use 1 or more such guns, weapons, ammunition, or devices, if the Commission determines that—

(1) the authorization is necessary to the discharge of the official duties of the security personnel; and

(2) the security personnel—

(A) are not otherwise prohibited from possessing or receiving a firearm under Federal or State laws relating to possession of firearms by a certain category of persons;

(B) have successfully completed any requirement under this section for training in the use of firearms and tactical maneuvers;

(C) are engaged in the protection of—

(i) a facility owned or operated by a licensee or certificate holder of the Commission that is designated by the Commission; or

(ii) radioactive material or other property owned or possessed by a licensee or certificate holder of the Commission, or that is being transported to or from a facility owned or operated by such a licensee or certificate holder, and that has been determined by the Commission to be of significance to the common defense and security or public health and safety; and

(D) are discharging the official duties of the security personnel in transferring, receiving, possessing, transporting, or importing the weapons, ammunition, or devices.

c. BACKGROUND CHECKS.—A person that receives, possesses, transports, imports, or uses a weapon, ammunition, or a device under subsection (b) shall be subject to a background check by the Attorney General, based on fingerprints and including a background check under section 103(b) of the Brady Handgun Violence Prevention Act (Public Law 103–159; 18 U.S.C. 922 note) to determine whether the person is prohibited from possessing or receiving a firearm under Federal or State law.

d. EFFECTIVE DATE.—This section takes effect on the date on which guidelines are issued by the Commission, with the approval of the Attorney General, to carry out this section.

SEC. 161B. COMMISSION WORKFORCE.

(a) DIRECT HIRE AUTHORITY.—

(1) IN GENERAL.—Notwithstanding section 161 d. of this Act and section 2(b) of Reorganization Plan No. 1 of 1980 (94 Stat. 3585; 5 U.S.C. app.), and without regard to any provision of title 5 (except sections 3303 and 3328), United States Code, governing appointments in the civil service, if the Chairman of the Nuclear Regulatory Commission (in this section referred to as the "Chairman") issues or renews a certification that there is a severe shortage of candidates or a critical hiring need for covered positions to carry out the Nuclear Regulatory Commission's (in this section referred to as the "Commission") responsibilities and activities in a timely, efficient, and effective manner, the Chairman may, during any period when such a certification is in effect—

(A) recruit and directly appoint highly qualified individuals into the excepted service for covered positions; and

(B) establish in the excepted service term-limited covered positions and recruit and directly appoint highly qualified individuals into such term-limited covered positions, which may not exceed a term of 4 years.

(2) LIMITATIONS.—

(A) MERIT PRINCIPLES.—To the maximum extent practicable, any action authorized pursuant to paragraph (1) shall be consistent with the merit principles of section 2301 of title 5, United States Code.

(B) NUMBER.—The number of highly qualified individuals serving in—

(i) covered positions pursuant to paragraph (1)(A) may not exceed 210 at any one time; and

(ii) term-limited covered positions pursuant to paragraph (1)(B) may not exceed 80 at any one time.

(C) COMPENSATION.—The Chairman may not use authority under paragraph (1)(A) or paragraph (1)(B) to compensate individuals recruited and directly appointed into a covered position or a term-limited covered position at an annual rate of basic pay higher than the annual salary payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(D) SENIOR EXECUTIVE SERVICE POSITION.—The Chairman may not, under paragraph (1)(A) or paragraph (1)(B), appoint highly qualified individuals to any Senior Executive Service position, as defined in section 3132 of title 5, United States Code.

(3) RENEWAL.—The Chairman may renew a certification issued or renewed under this subsection if the Chairman determines there is still a severe shortage of candidates or a critical hiring need for covered positions to carry out the Commission's responsibilities and activities in a timely, efficient, and effective manner.

(4) TERMINATION.—A certification issued or renewed under this subsection shall terminate on the earlier of—

(A) the date that is 10 years after the certification is renewed or issued; or

(B) the date on which the Chairman determines there is no longer a severe shortage of candidates or a critical hiring need for covered positions to carry out the Commission's responsibilities and activities in a timely, efficient, and effective manner.

(5) LEVEL OF POSITIONS.—To the extent practicable, in carrying out paragraph (1) the Chairman shall recruit and directly appoint highly qualified individuals into the excepted service to entry, mid, and senior level covered positions, including term-limited covered positions.

(b) ADDRESSING INSUFFICIENT COMPENSATION OF EMPLOYEES AND OTHER PERSONNEL OF THE COMMISSION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, if the Chairman issues or renews a certification that compensation for employees or other personnel of the Commission serving in a covered position is insufficient to retain or attract such employees and other personnel to allow the Commission to carry out the responsibilities and activities of the Commission in a timely, efficient, and effective manner, the Chairman may, during any period when such a certification is in effect, fix the compensation for such employees or other personnel serving in a covered position without regard to any provision of title 5, United States Code, governing General Schedule classification and pay rates.

(2) CERTIFICATION REQUIREMENTS.—A certification issued or renewed under this subsection shall—

(A) apply to employees or other personnel who serve in covered positions;

(B) terminate on the earlier of—

(i) the date that is 10 years after the certification is issued or renewed; or

(ii) the date on which the Chairman determines that the use of the authority of the Chairman under this subsection to fix compensation for employees or other personnel serving in a covered position is no longer necessary to retain or attract such employees and other personnel to allow the Commission to carry out the Commission's responsibilities and activities in a timely, efficient, and effective manner; and

(C) be no broader than necessary to achieve the objective of retaining or attracting employees and other personnel serving in a covered position to allow the Commission to carry out the Commission's responsibilities and activities in a timely, efficient, and effective manner.

(3) RENEWAL.—The Chairman may renew a certification issued or renewed under this subsection if the Chairman determines that use of the authority of the Chairman under this subsection to fix compensation for employees or other personnel serving in a covered position is still necessary to retain or attract such employees or other personnel to allow the Commission to carry out the Commission's responsibilities and activities in a timely, efficient, and effective manner.

(4) APPLICABILITY.—The authority under this subsection to fix the compensation of employees or other personnel during any period when a certification issued or renewed under paragraph (1) is in effect shall apply with respect to an employee or other personnel serving in a covered position regardless of when the employee or other personnel was hired.

(5) RETENTION OF LEVEL OF FIXED COMPENSATION.—The termination of a certification issued or renewed under paragraph (1) shall not affect the compensation of an employee or other personnel serving in a covered position whose compensation was fixed by the Chairman in accordance with paragraph (1).

(6) LIMITATION ON COMPENSATION.—The Chairman may not use the authority under paragraph (1) to fix the compensation of employees or other personnel at an annual rate of basic pay higher than the annual salary payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(7) EXPERTS AND CONSULTANTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Chairman may—

(i) obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code;

(ii) compensate those experts and consultants for each day (including travel time) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of that title; and

(iii) pay to the experts and consultants serving away from the homes or regular places of business of the experts and consultants travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of that title for persons in Government service employed intermittently.

(B) LIMITATIONS.—The Chairman shall—

(i) to the maximum extent practicable, limit the use of experts and consultants pursuant to subparagraph (A); and

(ii) ensure that the employment contract of each expert and consultant employed pursuant to subparagraph (A) is subject to renewal not less frequently than annually.

(c) ADDITIONAL COMPENSATION AUTHORITY.—

(1) FOR NEW EMPLOYEES.—The Chairman may pay a person recruited and directly appointed under subsection (a) a 1-time hiring bonus in an amount not to exceed $25,000.

(2) FOR EXISTING EMPLOYEES.—

(A) IN GENERAL.—Subject to subparagraph (B), an employee or other personnel who the Chairman determines exhibited exceptional performance in a fiscal year may be paid a performance bonus in an amount not to exceed the least of—

(i) $25,000; and

(ii) the amount of the limitation that is applicable for a calendar year under section 5307(a)(1) of title 5, United States Code.

(B) LIMITATIONS.—

(i) SUBSEQUENT BONUSES.—Any person who receives a performance bonus under subparagraph (A) may not receive another performance bonus under that subparagraph for a period of 5 years thereafter.

(ii) HIRING BONUSES.—Any person who receives a 1-time hiring bonus under paragraph (1) may not receive a performance bonus under subparagraph (A) unless more than one year has elapsed since the payment of such 1-time hiring bonus.

(d) IMPLEMENTATION PLAN AND REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Chairman shall develop and implement a plan to carry out this section. Before implementing such plan, the Chairman shall submit to the Committee on Energy and Commerce of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Office of Personnel Management a report on the details of the plan.

(2) REPORT CONTENT.—The report submitted under paragraph (1) shall include—

(A) evidence and supporting documentation justifying the plan; and

(B) budgeting projections on costs and benefits resulting from the plan.

(3) CONSULTATION.—The Chairman may consult with the Office of Personnel Management, the Office of Management and Budget, and the Comptroller General of the United States in developing the plan under paragraph (1).

(e) DELEGATION.—The Chairman shall delegate, subject to the direction and supervision of the Chairman, the authority provided by subsections (a), (b), and (c) to the Executive Director for Operations of the Commission.

(f) INFORMATION ON HIRING, VACANCIES, AND COMPENSATION.—

(1) IN GENERAL.—The Commission shall include in its budget materials submitted in support of the budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code), for each fiscal year beginning after the date of enactment of this section, information relating to hiring, vacancies, and compensation at the Commission.

(2) INCLUSIONS.—The information described in paragraph (1) shall include—

(A) an analysis of any trends with respect to hiring, vacancies, and compensation at the Commission;

(B) a description of the efforts to retain and attract employees or other personnel to serve in covered positions at the Commission;

(C) information that describes—

(i) if a certification under subsection (a) was in effect at any point in the previous year, how the authority provided by that subsection is being used to address the hiring needs of the Commission;

(ii) the total number of highly qualified individuals serving in—

(I) covered positions pursuant to subsection (a)(1)(A); and

(II) term-limited covered positions pursuant to subsection (a)(1)(B);

(iii) if a certification under subsection (b) was in effect at any point in the previous year, how the authority provided by that subsection is being used to address the hiring or retention needs of the Commission;

(iv) the total number of employees or other personnel serving in a covered position that have their compensation fixed pursuant to subsection (b);

(v) if a certification under subsection (a) or (b) was terminated or was not in effect at any point in the previous year, why such a certification was terminated or was not in effect;

(vi) the attrition levels with respect to term-limited covered positions appointed under subsection (a)(1)(B), including the number of individuals leaving a term-limited covered position before completion of the applicable term of service and the average length of service for such individuals as a percentage of the applicable term of service; and

(vii) the number of experts and consultants retained under subsection (b)(7); and

(D) an assessment of—

(i) the current critical workforce needs of the Commission and any critical workforce needs that the Commission anticipates in the next five years; and

(ii) additional skillsets that are or likely will be needed for the Commission to fulfill the licensing and oversight responsibilities of the Commission.

(g) COVERED POSITION.—In this section, the term "covered position" means a position in which an employee or other personnel is responsible for conducting work of a scientific, technical, engineer-

ing, mathematical, legal, managerial, or otherwise highly specialized or skilled nature.

* * * * * * *

SEC. 170. INDEMNIFICATION AND LIMITATION OF LIABILITY.—

a. REQUIREMENT OF FINANCIAL PROTECTION FOR LICENSEES.—Each license issued under section 103 or 104 and each construction permit issued under section 185 shall, and each license issued under section 53, 63, or 81 may, for the public purposes cited in section 2 i. have as a condition of the license a requirement that the licensee have and maintain financial protection of such type and in such amounts as the Nuclear Regulatory Commission (in this section referred to as the "Commission") in the exercise of its licensing and regulatory authority and responsibility shall require in accordance with subsection b. to cover public liability claims. Whenever such financial protection is required it may be a further condition of the license that the licensee execute and maintain an indemnification agreement in accordance with subsection c. The Commission may require, as a further condition of issuing a license, that an applicant waive any immunity from public liability conferred by Federal or State law.

b. AMOUNT AND TYPE OF FINANCIAL PROTECTION FOR LICENSEES.—(1) The amount of primary financial protection required shall be the amount of liability insurance available from private sources, except that the Commission may establish a lesser amount on the basis of criteria set forth in writing, which it may revise from time to time, taking into consideration such factors as the following: (A) the cost and terms of private insurance, (B) the type, size, and location of the licensed activity and other factors pertaining to the hazard, and (C) the nature and purpose of the licensed activity: *Provided,* That for facilities designed for producing substantial amounts of electricity and having a rated capacity of 100,000 electrical kilowatts or more, the amount of primary financial protection required shall be the maximum amount available at reasonable cost and on reasonable terms from private sources (excluding the amount of private liability insurance available under the industry retrospective rating plan required in this subsection). Such primary financial protection may include private insurance, private contractual indemnities, self-insurance, other proof of financial responsibility, or a combination of such measures and shall be subject to such terms and conditions as the Commission may, by rule, regulation, or order, prescribe. The Commission shall require licensees that are required to have and maintain primary financial protection equal to the maximum amount of liability insurance available from private sources to maintain, in addition to such primary financial protection, private liability insurance available under an industry retrospective rating plan providing for premium charges deferred in whole or major part until public liability from a nuclear incident exceeds or appears likely to exceed the level of the primary financial protection required of the licensee involved in the nuclear incident: *Provided,* That such insurance is available to, and required of, all of the licensees of such facilities without regard to the manner in which they obtain other types or amounts of such primary financial protection: *And provided further:* That the maximum amount of the standard deferred premium that may be charged a licensee following any nuclear incident under such a plan

shall not be more than $95,800,000 (subject to adjustment for inflation under subsection t.), but not more than $15,000,000 in any 1 year (subject to adjustment for inflation under subsection t.), for each facility for which such licensee is required to maintain the maximum amount of primary financial protection: *And provided further,* That the amount which may be charged a licensee following any nuclear incident shall not exceed the licensee's pro rata share of the aggregate public liability claims and costs (excluding legal costs subject to subsection o. (1)(D), payment of which has not been authorized under such subsection) arising out of the nuclear incident. Payment of any State premium taxes which may be applicable to any deferred premium provided for in this Act shall be the responsibility of the licensee and shall not be included in the retrospective premium established by the Commission.

(2)(A) The Commission may, on a case by case basis, assess annual deferred premium amounts less than the standard annual deferred premium amount assessed under paragraph (1)—

(i) for any facility, if more than one nuclear incident occurs in any one calendar year; or

(ii) for any licensee licensed to operate more than one facility, if the Commission determines that the financial impact of assessing the standard annual deferred premium amount under paragraph (1) would result in undue financial hardship to such licensee or the ratepayers of such licensee.

(B) In the event that the Commission assesses a lesser annual deferred premium amount under subparagraph (A), the Commission shall require payment of the difference between the standard annual deferred premium assessment under paragraph (1) and any such lesser annual deferred premium assessment within a reasonable period of time, with interest at a rate determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the date that the standard annual deferred premium assessment under paragraph (1) would become due.

(3) The Commission shall establish such requirements as are necessary to assure availability of funds to meet any assessment of deferred premiums within a reasonable time when due, and may provide reinsurance or shall otherwise guarantee the payment of such premiums in the event it appears that the amount of such premiums will not be available on a timely basis through the resources of private industry and insurance. Any agreement by the Commission with a licensee or indemnitor to guarantee the payment of deferred premiums may contain such terms as the Commission deems appropriate to carry out the purposes of this section and to assure reimbursement to the Commission for its payments made due to the failure of such licensee or indemnitor to meet any of its obligations arising under or in connection with financial protection required under this subsection including without limitation terms creating liens upon the licensed facility and the revenues derived therefrom or any other property or revenues of such licensee to secure such reimbursement and consent to the automatic revocation of any license.

(4)(A) In the event that the funds available to pay valid claims in any year are insufficient as a result of the limitation on the

amount of deferred premiums that may be required of a licensee in any year under paragraph (1) or (2), or the Commission is required to make reinsurance or guaranteed payments under paragraph (3), the Commission shall, in order to advance the necessary funds—

(i) request the Congress to appropriate sufficient funds to satisfy such payments; or

(ii) to the extent approved in appropriation Acts, issue to the Secretary of the Treasury obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be agreed to by the Commission and the Secretary of the Treasury.

(B) Except for funds appropriated for purposes of making reinsurance or guaranteed payments under paragraph (3), any funds appropriated under subparagraph (a)(i) shall be repaid to the general fund of the United States Treasury from amounts made available by standard deferred premium assessments, with interest at a rate determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the date that the funds appropriated under such subparagraph are made available.

(C) Except for funds appropriated for purposes of making reinsurance or guaranteed payments under paragraph (3), redemption of obligations issued under subparagraph (A)(ii) shall be made by the Commission from amounts made available by standard deferred premium assessments. Such obligations shall bear interest at a rate determined by the Secretary of the Treasury by taking into consideration the average market yield on outstanding marketable obligations to the United States of comparable maturities during the months preceding the issuance of the obligations under this paragraph. The Secretary of the Treasury shall purchase any issued obligations, and for such purpose the Secretary of the Treasury may use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include any purchase of such obligations. The Secretary of the Treasury may at any time sell any of the obligations acquired by the Secretary of the Treasury under this paragraph. All redemptions, purchases, and sales by the Secretary of the Treasury of obligations under this paragraph shall be treated as public debt transactions of the United States.

(5)(A) For purposes of this section only, the Commission shall consider a combination of facilities described in subparagraph (B) to be a single facility having a rated capacity of 100,000 electrical kilowatts or more.

(B) A combination of facilities referred to in subparagraph (A) is two or more facilities located at a single site, each of which has a rated capacity of 100,000 electrical kilowatts or more but not more than 300,000 electrical kilowatts, with a combined rated capacity of not more than 1,300,000 electrical kilowatts.

c. INDEMNIFICATION OF LICENSEES BY NUCLEAR REGULATORY COMMISSION.—The Commission shall, with respect to licenses issued between August 30, 1954, and [December 31, 2025] *December 31, 2065*, for which it requires financial protection of less than

$560,000,000, agree to indemnify and hold harmless the licensee and other persons indemnified, as their interest may appear, from public liability arising from nuclear incidents which is in excess of the level of financial protection required of the licensee. The aggregate indemnity for all persons indemnified in connection with each nuclear incident shall not exceed $500,000,000, excluding costs of investigating and settling claims and defending suits for damage: *Provided, however,* That this amount of indemnity shall be reduced by the amount that the financial protection required shall exceed $60,000,000. Such a contract of indemnification shall cover public liability arising out of or in connection with the licensed activity. With respect to any production or utilization facility for which a construction permit is issued between August 30, 1954, and ⟦December 31, 2025⟧ *December 31, 2065*, the requirements of this subsection shall apply to any license issued for such facility subsequent to ⟦December 31, 2025⟧ *December 31, 2065*.

d. INDEMNIFICATION OF CONTRACTORS BY DEPARTMENT OF ENERGY.—(1)(A) In addition to any other authority the Secretary of Energy (in this section referred to as the "Secretary") may have, the Secretary shall, until ⟦December 31, 2025⟧ *December 31, 2065*, enter into agreements of indemnification under this subsection with any person who may conduct activities under a contract with the Department of Energy that involve the risk of public liability and that are not subject to financial protection requirements under subsection b. or agreements of indemnification under subsection c. or k.

(B)(i)(I) Beginning 60 days after the date of enactment of the Price-Anderson Amendments Act of 1988, agreements of indemnification under subparagraph (A) shall be the exclusive means of indemnification for public liability arising from activities described in such subparagraph, including activities conducted under a contract that contains an indemnification clause under Public Law 85–804 entered into between August 1, 1987, and the date of enactment of the Price-Anderson Amendments Act of 1988.

(II) The Secretary may incorporate in agreements of indemnification under subparagraph (A) the provisions relating to the waiver of any issue or defense as to charitable or governmental immunity authorized in subsection n. (1) to be incorporated in agreements of indemnification. Any such provisions incorporated under this subclause shall apply to any nuclear incident arising out of nuclear waste activities subject to an agreement of indemnification under subparagraph (A).

(ii) Public liability arising out of nuclear waste activities subject to an agreement of indemnification under subparagraph (A) that are funded by the Nuclear Waste Fund established in section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) shall be compensated from the Nuclear Waste Fund in an amount not to exceed the maximum amount of financial protection required of licensees under subsection b.

(2) In an agreement of indemnification entered into under paragraph (1), the Secretary—

(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public li-

ability arising out of or in connection with the contractual activity; and

(B) shall indemnify the persons indemnified against such liability above the amount of the financial protection required, in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with the contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.

(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person under this section shall be deemed to be amended, on the date of enactment of the Price-Anderson Amendments Act of 2005, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection.

(4) Financial protection under paragraph (2) and indemnification under paragraph (1) shall be the exclusive means of financial protection and indemnification under this section for any Department of Energy demonstration reactor licensed by the Commission under section 202 of the energy Reorganization Act of 1974 (42 U.S.C. 5842).

(5) In the case of nuclear incidents occurring outside the United States, the amount of the indemnity provided by the Secretary under this subsection shall not exceed **[**$500,000,000**]** *$2,000,000,000*.

(6) The provisions of this subsection may be applicable to lump sum as well as cost type contracts and to contracts and projects financed in whole or in part by the Secretary.

(7) A contractor with whom an agreement of indemnification has been executed under paragraph (1)(A) and who is engaged in activities connected with the underground detonation of a nuclear explosive device shall be liable, to the extent so indemnified under this subsection, for injuries or damage sustained as a result of such detonation in the same manner and to the same extent as would a private person acting as principal, and no immunity or defense founded in the Federal, State, or municipal character of the contractor or of the work to be performed under the contract shall be effective to bar such liability.

e. LIMITATION ON AGGREGATE PUBLIC LIABILITY.—(1) The aggregate public liability for a single nuclear incident of persons indemnified, including such legal costs as are authorized to be paid under subsection o. (1)(D), shall not exceed—

(A) in the case of facilities designed for producing substantial amounts of electricity and having a rated capacity of 100,000 electrical kilowatts or more, the maximum amount of financial protection required of such facilities under subsection b. (plus any surcharge assessed under subsection o. (1)(E));

(B) in the case of contractors with whom the Secretary has entered into an agreement of indemnification under subsection d., the amount of indemnity and financial protection that may be required under paragraph (2) of subsection d.; and

(C) in the case of all licensees of the Commission required to maintain financial protection under this section—

(i) $500,000,000, together with the amount of financial protection required of the licensee; or

(ii) if the amount of financial protection required of the licensee exceeds $60,000,000, $560,000,000 or the amount of financial protection required of the licensee, whichever amount is more.

(2) In the event of a nuclear incident involving damages in excess of the amount of aggregate public liability under paragraph (1), the Congress will thoroughly review the particular incident in accordance with the procedures set forth in section 170 i. and will in accordance with such procedures, take whatever action is determined to be necessary (including approval of appropriate compensation plans and appropriation of funds) to provide full and prompt compensation to the public for all public liability claims resulting from a disaster of such magnitude.

(3) No provision of paragraph (1) may be construed to preclude the Congress from enacting a revenue measure, applicable to licensees of the Commission required to maintain financial protection pursuant to section b., to fund any action undertaken pursuant to paragraph (2).

(4) With respect to any nuclear incident occurring outside of the United States to which an agreement of indemnification entered into under the provisions of subsection d. is applicable, such aggregate public liability shall not exceed the amount of **[**$500,000,000**]** *$2,000,000,000*, together with the amount of financial protection required of the contractor.

f. COLLECTION OF FEES BY NUCLEAR REGULATORY COMMISSION.—The Commission or the Secretary, as appropriate, is authorized to collect a fee from all persons with whom an indemnification agreement is executed under this section. This fee shall be $30 per year per thousand kilowatts of thermal energy capacity for facilities licensed under section 103: *Provided,* That the Commission or the Secretary, as appropriate, is authorized to reduce the fee for such facilities in reasonable relation to increases in financial protection required above a level of $60,000,000. For facilities licensed under section 104, and for construction permits under section 185, the Commission is authorized to reduce the fee set forth above. The Commission shall establish criteria in writing for determination of the fee for facilities licensed under section 104, taking into consideration such factors as (1) the type, size, and location of facility involved, and other factors pertaining to the hazard, and (2) the nature and purpose of the facility. For other licenses, the Commission shall collect such nominal fees as it deems appropriate. No fee under this subsection shall be less than $100 per year.

g. USE OF SERVICES OF PRIVATE INSURERS.—In administering the provisions of this section, the Commission or the Secretary, as appropriate, shall use, to the maximum extent practicable, the facilities and services of private insurance organizations, and the Commission or the Secretary, as appropriate, may contract to pay a reasonable compensation for such services. Any contract made under the provisions of this subsection may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5), as amended, upon a showing by the Commission or the Secretary, as appropriate, that advertising is not reasonably practicable and advance payments may be made.

h. CONDITIONS OF AGREEMENTS OF INDEMNIFICATION.—The agreement of indemnification may contain such terms as the Commission or the Secretary, as appropriate, deems appropriate to carry out the purposes of this section. Such agreement shall provide that, when the Commission or the Secretary, as appropriate, makes a determination that the United States will probably be required to make indemnity payments under this section, the Commission or the Secretary, as appropriate, shall collaborate with any person indemnified and may approve the payment of any claim under the agreement of indemnification, appear through the Attorney General on behalf of the person indemnified, take charge of such action, and settle or defend any such action. The Commission or the Secretary, as appropriate, shall have final authority on behalf of the United States to settle or approve the settlement of any such claim on a fair and reasonable basis with due regard for the purposes of this Act. Such settlement shall not include expenses in connection with the claim incurred by the person indemnified.

i. COMPENSATION PLANS.—(1) After any nuclear incident involving damages that are likely to exceed the applicable amount of aggregate public liability under subparagraph (A), (B), or (C) of subsection e. (1), the Secretary or the Commisison, as appropriate, shall—

(A) make a survey of the causes and extent of damage; and

(B) expeditiously submit a report setting forth the results of such survey to the Congress, to the Representatives of the affected districts, to the Senators of the affected States, and (except for information that will cause serious damage to the national defense of the United States) to the public, to the parties involved, and to the courts.

(2) Not later than 90 days after any determination by a court, pursuant to subsection o., that the public liability from a single nuclear incident may exceed the applicable amount of aggregate public liability under subparagraph (A), (B), or (C) of subsection e. (1) the President shall submit to the Congress—

(A) an estimate of the aggregate dollar value of personal injuries and property damage that arises from the nuclear incident and exceeds the amount of aggregate public liability under subsection e. (1);

(B) recommendations for additional sources of funds to pay claims exceeding the applicable amount of aggregate public liability under subparagraph (A), (B), or (C) of subsection e. (1), which recommendations shall consider a broad range of possible sources of funds (including possible revenue measures on the sector of the economy, or on any other class, to which such revenue measures might be applied);

(C) 1 or more compensation plans, that either individually or collectively shall provide for full and prompt compensation for all valid claims and contain a recommendation or recommendations as to the relief to be provided, including any recommendations that funds be allocated or set aside for the payment of claims that may arise as a result of latent injuries that may not be discovered until a later date; and

(D) any additional legislative authorities necessary to implement such compensation plan or plans.

(3)(A) Any compensation plan transmitted to the Congress pursuant to paragraph (2) shall bear an identification number and shall be transmitted to both Houses of Congress on the same day and to each House while it is in session.

(B) The provisions of paragraphs (4) through (6) shall apply with respect to consideration in the Senate of any compensation plan transmitted to the Senate pursuant to paragraph (2).

(4) No such compensation plan may be considered approved for purposes of subsection 170 e. (2) unless between the date of transmittal and the end of the first period of sixty calendar days of continuous session of Congress after the date on which such action is transmitted to the Senate, the Senate passes a resolution described in paragraph 6 of this subsection.

(5) For the purpose of paragraph (4) of this subsection—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day calendar period.

(6)(A) This paragraph is enacted—

(i) as an exercise of the rulemaking power of the Senate and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of resolutions described by subparagraph (B) and it supersedes other rules only to the extent that it is inconsistent therewith; and

(ii) with full recognition of the constitutional right of the Senate to change the rules at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

(B) For purposes of this paragraph, the term "resolution" means only a joint resolution of the Congress the matter after the resolving clause of which is as follows: "That the approves the compensation plan numbered submitted to the Congress on, 19.", the first blank space therein being filled with the name of the resolving House and the other blank spaces being appropriately filled; but does not include a resolution which specifies more than one compensation plan.

(C) A resolution once introduced with respect to a compensation plan shall immediately be referred to a committee (and all resolutions with respect to the same compensation plan shall be referred to the same committee) by the President of the Senate.

(D)(i) If the committee of the Senate to which a resolution with respect to a compensation plan has been referred has not reported it at the end of twenty calendar days after its referral, it shall be in order to move either to discharge the committee from further consideration of such resolution or to discharge the committee from further consideration with respect to such compensation plan which has been referred to the committee.

(ii) A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same compensation plan), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to

the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(iii) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same compensation plan.

(E)(i) When the committee has reported, or has been discharged from further consideration of, a resolution, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(ii) Debate on the resolution referred to in clause (i) of this subparagraph shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing such resolution. A motion further to limit debate shall not be debatable. An amendment to, or motion to recommit, the resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which such resolution was agreed to or disagreed to.

(F)(i) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution or motions to proceed to the consideration of other business, shall be decided without debate.

(ii) Appeals from the decision of the Chair relating to the application of the rules of the Senate to the procedures relating to a resolution shall be decided without debate.

j. CONTRACTS IN ADVANCE OF APPROPRIATIONS.—In administering the provisions of this section, the Commission or the Secretary, as appropriate, may make contracts in advance of appropriations and incur obligations without regard to sections 1341, 1342, 1349, 1350, and 1351, and subchapter II of chapter 15, of title 31, United States Code.

k. EXEMPTION FROM FINANCIAL PROTECTION REQUIREMENT FOR NONPROFIT EDUCATIONAL INSTITUTIONS.—With respect to any license issued pursuant to section 53, 63, 81, 104 a., or 104 c. for the conduct of educational activities to a person found by the Commission to be a nonprofit educational institution, the Commission shall exempt such licensee from the financial protection requirement of subsection a. With respect to licenses issued between August 30, 1954, and [December 31, 2025] *December 31, 2065*, for which the Commission grants such exemption:

(1) the Commission shall agree to indemnify and hold harmless the licensee and other persons indemnified, as their interests may appear, from public liability in excess of $250,000 arising from nuclear incidents. The aggregate indemnity for all persons indemnified in connection with each nuclear incident shall not exceed $500,000,000, including such legal costs of the licensee as are approved by the Commission;

(2) such contracts of indemnification shall cover public liability arising out of or in connection with the licensed activity; and shall include damage to property of persons indemnified, except property which is located at the site of and used in con-

nection with the activity where the nuclear incident occurs; and

(3) such contracts of indemnification, when entered into with a licensee having immunity from public liability because it is a State agency, shall provide also that the Commission shall make payments under the contract on account of activities of the licensee in the same manner and to the same extent as the Commission would be required to do if the licensee were not such a State agency.

Any licensee may waive an exemption to which it is entitled under this subsection. With respect to any production or utilization facility for which a construction permit is issued between August 30, 1954, and [December 31, 2025] *December 31, 2065*, the requirements of this subsection shall apply to any license issued for such facility subsequent to [December 31, 2025] *December 31, 2065*.

(1) PRESIDENTIAL COMMISSION ON CATASTROPHIC NUCLEAR ACCIDENTS.—(1) Not later than 90 days after the date of the enactment of the Price-Anderson Amendments Act of 1988, the President shall establish a commission (in this subsection referred to as the "study commission") in accordance with chapter 10 of title 5, United States Code, to study means of fully compensating victims of a catastrophic nuclear accident that exceeds the amount of aggregate public liability under subsection e. (1).

(2)(A) The study commission shall consist of not less than 7 and not more than 11 members, who—

(i) shall be appointed by the President; and

(ii) shall be representative of a broad range of views and interests.

(B) The members of the study commission shall be appointed in a manner that ensures that not more than a mere majority of the members are of the same political party.

(C) Each member of the study commission shall hold office until the termination of the study commission, but may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(D) Any vacancy in the study commission shall be filled in the manner in which the original appointment was made.

(E) The President shall designate one of the members of the study commission as chairperson, to serve at the pleasure of the President.

(3) The study commission shall conduct a comprehensive study of appropriate means of fully compensating victims of a catastrophic nuclear accident that exceeds the amount of aggregate public liability under subsection e. (1), and shall submit to the Congress a final report setting forth—

(A) recommendations for any changes in the laws and rules governing the liability or civil procedures that are necessary for the equitable, prompt, and efficient resolution and payment of all valid damage claims, including the advisability of adjudicating public liability claims through an administrative agency instead of the judicial system;

(B) recommendations for any standards or procedures that are necessary to establish priorities for the hearing, resolution, and payment of claims when awards are likely to exceed the amount of funds available within a specific time period; and

(C) recommendations for any special standards or procedures necessary to decide and pay claims for latent injuries caused by the nuclear incident.

(4)(A) The chairperson of the study commission may appoint and fix the compensation of a staff of such persons as may be necessary to discharge the responsibilities of the study commission, subject to the applicable provisions of title 5, United States Code.

(B) To the extent permitted by law and requested by the chairperson of the study commission, the Administrator of General Services shall provide the study commission with necessary administrative services, facilities, and support on a reimbursable basis.

(C) The Attorney General, the Secretary of Health and Human Services, and the Director of the Federal Emergency Management Agency shall, to the extent permitted by law and subject to the availability of funds, provide the study commission with such facilities, support, funds and services, including staff, as may be necessary for the effective performance of the functions of the study commission.

(D) The study commission may request any Executive agency to furnish such information, advice, or assistance as it determines to be necessary to carry out its functions. Each such agency is directed, to the extent permitted by law, to furnish such information, advice or assistance upon request by the chairperson of the study commission.

(E) Each member of the study commission may receive compensation at the maximum rate prescribed by chapter 10 of title 5, United States Code, for each day such member is engaged in the work of the study commission. Each member may also receive travel expenses, including per diem in lieu of subsistence under sections 5702 and 5703 of title 5, United States Code.

(F) The functions of the President under chapter 10 of title 5, United States Code, that are applicable to the study commission, except the function of reporting annually to the Congress, shall be performed by the Administrator of General Services.

(5) The final report required in paragraph (3) shall be submitted to the Congress not later than the expiration of the 2-year period beginning on the date of the enactment of the Price-Anderson Amendments Act of 1988.

(6) The study commission shall terminate upon the expiration of the 2-month period beginning on the date on which the final report required in paragraph (3) is submitted.

m. COORDINATED PROCEDURES FOR PROMPT SETTLEMENT OF CLAIMS AND EMERGENCY ASSISTANCE.—The Commission or the Secretary, as appropriate, is authorized to enter into agreements with other indemnitors to establish coordinated procedures for the prompt handling, investigation, and settlement of claims for public liability. The Commission or the Secretary, as appropriate, and other indemnitors may make payments to, or for the aid of, claimants for the purpose of providing immediate assistance following a nuclear incident. Any funds appropriated to the Commission or the Secretary, as appropriate, shall be available for such payments. Such payments may be made without securing releases, shall not constitute an admission of the liability of any person indemnified or of any indemnitor, and shall operate as a satisfaction to the extent thereof of any final settlement or judgment.

n. WAIVER OF DEFENSES AND JUDICIAL PROCEDURES.—(1) With respect to any extraordinary nuclear occurrence to which an insurance policy or contract furnished as proof of financial protection or an indemnity agreement applies and which—

(A) arises out of or results from or occurs in the course of the construction, possession, or operation of a production or utilization facility,

(B) arises out of or results from or occurs in the course of transportation of source material, byproduct material, or special nuclear material to or from a production or utilization facility,

(C) during the course of the contract activity arises out of or results from the possession, operation, or use by a Department of Energy contractor or subcontractor of a device utilizing special nuclear material or byproduct material,

(D) arises out of, results from, or occurs in the course of, the construction, possession, or operation of any facility licensed under section 53, 63, or 81, for which the Commission has imposed as a condition of the license a requirement that the licensee have and maintain financial protection under subsection a.,

(E) arises out of, results from, or occurs in the course of, transportation of source material, byproduct material, or special nuclear material to or from any facility licensed under section 53, 63, or 81, for which the Commission has imposed as a condition of the license a requirement that the licensee have and maintain financial protection under subsection a., or

(F) arises out of, results from, or occurs in the course of nuclear waste activities.

the Commission or the Secretary, as appropriate, may incorporate provisions in indemnity agreements with licensees and contractors under this section, and may require provisions to be incorporated in insurance policies or contracts furnished as proof of financial protection, which waive (i) any issue or defense as to conduct of the claimant or fault of persons indemnified, (ii) any issue or defense as to charitable or governmental immunity, and (iii) any issue or defense based on any statute of limitations if suit is instituted within three years from the date on which the claimant first knew, or reasonably could have known, of his injury or damage and the cause thereof. The waiver of any such issue or defense shall be effective regardless of whether such issue or defense may otherwise be deemed jurisdictional or relating to an element in the cause of action. When so incorporated, such waivers shall be judicially enforceable in accordance with their terms by the claimant against the person indemnified. Such waivers shall not preclude a defense based upon a failure to take reasonable steps to mitigate damages, nor shall such waivers apply to injury or damage to a claimant or to a claimant's property which is intentionally sustained by the claimant or which results from a nuclear incident intentionally and wrongfully caused by the claimant. The waivers authorized in this subsection shall, as to indemnitors, be effective only with respect to those obligations set forth in the insurance policies or the contracts furnished as proof of financial protection and in the indemnity agreements. Such waivers shall not apply to, or prejudice the prosecution or defense of, any claim or portion of claim which is not

within the protection afforded under (i) the terms of insurance policies or contracts furnished as proof of financial protection, or indemnity agreements, and (ii) the limit of liability provisions of subsection e.

(2) With respect to any public liability action arising out of or resulting from a nuclear incident, the United States district court in the district where the nuclear incident takes place, or in the case of a nuclear incident taking place outside the United States, the United States District Court for the District of Columbia, shall have original jurisdiction without regard to the citizenship of any party or the amount in controversy. Upon motion of the defendant or of the Commission or the Secretary, as appropriate, any such action pending in any State court (including any such action pending on the date of the enactment of the Price-Anderson Amendments Act of 1988) or United States district court shall be removed or transferred to the United States district court having venue under this subsection. Process of such district court shall be effective throughout the United States. In any action that is or becomes removable pursuant to this paragraph, a petition for removal shall be filed within the period provided in section 1446 of title 28, United States Code, or within the 30-day period beginning on the date of the enactment of the Price-Anderson Amendments Act of 1988, whichever occurs later.

(3)(A) Following any nuclear incident, the chief judge of the United States district court having jurisdiction under paragraph (2) with respect to public liability actions (or the judicial council of the judicial circuit in which the nuclear incident occurs) may appoint a special caseload management panel (in this paragraph referred to as the "management panel") to coordinate and assign (but not necessarily hear themselves) cases arising out of the nuclear incident, if—

(i) a court, acting pursuant to subsection o., determines that the aggregate amount of public liability is likely to exceed the amount of primary financial protection available under subsection b. (or an equivalent amount in the case of a contractor indemnified under subsection d.); or

(ii) the chief judge of the United States district court (or the judicial council of the judicial circuit) determines that cases arising out of the nuclear incident will have an unusual impact on the work of the court.

(B)(i) Each management panel shall consist only of members who are United States district judges or circuit judges.

(ii) Members of a management panel may include any United States district judge or circuit judge of another district court or court of appeals, if the chief judge of such other district court or court of appeals consents to such assignment.

(C) It shall be the function of each management panel—

(i) to consolidate related or similar claims for hearing or trial;

(ii) to establish priorities for the handling of different classes of cases;

(iii) to assign cases to a particular judge or special master;

(iv) to appoint special masters to hear particular types of cases, or particular elements or procedural steps of cases;

(v) to promulgate special rules of court, not inconsistent with the Federal Rules of Civil Procedure, to expedite cases or allow more equitable consideration of claims;

(vi) to implement such other measures, consistent with existing law and the Federal Rules of Civil Procedure, as will encourage the equitable, prompt, and efficient resolution of cases arising out of the nuclear incident; and

(vii) to assemble and submit to the President such data, available to the court, as may be useful in estimating the aggregate damages from the nuclear incident.

o. PLAN FOR DISTRIBUTION OF FUNDS.—(1) Whenever the United States district court in the district where a nuclear incident occurs, or the United States District Court for the District of Columbia in case of a nuclear incident occurring outside the United States, determines upon the petition of any indemnitor or other interested person that public liability from a single nuclear incident may exceed the limit of liability under the applicable limit of liability under subparagraph (A), (B), or (C) of subsection e. (1):

(A) Total payments made by or for all indemnitors as a result of such nuclear incident shall not exceed 15 per centum of such limit of liability without the prior approval of such court;

(B) The court shall not authorize payments in excess of 15 per centum of such limit of liability unless the court determines that such payments are or will be in accordance with a plan of distribution which has been approved by the court or such payments are not likely to prejudice the subsequent adoption and implementation by the court of a plan of distribution pursuant to subparagraph (C); and

(C) The Commission or the Secretary, as appropriate, shall, and any other indemnitor or other interested person may, submit to such district court a plan for the disposition of pending claims and for the distribution of remaining funds available. Such a plan shall include an allocation of appropriate amounts for personal injury claims, property damage claims, and possible latent injury claims which may not be discovered until a later time. Such court shall have all power necessary to approve, disapprove, or modify plans proposed, or to adopt another plan; and to determine the proportionate share of funds available for each claimant. The Commission or the Secretary as appropriate, any other indemnitor, and any person indemnified shall be entitled to such orders as may be appropriate to implement and enforce the provisions of this section, including orders limiting the liability of the persons indemnified, orders approving or modifying the plan, orders staying the payment of claims and the execution of court judgments, orders apportioning the payments to be made to claimants, and orders permitting partial payments to be made before final determination of the total claims. The orders of such court shall be effective throughout the United States and shall include establishment of priorities between claimants and classes of claims, as necessary to insure the most equitable allocation of available funds.

(D) A court may authorize payment of only such legal costs as are permitted under paragraph (2) from the amount of financial protection required by subsection b.

(E) If the sum of public liability claims and legal costs authorized under paragraph (2) arising from any nuclear incident exceeds the maximum amount of financial protection required under subsection b., any licensee required to pay a standard deferred premium under subsection b. (1) shall, in addition to such deferred premium, be charged such an amount as is necessary to pay a pro rata share of such claims and costs, but in no case more than 5 percent of the maximum amount of such standard deferred premium described in such subsection.

(2) A court may authorize the payment of legal costs under paragraph (1)(D) only if the person requesting such payment has—

(A) submitted to the court the amount of such payment requested; and

(B) demonstrated to the court—

(i) that such costs are reasonable and equitable; and

(ii) that such person has—

(I) litigated in good faith;

(II) avoided unnecessary duplication of effort with that of other parties similarly situated;

(III) not made frivolous claims or defenses; and

(IV) not attempted to unreasonably delay the prompt settlement or adjudication of such claims.

p. REPORTS TO CONGRESS.—The Commission and the Secretary shall submit to the Congress by [December 31, 2021] *December 31, 2061*, detailed reports concerning the need for continuation or modification of the provisions of this section, taking into account the condition of the nuclear industry, availability of private insurance, and the state of knowledge concerning nuclear safety at that time, among other relevant factors, and shall include recommendations as to the repeal or modification of any of the provisions of this section.

q. LIMITATION ON AWARDING OF PRECAUTIONARY EVACUATION COST.—No court may award costs of a precautionary evacuation unless such costs constitute a public liability.

r. LIMITATION ON LIABILITY OF LESSORS.—No person under a bona fide lease of any utilization or production facility (or part thereof or undivided interest therein) shall be liable by reason of an interest as lessor of such production or utilization facility, for any legal liability arising out of or resulting from a nuclear incident resulting from such facility, unless such facility is in the actual possession and control of such person at the time of the nuclear incident giving rise to such legal liability.

s. LIMITATION ON PUNITIVE DAMAGES.—No court may award punitive damages in any action with respect to a nuclear incident or precautionary evacuation against a person on behalf of whom the United States is obligated to make payments under an agreement of indemnification covering such incident or evacuation.

t. INFLATION ADJUSTMENT.—(1) The Commission shall adjust the amount of the maximum total and annual standard deferred premium under subsection b. (1) not less than once during each 5-year period following August 20, 2003, in accordance with the aggregate percentage change in the Consumer Price Index since—

(A) August 20, 2003, in the case of the first adjustment under this subsection; or

(B) the previous adjustment under this subsection.

(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following July 1, 2003, in accordance with the aggregate percentage change in the Consumer Price Index since—

(A) that date, in the case of the first adjustment under this paragraph; or

(B) the previous adjustment under this paragraph.

(3) For purposes of this subsection, the term "Consumer Price Index" means the Consumer Price Index for all urban consumers published by the Secretary of Labor.

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CHAPTER 16. JUDICIAL REVIEW AND ADMINISTRATIVE PROCEDURE

SEC. 181. GENERAL.— [The provisions of] *(a) The provisions of* the Administrative Procedure Act (Public Law 404, Seventy-ninth Congress, approved June 11, 1946) shall apply to all agency action taken under this Act, and the terms "agency" and "agency action" shall have the meaning specified in the Administrative Procedure Act:*Provided, however,* That in the case of agency proceedings or actions which involve Restricted Data, defense information, safeguards information protected from disclosure under the authority of section 147 or information protected from dissemination under the authority of section 148, the Commission shall provide by regulation for such parallel procedures as will effectively safeguard and prevent disclosure of Restricted Data, defense information, such safeguards information, or information protected from dissemination under the authority of section 148 to unauthorized persons with minimum impairment of the procedural rights which would be available if Restricted Data, defense information, such safeguards information, or information protected from dissemination under the authority of section 148 were not involved.

(b) Consistent with the declaration in section 1, the Commission shall provide for efficient, timely, and predictable reviews and proceedings for the granting, suspending, revoking, or amending of any license or construction permit, or application to transfer control, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licenses.

* * * * * * *

SEC. 185. CONSTRUCTION PERMITS AND OPERATING LICENSES.—a. All applicants for licenses to construct or modify production or utilization facilities shall, if the application is otherwise acceptable to the Commission, be initially granted a construction permit. The construction permit shall state the earliest and latest dates for the completion of the construction or modification. Unless the construction or modification of the facility is completed by the completion date, the construction permit shall expire, and all rights thereunder be forfeited, unless upon good cause shown, the Commission extends the completion date. Upon the completion of the construction or modification of the facility, upon the filing of any additional

information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of this Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of this Act, the Commission shall thereupon issue a license to the applicant. For all other purposes of this Act, a construction permit is deemed to be a "license."

b. After holding a public hearing under section 189 a. (1)(A), the Commission shall issue to the applicant a combined construction and operating license if the application contains sufficient information to support the issuance of a combined license and the Commission determines that there is reasonable assurance that the facility will be constructed and will operate in conformity with the license, the provisions of this Act, and the Commission's rules and regulations. The Commission shall identify within the combined license the inspections, tests, and analyses, including those applicable to emergency planning, that the licensee shall perform, and the acceptance criteria that, if met, are necessary and sufficient to provide reasonable assurance that the facility has been constructed and will be operated in conformity with the license, the provisions of this Act, and the Commission's rules and regulations. Following issuance of the combined license, the Commission shall ensure that the prescribed inspections, tests, and analyses are performed and, prior to operation of the facility, shall find that the prescribed acceptance criteria are met. Any finding made under this subsection shall not require a hearing except as provided in section 189 a. (1)(B).

c. APPLICATION REVIEWS FOR PRODUCTION AND UTILIZATION FACILITIES OF AN EXISTING SITE.—In reviewing an application for an early site permit, construction permit, operating license, or combined construction permit and operating license for a production facility or utilization facility located at the site of a production facility or utilization facility licensed by the Commission, the Commission shall, to the extent practicable, use information that was part of the licensing basis of the licensed production facility or utilization facility.

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NUCLEAR ENERGY INNOVATION AND MODERNIZATION ACT

* * * * * * *

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVANCED NUCLEAR REACTOR.—The term "advanced nuclear reactor" means a nuclear fission or fusion reactor, including a prototype plant (as defined in sections 50.2 and 52.1 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act)), with significant improvements compared to commercial nuclear reactors under construction as of

the date of enactment of this Act, including improvements such as—

(A) additional inherent safety features;

(B) significantly lower levelized cost of electricity;

(C) lower waste yields;

(D) greater fuel utilization;

(E) enhanced reliability;

(F) increased proliferation resistance;

(G) increased thermal efficiency; or

(H) ability to integrate into electric and nonelectric applications.

(2) ADVANCED NUCLEAR REACTOR APPLICANT.—The term "advanced nuclear reactor applicant" means an entity that has submitted to the Commission an application for a license for an advanced nuclear reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

[(2)**]** *(3)* ADVANCED NUCLEAR REACTOR FUEL.—The term "advanced nuclear reactor fuel" means fuel for use in an advanced nuclear reactor or a research and test reactor, including fuel with a low uranium enrichment level of not greater than 20 percent.

(4) ADVANCED NUCLEAR REACTOR PREAPPLICANT.—The term "advanced nuclear reactor preapplicant" means an entity that has submitted to the Commission a licensing project plan for the purposes of submitting a future application for a license for an advanced nuclear reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

(5) AGENCY SUPPORT.—The term "agency support" has the meaning given the term "agency support (corporate support and the IG)" in section 170.3 of title 10, Code of Federal Regulations (or any successor regulation).

[(3)**]** *(6)* AGREEMENT STATE.—The term "Agreement State" means any State with which the Commission has entered into an effective agreement under section 274 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2021(b)).

[(4)**]** *(7)* APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives.

[(5)**]** *(8)* COMMISSION.—The term "Commission" means the Nuclear Regulatory Commission.

[(6)**]** *(9)* CONCEPTUAL DESIGN ASSESSMENT.—The term "conceptual design assessment" means an early-stage review by the Commission that—

(A) assesses preliminary design information for consistency with applicable regulatory requirements of the Commission;

(B) is performed on a set of topic areas agreed to in the licensing project plan; and

(C) is performed at a cost and schedule agreed to in the licensing project plan.

[(7)**]** *(10)* CORPORATE SUPPORT COSTS.—The term "corporate support costs" means expenditures for acquisitions, administrative services, financial management, human resource manage-

ment, information management, information technology, policy support, outreach, and training, as those categories are described and calculated in Appendix A of the Congressional Budget Justification for Fiscal Year 2018 of the Commission.

[(8)] *(11)* LICENSING PROJECT PLAN.—The term "licensing project plan" means a plan that describes—

(A) the interactions between an applicant and the Commission; and

(B) project schedules and deliverables in specific detail to support long-range resource planning undertaken by the Commission and an applicant.

(12) MISSION-DIRECT PROGRAM SALARIES AND BENEFITS.—The term "mission-direct program salaries and benefits" has the meaning given such term in section 170.3 of title 10, Code of Federal Regulations (or any successor regulation).

(13) MISSION-INDIRECT PROGRAM SUPPORT.—The term "mission-indirect program support" has the meaning given such term in section 170.3 of title 10, Code of Federal Regulations (or any successor regulation).

[(9)] *(14)* REGULATORY FRAMEWORK.—The term "regulatory framework" means the framework for reviewing requests for certifications, permits, approvals, and licenses for nuclear reactors.

[(10)] *(15)* REQUESTED ACTIVITY OF THE COMMISSION.—The term "requested activity of the Commission" means—

(A) the processing of applications for—

(i) design certifications or approvals;

(ii) licenses;

(iii) permits;

(iv) license amendments;

(v) license renewals;

(vi) certificates of compliance; and

(vii) power uprates; and

(B) any other activity requested by a licensee or applicant.

[(11)] *(16)* RESEARCH AND TEST REACTOR.—

(A) IN GENERAL.—The term "research and test reactor" means a reactor that—

(i) falls within the licensing and related regulatory authority of the Commission under section 202 of the Energy Reorganization Act of 1974 (42 U.S.C. 5842); and

(ii) is useful in the conduct of research and development activities as licensed under section 104 c. of the Atomic Energy Act (42 U.S.C. 2134(c)).

(B) EXCLUSION.—The term "research and test reactor" does not include a commercial nuclear reactor.

[(12)] *(17)* SECRETARY.—The term "Secretary" means the Secretary of Energy.

[(13)] *(18)* STANDARD DESIGN APPROVAL.—The term "standard design approval" means the approval of a final standard design or a major portion of a final design standard as described in subpart E of part 52 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act).

[(14)] *(19)* TECHNOLOGY-INCLUSIVE REGULATORY FRAMEWORK.—The term "technology-inclusive regulatory framework" means a regulatory framework developed using methods of evaluation that are flexible and practicable for application to a variety of reactor technologies, including, where appropriate, the use of risk-informed and performance-based techniques and other tools and methods.

[(15)] *(20)* TOPICAL REPORT.—The term "topical report" means a document submitted to the Commission that addresses a technical topic related to nuclear reactor safety or design.

(21) FUSION MACHINE.—The term "fusion machine" has the meaning given such term in subsection kk. of section 11 of the Atomic Energy Act of 1954.

TITLE I—ADVANCED NUCLEAR REACTORS AND USER FEES

* * * * * * *

SEC. 102. NUCLEAR REGULATORY COMMISSION USER FEES AND ANNUAL CHARGES FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER.

(a) ANNUAL BUDGET JUSTIFICATION.—

(1) IN GENERAL.—In the annual budget justification submitted by the Commission to Congress, the Commission shall expressly identify anticipated expenditures necessary for completion of the requested activities of the Commission anticipated to occur during the applicable fiscal year.

(2) RESTRICTION.—Budget authority granted to the Commission for purposes of the requested activities of the Commission shall be used, to the maximum extent practicable, solely for conducting requested activities of the Commission.

(3) LIMITATION ON CORPORATE SUPPORT COSTS.—With respect to the annual budget justification submitted to Congress, corporate support costs, to the maximum extent practicable, shall not exceed the following percentages of the total budget authority of the Commission requested in the annual budget justification:

(A) 30 percent for each of fiscal years 2021 and 2022.

(B) 29 percent for each of fiscal years 2023 and 2024.

(C) 28 percent for fiscal year 2025 and each fiscal year thereafter.

(4) INTERNATIONAL NUCLEAR REACTOR EXPORT AND INNOVATION ACTIVITIES.—The Commission shall identify in the annual budget justification international nuclear reactor export and innovation activities described in section 202(c)(1) of the Atomic Energy Advancement Act.

(b) FEES AND CHARGES.—

(1) ANNUAL ASSESSMENT.—

(A) IN GENERAL.—Each fiscal year, the Commission shall assess and collect fees and charges in accordance with paragraphs (2) and (3) in a manner that ensures that, to the maximum extent practicable, the amount assessed and collected is equal to an amount that approximates—

(i) the total budget authority of the Commission for that fiscal year; less

(ii) the budget authority of the Commission for the activities described in subparagraph (B).

(B) EXCLUDED ACTIVITIES DESCRIBED.—The activities referred to in subparagraph (A)(ii) are the following:

(i) Any fee relief activity, as identified by the Commission.

(ii) Amounts appropriated for a fiscal year to the Commission—

(I) from the Nuclear Waste Fund established under section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c));

(II) for implementation of section 3116 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2601 note; Public Law 108-375);

(III) for the homeland security activities of the Commission (other than for the costs of fingerprinting and background checks required under section 149 of the Atomic Energy Act of 1954 (42 U.S.C. 2169) and the costs of conducting security inspections);

(IV) for the Inspector General services of the Commission provided to the Defense Nuclear Facilities Safety Board;

(V) for research and development at universities in areas relevant to the mission of the Commission; and

(VI) for a nuclear science and engineering grant program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

(iii) Costs for activities related to the development of regulatory infrastructure for advanced nuclear reactor technologies, including activities required under section 103.

(iv) The total costs of mission-indirect program support and agency support that, under paragraph (2)(B)(ii), may not be included in the professional hourly rate charged for fees assessed and collected from advanced nuclear reactor applicants.

(v) The total costs of mission-indirect program support and agency support that, under paragraph (2)(C)(ii), may not be included in the professional hourly rate charged for fees assessed and collected from advanced nuclear reactor preapplicants.

(vi) Costs for—

(I) activities to review and approve or disapprove an application for an early site permit (as defined in section 52.1 of title 10, Code of Federal Regulations (or any successor regulation)) to demonstrate an advanced nuclear reactor on a Department of Energy site or any site or installation that is crit-

ical national security infrastructure (as defined in section 327(d) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019); and

(II) pre-application activities relating to an early site permit (as so defined) to demonstrate an advanced nuclear reactor on a Department of Energy site or any site or installation that is critical national security infrastructure (as defined in section 327(d) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019).

(vii) Costs for international nuclear reactor export and innovation activities described in section 202(c)(1) of the Atomic Energy Advancement Act.

(C) EXCEPTION.—The exclusion described in subparagraph (B)(iii) shall cease to be effective on January 1, 2031.

(D) REPORT.—Not later than December 31, 2029, the Commission shall submit to the Committee on Appropriations and the Committee on Environment and Public Works of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives a report describing the views of the Commission on the continued appropriateness and necessity of the funding described in subparagraph (B)(iii).

[(2) FEES FOR SERVICE OR THING OF VALUE.—In accordance with section 9701 of title 31, United States Code, the Commission shall assess and collect fees from any person who receives a service or thing of value from the Commission to cover the costs to the Commission of providing the service or thing of value.]

(2) FEES FOR SERVICE OR THING OF VALUE.—

(A) IN GENERAL.—In accordance with section 9701 of title 31, United States Code, the Commission shall assess and collect fees from any person who receives a service or thing of value from the Commission to cover the costs to the Commission of providing the service or thing of value.

(B) ADVANCED NUCLEAR REACTOR APPLICANTS.—The professional hourly rate charged for fees assessed and collected from an advanced nuclear reactor applicant under this paragraph relating to the review of a submitted application for an advanced nuclear reactor may not—

(i) exceed the professional hourly rate for mission-direct program salaries and benefits of the Nuclear Reactor Safety Program; and

(ii) include the costs of mission-indirect program support and agency support.

(C) ADVANCED NUCLEAR REACTOR PREAPPLICANTS.—The professional hourly rate charged for fees assessed and collected from an advanced nuclear reactor preapplicant under this paragraph relating to the review of submitted materials as described in the licensing project plan of such advanced nuclear reactor preapplicant may not—

(i) exceed the professional hourly rate for mission-direct program salaries and benefits of the Nuclear Reactor Safety Program; and

(ii) include the costs of mission-indirect program support and agency support.

(D) CALCULATION OF HOURLY RATE.—In this paragraph, the professional hourly rate for mission-direct program salaries and benefits of the Nuclear Reactor Safety Program equals the quotient obtained by dividing—

(i) the full-time equivalent rate (within the meaning of the document of the Commission entitled "FY 2023 Final Fee Rule Work Papers" (or a successor document)) for mission-direct program salaries and benefits of the Nuclear Reactor Safety Program (as determined by the Commission) for a fiscal year; by

(ii) the productive hours assumption for that fiscal year, determined in accordance with the formula established in the document referred to in clause (i) (or a successor document).

(3) ANNUAL CHARGES.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in subparagraph (D), the Commission may charge to any licensee or certificate holder of the Commission an annual charge in addition to the fees assessed and collected under paragraph (2).

(B) CAP ON ANNUAL CHARGES OF CERTAIN LICENSEES.—

(i) OPERATING REACTORS.—The annual charge under subparagraph (A) charged to an operating reactor licensee, to the maximum extent practicable, shall not exceed the annual fee amount per operating reactor licensee established in the final rule of the Commission entitled "Revision of Fee Schedules; Fee Recovery for Fiscal Year 2015" (80 Fed. Reg. 37432 (June 30, 2015)), as may be adjusted annually by the Commission to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor.

(ii) WAIVER.—The Commission may waive, for a period of 1 year, the cap on annual charges described in clause (i) if the Commission submits to the Committee on Appropriations and the Committee on Environment and Public Works of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives a written determination that the cap on annual charges may compromise the safety and security mission of the Commission.

(C) AMOUNT PER LICENSEE.—

(i) IN GENERAL.—The Commission shall establish by rule a schedule of annual charges fairly and equitably allocating the aggregate amount of charges described in subparagraph (A) among licensees and certificate holders.

(ii) REQUIREMENT.—The schedule of annual charges under clause (i)—

(I) to the maximum extent practicable, shall be reasonably related to the cost of providing regulatory services; and

(II) may be based on the allocation of the resources of the Commission among licensees or certificate holders or classes of licensees or certificate holders.

(D) EXEMPTION.—

(i) DEFINITION OF RESEARCH REACTOR.—In this subparagraph, the term "research reactor" means a nuclear reactor that—

(I) is licensed by the Commission under section 104 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(c)) for operation at a thermal power level of not more than 10 megawatts; and

(II) if licensed under subclause (I) for operation at a thermal power level of more than 1 megawatt, does not contain—

(aa) a circulating loop through the core in which the licensee conducts fuel experiments;

(bb) a liquid fuel loading; or

(cc) an experimental facility in the core in excess of 16 square inches in cross-section.

(ii) EXEMPTION.—Subparagraph (A) shall not apply to the holder of any license for a federally owned research reactor used primarily for educational training and academic research purposes.

(c) PERFORMANCE AND REPORTING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall develop for the requested activities of the Commission—

(A) performance metrics; and

(B) milestone schedules.

(2) DELAYS IN ISSUANCE OF FINAL SAFETY EVALUATION.—The Executive Director for Operations of the Commission shall inform the Commission of a delay in issuance of the final safety evaluation for a requested activity of the Commission by the completion date required by the performance metrics or milestone schedule under paragraph (1) by not later than 30 days after the completion date.

(3) DELAYS IN ISSUANCE OF FINAL SAFETY EVALUATION EXCEEDING [180] *90* DAYS.—If the final safety evaluation for the requested activity of the Commission described in paragraph (2) is not completed by the date that is [180] *90* days after the completion date required by the performance metrics or milestone schedule under paragraph (1), the Commission shall submit to the appropriate congressional committees a timely report describing the delay, including a detailed explanation accounting for the delay and a plan for timely completion of the final safety evaluation.

(4) PERIODIC UPDATES TO METRICS AND SCHEDULES.—

(A) REVIEW AND ASSESSMENT.—Not less frequently than once every 3 years, the Commission shall review and assess, based on the licensing and regulatory activities of the Commission, the performance metrics and milestone schedules developed under paragraph (1).

(B) REVISIONS.—After each review and assessment under subparagraph (A), the Commission shall revise, as appro-

priate, the performance metrics and milestone schedules developed under paragraph (1) to provide the most efficient performance metrics and milestone schedules reasonably achievable.

(d) ACCURATE INVOICING.—With respect to invoices for fees described in subsection (b)(2), the Commission shall—

(1) ensure appropriate review and approval prior to the issuance of invoices;

(2) develop and implement processes to audit invoices to ensure accuracy, transparency, and fairness; and

(3) modify regulations to ensure fair and appropriate processes to provide licensees and applicants an opportunity to efficiently dispute or otherwise seek review and correction of errors in invoices for those fees.

(e) REPORT.—Not later than September 30, 2021, the Commission shall submit to the Committee on Appropriations and the Committee on Environment and Public Works of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives a report describing the implementation of this section, including any impacts and recommendations for improvement.

[(f) EFFECTIVE DATE.—Except as provided in subsection (c), this section takes effect on October 1, 2020.]

(f) CESSATION OF EFFECTIVENESS.—Paragraphs (1)(B)(v) and (2)(C) of subsection (b) shall cease to be effective on September 30, 2029.

SEC. 103. ADVANCED NUCLEAR REACTOR PROGRAM.

(a) LICENSING.—

(1) STAGED LICENSING.—For the purpose of predictable, efficient, and timely reviews, not later than 270 days after the date of enactment of this Act, the Commission shall develop and implement, within the existing regulatory framework, strategies for—

(A) establishing stages in the licensing process for commercial advanced nuclear reactors; and

(B) developing procedures and processes for—

(i) using a licensing project plan; and

(ii) optional use of a conceptual design assessment.

(2) RISK-INFORMED LICENSING.—Not later than 2 years after the date of enactment of this Act, the Commission shall develop and implement, where appropriate, strategies for the increased use of risk-informed, performance-based licensing evaluation techniques and guidance for commercial advanced nuclear reactors within the existing regulatory framework, including evaluation techniques and guidance for the resolution of the following:

(A) Applicable policy issues identified during the course of review by the Commission of a commercial advanced nuclear reactor licensing application.

(B) The issues described in SECY-93-092 and SECY-15-077, including—

(i) licensing basis event selection and evaluation;

(ii) source terms;

(iii) containment performance; and

(iv) emergency preparedness.

(3) RESEARCH AND TEST REACTOR LICENSING.—For the purpose of predictable, efficient, and timely reviews, not later than 2 years after the date of enactment of this Act, the Commission shall develop and implement strategies within the existing regulatory framework for licensing research and test reactors, including the issuance of guidance.

(4) TECHNOLOGY-INCLUSIVE REGULATORY FRAMEWORK.—[Not later]

(A) IN GENERAL.—Not later than December 31, 2027, the Commission shall complete a rulemaking to establish a technology-inclusive, regulatory framework for optional use by commercial advanced nuclear reactor applicants for new reactor license applications.

(B) EXCLUSION OF FUSION REACTORS.—Notwithstanding section 3(1), for purposes of subparagraph (A), the term "advanced nuclear reactor applicant" does not include an applicant for a license for a nuclear fusion reactor.

(C) FUSION MACHINE APPLICANTS.—Not later than December 31, 2027, the Commission shall complete a rulemaking to establish a technology-inclusive, regulatory framework for optional use by fusion machine applicants for new license applications.

(5) TRAINING AND EXPERTISE.—As soon as practicable after the date of enactment of this Act, the Commission shall provide for staff training or the hiring of experts, as necessary—

(A) to support the activities described in paragraphs (1) through (4); and

(B) to support preparations—

(i) to conduct pre-application interactions; and

(ii) to review commercial advanced nuclear reactor license applications *and fusion machine license applications*.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commission to carry out this subsection $14,420,000 for each of fiscal years 2020 through 2024.

(b) REPORT TO ESTABLISH STAGES IN THE COMMERCIAL ADVANCED NUCLEAR REACTOR LICENSING PROCESS.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the appropriate congressional committees a report for expediting and establishing stages in the licensing process for commercial advanced nuclear reactors that will allow implementation of the licensing process by not later than 2 years after the date of enactment of this Act (referred to in this subsection as the "report").

(2) COORDINATION AND STAKEHOLDER INPUT.—In developing the report, the Commission shall seek input from the Secretary, the nuclear energy industry, a diverse set of technology developers, and other public stakeholders.

(3) COST AND SCHEDULE ESTIMATES.—The report shall include proposed cost estimates, budgets, and timeframes for implementing strategies to establish stages in the licensing process for commercial advanced nuclear reactor technologies.

(4) REQUIRED EVALUATIONS.—Consistent with the role of the Commission in protecting public health and safety and common defense and security, the report shall evaluate—

(A)(i) the unique aspects of commercial advanced nuclear reactor licensing, including the use of alternative coolants, operation at or near atmospheric pressure, and the use of passive safety strategies;

(ii) strategies for the qualification of advanced nuclear reactor fuel, including the use of computer modeling and simulation and experimental validation; and

(iii) for the purposes of predictable, efficient, and timely reviews, any associated legal, regulatory, and policy issues the Commission should address with regard to the licensing of commercial advanced nuclear reactor technologies;

(B) options for licensing commercial advanced nuclear reactors under the regulations of the Commission contained in title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act), including—

(i) the development and use under the regulatory framework of the Commission in effect on the date of enactment of this Act of a licensing project plan that could establish—

(I) milestones that—

(aa) correspond to stages of a licensing process for the specific situation of a commercial advanced nuclear reactor project; and

(bb) use knowledge of the ability of the Commission to review certain design aspects; and

(II) guidelines defining the roles and responsibilities between the Commission and the applicant at the onset of the interaction—

(aa) to provide the foundation for effective communication and effective project management; and

(bb) to ensure efficient progress;

(ii) the use of topical reports, standard design approval, and other appropriate mechanisms as tools to introduce stages into the commercial advanced nuclear reactor licensing process, including how the licensing project plan might structure the use of those mechanisms;

(iii) collaboration with standards-setting organizations to identify specific technical areas for which new or updated standards are needed and providing assistance if appropriate to ensure the new or updated standards are developed and finalized in a timely fashion;

(iv) the incorporation of consensus-based codes and standards developed under clause (iii) into the regulatory framework—

(I) to provide predictability for the regulatory processes of the Commission; and

(II) to ensure timely completion of specific licensing actions;

(v) the development of a process for, and the use of, conceptual design assessments; and

(vi) identification of any policies and guidance for staff that will be needed to implement clauses (i) and (ii);

(C) options for improving the efficiency, timeliness, and cost-effectiveness of licensing reviews of commercial advanced nuclear reactors, including opportunities to minimize the delays that may result from any necessary amendment or supplement to an application;

(D) options for improving the predictability of the commercial advanced nuclear reactor licensing process, including the evaluation of opportunities to improve the process by which application review milestones are established and met; and

(E) the extent to which Commission action or modification of policy is needed to implement any part of the report.

(c) REPORT TO INCREASE THE USE OF RISK-INFORMED AND PERFORMANCE-BASED EVALUATION TECHNIQUES AND REGULATORY GUIDANCE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the appropriate congressional committees a report for increasing, where appropriate, the use of risk-informed and performance-based evaluation techniques and regulatory guidance in licensing commercial advanced nuclear reactors within the existing regulatory framework (referred to in this subsection as the "report").

(2) COORDINATION AND STAKEHOLDER INPUT.—In developing the report, the Commission shall seek input from the Secretary, the nuclear energy industry, technology developers, and other public stakeholders.

(3) COST AND SCHEDULE ESTIMATE.—The report shall include proposed cost estimates, budgets, and timeframes for implementing a strategy to increase the use of risk-informed and performance-based evaluation techniques and regulatory guidance in licensing commercial advanced nuclear reactors.

(4) REQUIRED EVALUATIONS.—Consistent with the role of the Commission in protecting public health and safety and common defense and security, the report shall evaluate—

(A) the ability of the Commission to develop and implement, where appropriate, risk-informed and performance-based licensing evaluation techniques and guidance for commercial advanced nuclear reactors within existing regulatory frameworks not later than 2 years after the date of enactment of this Act, including policies and guidance for the resolution of—

(i) issues relating to—

(I) licensing basis event selection and evaluation;

(II) use of mechanistic source terms;

(III) containment performance;

(IV) emergency preparedness; and

(V) the qualification of advanced nuclear reactor fuel; and

(ii) other policy issues previously identified; and

(B) the extent to which Commission action is needed to implement any part of the report.

(d) REPORT TO PREPARE THE RESEARCH AND TEST REACTOR LICENSING PROCESS.—

(1) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the appropriate congressional committees a report for preparing the licensing process for research and test reactors within the existing regulatory framework (referred to in this subsection as the "report").

(2) COORDINATION AND STAKEHOLDER INPUT.—In developing the report, the Commission shall seek input from the Secretary, the nuclear energy industry, a diverse set of technology developers, and other public stakeholders.

(3) COST AND SCHEDULE ESTIMATES.—The report shall include proposed cost estimates, budgets, and timeframes for preparing the licensing process for research and test reactors.

(4) REQUIRED EVALUATIONS.—Consistent with the role of the Commission in protecting public health and safety and common defense and security, the report shall evaluate—

(A) the unique aspects of research and test reactor licensing and any associated legal, regulatory, and policy issues the Commission should address to prepare the licensing process for research and test reactors;

(B) the feasibility of developing guidelines for advanced reactor demonstrations and prototypes to support the review process for advanced reactors designs, including designs that use alternative coolants or alternative fuels, operate at or near atmospheric pressure, and use passive safety strategies; and

(C) the extent to which Commission action or modification of policy is needed to implement any part of the report.

(e) REPORT TO COMPLETE A RULEMAKING TO ESTABLISH A TECHNOLOGY-INCLUSIVE REGULATORY FRAMEWORK FOR OPTIONAL USE BY COMMERCIAL ADVANCED NUCLEAR REACTOR TECHNOLOGIES IN NEW REACTOR LICENSE APPLICATIONS AND TO ENHANCE COMMISSION EXPERTISE RELATING TO ADVANCED NUCLEAR REACTOR TECHNOLOGIES.—

(1) REPORT REQUIRED.—Not later than 30 months after the date of enactment of this Act, the Commission shall submit to the appropriate congressional committees a report (referred to in this subsection as the "report") for—

(A) completing a rulemaking to establish a technology-inclusive regulatory framework for optional use by applicants in licensing commercial advanced nuclear reactor technologies in new reactor license applications; and

(B) ensuring that the Commission has adequate expertise, modeling, and simulation capabilities, or access to those capabilities, to support the evaluation of commercial advanced reactor license applications, including the qualification of advanced nuclear reactor fuel.

(2) COORDINATION AND STAKEHOLDER INPUT.—In developing the report, the Commission shall seek input from the Secretary, the nuclear energy industry, a diverse set of technology developers, and other public stakeholders.

(3) COST AND SCHEDULE ESTIMATE.—The report shall include proposed cost estimates, budgets, and timeframes for developing and implementing a technology-inclusive regulatory framework for licensing commercial advanced nuclear reactor technologies, including completion of a rulemaking.

(4) REQUIRED EVALUATIONS.—Consistent with the role of the Commission in protecting public health and safety and common defense and security, the report shall evaluate—

(A) the ability of the Commission to complete a rulemaking to establish a technology-inclusive regulatory framework for licensing commercial advanced nuclear reactor technologies by December 31, 2027;

(B) the extent to which additional legislation, or Commission action or modification of policy, is needed to implement any part of the new regulatory framework;

(C) the need for additional Commission expertise, modeling, and simulation capabilities, or access to those capabilities, to support the evaluation of licensing applications for commercial advanced nuclear reactors and research and test reactors, including applications that use alternative coolants or alternative fuels, operate at or near atmospheric pressure, and use passive safety strategies; and

(D) the budgets and timeframes for acquiring or accessing the necessary expertise to support the evaluation of license applications for commercial advanced nuclear reactors and research and test reactors.

(f) PRIZES FOR ADVANCED NUCLEAR REACTOR LICENSING.—

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

(A) a non-Federal entity; and

(B) the Tennessee Valley Authority.

(2) PRIZE FOR ADVANCED NUCLEAR REACTOR LICENSING.—

(A) IN GENERAL.—Notwithstanding section 169 of the Atomic Energy Act of 1954 (42 U.S.C. 2209) and subject to the availability of appropriations, the Secretary is authorized to make, with respect to each award category described in subparagraph (C), an award in an amount described in subparagraph (B) to the first eligible entity—

(i) to which the Commission issues an operating license for an advanced nuclear reactor under part 50 of title 10, Code of Federal Regulations (or successor regulations), for which an application has not been approved by the Commission as of the date of enactment of this subsection; or

(ii) for which the Commission makes a finding described in section 52.103(g) of title 10, Code of Federal Regulations (or successor regulations), with respect to a combined license for an advanced nuclear reactor—

(I) that is issued under subpart C of part 52 of that title (or successor regulations); and

(II) for which an application has not been approved by the Commission as of the date of enactment of this subsection.

(B) AMOUNT OF AWARD.—Subject to paragraph (3), an award under subparagraph (A) shall be in an amount equal to the total amount assessed by the Commission and collected under section 102(b)(2) from the eligible entity receiving the award for costs relating to the issuance of the license described in that subparagraph, including, as applicable, costs relating to the issuance of an associated construction permit described in section 50.23 of title 10, Code of Federal Regulations (or successor regulations), or early site permit (as defined in section 52.1 of that title (or successor regulations)).

(C) AWARD CATEGORIES.—An award under subparagraph (A) may be made for—

(i) the first advanced nuclear reactor for which the Commission—

(I) issues a license in accordance with clause (i) of subparagraph (A); or

(II) makes a finding in accordance with clause (ii) of that subparagraph;

(ii) an advanced nuclear reactor that—

(I) uses isotopes derived from spent nuclear fuel (as defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101)) or depleted uranium as fuel for the advanced nuclear reactor; and

(II) is the first advanced nuclear reactor described in subclause (I) for which the Commission—

(aa) issues a license in accordance with clause (i) of subparagraph (A); or

(bb) makes a finding in accordance with clause (ii) of that subparagraph;

(iii) an advanced nuclear reactor that—

(I) is a nuclear integrated energy system—

(aa) that is composed of 2 or more co-located or jointly operated subsystems of energy generation, energy storage, or other technologies;

(bb) in which not fewer than 1 subsystem described in item (aa) is a nuclear energy system; and

(cc) the purpose of which is—

(AA) to reduce greenhouse gas emissions in both the power and nonpower sectors; and

(BB) to maximize energy production and efficiency; and

(II) is the first advanced nuclear reactor described in subclause (I) for which the Commission—

(aa) issues a license in accordance with clause (i) of subparagraph (A); or

(bb) makes a finding in accordance with clause (ii) of that subparagraph;

(iv) an advanced reactor that—

(I) operates flexibly to generate electricity or high temperature process heat for nonelectric applications; and

(II) is the first advanced nuclear reactor described in subclause (I) for which the Commission—

(aa) issues a license in accordance with clause (i) of subparagraph (A); or

(bb) makes a finding in accordance with clause (ii) of that subparagraph; and

(v) the first advanced nuclear reactor for which the Commission grants approval to load nuclear fuel pursuant to the technology-inclusive regulatory framework established under subsection (a)(4).

(3) FEDERAL FUNDING LIMITATION.—

(A) EXCLUSION OF TVA FUNDS.—In this paragraph, the term "Federal funds" does not include funds received under the power program of the Tennessee Valley Authority established pursuant to the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.).

(B) LIMITATION ON AMOUNTS EXPENDED.—An award under this subsection shall not exceed the total amount expended (excluding any expenditures made with Federal funds received for the applicable project and an amount equal to the minimum cost-share required under section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352)) by the eligible entity receiving the award for licensing costs relating to the project for which the award is made.

(C) REPAYMENTS AND DIVIDENDS NOT REQUIRED.—Notwithstanding section 9104(a)(4) of title 31, United States Code, or any other provision of law, an eligible entity that received an award under this subsection shall not be required—

(i) to repay that award or any part of that award; or

(ii) to pay a dividend, interest, or other similar payment based on the sum of that award.

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ENERGY POLICY ACT OF 2005

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Energy Policy Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE VI—NUCLEAR MATTERS

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Subtitle B—General Nuclear Matters

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SEC. 639A. LONG-TERM NUCLEAR POWER PURCHASE AGREEMENT PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a pilot program under which the Secretary shall enter into at least one long-term power purchase agreement for power generated by a commercial nuclear reactor with respect to which an operating license is issued by the Nuclear Regulatory Commission after January 1, 2024.

(b) REQUIREMENTS.—In establishing the pilot program under this section, the Secretary shall—

(1) consult with the heads of other Federal departments and agencies that may benefit from purchasing nuclear power for a period of longer than 10 years, including the Secretary of Defense; and

(2) not later than December 31, 2028, enter into at least one long-term agreement to purchase power from a commercial nuclear reactor described in subsection (a).

(c) PERIOD OF AGREEMENT.—Notwithstanding any other provision of law, an agreement entered into pursuant to subsection (b)(2) to purchase power from a commercial nuclear reactor shall be made for a period of at least 10 years and not more than 40 years.

(d) PRIORITY.—In carrying out this section, the Secretary shall prioritize entering into long-term power purchase agreements for power generated by first-of-a-kind or early deployment commercial nuclear reactors that will provide reliable and resilient power—

(1) to high-value assets for national security purposes; or

(2) for other purposes that the Secretary determines are in the national interest, including for remote off-grid scenarios or grid-connected scenarios that provide capabilities commonly known as "islanding power capabilities" during an emergency.

(e) RATES.—A long-term power purchase agreement entered into under this section may not be at a rate that is higher than the average market rate, unless the agreement is for power generated by a commercial nuclear reactor described in subsection (d).

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EXCHANGE OF LETTERS WITH ADDITIONAL COMMITTEES OF REFERRAL

CATHY McMORRIS RODGERS, WASHINGTON
CHAIR

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-3641
Minority (202) 225-2927

February 7, 2024

The Honorable Michael T. McCaul
Chairman
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515

Dear Chairman McCaul:

Thank you for your letter concerning H.R. 6544, the "Atomic Energy Advancement Act." I appreciate your willingness to forgo action on the bill so that it may proceed expeditiously to the House Floor.

I agree that your decision to forgo action on this bill does not in any way diminish or alter the jurisdiction of the Committee on Foreign Affairs, or prejudice that Committee's jurisdictional prerogatives on this measure or similar legislation in the future.

As you requested, I will include a copy of our exchange of letters in the Committee on Energy and Commerce's report on H.R. 6544, and I will place it in the Congressional Record during consideration of the bill on the House floor.

Thank you again for your assistance on this matter.

Sincerely,

Cathy McMorris Rodgers
Chair

MICHAEL T. McCAUL, TEXAS
CHAIRMAN

GREGORY W. MEEKS, NEW YORK
RANKING MEMBER

One Hundred Eighteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515

February 6, 2024

The Honorable Cathy McMorris Rodgers
Chair
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chair Rodgers:

Thank you for consulting with the Committee on Foreign Affairs on the text of H.R. 6544, the *Atomic Energy Advancement Act*, and incorporating requested edits. I agree that Foreign Affairs may be discharged from further consideration of the bill, so that it may proceed expeditiously to the House Floor.

This agreement is made with the understanding that it does not in any way diminish or alter the jurisdiction of the Committee on Foreign Affairs, or prejudice our jurisdictional prerogatives on this measure or similar legislation in the future.

I would appreciate it if you could include this letter in your committee report on the bill, or place it into the *Record* during Floor consideration. I look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

Michael T. McCaul

MICHAEL T. McCAUL
Chairman

CC: Hon. Gregory Meeks, Ranking Member, Committee on Foreign Affairs
Hon. Frank Pallone, Ranking Member, Committee on Energy and Commerce
Hon. Mike Johnson, Speaker of the House
Hon. Jason Smith, Parliamentarian

CATHY McMORRIS RODGERS, WASHINGTON
CHAIR

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-3641
Minority (202) 225-2927

February 13, 2024

The Honorable Frank D. Lucas
Chairman
Committee on Science, Space, and Technology
2321 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Lucas:

Thank you for your letter concerning H.R. 6544, the "Atomic Energy Advancement Act." I appreciate your willingness to forgo action on the bill so that it may proceed expeditiously to the House Floor.

I agree that your decision to forgo action on this bill does not in any way diminish or alter the jurisdiction of the Committee on Science, Space, and Technology, or prejudice that Committee's jurisdictional prerogatives on this measure or similar legislation in the future.

As you requested, I will include a copy of our exchange of letters in the Committee on Energy and Commerce's report on H.R. 6544, and I will place it in the Congressional Record during consideration of the bill on the House floor.

Thank you again for your assistance on this matter.

Sincerely,

Cathy McMorris Rodgers
Chair

FRANK D. LUCAS, Oklahoma
CHAIRMAN

ZOE LOFGREN, California
RANKING MEMBER

Congress of the United States
House of Representatives
COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY
2321 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6301
(202) 225-6371
www.science.house.gov

February 13, 2024

The Honorable Cathy McMorris Rodgers
Chair
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Chair Rodgers:

I am writing concerning H.R. 6544, the "Atomic Energy Advancement Act", which was referred primarily to the Committee on Energy and Commerce, with an additional referral to the Committee on Science, Space, and Technology.

H.R. 6544 contains provisions within the Committee on Science, Space, and Technology's Rule X jurisdiction. As a result of your having consulted with the Committee and to expedite this bill for floor consideration, the Committee on Science, Space, and Technology will forego action on the bill. This is being done based on our mutual understanding that doing so will in no way diminish or alter the jurisdiction of the Committee on Science, Space, and Technology with respect to the appointment of conferees, or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I would appreciate your response to this letter confirming this understanding, and would request that you include a copy of this letter and your response in in the *Congressional Record* during the floor consideration of this bill. Thank you in advance for your cooperation.

Sincerely,

Frank D. Lucas
Chairman

cc: The Honorable Mike Johnson, Speaker
The Honorable Zoe Lofgren, Ranking Member, Committee on Science, Space, and Technology
The Honorable Frank Pallone, Jr., Ranking Member, Committee on Energy and Commerce
Mr. Jason Smith, Parliamentarian

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