

Shelley Moore Capito

118TH CONGRESS
1ST SESSION

S. _____

To enhance United States civil nuclear leadership, support the licensing of advanced nuclear technologies, strengthen the domestic nuclear energy fuel cycle and supply chain, and improve the regulation of nuclear energy, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. CAPITO (for herself, Mr. WHITEHOUSE, Mr. BARRASSO, Mr. CARPER, Mr. CRAPO, Mr. BOOKER, Mr. GRAHAM, Mr. KELLY, Mr. RISCH, and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To enhance United States civil nuclear leadership, support the licensing of advanced nuclear technologies, strengthen the domestic nuclear energy fuel cycle and supply chain, and improve the regulation of nuclear energy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Accelerating Deployment of Versatile, Advanced Nuclear

1 for Clean Energy Act of 2023” or the “ADVANCE Act
2 of 2023”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—AMERICAN NUCLEAR LEADERSHIP

Sec. 101. International nuclear reactor export and innovation activities.

Sec. 102. Denial of certain domestic licenses for national security purposes.

Sec. 103. Export license requirements.

Sec. 104. Coordinated international engagement.

TITLE II—DEVELOPING AND DEPLOYING NEW NUCLEAR TECHNOLOGIES

Sec. 201. Fees for advanced nuclear reactor application review.

Sec. 202. Advanced nuclear reactor prizes.

Sec. 203. Report on unique licensing considerations relating to the use of nuclear energy for nonelectric applications.

Sec. 204. Enabling preparations for the demonstration of advanced nuclear reactors on Department of Energy sites.

Sec. 205. Clarification on fission regulation.

Sec. 206. Regulatory issues for nuclear facilities at brownfield sites.

Sec. 207. Appalachian Regional Commission nuclear energy development.

TITLE III—PRESERVING EXISTING NUCLEAR ENERGY GENERATION

Sec. 301. Investment by allies.

Sec. 302. Extension of the Price-Anderson Act.

TITLE IV—NUCLEAR FUEL CYCLE, SUPPLY CHAIN, INFRASTRUCTURE, AND WORKFORCE

Sec. 401. Report on advanced methods of manufacturing and construction for nuclear energy applications.

Sec. 402. Nuclear energy traineeship.

Sec. 403. Report on Commission readiness and capacity to license additional conversion and enrichment capacity to reduce reliance on uranium from Russia.

Sec. 404. Annual report on the spent nuclear fuel and high-level radioactive waste inventory in the United States.

Sec. 405. Authorization of appropriations for superfund actions at abandoned mining sites on Tribal land.

Sec. 406. Development, qualification, and licensing of advanced nuclear fuel concepts.

TITLE V—IMPROVING COMMISSION EFFICIENCY

Sec. 501. Commission workforce.

Sec. 502. Commission corporate support funding.

Sec. 503. Performance and reporting update.

TITLE VI—MISCELLANEOUS

Sec. 601. Nuclear closure communities.

Sec. 602. Technical correction.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ACCIDENT TOLERANT FUEL.—The term
4 “accident tolerant fuel” has the meaning given the
5 term in section 107(a) of the Nuclear Energy Inno-
6 vation and Modernization Act (Public Law 115–439;
7 132 Stat. 5577).

8 (2) ADMINISTRATOR.—The term “Admini-
9 strator” means the Administrator of the Environ-
10 mental Protection Agency.

11 (3) ADVANCED NUCLEAR FUEL.—The term
12 “advanced nuclear fuel” means—

13 (A) advanced nuclear reactor fuel; and

14 (B) accident tolerant fuel.

15 (4) ADVANCED NUCLEAR REACTOR.—The term
16 “advanced nuclear reactor” has the meaning given
17 the term in section 3 of the Nuclear Energy Inno-
18 vation and Modernization Act (42 U.S.C. 2215 note;
19 Public Law 115–439).

20 (5) ADVANCED NUCLEAR REACTOR FUEL.—The
21 term “advanced nuclear reactor fuel” has the mean-
22 ing given the term in section 3 of the Nuclear En-

1 energy Innovation and Modernization Act (42 U.S.C.
2 2215 note; Public Law 115-439).

3 (6) APPROPRIATE COMMITTEES OF
4 CONGRESS.—The term “appropriate committees of
5 Congress” means—

6 (A) the Committee on Environment and
7 Public Works of the Senate; and

8 (B) the Committee on Energy and Com-
9 merce of the House of Representatives.

10 (7) COMMISSION.—The term “Commission”
11 means the Nuclear Regulatory Commission.

12 (8) INSTITUTION OF HIGHER EDUCATION.—The
13 term “institution of higher education” has the
14 meaning given the term in section 101(a) of the
15 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

16 (9) NATIONAL LABORATORY.—The term “Na-
17 tional Laboratory” has the meaning given the term
18 in section 2 of the Energy Policy Act of 2005 (42
19 U.S.C. 15801).

20 **TITLE I—AMERICAN NUCLEAR** 21 **LEADERSHIP**

22 **SEC. 101. INTERNATIONAL NUCLEAR REACTOR EXPORT** 23 **AND INNOVATION ACTIVITIES.**

24 (a) COORDINATION.—

25 (1) IN GENERAL.—The Commission shall—

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

3 (i) nuclear reactor import and export
4 licensing; and

5 (ii) international regulatory coopera-
6 tion and assistance relating to nuclear re-
7 actors, including with countries that are
8 members of the Organisation for Economic
9 Co-operation and Development; and

10 (B) support interagency and international
11 coordination with respect to—

12 (i) the consideration of international
13 technical standards to establish the licens-
14 ing and regulatory basis to assist the de-
15 sign, construction, and operation of nu-
16 clear systems;

17 (ii) efforts to help build competent nu-
18 clear regulatory organizations and legal
19 frameworks in countries seeking to develop
20 nuclear power; and

21 (iii) exchange programs and training
22 provided to other countries relating to nu-
23 clear regulation and oversight to improve
24 nuclear technology licensing, in accordance
25 with paragraph (2).

1 (2) EXCHANGE PROGRAMS AND TRAINING.—

2 With respect to the exchange programs and training
3 described in paragraph (1)(B)(iii), the Commission
4 shall coordinate, as applicable, with—

5 (A) the Secretary of Energy;

6 (B) National Laboratories;

7 (C) the private sector; and

8 (D) institutions of higher education.

9 (b) AUTHORITY TO ESTABLISH BRANCH.—The Com-
10 mission may establish within the Office of International
11 Programs a branch, to be known as the “International
12 Nuclear Reactor Export and Innovation Branch”, to carry
13 out such international nuclear reactor export and innova-
14 tion activities as the Commission determines to be appro-
15 priate and within the mission of the Commission.

16 (c) EXCLUSION OF INTERNATIONAL ACTIVITIES
17 FROM THE FEE BASE.—

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

21 (A) in subsection (a), by adding at the end
22 the following:

23 “(4) INTERNATIONAL NUCLEAR REACTOR EX-
24 PORT AND INNOVATION ACTIVITIES.—The Commis-
25 sion shall identify in the annual budget justification

1 international nuclear reactor export and innovation
2 activities described in section 101(a) of the AD-
3 VANCE Act of 2023.”; and

4 (B) in subsection (b)(1)(B), by adding at
5 the end the following:

6 “(iv) Costs for international nuclear
7 reactor export and innovation activities de-
8 scribed in section 101(a) of the AD-
9 VANCE Act of 2023.”.

10 (2) EFFECTIVE DATE.—The amendments made
11 by paragraph (1) shall take effect on October 1,
12 2024.

13 (d) SAVINGS CLAUSE.—Nothing in this section alters
14 the authority of the Commission to license and regulate
15 the civilian use of radioactive materials.

16 **SEC. 102. DENIAL OF CERTAIN DOMESTIC LICENSES FOR**
17 **NATIONAL SECURITY PURPOSES.**

18 (a) DEFINITION OF COVERED FUEL.—In this sec-
19 tion, the term “covered fuel” means enriched uranium
20 that is fabricated into fuel assemblies for nuclear reactors
21 by an entity that—

22 (1) is owned or controlled by the Government of
23 the Russian Federation or the Government of the
24 People’s Republic of China; or

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

4 (b) PROHIBITION ON UNLICENSED POSSESSION OR
5 OWNERSHIP OF COVERED FUEL.—Unless specifically au-
6 thorized by the Commission in a license issued under sec-
7 tion 53 of the Atomic Energy Act of 1954 (42 U.S.C.
8 2073) and part 70 of title 10, Code of Federal Regulations
9 (or successor regulations), no person subject to the juris-
10 diction of the Commission may possess or own covered
11 fuel.

12 (c) LICENSE TO POSSESS OR OWN COVERED
13 FUEL.—

14 (1) CONSULTATION REQUIRED PRIOR TO
15 ISSUANCE.—The Commission shall not issue a li-
16 cense to possess or own covered fuel under section
17 53 of the Atomic Energy Act of 1954 (42 U.S.C.
18 2073) and part 70 of title 10, Code of Federal Reg-
19 ulations (or successor regulations), unless the Com-
20 mission has first consulted with the Secretary of En-
21 ergy and the Secretary of State before issuing the li-
22 cense.

23 (2) PROHIBITION ON ISSUANCE OF LICENSE.—

24 (A) IN GENERAL.—Subject to subpara-
25 graph (C), a license to possess or own covered

1 fuel shall not be issued if the Secretary of En-
2 ergy and the Secretary of State make the deter-
3 mination described in subparagraph (B).

4 (B) DETERMINATION.—

5 (i) IN GENERAL.—The determination
6 referred to in subparagraph (A) is a deter-
7 mination that possession or ownership, as
8 applicable, of covered fuel poses a threat to
9 the national security of the United States
10 that adversely impacts the physical and
11 economic security of the United States.

12 (ii) JOINT DETERMINATION.—A deter-
13 mination described in clause (i) shall be
14 jointly made by the Secretary of Energy
15 and the Secretary of State.

16 (iii) TIMELINE.—

17 (I) NOTICE OF APPLICATION.—
18 Not later than 30 days after the date
19 on which the Commission receives an
20 application for a license to possess or
21 own covered fuel, the Commission
22 shall notify the Secretary of Energy
23 and the Secretary of State of the ap-
24 plication.

1 (II) DETERMINATION.—The Sec-
2 retary of Energy and the Secretary of
3 State shall have a period of 180 days,
4 beginning on the date on which the
5 Commission notifies the Secretary of
6 Energy and the Secretary of State
7 under subclause (I) of an application
8 for a license to possess or own covered
9 fuel, in which to make the determina-
10 tion described in clause (i).

11 (III) COMMISSION NOTIFICA-
12 TION.—On making the determination
13 described in clause (i), the Secretary
14 of Energy and the Secretary of State
15 shall immediately notify the Commis-
16 sion.

17 (IV) CONGRESSIONAL NOTIFICA-
18 TION.—Not later than 30 days after
19 the date on which the Secretary of
20 Energy and the Secretary of State no-
21 tify the Commission under subclause
22 (III), the Commission shall notify the
23 appropriate committees of Congress of
24 the determination.

1 (V) PUBLIC NOTICE.—Not later
2 than 15 days after the date on which
3 the Commission notifies Congress
4 under subclause (IV) of a determina-
5 tion made under clause (i), the Com-
6 mission shall make that determination
7 publicly available.

8 (C) EFFECT OF NO DETERMINATION.—
9 The prohibition described in subparagraph (A)
10 shall not apply if the Secretary of Energy and
11 the Secretary of State do not make the deter-
12 mination described in subparagraph (B) by the
13 date described in clause (iii)(II) of that sub-
14 paragraph.

15 (d) SAVINGS CLAUSE.—Nothing in this section alters
16 any treaty or international agreement in effect on the date
17 of enactment of this Act.

18 **SEC. 103. EXPORT LICENSE REQUIREMENTS.**

19 (a) DEFINITION OF LOW-ENRICHED URANIUM.—In
20 this section, the term “low-enriched uranium” means ura-
21 nium enriched to less than 20 percent of the uranium-
22 ²³⁵ isotope.

23 (b) REQUIREMENT.—The Commission shall not issue
24 an export license for the transfer of any item described
25 in subsection (d) to a country described in subsection (c)

1 unless the Commission makes a determination that such
2 transfer will not be inimical to the common defense and
3 security of the United States.

4 (c) COUNTRIES DESCRIBED.—A country referred to
5 in subsection (b) is a country that—

6 (1) has not concluded and ratified an Addi-
7 tional Protocol to its safeguards agreement with the
8 International Atomic Energy Agency; or

9 (2) has not ratified or acceded to the amend-
10 ment to the Convention on the Physical Protection
11 of Nuclear Material, adopted at Vienna October 26,
12 1979, and opened for signature at New York March
13 3, 1980 (TIAS 11080), described in the information
14 circular of the International Atomic Energy Agency
15 numbered INFCIRC/274/Rev.1/Mod.1 and dated
16 May 9, 2016 (TIAS 16-508).

17 (d) ITEMS DESCRIBED.—An item referred to in sub-
18 section (b) includes—

19 (1) unirradiated nuclear fuel containing special
20 nuclear material (as defined in section 11 of the
21 Atomic Energy Act of 1954 (42 U.S.C. 2014)), ex-
22 cluding low-enriched uranium;

23 (2) a nuclear reactor that uses nuclear fuel de-
24 scribed in paragraph (1); and

1 (3) any plant or component listed in Appendix
2 I to part 110 of title 10, Code of Federal Regula-
3 tions (or successor regulations), that is involved in—

4 (A) the reprocessing of irradiated nuclear
5 reactor fuel elements;

6 (B) the separation of plutonium; or

7 (C) the separation of the uranium-233 iso-
8 tope.

9 (e) NOTIFICATION.—If the Commission makes a de-
10 termination under subsection (b) that the transfer of any
11 item described in subsection (d) to a country described in
12 subsection (c) will not be inimical to the common defense
13 and security of the United States, the Commission shall
14 notify the appropriate committees of Congress.

15 **SEC. 104. COORDINATED INTERNATIONAL ENGAGEMENT.**

16 (a) DEFINITIONS.—In this section:

17 (1) EMBARKING CIVIL NUCLEAR ENERGY NA-
18 TION.—

19 (A) IN GENERAL.—The term “embarking
20 civil nuclear energy nation” means a country
21 that—

22 (i)(I) does not have a civil nuclear
23 program;

24 (ii) is in the process of developing or
25 expanding a civil nuclear program, includ-

1 ing safeguards and a legal and regulatory
2 framework; or

3 (III) is in the process of selecting, de-
4 veloping, constructing, or utilizing an ad-
5 vanced nuclear reactor or advanced civil
6 nuclear technologies; and

7 (ii) is eligible to receive development
8 lending from the World Bank.

9 (B) EXCLUSIONS.—The term “embarking
10 civil nuclear energy nation” does not include—

- 11 (i) the People’s Republic of China;
12 (ii) the Russian Federation;
13 (iii) the Republic of Belarus;
14 (iv) the Islamic Republic of Iran;
15 (v) the Democratic People’s Republic
16 of Korea;
17 (vi) the Republic of Cuba;
18 (vii) the Bolivarian Republic of Ven-
19 ezuela;
20 (viii) the Syrian Arab Republic; or
21 (ix) any other country—

22 (I) the property or interests in
23 property of the government of which
24 are blocked pursuant to the Inter-

1 national Emergency Economic Powers
2 Act (50 U.S.C. 1701 et seq.); or

3 (II) the government of which the
4 Secretary of State has determined has
5 repeatedly provided support for acts
6 of international terrorism for purposes
7 of—

8 (aa) section 620A(a) of the
9 Foreign Assistance Act of 1961
10 (22 U.S.C. 2371(a));

11 (bb) section 40(d) of the
12 Arms Export Control Act (22
13 U.S.C. 2780(d));

14 (cc) section 1754(c)(1)(A)(i)
15 of the Export Control Reform
16 Act of 2018 (50 U.S.C.
17 4813(c)(1)(A)(i)); or

18 (dd) any other relevant pro-
19 vision of law.

20 (2) SECRETARIES.—The term “Secretaries”
21 means the Secretary of Commerce and the Secretary
22 of Energy, acting—

23 (A) in consultation with each other; and

24 (B) in coordination with—

25 (i) the Secretary of State;

- 1 (ii) the Commission;
- 2 (iii) the Secretary of the Treasury;
- 3 (iv) the President of the Export-Im-
- 4 port Bank of the United States; and
- 5 (v) officials of other Federal agencies,
- 6 as the Secretary of Commerce determines
- 7 to be appropriate.

8 (b) INTERNATIONAL CIVIL NUCLEAR MODERNIZA-

9 TION INITIATIVE.—

10 (1) IN GENERAL.—The Secretaries shall estab-

11 lish and carry out, in accordance with applicable nu-

12 clear technology export laws (including regulations),

13 an international initiative to modernize civil nuclear

14 outreach to embarking civil nuclear energy nations.

15 (2) ACTIVITIES.—In carrying out the initiative

16 described in paragraph (1)—

17 (A) the Secretary of Commerce shall—

18 (i) expand outreach by the Executive

19 Branch to the private investment commu-

20 nity to create public-private financing rela-

21 tionships to assist in the export of civil nu-

22 clear technology to embarking civil nuclear

23 energy nations;

1 (ii) seek to coordinate, to the max-
2 imum extent practicable, the work carried
3 out by each of—

4 (I) the Commission;

5 (II) the Department of Energy;

6 (III) the Department of State;

7 (IV) the Nuclear Energy Agency;

8 (V) the International Atomic En-
9 ergy Agency; and

10 (VI) other agencies, as the Sec-
11 retary of Commerce determines to be
12 appropriate; and

13 (iii) improve the regulatory framework
14 to allow for the efficient and expeditious
15 exporting and importing of items under the
16 jurisdiction of the Secretary of Commerce;
17 and

18 (B) the Secretary of Energy shall—

19 (i) assist nongovernmental organiza-
20 tions and appropriate offices, administra-
21 tions, agencies, laboratories, and programs
22 of the Federal Government in providing
23 education and training to foreign govern-
24 ments in nuclear safety, security, and safe-
25 guards—

1 (I) through engagement with the
2 International Atomic Energy Agency;
3 or

4 (II) independently, if the applica-
5 ble nongovernmental organization, of-
6 fice, administration, agency, labora-
7 tory, or program determines that it
8 would be more advantageous under
9 the circumstances to provide the ap-
10 plicable education and training inde-
11 pendently; and

12 (ii) assist the efforts of the Inter-
13 national Atomic Energy Agency to expand
14 the support provided by the International
15 Atomic Energy Agency to embarking civil
16 nuclear energy nations for nuclear safety,
17 security, and safeguards.

18 (c) REPORT.—Not later than 2 years after the date
19 of enactment of this Act, the Secretary of Commerce, in
20 consultation with the Secretary of Energy, shall submit
21 to Congress a report describing the activities carried out
22 under this section.

1 **TITLE II—DEVELOPING AND DE-**
2 **PLOYING NEW NUCLEAR**
3 **TECHNOLOGIES**

4 **SEC. 201. FEES FOR ADVANCED NUCLEAR REACTOR APPLI-**
5 **CATION REVIEW.**

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

9 (1) by redesignating paragraphs (2) through
10 (15) as paragraphs (3), (5), (6), (7), (8), (9), (11),
11 (14), (15), (16), (17), (18), (19), and (20), respec-
12 tively;

13 (2) by inserting after paragraph (1) the fol-
14 lowing:

15 “(2) ADVANCED NUCLEAR REACTOR APPLI-
16 CANT.—The term ‘advanced nuclear reactor appli-
17 cant’ means an entity that has submitted to the
18 Commission an application to receive a license for an
19 advanced nuclear reactor under the Atomic Energy
20 Act of 1954 (42 U.S.C. 2011 et seq.);”

21 (3) by inserting after paragraph (3) (as so re-
22 designated) the following:

23 “(4) AGENCY SUPPORT.—The term ‘agency
24 support’ means the resources of the Commission
25 that are located in executive, administrative, and

1 other support offices of the Commission, as de-
2 scribed in the document of the Commission entitled
3 ‘FY 2022 Final Fee Rule Work Papers’ (or a suc-
4 cessor document).”;

5 (4) by inserting after paragraph (9) (as so re-
6 designated) the following:

7 “(10) HOURLY RATE FOR MISSION-DIRECT PRO-
8 GRAM SALARIES AND BENEFITS FOR THE NUCLEAR
9 REACTOR SAFETY PROGRAM.—The term ‘hourly rate
10 for mission-direct program salaries and benefits for
11 the Nuclear Reactor Safety Program’ means the
12 quotient obtained by dividing—

13 “(A) the full-time equivalent rate (within
14 the meaning of the document of the Commis-
15 sion entitled ‘FY 2022 Final Fee Rule Work
16 Papers’ (or a successor document)) for mission-
17 direct program salaries and benefits for the Nu-
18 clear Reactor Safety Program (as determined
19 by the Commission) for a fiscal year; by

20 “(B) the productive hours assumption for
21 that fiscal year, determined in accordance with
22 the formula established in the document re-
23 ferred to in subparagraph (A) (or a successor
24 document).”;

1 (5) by inserting after paragraph (11) (as so re-
2 designated) the following:

3 “(12) MISSION-DIRECT PROGRAM SALARIES
4 AND BENEFITS FOR THE NUCLEAR REACTOR SAFETY
5 PROGRAM.—The term ‘mission-direct program sala-
6 ries and benefits for the Nuclear Reactor Safety
7 Program’ means the resources of the Commission
8 that are allocated to the Nuclear Reactor Safety
9 Program (as determined by the Commission) to per-
10 form core work activities committed to fulfilling the
11 mission of the Commission to protect public health
12 and safety, promote the common defense and secu-
13 rity, and protect the environment, as described in
14 the document of the Commission entitled ‘FY 2022
15 Final Fee Rule Work Papers’ (or a successor docu-
16 ment).

17 “(13) MISSION-INDIRECT PROGRAM SUPPORT.—
18 The term ‘mission-indirect program support’ means
19 the resources of the Commission that support the
20 core mission-direct activities for the Nuclear Reactor
21 Safety Program of the Commission (as determined
22 by the Commission), as described in the document of
23 the Commission entitled ‘FY 2022 Final Fee Rule
24 Work Papers’ (or a successor document).”.

1 (b) EXCLUDED ACTIVITIES.—Section 102(b)(1)(B)
2 of the Nuclear Energy Innovation and Modernization Act
3 (42 U.S.C. 2215(b)(1)(B)) (as amended by section
4 101(e)(1)(B)) is amended by adding at the end the fol-
5 lowing:

6 “(y) The total costs of mission-indi-
7 rect program support and agency support
8 that, under paragraph (2)(B), may not be
9 included in the hourly rate charged for fees
10 assessed to advanced nuclear reactor appli-
11 cants.”.

12 (c) FEES FOR SERVICE OR THING OF VALUE.—Sec-
13 tion 102(b) of the Nuclear Energy Innovation and Mod-
14 ernization Act (42 U.S.C. 2215(b)) is amended by striking
15 paragraph (2) and inserting the following:

16 “(2) FEES FOR SERVICE OR THING OF
17 VALUE.—

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

1 “(B) ADVANCED NUCLEAR REACTOR AP-
2 PLICANTS.—The hourly rate charged for fees
3 assessed to advanced nuclear reactor applicants
4 under this paragraph relating to the review of
5 a submitted application described in section
6 3(1) shall not exceed the hourly rate for mis-
7 sion-direct program salaries and benefits for the
8 Nuclear Reactor Safety Program.”.

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

11 **SEC. 202. ADVANCED NUCLEAR REACTOR PRIZES.**

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

15 “(f) PRIZES FOR ADVANCED NUCLEAR REACTOR LI-
16 CENSING.—

17 “(1) DEFINITION OF ELIGIBLE ENTITY.—In
18 this subsection, the term ‘eligible entity’ means—

19 “(A) a non-Federal entity; and

20 “(B) the Tennessee Valley Authority.

21 “(2) PRIZE FOR ADVANCED NUCLEAR REACTOR
22 LICENSING.—

23 “(A) IN GENERAL.—Notwithstanding sec-
24 tion 169 of the Atomic Energy Act of 1954 (42
25 U.S.C. 2209) and subject to the availability of

1 appropriations, the Secretary is authorized to
2 make, with respect to each award category de-
3 scribed in subparagraph (C), an award in an
4 amount described in subparagraph (B) to the
5 first eligible entity—

6 “(i) to which the Commission issues
7 an operating license for an advanced nu-
8 clear reactor under part 50 of title 10,
9 Code of Federal Regulations (or successor
10 regulations), for which an application has
11 not been approved by the Commission as
12 of the date of enactment of this subsection;
13 or

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

20 “(I) that is issued under subpart
21 C of part 52 of that title (or successor
22 regulations); and

23 “(II) for which an application
24 has not been approved by the Com-

1 mission as of the date of enactment of
2 this subsection.

3 “(B) AMOUNT OF AWARD.—An award
4 under subparagraph (A) shall be in an amount
5 equal to the total amount assessed by the Com-
6 mission and collected under section 102(b)(2)
7 from the eligible entity receiving the award for
8 costs relating to the issuance of the license de-
9 scribed in that subparagraph, including, as ap-
10 plicable, costs relating to the issuance of an as-
11 sociated construction permit described in sec-
12 tion 50.23 of title 10, Code of Federal Regula-
13 tions (or successor regulations), or early site
14 permit (as defined in section 52.1 of that title
15 (or successor regulations)).

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

18 “(i) the first advanced nuclear reactor
19 for which the Commission—

20 “(I) issues a license in accord-
21 ance with clause (i) of subparagraph
22 (A); or

23 “(II) makes a finding in accord-
24 ance with clause (ii) of that subpara-
25 graph;

1 “(ii) an advanced nuclear reactor
2 that—

3 “(I) uses isotopes derived from
4 spent nuclear fuel (as defined in sec-
5 tion 2 of the Nuclear Waste Policy
6 Act of 1982 (42 U.S.C. 10101)) or
7 depleted uranium as fuel for the ad-
8 vanced nuclear reactor; and

9 “(II) is the first advanced nu-
10 clear reactor described in subclause
11 (I) for which the Commission—

12 “(aa) issues a license in ac-
13 cordance with clause (i) of sub-
14 paragraph (A); or

15 “(bb) makes a finding in ac-
16 cordance with clause (ii) of that
17 subparagraph;

18 “(iii) an advanced nuclear reactor
19 that—

20 “(I) is a nuclear integrated en-
21 ergy system—

22 “(aa) that is composed of 2
23 or more co-located or jointly op-
24 erated subsystems of energy gen-

1 eration, energy storage, or other
2 technologies;

3 “(bb) in which not fewer
4 than 1 subsystem described in
5 item (aa) is a nuclear energy sys-
6 tem; and

7 “(cc) the purpose of which
8 is—

9 “(AA) to reduce green-
10 house gas emissions in both
11 the power and nonpower sec-
12 tors; and

13 “(BB) to maximize en-
14 ergy production and effi-
15 ciency; and

16 “(II) is the first advanced nu-
17 clear reactor described in subclause
18 (I) for which the Commission—

19 “(aa) issues a license in ac-
20 cordance with clause (i) of sub-
21 paragraph (A); or

22 “(bb) makes a finding in ac-
23 cordance with clause (ii) of that
24 subparagraph;

25 “(iv) an advanced reactor that—

1 “(I) operates flexibly to generate
2 electricity or high temperature process
3 heat for nonelectric applications; and

4 “(II) is the first advanced nu-
5 clear reactor described in subclause
6 (I) for which the Commission—

7 “(aa) issues a license in ac-
8 cordance with clause (i) of sub-
9 paragraph (A); or

10 “(bb) makes a finding in ac-
11 cordance with clause (ii) of that
12 subparagraph; and

13 “(v) the first advanced nuclear reactor
14 for which the Commission grants approval
15 to load nuclear fuel pursuant to the tech-
16 nology-inclusive regulatory framework es-
17 tablished under subsection (a)(4).

18 “(3) FEDERAL FUNDING LIMITATION.—An
19 award under this subsection shall not exceed the
20 total amount expended (excluding any expenditures
21 made with Federal funds received for the applicable
22 project and an amount equal to the minimum cost-
23 share required under section 988 of the Energy Pol-
24 icy Act of 2005 (42 U.S.C. 16352)) by the eligible

1 entity receiving the award for licensing costs relating
2 to the project for which the award is made.”.

3 **SEC. 203. REPORT ON UNIQUE LICENSING CONSIDER-**
4 **ATIONS RELATING TO THE USE OF NUCLEAR**
5 **ENERGY FOR NONELECTRIC APPLICATIONS.**

6 (a) IN GENERAL.—Not later than 270 days after the
7 date of enactment of this Act, the Commission shall sub-
8 mit to the appropriate committees of Congress a report
9 (referred to in this section as the “report”) addressing any
10 unique licensing issues or requirements relating to—

11 (1) the flexible operation of nuclear reactors,
12 such as ramping power output and switching be-
13 tween electricity generation and nonelectric applica-
14 tions;

15 (2) the use of advanced nuclear reactors exclu-
16 sively for nonelectric applications; and

17 (3) the colocation of nuclear reactors with in-
18 dustrial plants or other facilities.

19 (b) STAKEHOLDER INPUT.—In developing the report,
20 the Commission shall seek input from—

21 (1) the Secretary of Energy;

22 (2) the nuclear energy industry;

23 (3) technology developers;

24 (4) the industrial, chemical, and medical sec-
25 tors;

- 1 (5) nongovernmental organizations; and
2 (6) other public stakeholders.

3 (c) CONTENTS.—

4 (1) IN GENERAL.—The report shall describe—

5 (A) any unique licensing issues or require-
6 ments relating to the matters described in para-
7 graphs (1) through (3) of subsection (a), in-
8 cluding, with respect to the nonelectric applica-
9 tions referred to in paragraphs (1) and (2) of
10 that subsection, any licensing issues or require-
11 ments relating to the use of nuclear energy in—

12 (i) hydrogen or other liquid and gas-
13 eous fuel or chemical production;

14 (ii) water desalination and wastewater
15 treatment;

16 (iii) heat for industrial processes;

17 (iv) district heating;

18 (v) energy storage;

19 (vi) industrial or medical isotope pro-
20 duction; and

21 (vii) other applications, as identified
22 by the Commission;

23 (B) options for addressing those issues or
24 requirements—

1 (i) within the existing regulatory
2 framework of the Commission;

3 (ii) as part of the technology-inclusive
4 regulatory framework required under sub-
5 section (a)(4) of section 103 of the Nuclear
6 Energy Innovation and Modernization Act
7 (42 U.S.C. 2133 note; Public Law 115-
8 439) or described in the report required
9 under subsection (e) of that section (Public
10 Law 115-439; 132 Stat. 5575); or

11 (iii) through a new rulemaking; and
12 (C) the extent to which Commission action
13 is needed to implement any matter described in
14 the report.

15 (2) COST ESTIMATES, BUDGETS, AND TIME-
16 FRAMES.—The report shall include cost estimates,
17 proposed budgets, and proposed timeframes for im-
18 plementing risk-informed and performance-based
19 regulatory guidance in the licensing of nuclear reac-
20 tors for nonelectric applications.

21 **SEC. 204. ENABLING PREPARATIONS FOR THE DEMONSTRA-**
22 **TION OF ADVANCED NUCLEAR REACTORS ON**
23 **DEPARTMENT OF ENERGY SITES.**

24 (a) IN GENERAL.—Section 102(b)(1)(B) of the Nu-
25 clear Energy Innovation and Modernization Act (42

1 U.S.C. 2215(b)(1)(B)) (as amended by section 201(b)) is
2 amended by adding at the end the following:

3 “(vi) Costs for—

4 “(I) activities to review and ap-
5 prove or disapprove an application for
6 an early site permit (as defined in sec-
7 tion 52.1 of title 10, Code of Federal
8 Regulations (or a successor regula-
9 tion)) to demonstrate an advanced nu-
10 clear reactor on a Department of En-
11 ergy site; and

12 “(II) pre-application activities re-
13 lating to an early site permit (as so
14 defined) to demonstrate an advanced
15 nuclear reactor on a Department of
16 Energy site.”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 subsection (a) shall take effect on October 1, 2024.

19 **SEC. 205. CLARIFICATION ON FUSION REGULATION.**

20 Section 103(a)(4) of the Nuclear Energy Innovation
21 and Modernization Act (42 U.S.C. 2133 note; Public Law
22 115–439) is amended—

23 (1) by striking “Not later” and inserting the
24 following:

25 “(A) IN GENERAL.—Not later”; and

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

2 “(B) EXCLUSION OF FUSION REACTORS.—
3 For purposes of subparagraph (A), the term
4 ‘advanced reactor applicant’ does not include an
5 applicant seeking a license for a fusion reac-
6 tor.”.

7 **SEC. 206. REGULATORY ISSUES FOR NUCLEAR FACILITIES**
8 **AT BROWNFIELD SITES.**

9 (a) DEFINITIONS.—

10 (1) BROWNFIELD SITE.—The term “brownfield
11 site” has the meaning given the term in section 101
12 of the Comprehensive Environmental Response,
13 Compensation, and Liability Act of 1980 (42 U.S.C.
14 9601).

15 (2) PRODUCTION FACILITY.—The term “pro-
16 duction facility” has the meaning given the term in
17 section 11 of the Atomic Energy Act of 1954 (42
18 U.S.C. 2014).

19 (3) RETIRED FOSSIL FUEL SITE.—The term
20 “retired fossil fuel site” means the site of 1 or more
21 fossil fuel electric generation facilities that are re-
22 tired or scheduled to retire, including multi-unit fa-
23 cilities that are partially shut down.

24 (4) UTILIZATION FACILITY.—The term “utiliza-
25 tion facility” has the meaning given the term in sec-

1 tion 11 of the Atomic Energy Act of 1954 (42
2 U.S.C. 2014).

3 (b) IDENTIFICATION OF REGULATORY ISSUES.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, the Commission
6 shall evaluate the extent to which modification of
7 regulations, guidance, or policy is needed to enable
8 timely licensing reviews for, and to support the over-
9 sight of, production facilities or utilization facilities
10 at brownfield sites.

11 (2) REQUIREMENT.—In carrying out paragraph
12 (1), the Commission shall consider how licensing re-
13 views for production facilities or utilization facilities
14 at brownfield sites may be expedited by considering
15 matters relating to siting and operating a production
16 facility or a utilization facility at or near a retired
17 fossil fuel site to support the reuse of existing site
18 infrastructure, including—

19 (A) electric switchyard components and
20 transmission infrastructure;

21 (B) heat-sink components;

22 (C) steam cycle components;

23 (D) roads;

24 (E) railroad access; and

25 (F) water availability.

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

6 (c) LICENSING.—

7 (1) IN GENERAL.—Not later than 2 years after
8 the date of enactment of this Act, the Commission
9 shall—

10 (A) develop and implement strategies to
11 enable timely licensing reviews for, and to sup-
12 port the oversight of, production facilities or
13 utilization facilities at brownfield sites, includ-
14 ing retired fossil fuel sites; or

15 (B) initiate a rulemaking to enable timely
16 licensing reviews for, and to support the over-
17 sight of, of production facilities or utilization
18 facilities at brownfield sites, including retired
19 fossil fuel sites.

20 (2) REQUIREMENTS.—In carrying out para-
21 graph (1), consistent with the role of the Commis-
22 sion in protecting public health and safety and the
23 common defense and security, the Commission shall
24 consider matters relating to—

25 (A) the use of existing site infrastructure;

1 (B) existing emergency preparedness orga-
2 nizations and planning;

3 (C) the availability of historical site-spe-
4 cific environmental data;

5 (D) previously approved environmental re-
6 views required by the National Environmental
7 Policy Act of 1969 (42 U.S.C. 4321 et seq.);

8 (E) activities associated with the potential
9 decommissioning of facilities or decontamina-
10 tion and remediation at brownfield sites; and

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

13 (d) REPORT.—Not later than 3 years after the date
14 of enactment of this Act, the Commission shall submit to
15 the appropriate committees of Congress a report describ-
16 ing the actions taken by the Commission under subsection
17 (c).

18 **SEC. 207. APPALACHIAN REGIONAL COMMISSION NUCLEAR**
19 **ENERGY DEVELOPMENT.**

20 (a) IN GENERAL.—Subchapter I of chapter 145 of
21 subtitle IV of title 40, United States Code, is amended
22 by adding at the end the following:

23 **“§ 14512. Appalachian Regional Commission nuclear**
24 **energy development**

25 **“(a) DEFINITIONS.—In this section:**

1 “(1) BROWNFIELD SITE.—The term ‘brownfield
2 site’ has the meaning given the term in section 101
3 of the Comprehensive Environmental Response,
4 Compensation, and Liability Act of 1980 (42 U.S.C.
5 9601).

6 “(2) PRODUCTION FACILITY.—The term ‘pro-
7 duction facility’ has the meaning given the term in
8 section 11 of the Atomic Energy Act of 1954 (42
9 U.S.C. 2014).

10 “(3) RETIRED FOSSIL FUEL SITE.—The term
11 ‘retired fossil fuel site’ means the site of 1 or more
12 fossil fuel electric generation facilities that are re-
13 tired or scheduled to retire, including multi-unit fa-
14 cilities that are partially shut down.

15 “(4) UTILIZATION FACILITY.—The term ‘utili-
16 zation facility’ has the meaning given the term in
17 section 11 of the Atomic Energy Act of 1954 (42
18 U.S.C. 2014).

19 “(b) AUTHORITY.—The Appalachian Regional Com-
20 mission may provide technical assistance to, make grants
21 to, enter into contracts with, or otherwise provide amounts
22 to individuals or entities in the Appalachian region for
23 projects and activities—

24 “(1) to conduct research and analysis regarding
25 the economic impact of siting, constructing, and op-

1 erating a production facility or a utilization facility
2 at a brownfield site, including a retired fossil fuel
3 site;

4 “(2) to assist with workforce training or re-
5 training to perform activities relating to the siting
6 and operation of a production facility or a utilization
7 facility at a brownfield site, including a retired fossil
8 fuel site; and

9 “(3) to engage with the Nuclear Regulatory
10 Commission, the Department of Energy, and other
11 Federal agencies with expertise in civil nuclear en-
12 ergy.

13 “(c) LIMITATION ON AVAILABLE AMOUNTS.—Of the
14 cost of any project or activity eligible for a grant under
15 this section—

16 “(1) except as provided in paragraphs (2) and
17 (3), not more than 50 percent may be provided from
18 amounts made available to carry out this section;

19 “(2) in the case of a project or activity to be
20 carried out in a county for which a distressed county
21 designation is in effect under section 14526, not
22 more than 80 percent may be provided from
23 amounts made available to carry out this section;
24 and.

1 “(3) in the case of a project or activity to be
2 carried out in a county for which an at-risk county
3 designation is in effect under section 14526, not
4 more than 70 percent may be provided from
5 amounts made available to carry out this section.

6 “(d) SOURCES OF ASSISTANCE.—Subject to sub-
7 section (c), a grant provided under this section may be
8 provided from amounts made available to carry out this
9 section, in combination with amounts made available—

10 “(1) under any other Federal program; or

11 “(2) from any other source.

12 “(e) FEDERAL SHARE.—Notwithstanding any provi-
13 sion of law limiting the Federal share under any other
14 Federal program, amounts made available to carry out
15 this section may be used to increase that Federal share,
16 as the Appalachian Regional Commission determines to be
17 appropriate.”.

18 “(b) AUTHORIZATION OF APPROPRIATIONS.—Section
19 14703 of title 40, United States Code, is amended—

20 (1) by redesignating subsections (c) and (f) as
21 subsections (f) and (g), respectively; and

22 (2) by inserting after subsection (d) the fol-
23 lowing:

24 “(e) APPALACHIAN REGIONAL COMMISSION NU-
25 CLEAR ENERGY DEVELOPMENT.—Of the amounts made

1 available under subsection (a), \$5,000,000 may be used
2 to carry out section 14512 for each of fiscal years 2023
3 through 2026.”.

4 (e) CLERICAL AMENDMENT.—The analysis for sub-
5 chapter I of chapter 145 of subtitle IV of title 40, United
6 States Code, is amended by striking the item relating to
7 section 14511 and inserting the following:

“14511. Appalachian regional energy hub initiative.

“14512. Appalachian Regional Commission nuclear energy development.”.

8 **TITLE III—PRESERVING EXIST-**
9 **ING NUCLEAR ENERGY GEN-**
10 **ERATION**

11 **SEC. 301. INVESTMENT BY ALLIES.**

12 (a) IN GENERAL.—The prohibitions against issuing
13 certain licenses for utilization facilities to certain corpora-
14 tions and other entities described in the second sentence
15 of section 103 d. of the Atomic Energy Act of 1954 (42
16 U.S.C. 2133(d)) and the second sentence of section 104
17 d. of that Act (42 U.S.C. 2134(d)) shall not apply to an
18 entity described in subsection (b) if the Commission deter-
19 mines that issuance of the applicable license to that entity
20 is not inimical to—

21 (1) the common defense and security; or

22 (2) the health and safety of the public.

1 (b) ENTITIES DESCRIBED.—An entity referred to in
2 subsection (a) is a corporation or other entity that is
3 owned, controlled, or dominated by—

4 (1) the government of—

5 (A) a country that is a member of the
6 Group of Seven as of November 25, 2020,
7 which includes the United Kingdom, Germany,
8 Canada, Japan, France, and Italy; or

9 (B) the Republic of Korea;

10 (2) a corporation that is incorporated in a
11 country described in subparagraph (A) or (B) of
12 paragraph (1); or

13 (3) an alien who is a national of a country de-
14 scribed in subparagraph (A) or (B) of paragraph
15 (1).

16 (c) TECHNICAL AMENDMENT.—Section 103 d. of the
17 Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is
18 amended, in the second sentence, by striking “any any”
19 and inserting “any”.

20 (d) SAVINGS CLAUSE.—Nothing in this section af-
21 fects the requirements of section 721 of the Defense Pro-
22 duction Act of 1950 (50 U.S.C. 4565).

23 **SEC. 302. EXTENSION OF THE PRICE-ANDERSON ACT.**

24 (a) EXTENSION.—Section 170 of the Atomic Energy
25 Act of 1954 (42 U.S.C. 2210) (commonly known as the

1 “Price-Anderson Act”) is amended by striking “December
2 31, 2025” each place it appears and inserting “December
3 31, 2045”.

4 (b) REPORT.—Section 170 p. of the Atomic Energy
5 Act of 1954 (42 U.S.C. 2210(p)) is amended by striking
6 “December 31, 2021” and inserting “December 31,
7 2041”.

8 **TITLE IV—NUCLEAR FUEL**
9 **CYCLE, SUPPLY CHAIN, IN-**
10 **FRASTRUCTURE, AND WORK-**
11 **FORCE**

12 **SEC. 401. REPORT ON ADVANCED METHODS OF MANUFAC-**
13 **TURING AND CONSTRUCTION FOR NUCLEAR**
14 **ENERGY APPLICATIONS.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of enactment of this Act, the Commission shall sub-
17 mit to the appropriate committees of Congress a report
18 (referred to in this section as the “report”) on manufac-
19 turing and construction for nuclear energy applications.

20 (b) STAKEHOLDER INPUT.—In developing the report,
21 the Commission shall seek input from—

- 22 (1) the Secretary of Energy;
- 23 (2) the nuclear energy industry;
- 24 (3) National Laboratories;
- 25 (4) institutions of higher education;

1 (5) nuclear and manufacturing technology de-
2 velopers;

3 (6) the manufacturing and construction indus-
4 tries, including manufacturing and construction
5 companies with operating facilities in the United
6 States;

7 (7) standards development organizations;

8 (8) labor unions;

9 (9) nongovernmental organizations; and

10 (10) other public stakeholders.

11 (c) CONTENTS.—

12 (1) IN GENERAL.—The report shall—

13 (A) examine any unique licensing issues or
14 requirements relating to the use of innovative—

15 (i) advanced manufacturing processes;

16 (ii) advanced construction techniques;

17 and

18 (iii) rapid improvement or iterative in-
19 novation processes;

20 (B) examine—

21 (i) the requirements for nuclear-grade
22 components in manufacturing and con-
23 struction for nuclear energy applications;

24 (ii) opportunities to use standard ma-
25 terials, parts, or components in manufac-

1 turing and construction for nuclear energy
2 applications;

3 (iii) opportunities to use standard ma-
4 terials that are in compliance with existing
5 codes to provide acceptable approaches to
6 support or encapsulate new materials that
7 do not yet have applicable codes; and

8 (iv) requirements relating to the
9 transport of a fueled advanced nuclear re-
10 actor core from a manufacturing licensee
11 to a licensee that holds a license to con-
12 struct and operate a facility at a particular
13 site;

14 (C) identify any safety aspects of innova-
15 tive advanced manufacturing processes and ad-
16 vanced construction techniques that are not ad-
17 dressed by existing codes and standards, so that
18 generic guidance may be updated or created, as
19 necessary;

20 (D) identify options for addressing the
21 issues, requirements, and opportunities exam-
22 ined under subparagraphs (A) and (B)—

23 (i) within the existing regulatory
24 framework; or

25 (ii) through a new rulemaking;

1 (E) identify how addressing the issues, re-
2 quirements, and opportunities examined under
3 subparagraphs (A) and (B) will impact oppor-
4 tunities for domestic nuclear manufacturing
5 and construction developers; and

6 (F) describe the extent to which Commis-
7 sion action is needed to implement any matter
8 described in the report.

9 (2) COST ESTIMATES, BUDGETS, AND TIME-
10 FRAMES.—The report shall include cost estimates,
11 proposed budgets, and proposed timeframes for im-
12 plementing risk-informed and performance-based
13 regulatory guidance for manufacturing and construc-
14 tion for nuclear energy applications.

15 **SEC. 402. NUCLEAR ENERGY TRAINEESHIP.**

16 Section 313 of division C of the Omnibus Appropria-
17 tions Act, 2009 (42 U.S.C. 16274a), is amended—

18 (1) in subsection (a), by striking “Nuclear Reg-
19 ulatory”;

20 (2) in subsection (b)(1), in the matter pre-
21 ceding subparagraph (A), by inserting “and sub-
22 section (c)” after “paragraph (2)”;

23 (3) in subsection (e)—

24 (A) by redesignating paragraph (2) as
25 paragraph (5); and

1 (B) by striking paragraph (1) and insert-
2 ing the following:

3 “(1) ADVANCED NUCLEAR REACTOR.—The
4 term ‘advanced nuclear reactor’ has the meaning
5 given the term in section 951(b) of the Energy Pol-
6 icy Act of 2005 (42 U.S.C. 16271(b)).

7 “(2) COMMISSION.—The term ‘Commission’
8 means the Nuclear Regulatory Commission.

9 “(3) INSTITUTION OF HIGHER EDUCATION.—
10 The term ‘institution of higher education’ has the
11 meaning given the term in section 2 of the Energy
12 Policy Act of 2005 (42 U.S.C. 15801).

13 “(4) NATIONAL LABORATORY.—The term ‘Na-
14 tional Laboratory’ has the meaning given the term
15 in section 951(b) of the Energy Policy Act of 2005
16 (42 U.S.C. 16271(b)).”;

17 (4) in subsection (d)(2), by striking “Nuclear
18 Regulatory”;

19 (5) by redesignating subsections (c) and (d) as
20 subsections (d) and (e), respectively; and

21 (6) by inserting after subsection (b) the fol-
22 lowing:

23 “(c) NUCLEAR ENERGY TRAINEESHIP SUBPRO-
24 GRAM.—

1 “(1) IN GENERAL.—The Commission shall es-
 2 tablish, as a subprogram of the Program, a nuclear
 3 energy traineeship subprogram under which the
 4 Commission, in coordination with institutions of
 5 higher education and trade schools, shall competi-
 6 tively award traineeships that provide focused train-
 7 ing to meet critical mission needs of the Commission
 8 and nuclear workforce needs, including needs relat-
 9 ing to—

10 “(A) nuclear criticality safety; and

11 “(B) the nuclear tradecraft workforce.

12 “(2) REQUIREMENTS.—In carrying out the nu-
 13 clear energy traineeship subprogram described in
 14 paragraph (1), the Commission shall—

15 “(A) coordinate with the Secretary of En-
 16 ergy to prioritize the funding of traineeships
 17 that focus on—

18 “(i) nuclear workforce needs; and

19 “(ii) critical mission needs of the
 20 Commission;

21 “(B) encourage appropriate partnerships
 22 among—

23 “(i) National Laboratories;

24 “(ii) institutions of higher education;

25 “(iii) trade schools;

1 “(iv) the nuclear energy industry; and

2 “(v) other entities, as the Commission

3 determines to be appropriate; and

4 “(C) on an annual basis, evaluate nuclear

5 workforce needs for the purpose of imple-

6 menting traineeships in focused topical areas

7 that—

8 “(i) address the workforce needs of

9 the nuclear energy community; and

10 “(ii) support critical mission needs of

11 the Commission.”.

12 **SEC. 403. REPORT ON COMMISSION READINESS AND CA-**

13 **PACITY TO LICENSE ADDITIONAL CONVER-**

14 **SION AND ENRICHMENT CAPACITY TO RE-**

15 **DUCE RELIANCE ON URANIUM FROM RUSSIA.**

16 Not later than 180 days after the date of enactment

17 of this Act, the Commission shall submit to the appro-

18 priate committees of Congress a report on the readiness

19 and capacity of the Commission to license additional con-

20 version and enrichment capacity at existing and new fuel

21 cycle facilities to reduce reliance on nuclear fuel that is

22 recovered, converted, enriched, or fabricated by an entity

23 that—

24 (1) is owned or controlled by the Government of

25 the Russian Federation; or

1 (2) is organized under the laws of, or otherwise
2 subject to the jurisdiction of, the Russian Federa-
3 tion.

4 **SEC. 404. ANNUAL REPORT ON THE SPENT NUCLEAR FUEL**
5 **AND HIGH-LEVEL RADIOACTIVE WASTE IN-**
6 **VENTORY IN THE UNITED STATES.**

7 (a) DEFINITIONS.—In this section:

8 (1) HIGH-LEVEL RADIOACTIVE WASTE.—The
9 term “high-level radioactive waste” has the meaning
10 given the term in section 2 of the Nuclear Waste
11 Policy Act of 1982 (42 U.S.C. 10101).

12 (2) SPENT NUCLEAR FUEL.—The term “spent
13 nuclear fuel” has the meaning given the term in sec-
14 tion 2 of the Nuclear Waste Policy Act of 1982 (42
15 U.S.C. 10101).

16 (3) STANDARD CONTRACT.—The term “stand-
17 ard contract” has the meaning given the term “con-
18 tract” in section 961.3 of title 10, Code of Federal
19 Regulations (or a successor regulation).

20 (b) REPORT.—Not later than January 1, 2025, and
21 annually thereafter, the Secretary of Energy shall submit
22 to Congress a report that describes—

23 (1) the annual and cumulative amount of pay-
24 ments made by the United States to the holder of
25 a standard contract due to a partial breach of con-

1 tract under the Nuclear Waste Policy Act of 1982
2 (42 U.S.C. 10101 et seq.) resulting in financial
3 damages to the holder;

4 (2) the cumulative amount spent by the Depart-
5 ment of Energy since fiscal year 2008 to reduce fu-
6 ture payments projected to be made by the United
7 States to any holder of a standard contract due to
8 a partial breach of contract under the Nuclear
9 Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.);

10 (3) the cumulative amount spent by the Depart-
11 ment of Energy to store, manage, and dispose of
12 spent nuclear fuel and high-level radioactive waste in
13 the United States as of the date of the report;

14 (4) the projected lifecycle costs to store, man-
15 age, transport, and dispose of the projected inven-
16 tory of spent nuclear fuel and high-level radioactive
17 waste in the United States, including spent nuclear
18 fuel and high-level radioactive waste expected to be
19 generated from existing reactors through 2050;

20 (5) any mechanisms for better accounting of li-
21 abilities for the lifecycle costs of the spent nuclear
22 fuel and high-level radioactive waste inventory in the
23 United States; and

24 (6) any recommendations for improving the
25 methods used by the Department of Energy for the

1 accounting of spent nuclear fuel and high-level ra-
2 dioactive waste costs and liabilities.

3 **SEC. 405. AUTHORIZATION OF APPROPRIATIONS FOR**
4 **SUPERFUND ACTIONS AT ABANDONED MIN-**
5 **ING SITES ON TRIBAL LAND.**

6 (a) DEFINITIONS.—In this section:

7 (1) ELIGIBLE NON-NPL SITE.—The term “eli-
8 gible non-NPL site” means a site—

9 (A) that is not on the National Priorities
10 List; but

11 (B) with respect to which the Adminis-
12 trator determines that—

13 (i) the site would be eligible for listing
14 on the National Priorities List based on
15 the presence of hazards from contamina-
16 tion at the site, applying the hazard rank-
17 ing system described in section 105(e) of
18 the Comprehensive Environmental Re-
19 sponse, Compensation, and Liability Act of
20 1980 (42 U.S.C. 9605(e)); and

21 (ii) for removal site evaluations, engi-
22 neering evaluations/cost analyses, remedial
23 planning activities, remedial investigations
24 and feasibility studies, and other actions

1 taken pursuant to section 104(b) of that
2 Act (42 U.S.C. 9604), the site—

3 (I) has undergone a pre-
4 CERCLA screening; and

5 (II) is included in the Superfund
6 Enterprise Management System.

7 (2) INDIAN TRIBE.—The term “Indian Tribe”
8 has the meaning given the term “Indian tribe” in
9 section 101 of the Comprehensive Environmental
10 Response, Compensation, and Liability Act of 1980
11 (42 U.S.C. 9601).

12 (3) NATIONAL PRIORITIES LIST.—The term
13 “National Priorities List” means the National Prior-
14 ities List developed by the President in accordance
15 with section 105(a)(8)(B) of the Comprehensive En-
16 vironmental Response, Compensation, and Liability
17 Act of 1980 (42 U.S.C. 9605(a)(8)(B)).

18 (4) REMEDIAL ACTION; REMOVAL; RESPONSE.—
19 The terms “remedial action”, “removal”, and “re-
20 sponse” have the meanings given those terms in sec-
21 tion 101 of the Comprehensive Environmental Re-
22 sponse, Compensation, and Liability Act of 1980 (42
23 U.S.C. 9601).

1 (5) TRIBAL LAND.—The term “Tribal land”
2 has the meaning given the term “Indian country” in
3 section 1151 of title 18, United States Code.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated for each of fiscal years
6 2023 through 2032, to remain available until expended—

7 (1) \$97,000,000 to the Administrator to carry
8 out this section (except for subsection (d)); and

9 (2) \$3,000,000 to the Administrator of the
10 Agency for Toxic Substances and Disease Registry
11 to carry out subsection (d).

12 (c) USES OF AMOUNTS.—Amounts appropriated
13 under subsection (b)(1) shall be used by the Adminis-
14 trator—

15 (1) to carry out removal actions on abandoned
16 mine land located on Tribal land;

17 (2) to carry out response actions, including re-
18 moval and remedial planning activities, removal and
19 remedial studies, remedial actions, and other actions
20 taken pursuant to section 104(b) of the Comprehen-
21 sive Environmental Response, Compensation, and
22 Liability Act of 1980 (42 U.S.C. 9604(b)) on aban-
23 doned mine land located on Tribal land at—

24 (A) eligible non-NPL sites; and

1 (B) sites listed on the National Priorities
2 List; and
3 (3) to make grants under subsection (e).

4 (d) HEALTH ASSESSMENTS.—Subject to the avail-
5 ability of appropriations, the Agency for Toxic Substances
6 and Disease Registry, in coordination with Tribal health
7 authorities, shall perform 1 or more health assessments
8 at each eligible non-NPL site that is located on Tribal
9 land, in accordance with section 104(i)(6) of the Com-
10 prehensive Environmental Response, Compensation, and
11 Liability Act of 1980 (42 U.S.C. 9604(i)(6)).

12 (e) TRIBAL GRANTS.—

13 (1) IN GENERAL.—The Administrator may use
14 amounts appropriated under subsection (b)(1) to
15 make grants to eligible entities described in para-
16 graph (2) for the purposes described in paragraph
17 (3).

18 (2) ELIGIBLE ENTITIES DESCRIBED.—An eligi-
19 ble entity referred to in paragraph (1) is—

20 (A) the governing body of an Indian Tribe;

21 or

22 (B) a legally established organization of
23 Indians that—

24 (i) is controlled, sanctioned, or char-
25 tered by the governing bodies of 2 or more

1 Indian Tribes to be served, or that is
2 democratically elected by the adult mem-
3 bers of the Indian community to be served,
4 by that organization; and

5 (ii) includes the maximum participa-
6 tion of Indians in all phases of the activi-
7 ties of that organization.

8 (3) USE OF GRANT FUNDS.—A grant under this
9 subsection shall be used—

10 (A) in accordance with the second sentence
11 of section 117(e)(1) of the Comprehensive Envi-
12 ronmental Response, Compensation, and Liabil-
13 ity Act of 1980 (42 U.S.C. 9617(e)(1));

14 (B) for obtaining technical assistance in
15 carrying out response actions under subpara-
16 graph (C); or

17 (C) for carrying out response actions, if
18 the Administrator determines that the Indian
19 Tribe has the capability to carry out any or all
20 of those response actions in accordance with the
21 criteria and priorities established pursuant to
22 section 105(a)(8) of the Comprehensive Envi-
23 ronmental Response, Compensation, and Liabil-
24 ity Act of 1980 (42 U.S.C. 9605(a)(8)).

1 (4) APPLICATIONS.—An eligible entity desiring
2 a grant under this subsection shall submit to the
3 Administrator an application at such time, in such
4 manner, and containing such information as the Ad-
5 ministrator may require.

6 (5) LIMITATIONS.—A grant under this sub-
7 section shall be governed by the rules, procedures,
8 and limitations described in section 117(e)(2) of the
9 Comprehensive Environmental Response, Compensa-
10 tion, and Liability Act of 1980 (42 U.S.C.
11 9617(e)(2)), except that—

12 (A) “Administrator of the Environmental
13 Protection Agency” shall be substituted for
14 “President” each place it appears in that sec-
15 tion; and

16 (B) in the first sentence of that section,
17 “under section 405 of the ADVANCE Act of
18 2023” shall be substituted for “under this sub-
19 section”.

20 (f) STATUTE OF LIMITATIONS.—If a remedial action
21 described in subsection (c)(2) is scheduled at an eligible
22 non-NPL site, no action may be commenced for damages
23 (as defined in section 101 of the Comprehensive Environ-
24 mental Response, Compensation, and Liability Act of
25 1980 (42 U.S.C. 9601)) with respect to that eligible non-

1 NPL site unless the action is commenced within the time-
2 frame provided for such actions with respect to facilities
3 on the National Priorities List in the first sentence of the
4 matter following subparagraph (B) of section 113(g)(1)
5 of that Act (42 U.S.C. 9613(g)(1)).

6 (g) COORDINATION.—The Administrator shall coordi-
7 nate with the Indian Tribe on whose land the applicable
8 site is located in—

9 (1) selecting and prioritizing sites for response
10 actions under paragraphs (1) and (2) of subsection
11 (c); and

12 (2) carrying out those response actions.

13 **SEC. 406. DEVELOPMENT, QUALIFICATION, AND LICENSING**
14 **OF ADVANCED NUCLEAR FUEL CONCEPTS.**

15 (a) IN GENERAL.—The Commission shall establish
16 an initiative to enhance preparedness and coordination
17 with respect to the qualification and licensing of advanced
18 nuclear fuel.

19 (b) AGENCY COORDINATION.—Not later than 180
20 days after the date of enactment of this Act, the Commis-
21 sion and the Secretary of Energy shall enter into a memo-
22 randum of understanding—

23 (1) to share technical expertise and knowledge
24 through—

1 (A) enabling the testing and demonstration
2 of accident tolerant fuels for existing commer-
3 cial nuclear reactors and advanced nuclear reac-
4 tor fuel concepts to be proposed and funded, in
5 whole or in part, by the private sector;

6 (B) operating a database to store and
7 share data and knowledge relevant to nuclear
8 science and engineering between Federal agen-
9 cies and the private sector;

10 (C) leveraging expertise with respect to
11 safety analysis and research relating to ad-
12 vanced nuclear fuel; and

13 (D) enabling technical staff to actively ob-
14 serve and learn about technologies, with an em-
15 phasis on identification of additional informa-
16 tion needed with respect to advanced nuclear
17 fuel; and

18 (2) to ensure that—

19 (A) the Department of Energy has suffi-
20 cient technical expertise to support the timely
21 research, development, demonstration, and com-
22 mercial application of advanced nuclear fuel;

23 (B) the Commission has sufficient techni-
24 cal expertise to support the evaluation of ap-
25 plications for licenses, permits, and design cer-

1 tifications and other requests for regulatory ap-
2 proval for advanced nuclear fuel;

3 (C)(i) the Department of Energy main-
4 tains and develops the facilities necessary to en-
5 able the timely research, development, dem-
6 onstration, and commercial application by the
7 civilian nuclear industry of advanced nuclear
8 fuel; and

9 (ii) the Commission has access to the fa-
10 cilities described in clause (i), as needed; and

11 (D) the Commission consults, as appro-
12 priate, with the modeling and simulation ex-
13 perts at the Office of Nuclear Energy of the
14 Department of Energy, at the National Labora-
15 tories, and within industry fuel vendor teams in
16 cooperative agreements with the Department of
17 Energy to leverage physics-based computer
18 modeling and simulation capabilities.

19 (c) REPORT.—

20 (1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of this Act, the Commission
22 shall submit to the appropriate committees of Con-
23 gress a report describing the efforts of the Commis-
24 sion under subsection (a), including—

- 1 (A) an assessment of the preparedness of
2 the Commission to review and qualify for use—
3 (i) accident tolerant fuel;
4 (ii) ceramic cladding materials;
5 (iii) fuels containing silicon carbide;
6 (iv) high-assay, low-enriched uranium
7 fuels;
8 (v) molten-salt based liquid fuels;
9 (vi) fuels derived from spent nuclear
10 fuel or depleted uranium; and
11 (vii) other related fuel concepts, as de-
12 termined by the Commission;
- 13 (B) activities planned or undertaken under
14 the memorandum of understanding described in
15 subsection (b);
- 16 (C) an accounting of the areas of research
17 needed with respect to advanced nuclear fuel;
18 and
- 19 (D) any other challenges or considerations
20 identified by the Commission.
- 21 (2) CONSULTATION.—In developing the report
22 under paragraph (1), the Commission shall seek
23 input from—
- 24 (A) the Secretary of Energy;
25 (B) National Laboratories;

- 1 (C) the nuclear energy industry;
2 (D) technology developers;
3 (E) nongovernmental organizations; and
4 (F) other public stakeholders.

5 **TITLE V—IMPROVING** 6 **COMMISSION EFFICIENCY**

7 **SEC. 501. COMMISSION WORKFORCE.**

8 (a) **DEFINITION OF CHAIRMAN.**—In this section, the
9 term “Chairman” means the Chairman of the Commis-
10 sion.

11 (b) **APPOINTMENT AUTHORITY.**—

12 (1) **IN GENERAL.**—Notwithstanding section 161
13 d. of the Atomic Energy Act of 1954 (42 U.S.C.
14 2201(d)), any provision of Reorganization Plan No.
15 1 of 1980 (94 Stat. 3585; 5 U.S.C. app.) governing
16 appointments, and any provision of title 5, United
17 States Code, governing appointments and General
18 Schedule classification and pay rates, the Chairman
19 may appoint persons to the positions described in
20 paragraph (2), subject to the limitation described in
21 paragraph (3), without regard to the civil service
22 laws.

23 (2) **POSITIONS DESCRIBED.**—The positions re-
24 ferred to in paragraph (1) are—

1 (A) positions with highly specialized sci-
2 entific, engineering, and technical competencies
3 to address a critical need for the Commission,
4 including—

- 5 (i) health physicist;
6 (ii) reactor operations engineer;
7 (iii) human factors analyst or engi-
8 neer;
9 (iv) risk and reliability analyst or en-
10 gineer;
11 (v) licensing project manager;
12 (vi) reactor engineer for severe acci-
13 dents;
14 (vii) geotechnical engineer;
15 (viii) structural engineer;
16 (ix) reactor systems engineer;
17 (x) reactor engineer;
18 (xi) radiation scientist; and
19 (xii) electronics engineer; or

20 (B) positions to be filled by exceptionally
21 well-qualified individuals that the Commission
22 determines are necessary to fulfill the mission
23 of the Commission.

24 (3) LIMITATION.—The Chairman may appoint
25 persons to not more than—

1 (A) 90 positions described in paragraph
2 (2)(A); and

3 (B) 90 positions described in paragraph
4 (2)(B).

5 (4) HIRING BONUS.—The Commission may pay
6 any employee appointed under paragraph (1) a 1-
7 time hiring bonus in an amount not to exceed the
8 least of—

9 (A) \$25,000;

10 (B) the amount equal to 15 percent of the
11 annual rate of basic pay of the employee; and

12 (C) the amount of the limitation that is
13 applicable for a calendar year under section
14 5307(a)(1) of title 5, United States Code.

15 (5) APPLICATION OF MERIT SYSTEM PRIN-
16 CIPLES.—To the maximum extent practicable, the
17 Chairman shall appoint persons under paragraph (1)
18 to the positions described in paragraph (2) in ac-
19 cordance with the merit system principles set forth
20 in section 2301 of title 5, United States Code.

21 (c) COMPENSATION AUTHORITY.—

22 (1) IN GENERAL.—Notwithstanding section 161
23 d. of the Atomic Energy Act of 1954 (42 U.S.C.
24 2201(d)) and chapter 51, and subchapter III of
25 chapter 53, of title 5, United States Code, the

1 Chairman may fix the rate of basic pay for the posi-
2 tions of individuals described in paragraph (2), sub-
3 ject to the limitation described in paragraph (3), in
4 accordance with this subsection.

5 (2) INDIVIDUALS DESCRIBED.—The individuals
6 referred to in paragraph (1) are—

7 (A) individuals with highly specialized sci-
8 entific, engineering, and technical competencies
9 to address a critical need for the Commission,
10 including individuals with expertise in—

- 11 (i) health physics;
- 12 (ii) reactor operations engineering;
- 13 (iii) human factors analysis or engi-
14 neering;
- 15 (iv) risk and reliability analysis or en-
16 gineering;
- 17 (v) licensing project management;
- 18 (vi) reactor engineering for severe ac-
19 cidents;
- 20 (vii) geotechnical engineering;
- 21 (viii) structural engineering;
- 22 (ix) reactor systems engineering;
- 23 (x) reactor engineering;
- 24 (xi) radiation science; and
- 25 (xii) electronics engineering; or

1 (B) exceptionally well-qualified individuals
2 that the Commission determines are necessary
3 to fulfill the mission of the Commission.

4 (3) LIMITATION.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraph (B), the annual rate of basic pay
7 for an individual described in paragraph (2)
8 may not exceed the per annum rate of salary
9 payable for level III of the Executive Schedule
10 under section 5314 of title 5, United States
11 Code, without regard to the civil service laws.

12 (B) CERTAIN POSITIONS.—The Chairman
13 may set the annual rate of basic pay for an in-
14 dividual described in paragraph (2) for not
15 more than—

16 (i) 90 persons appointed to positions
17 described in paragraph (2)(A); and

18 (ii) 90 persons appointed to positions
19 described in paragraph (2)(B).

20 (d) NO DELEGATION.—The Chairman may not dele-
21 gate the authority provided by subsection (b) or (c).

22 (e) ANNUAL SOLICITATION FOR NUCLEAR REGU-
23 LATOR APPRENTICESHIP NETWORK APPLICATIONS.—The
24 Chairman, on an annual basis, shall solicit applications for
25 the Nuclear Regulator Apprenticeship Network.

1 (f) REPORT.—The Chairman shall include in the an-
2 nual budget justification of the Commission information
3 that describes—

4 (1) the total number of and the positions of the
5 persons appointed under the authority provided by
6 subsection (b);

7 (2) the total number of and the positions of the
8 persons paid at the rate determined under the au-
9 thority provided by subsection (c);

10 (3) how the authority provided by subsections
11 (b) and (c) is being used, and has been used during
12 the previous fiscal year, to address the hiring and
13 retention needs of the Commission with respect to
14 the positions described in those subsections to which
15 that authority is applicable; and

16 (4) if the authority provided by subsections (b)
17 and (c) is not being used, or has not been used, the
18 reasons, including a justification, for not using that
19 authority.

20 **SEC. 502. COMMISSION CORPORATE SUPPORT FUNDING.**

21 (a) REPORT.—Not later than 180 days after the date
22 of enactment of this Act, the Commission shall submit to
23 the appropriate committees of Congress and make publicly
24 available a report that describes—

1 (1) the progress on the implementation of sec-
2 tion 102(a)(3) of the Nuclear Energy Innovation
3 and Modernization Act (42 U.S.C. 2215(a)(3)); and

4 (2) whether the Commission is meeting and is
5 expected to meet the total budget authority caps re-
6 quired for corporate support under that section.

7 (b) LIMITATION ON CORPORATE SUPPORT COSTS.—
8 Section 102(a)(3) of the Nuclear Energy Innovation and
9 Modernization Act (42 U.S.C. 2215(a)(3)) is amended by
10 striking subparagraphs (B) and (C) and inserting the fol-
11 lowing:

12 “(B) 30 percent for fiscal year 2024 and
13 each fiscal year thereafter.”

14 (c) CORPORATE SUPPORT COSTS CLARIFICATION.—
15 Paragraph (9) of section 3 of the Nuclear Energy Inno-
16 vation and Modernization Act (42 U.S.C. 2215 note; Public
17 Law 115–439) (as redesignated by section 201(a)(1)) is
18 amended—

19 (1) by striking “The term” and inserting the
20 following:

21 “(A) IN GENERAL.—The term”; and

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

23 “(B) EXCLUSIONS.—The term ‘corporate
24 support costs’ does not include—

1 “(i) costs for rent and utilities relat-
2 ing to any and all space in the Three
3 White Flint North building that is not oc-
4 cupied by the Commission; or

5 “(ii) costs for salaries, travel, and
6 other support for the Office of the Com-
7 mission.”.

8 **SEC. 503. PERFORMANCE AND REPORTING UPDATE.**

9 Section 102(c) of the Nuclear Energy Innovation and
10 Modernization Act (42 U.S.C. 2215(e)) is amended—

11 (1) in paragraph (3)—

12 (A) in the paragraph heading, by striking
13 “180” and inserting “90”; and

14 (B) by striking “180” and inserting “90”;
15 and

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

17 “(4) PERIODIC UPDATES TO METRICS AND
18 SCHEDULES.—

19 “(A) REVIEW AND ASSESSMENT.—Not less
20 frequently than once every 3 years, the Com-
21 mission shall review and assess, based on the li-
22 censing and regulatory activities of the Com-
23 mission, the performance metrics and milestone
24 schedules established under paragraph (1).

1 “(B) REVISIONS.—After each review and
2 assessment under subparagraph (A), the Com-
3 mission shall revise and improve, as appro-
4 priate, the performance metrics and milestone
5 schedules described in that subparagraph to
6 provide the most efficient metrics and schedules
7 reasonably achievable.”.

8 **TITLE VI—MISCELLANEOUS**

9 **SEC. 601. NUCLEAR CLOSURE COMMUNITIES.**

10 (a) DEFINITIONS.—In this section:

11 (1) COMMUNITY ADVISORY BOARD.—The term
12 “community advisory board” means a community
13 committee or other advisory organization that aims
14 to foster communication and information exchange
15 between a licensee planning for and involved in de-
16 commissioning activities and members of the com-
17 munity that decommissioning activities may affect.

18 (2) DECOMMISSION.—The term “decommis-
19 sion” has the meaning given the term in section
20 50.2 of title 10, Code of Federal Regulations (or
21 successor regulations).

22 (3) ELIGIBLE RECIPIENT.—The term “eligible
23 recipient” has the meaning given the term in section
24 3 of the Public Works and Economic Development
25 Act of 1965 (42 U.S.C. 3122).

1 (4) LICENSEE.—The term “licensee” has the
2 meaning given the term in section 50.2 of title 10,
3 Code of Federal Regulations (or successor regula-
4 tions).

5 (5) NUCLEAR CLOSURE COMMUNITY.—The
6 term “nuclear closure community” means a unit of
7 local government, including a county, city, town, vil-
8 lage, school district, or special district, that has been
9 impacted, or reasonably demonstrates to the satis-
10 faction of the Secretary that it will be impacted, by
11 a nuclear power plant licensed by the Commission
12 that—

13 (A) is not co-located with an operating nu-
14 clear power plant;

15 (B) is at a site with spent nuclear fuel;
16 and

17 (C) as of the date of enactment of this
18 Act—

19 (i) has ceased operations; or

20 (ii) has provided a written notification
21 to the Commission that it will cease oper-
22 ations.

23 (6) SECRETARY.—The term “Secretary” means
24 the Secretary of Commerce, acting through the As-

1 Assistant Secretary of Commerce for Economic Devel-
2 opment.

3 (b) ESTABLISHMENT.—Not later than 180 days after
4 the date of enactment of this Act, the Secretary shall es-
5 tablish a grant program to provide grants to eligible re-
6 cipients—

7 (1) to assist with economic development in nu-
8 clear closure communities; and

9 (2) to fund community advisory boards in nu-
10 clear closure communities.

11 (c) REQUIREMENT.—In carrying out this section, to
12 the maximum extent practicable, the Secretary shall im-
13 plement the recommendations described in the report sub-
14 mitted to Congress under section 108 of the Nuclear En-
15 ergy Innovation and Modernization Act (Public Law 115-
16 439; 132 Stat. 5577) entitled “Best Practices for Estab-
17 lishment and Operation of Local Community Advisory
18 Boards Associated with Decommissioning Activities at
19 Nuclear Power Plants”.

20 (d) DISTRIBUTION OF FUNDS.—The Secretary shall
21 establish a formula to ensure, to the maximum extent
22 practicable, geographic diversity among grant recipients
23 under this section.

24 (e) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There are authorized to be
2 appropriated to the Secretary—

3 (A) to carry out subsection (b)(1),
4 \$35,000,000 for each of fiscal years 2023
5 through 2028; and

6 (B) to carry out subsection (b)(2),
7 \$5,000,000 for each of fiscal years 2023
8 through 2025.

9 (2) AVAILABILITY.—Amounts made available
10 under this section shall remain available for a period
11 of 5 years beginning on the date on which the
12 amounts are made available.

13 (3) NO OFFSET.—None of the funds made
14 available under this section may be used to offset
15 the funding for any other Federal program.

16 **SEC. 602. TECHNICAL CORRECTION.**

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

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

21 “(3) LIMITATION ON UTILIZATION FACILI-
22 TIES.—The Commission may issue a license under
23 this section for a utilization facility useful in the
24 conduct of research and development activities of the
25 types specified in section 31 if—

1 “(A) not more than 75 percent of the an-
2 nual costs to the licensee of owning and oper-
3 ating the facility are devoted to the sale, other
4 than for research and development or education
5 and training, of—

6 “(i) nonenergy services;

7 “(ii) energy; or

8 “(iii) a combination of nonenergy
9 services and energy; and

10 “(B) not more than 50 percent of the an-
11 nual costs to the licensee of owning and oper-
12 ating the facility are devoted to the sale of en-
13 ergy.”;

14 (2) in the second sentence, by striking “The
15 Commission” and inserting the following:

16 “(2) REGULATION.—The Commission”; and

17 (3) by striking “c. The Commission” and in-
18 serting the following:

19 “c. RESEARCH AND DEVELOPMENT ACTIVITIES.—

20 “(1) IN GENERAL.—Subject to paragraphs (2)
21 and (3), the Commission”.