

119TH CONGRESS
2D SESSION

S. _____

To amend the Atomic Energy Act of 1954 to align the licensing of uranium enrichment facilities with other fuel cycle facilities under that Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. KELLY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Atomic Energy Act of 1954 to align the licensing of uranium enrichment facilities with other fuel cycle facilities under that Act, 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.**

4 This Act may be cited as the “Enrichment Licensing
5 Modernization Act of 2026”.

6 **SEC. 2. LICENSING OF URANIUM ENRICHMENT FACILITIES.**

7 (a) AMENDMENTS.—Section 193 of the Atomic En-
8 ergy Act of 1954 (42 U.S.C. 2243) is amended—

1 (1) by striking subsection (a) and inserting the
2 following:

3 “(a) APPLICABILITY OF NEPA.—The issuance of a
4 license under sections 53 and 63 for the operation of a
5 uranium enrichment facility shall be subject to the Na-
6 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
7 et seq.).”;

8 (2) in subsection (b)—

9 (A) in paragraph (1)—

10 (i) by striking “The Commission” and
11 inserting “In accordance with section 189
12 a.(1)(A), the Commission”;

13 (ii) by striking “a single adjudicatory
14 hearing on the record” and inserting “a
15 hearing”;

16 (iii) by striking “construction and”;
17 and

18 (iv) by inserting “if a person whose
19 interest may be affected by the operation
20 of the uranium enrichment facility has re-
21 quested a hearing regarding the licensing
22 of the operation of the uranium enrich-
23 ment facility” after “and 63”;

24 (B) in paragraph (2)—

1 (i) by striking “Such hearing” and in-
2 sserting “If a hearing is held under para-
3 graph (1), the hearing”; and

4 (ii) by striking “construction and”;
5 and

6 (C) in paragraph (3), in the paragraph
7 heading, by striking “SINGLE PROCEEDING”
8 and inserting “NO FURTHER ACTION RE-
9 QUIRED”;

10 (3) in subsection (c), by striking “construction
11 and”;

12 (4) by redesignating subsections (e) and (f) as
13 subsections (f) and (g), respectively; and

14 (5) by inserting after subsection (d) the fol-
15 lowing:

16 “(e) PRE-LICENSE CONSTRUCTION.—

17 “(1) IN GENERAL.—Construction of a uranium
18 enrichment facility prior to issuance of a license au-
19 thORIZING operation of that facility under sections 53
20 and 63 shall be permitted, subject to the condition
21 that the construction complies with all applicable
22 Federal, State, and local laws and regulations.

23 “(2) EFFECT OF PRE-LICENSE CONSTRUC-
24 TION.—Construction of a uranium enrichment facil-
25 ity undertaken pursuant to paragraph (1) shall be

1 entirely at the risk of the applicant, and, in deter-
2 mining whether to approve or disapprove the
3 issuance of a license authorizing operation of the
4 uranium enrichment facility under sections 53 and
5 63, the Commission shall consider only whether the
6 application meets the applicable statutory and regu-
7 latory requirements for a license authorizing oper-
8 ation of such a facility under sections 53 and 63.

9 “(3) REDRESS PLAN.—As a condition of com-
10 mencing construction pursuant to paragraph (1), the
11 application for a license authorizing operation of a
12 uranium enrichment facility under sections 53 and
13 63 shall include a redress plan for activities with a
14 reasonable nexus to radiological health and safety or
15 common defense and security undertaken pursuant
16 to that paragraph if—

17 “(A) the construction is terminated by the
18 applicant;

19 “(B) the applicant withdraws the applica-
20 tion; or

21 “(C) the Commission finalizes a denial of
22 the application.

23 “(4) IMPLEMENTATION OF REDRESS PLAN.—If
24 construction undertaken pursuant to paragraph (1)
25 is terminated by the applicant, or the underlying ap-

1 plication for a license authorizing operation of the
2 uranium enrichment facility under sections 53 and
3 63 is withdrawn by the applicant or denied by the
4 Commission, the Commission may require the imple-
5 mentation of the redress plan required under para-
6 graph (3) within a reasonable time.”.

7 (b) REGULATIONS REQUIRED.—Not later than 180
8 days after the date of enactment of this Act, the Nuclear
9 Regulatory Commission shall promulgate regulations to
10 revise part 70 of title 10, Code of Federal Regulations—

11 (1) to carry out subsection (e) of section 193 of
12 the Atomic Energy Act of 1954 (42 U.S.C. 2243)
13 (as amended by subsection (a)(5)); and

14 (2) to impose at-risk construction requirements
15 as the Nuclear Regulatory Commission determines
16 appropriate for the construction described in that
17 subsection (e) (as so amended).

18 (c) RULE OF CONSTRUCTION.—Nothing in this Act,
19 or an amendment made by this Act, limits or otherwise
20 affects the authority of the Nuclear Regulatory Commis-
21 sion to regulate construction as necessary to license and
22 oversee the operation of a uranium enrichment facility.

23 (d) SAVINGS CLAUSE.—Nothing in this Act, or an
24 amendment made by this Act—

1 (1) limits or otherwise affects the authority of
2 the Nuclear Regulatory Commission to deny an ap-
3 plication for a license to operate a uranium enrich-
4 ment facility because the applicant failed to con-
5 struct or operate the uranium enrichment facility in
6 accordance with applicable regulatory requirements;
7 or
8 (2) affects judicial review of a final action by
9 the Nuclear Regulatory Commission otherwise avail-
10 able under section 189 of the Atomic Energy Act of
11 1954 (42 U.S.C. 2239).