

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, DC 20555-0001

May 12, 2025

NRC INFORMATION NOTICE 2025-03: ADVANCE ACT SECTION 102 IMPLEMENTATION

ADDRESSEES

All holders of or potential applicants for operating licenses or construction permits for nuclear power reactors under Title 10 of the Code of *Federal Regulations* (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities," or holders of or applicants for a combined license under 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," except those that have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

All holders of licenses and potential applicants for a fuel cycle facility under the provisions of 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material," and holders of licenses and Certificates of Compliance and potential applicants for transportation and storage systems under the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material," and 10 CFR Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater than Class C Waste."

PURPOSE

The U.S. Nuclear Regulatory Commission (NRC) is issuing this information notice (IN) to (1) notify licensees and applicants of the requirements of Section 102 of the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 (ADVANCE Act), "Denial of certain domestic licenses for national security purposes," and (2) notify licensees and applicants of NRC efforts to develop a comprehensive strategy for meeting these requirements. It is expected that recipients will review the IN for applicability to their facilities. INs may not impose new requirements, and nothing in this IN should be interpreted to require specific action.

DESCRIPTION OF CIRCUMSTANCES

Section 102(b) of the ADVANCE Act, "Denial of Certain Domestic Licenses for National Security Purposes," states:

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](#)) and part 70 of title 10, Code of Federal Regulations (or successor regulations), no person subject to the jurisdiction of the Commission may possess or own covered fuel¹.

¹ Covered fuel is defined as enriched uranium that is fabricated outside the United States into fuel assemblies for commercial nuclear power reactors by an entity that is owned, controlled, organized under the laws of, or otherwise subject to the jurisdiction of the Russian Federation or the People's Republic of China.

The ADVANCE Act also provides consultation and notification requirements for the licensing process of “covered fuel.”

BACKGROUND

The ADVANCE Act, which was signed into law on July 9, 2024, requires the NRC to take specific actions, particularly in the areas of licensing of new reactors and fuels, while maintaining the NRC’s core safety and security mission. The ADVANCE Act affects a wide range of NRC activities, including but not limited to enhancing the regulatory framework for advanced reactors and fusion technology, and requiring initiatives to support the NRC’s efficient, timely, and predictable reviews of license applications.

DISCUSSION

In addition to prohibiting possession and ownership of “covered fuel” without specific license authorization from the NRC, Section 102 of the ADVANCE Act specifies requirements to be integrated into the NRC’s process for issuing licenses for “covered fuel” under Section 53 of the Atomic Energy Act of 1954 (42 U.S.C. 2073) and Part 70 of Title 10, *Code of Federal Regulations*, including (1) consultation with and determinations by the Secretary of Energy and the Secretary of State, and (2) specific timelines for making notifications to the Secretaries, Congressional committees, and the public.

The NRC will be developing a comprehensive strategy for incorporating the requirements of Section 102 of the ADVANCE Act into the licensing process for “covered fuel.”

CONTACTS

Please direct any questions about this matter to the Project Manager listed below:

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**SUBJECT: INFORMATION NOTICE 2025-03, “ADVANCE ACT SECTION 102
IMPLEMENTATION,” DATE: MAY 12, 2025**

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