To clarify the authority of the Chairman of the Nuclear Regulatory Commission to act on behalf of the Commission during emergencies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Nuclear Emergency Re-establishment of Obligations (NERO) Act”.

SEC. 2. EMERGENCY AUTHORITY OF CHAIRMAN.

(a) IN GENERAL.—The Chairman of the Nuclear Regulatory Commission may not exercise emergency authority to make decisions or take actions otherwise re-
served for the full Commission unless the Chairman has declared an emergency based on—

1. an imminent safety threat to a facility or materials licensed or regulated by the Commission; or

2. a determination by the Secretary of Homeland Security, the Secretary of Energy, the Secretary of Transportation, the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, or the Director of National Intelligence that a security incident exists that poses an imminent threat to a facility or materials licensed or regulated by the Commission.

(b) ADDITIONAL REQUIREMENTS.—If the Chairman declares an emergency under subsection (a)—

1. the Chairman shall within 1 hour notify each member of the Commission and appropriate Commission staff offices, and within 4 days shall notify the Congress, of—

   (A) the declaration, including specific reference to the emergency on which the declaration is based; and

   (B) all actions and recommendations made under the emergency authority;
(2) the Chairman shall ensure that all members of the Commission are provided timely and current access to all records and information, and all Commission staff involved, relating to actions taken during the emergency;

(3) to the extent practicable, the Chairman shall consult with the full Commission on any actions to be taken under the emergency;

(4) the Chairman shall terminate the emergency period not later than the termination of the threat or determination on which the emergency declaration is based under subsection (a);

(5) not later than 1 day after the termination of the emergency, the Chairman shall notify each member of the Commission, and notify the Congress, of such termination; and

(6) not later than 10 days after the termination of the emergency, the Chairman shall submit a complete report to the Commission on the actions taken during the emergency.

(c) COMMISSION PROCEDURES.—Not later than 90 days after the date of enactment of this Act, the Nuclear Regulatory Commission shall revise its procedures to comply with the requirements of this section. Such revision
shall define the roles of the Commissioners during an emergency, specifying complete—

(1) access to records and information relating to actions taken during the emergency;

(2) access to Commission staff involved in the management of the emergency;

(3) access to the location or locations where decisions are made during the emergency; and

(4) participation in decisions that affect Commission actions and policies beyond the response to a particular emergency.

SEC. 3. CERTIFICATION OF DOCUMENTS TRANSMITTED TO CONGRESS.

A letter or other document transmitted by the Nuclear Regulatory Commission, on behalf of the full Commission, to a member of Congress in his or her capacity as chairman or ranking minority member of a Committee of Congress, shall include a certification that the letter or document is being sent to both the Chairman and ranking minority member of that Committee in accordance with published procedures of the Commission.

SEC. 4. APPOINTMENT OF COMMISSION OFFICERS.

All appointments by the Chairman of the Nuclear Regulatory Commission of the officers of the Commission shall be subject to approval by the full Commission, and
service as such an officer shall be dependent on a vote of affirmation by the full Commission at least once every 2 years.

**SEC. 5. TIME LIMITS FOR COMMISSION REVIEW OF BRIEFS REQUESTED.**

(a) In General.—Except as provided in subsection (b), if the Nuclear Regulatory Commission issues an order requesting parties to file briefs relating to whether the Commission should review, uphold, or overturn a decision by the Licensing Board—

(1) the Commission shall vote on the matter not later than 40 days after receipt of such briefs; and

(2) not later than 10 days after such vote, the Commission shall publish its decision, including, except in the case of adjudicatory matters, the votes of each of the members of the Commission.

(b) Exception.—Subsection (a) shall not apply to orders requesting parties to file briefs relating to revocation of a previously issued license.

**SEC. 6. ALLEGATIONS OF WRONGDOING.**

(a) Referral to Inspector General.—Not later than 90 days after the date of enactment of this Act, the Nuclear Regulatory Commission shall revise its procedures to ensure that any allegation of wrongdoing on the part
of the Chairman of the Commission is referred to the Inspector General of the Commission.

(b) SUPERVISION OF INSPECTOR GENERAL.—During the pendency of any investigation by the Inspector General of the Nuclear Regulatory Commission with respect to an allegation described in subsection (a), the responsibility for supervising the Inspector General shall be delegated to a member of the Commission other than the Chairman.

SEC. 7. APPROVAL OF COMMISSIONER TRAVEL.

The Chairman of the Nuclear Regulatory Commission shall authorize all domestic and international travel requested by other members of the Commission for official business unless the Chairman submits a notice of disapproval to the full Commission specifying the basis for the disapproval. The notice of disapproval shall be submitted within 5 days after the travel is requested or the travel shall be deemed approved.

SEC. 8. BUDGET REVIEW AND DEVELOPMENT.

No budget or budget revision shall be adopted for the Nuclear Regulatory Commission unless each member of the Commission has been given an opportunity to—

(1) participate in the development of such budget or revision after being provided access to all relevant information used in such development; and
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(2) vote on the approval of such budget or revision.