

[DISCUSSION DRAFT]

118TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend the Atomic Energy Act of 1954 to provide for more efficient hearings on nuclear facility construction applications, and for other purposes.

---

IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the Committee on \_\_\_\_\_

---

**A BILL**

To amend the Atomic Energy Act of 1954 to provide for more efficient hearings on nuclear facility construction applications, 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 “Efficient Nuclear Li-  
5 censing Hearings Act”.

1 **SEC. 2. UPDATING HEARING PROCEDURES.**

2 (a) HEARINGS AND JUDICIAL REVIEW.—Section 189  
3 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a))  
4 is amended—

5 (1) in paragraph (1)(A)—

6 (A) by striking “In any proceeding under  
7 this Act” and inserting the following:

8 “(i) In any proceeding under this Act”; and

9 (B) in clause (i) (as so designated), by  
10 striking “The Commission shall hold a hearing”  
11 and all that follows through “upon a determina-  
12 tion by the Commission that the amendment in-  
13 volves no significant hazards consideration.”  
14 and inserting the following:

15 “(ii) The Commission may, in the absence of a re-  
16 quest for a hearing by any person whose interest may be  
17 affected, issue a construction permit, an operating license,  
18 an amendment to a construction permit, or an amendment  
19 to an operating license, under section 103, 104 b., or 104  
20 c. for a facility or a testing facility, without a hearing,  
21 but upon thirty days notice and publication once in the  
22 Federal Register of its intent to do so. The Commission  
23 may dispense with such thirty days notice and publication  
24 with respect to any application for an amendment to a  
25 construction permit or an amendment to an operating li-

1 cense upon a determination by the Commission that the  
2 amendment involves no significant hazards consideration.

3 “(iii) The Commission may use informal adjudicatory  
4 procedures for any hearing held by the Commission pursu-  
5 ant to this subparagraph for which the Commission deter-  
6 mines that adjudicatory procedures under section 554 of  
7 title 5, United States Code, are unnecessary.”; and

8 (2) in the second sentence of paragraph (2)(A),  
9 by striking “required hearing” and inserting “hear-  
10 ing held by the Commission under this section”.

11 (b) CONSTRUCTION PERMITS AND OPERATING LI-  
12 CENSES.—Section 185 b. of the Atomic Energy Act of  
13 1954 (42 U.S.C. 2235(b)) is amended by striking “After  
14 holding a public hearing under section 189 a. (1)(A),” and  
15 inserting “After the thirty days notice and publication pe-  
16 riod or holding a hearing, as applicable, under section 189  
17 a. (1)(A),”.

18 (c) LICENSING OF URANIUM ENRICHMENT FACILI-  
19 TIES.—Section 193(b) of the Atomic Energy Act of 1954  
20 (42 U.S.C. 2243(b)) is amended by—

21 (1) in paragraph (1)—

22 (A) by striking “on the record”; and

23 (B) by inserting “if a person whose inter-  
24 est may be affected by such construction and  
25 operation has requested a hearing regarding the

1           licensing of the construction and operation of  
2           the facility” after “and 63”; and

3           (2) in paragraph (2), by striking “Such hear-  
4           ing” and inserting “If a hearing is held under para-  
5           graph (1), the hearing”.

6           (d) APPLICABILITY.—The amendments made by this  
7           section shall apply to all applications and proceedings  
8           pending before the Nuclear Regulatory Commission on or  
9           after the date of enactment of this section.