

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To direct the Nuclear Regulatory Commission to submit a report and conduct a rulemaking on facilitating efficient, timely environmental reviews of nuclear reactor 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 direct the Nuclear Regulatory Commission to submit a report and conduct a rulemaking on facilitating efficient, timely environmental reviews of nuclear reactor 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 “Modernize Nuclear Re-
5 actor Environmental Reviews Act”.

1 **SEC. 2. FACILITATION OF EFFICIENT ENVIRONMENTAL RE-**
2 **IEWS.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of enactment of this Act, the Nuclear Regulatory
5 Commission (in this section referred to as the “Commis-
6 sion”) shall submit to the Committee on Environment and
7 Public Works of the Senate and the Committee on Energy
8 and Commerce of the House of Representatives a report
9 on the efforts of the Commission to facilitate efficient,
10 timely environmental reviews of nuclear reactor applica-
11 tions, including through expanded use of categorical exclu-
12 sions, environmental assessments, and generic environ-
13 mental impact statements.

14 (b) REPORT.—In completing the report under sub-
15 section (a), the Commission shall—

16 (1) describe the actions the Commission will
17 take to implement the amendments to the National
18 Environmental Policy Act of 1969 (42 U.S.C. 4321
19 et seq.) made by section 321 of the Fiscal Responsi-
20 bility Act of 2023;

21 (2) consider—

22 (A) using, through adoption, incorporation
23 by reference, or other appropriate means, cat-
24 gorical exclusions, environmental assessments,
25 and environmental impact statements prepared
26 by other Federal agencies to streamline environ-

1 mental reviews of nuclear reactor applications
2 by the Commission;

3 (B) using existing categorical exclusions,
4 environmental assessments, and environmental
5 impact statements prepared by the Commission
6 to streamline environmental reviews of nuclear
7 reactor applications by the Commission;

8 (C) using mitigated categorical exclusions
9 and mitigated findings of no significant impact
10 in environmental reviews of nuclear reactor ap-
11 plications by the Commission to reduce the im-
12 pact of the proposed action to a level that is not
13 significant;

14 (D) the extent to which the Commission
15 may rely on prior studies or analyses prepared
16 by Federal, State, and local governmental per-
17 mitting agencies to streamline environmental
18 reviews of nuclear reactor applications by the
19 Commission;

20 (E) opportunities to coordinate the devel-
21 opment of environmental assessments and envi-
22 ronmental impact statements with other Fed-
23 eral agencies to avoid duplicative environmental
24 reviews and to streamline environmental reviews

1 of nuclear reactor applications by the Commis-
2 sion;

3 (F) opportunities to streamline formal and
4 informal consultations and coordination with
5 other Federal, State, and local governmental
6 permitting agencies during environmental re-
7 views of nuclear reactor applications by the
8 Commission;

9 (G) opportunities to streamline the Com-
10 mission's analyses of alternatives, including the
11 Commission's analysis of alternative sites, in
12 environmental reviews of nuclear reactor appli-
13 cations by the Commission;

14 (H) establishing new categorical exclusions
15 that could be applied to actions relating to new
16 nuclear reactors applications;

17 (I) amending section 51.20(b) of title 10,
18 Code of Federal Regulations, to allow the Com-
19 mission to determine on a case-specific basis
20 whether an environmental assessment (rather
21 than an environmental impact statement or
22 supplemental environmental impact statement)
23 is appropriate for a particular nuclear reactor
24 application, including in proceedings in which
25 the Commission relies upon its proposed generic

1 environmental impact statement for advanced
2 nuclear reactors;

3 (J) authorizing the use of an applicant's
4 environmental impact statement as the Com-
5 mission's draft environmental impact statement,
6 consistent with section 107(f) of the National
7 Environmental Policy Act of 1969 (42 U.S.C.
8 4336a(f));

9 (K) opportunities to adopt online and dig-
10 ital technologies, including technologies that
11 would allow applicants and cooperating agen-
12 cies? to upload documents and collaborate with
13 the Commission to edit documents in real time,
14 that would streamline communications be-
15 tween—

16 (i) the Commission and applicants;

17 and

18 (ii) the Commission and other rel-
19 evant cooperating agencies;

20 (L) in addition to implementing measures
21 under subsection (c), potential revisions to part
22 51 of title 10, Code of Federal Regulations, and
23 relevant Commission guidance documents, to—

24 (i) facilitate efficient environmental
25 reviews of nuclear reactor applications;

1 (ii) assist decision-making about rel-
2 evant environmental issues;

3 (iii) maintain openness with the pub-
4 lic;

5 (iv) meet obligations under the Na-
6 tional Environmental Policy Act of 1969
7 (42 U.S.C. 4321 et seq.); and

8 (v) reduce burdens on licensees, appli-
9 cants, and the Commission; and

10 (3) include a schedule for promulgating the rule
11 required under subsection (c).

12 (c) RULEMAKING.—Not later than 3 years after the
13 date of enactment of this Act, the Commission shall pro-
14 mulgate a final rule implementing, to the maximum extent
15 practicable, all measures considered by the Commission
16 under subsection (b)(2) that are necessary to streamline
17 the Commission’s review of nuclear reactor applications.