

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To streamline nuclear technology regulatory permitting and licensing, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To streamline nuclear technology regulatory permitting and
licensing, 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 “Nuclear Licensing Ef-
5 ficiency Act”.

1 **SEC. 2. STREAMLINING APPLICATION AND SITE PERMIT**
2 **REVIEWS.**

3 Section 185 of the Atomic Energy Act of 1954 (42
4 U.S.C. 2235) is amended by adding at the end the fol-
5 lowing:

6 “c. APPLICATION REVIEWS FOR NUCLEAR ENERGY
7 PROJECTS.—

8 “(1) STREAMLINING LICENSE APPLICATION RE-
9 VIEW.—With respect to an application that is dock-
10 eted seeking issuance of a construction permit, oper-
11 ating license, or combined construction permit and
12 operating license for a production facility or utiliza-
13 tion facility, the Commission shall include the fol-
14 lowing procedures:

15 “(A) Undertake an environmental review
16 process and complete any environmental impact
17 statement to the maximum extent practicable
18 within 24 months after the application is ac-
19 cepted for docketing.

20 “(B) Complete the technical review process
21 and issue any safety evaluation report to the
22 maximum extent practicable within 42 months
23 after the application is accepted for docketing.

24 “(2) EARLY SITE PERMIT.—

25 “(A) SUPPLEMENTAL ENVIRONMENTAL IM-
26 PACT STATEMENT.—In a proceeding for a com-

1 bined construction permit and operating license
2 for a production facility or utilization facility
3 for which an early site permit has been issued,
4 any environmental impact statement prepared
5 by the Commission and cooperating agencies
6 shall be prepared as a supplement to the envi-
7 ronmental impact statement prepared for the
8 early site permit.

9 “(B) INCORPORATION BY REFERENCE.—
10 The supplemental environmental impact state-
11 ment—

12 “(i) shall incorporate by reference the
13 analysis, findings, and conclusions from
14 the environmental impact statement pre-
15 pared for the early site permit; and

16 “(ii) may include additional discus-
17 sion, analyses, findings, and conclusions on
18 matters resolved in the early site permit
19 proceeding only to the extent necessary to
20 address information that is new and sig-
21 nificant in that the information would ma-
22 terially change the prior findings or conclu-
23 sions.

24 “(3) PRODUCTION OR UTILIZATION FACILITY
25 LOCATED AT AN EXISTING SITE.—In reviewing an

1 application for an early site permit, construction
2 permit, operating license, or combined construction
3 permit and operating license for a production facility
4 or utilization facility located at the site of a licensed
5 production facility or utilization facility, the Com-
6 mission shall, to the extent practicable, use informa-
7 tion that was part of the licensing basis of the li-
8 censed production facility or utilization facility.

9 “(4) REGULATIONS.—The Commission shall
10 initiate a rulemaking, not later than 1 year after the
11 date of enactment of this subsection, to amend the
12 regulations of the Commission to implement this
13 subsection.

14 “(5) ENVIRONMENTAL IMPACT STATEMENT DE-
15 FINED.—In this subsection, the term ‘environmental
16 impact statement’ has the meaning given such term
17 in section 111 of the National Environmental Policy
18 Act of 1969 (42 U.S.C. 4336e).”.

19 **SEC. 3. PERFORMANCE METRICS AND MILESTONES.**

20 Section 102(c) of the Nuclear Energy Innovation and
21 Modernization Act (42 U.S.C. 2215(c)) is amended—

22 (1) in paragraph (3)—

23 (A) in the paragraph heading, by striking
24 “180” and inserting “90”; and

1 (B) by striking “180” and inserting “90”;

2 and

3 (2) by adding at the end the following:

4 “(4) PERIODIC UPDATES TO METRICS AND
5 SCHEDULES.—

6 “(A) REVIEW AND ASSESSMENT.—Not less
7 frequently than once every 3 years, the Com-
8 mission shall review and assess, based on the li-
9 censing and regulatory activities of the Com-
10 mission, the performance metrics and milestone
11 schedules developed under paragraph (1).

12 “(B) REVISIONS.—After each review and
13 assessment under subparagraph (A), the Com-
14 mission shall revise, as appropriate, the per-
15 formance metrics and milestone schedules devel-
16 oped under paragraph (1) to provide the most
17 efficient performance metrics and milestone
18 schedules reasonably achievable.”.

19 **SEC. 4. CLARIFICATION ON FUSION REGULATION.**

20 Section 103(a)(4) of the Nuclear Energy Innovation
21 and Modernization Act (42 U.S.C. 2133 note; Public Law
22 115–439) is amended—

23 (1) by striking “Not later” and inserting the
24 following:

25 “(A) IN GENERAL.—Not later”; and

1 (2) by adding at the end the following:

2 “(B) EXCLUSION OF FUSION REACTORS.—
3 Notwithstanding section 3(1), for purposes of
4 subparagraph (A), the term ‘advanced nuclear
5 reactor applicant’ does not include an applicant
6 for a license for a nuclear fusion reactor.”.

7 **SEC. 5. TECHNICAL CORRECTION.**

8 Section 104 c. of the Atomic Energy Act of 1954 (42
9 U.S.C. 2134(c)) is amended—

10 (1) by striking the third sentence and inserting
11 the following:

12 “(3) LIMITATION ON UTILIZATION FACILI-
13 TIES.—The Commission may issue a license under
14 this section for a utilization facility useful in the
15 conduct of research and development activities of the
16 types specified in section 31 if—

17 “(A) not more than 75 percent of the an-
18 nual costs to the licensee of owning and oper-
19 ating the facility are devoted to the sale, other
20 than for research and development or education
21 and training, of—

22 “(i) nonenergy services;

23 “(ii) energy; or

24 “(iii) a combination of nonenergy
25 services and energy; and

1 “(B) not more than 50 percent of the an-
2 nual costs to the licensee of owning and oper-
3 ating the facility are devoted to the sale of en-
4 ergy.”;

5 (2) in the second sentence, by striking “The
6 Commission” and inserting the following:

7 “(2) REGULATION.—The Commission”; and

8 (3) by striking “C. The Commission” and in-
9 serting the following:

10 “C. RESEARCH AND DEVELOPMENT ACTIVITIES.

11 “(1) IN GENERAL.—Subject to paragraphs (2)
12 and (3), the Commission”.