

117TH CONGRESS
1ST SESSION

H. R. 1559

To direct the Nuclear Regulatory Commission to submit a report on facilitating efficient, timely environmental reviews of nuclear reactors through expanded use of categorical exclusions, environmental assessments, and generic environmental impact statements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2021

Mr. DUNCAN introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To direct the Nuclear Regulatory Commission to submit a report on facilitating efficient, timely environmental reviews of nuclear reactors through expanded use of categorical exclusions, environmental assessments, and generic environmental impact statements, 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 180 days after the
4 date of enactment of this Act, the Nuclear Regulatory
5 Commission shall submit to the Committee on Environ-
6 ment and Public Works of the Senate and the Committee
7 on Energy and Commerce of the House of Representatives
8 a report on the efforts of the Nuclear Regulatory Commis-
9 sion to facilitate efficient, timely environmental reviews of
10 nuclear reactors, including through expanded use of cat-
11 egorical exclusions, environmental assessments, and ge-
12 neric environmental impact statements.

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

15 (1) consider—

16 (A) the use of categorical exclusions and
17 supporting analyses, environmental assessments
18 and supporting analyses, and generic environ-
19 mental impact statements and supporting anal-
20 yses, by other Federal agencies and the applica-
21 bility of such categorical exclusions, environ-
22 mental assessments, generic environmental im-
23 pact statements, and supporting analyses, for
24 actions relating to nuclear reactors;

25 (B) existing categorical exclusions and sup-
26 porting analyses, environmental assessments

1 and supporting analyses, and generic environ-
2 mental impact statements and supporting anal-
3 yses of the Commission, that could be applied
4 in whole or in part to actions relating to nu-
5 clear reactors;

6 (C) the potential to use mitigated categor-
7 ical exclusions, and mitigated findings of no sig-
8 nificant impact, for actions relating to nuclear
9 reactors to reduce the impact of the applicable
10 proposed action to a level that is not signifi-
11 cant;

12 (D) the potential to use other Federal or
13 State environmental permitting, or permitting
14 from units of local government, including re-
15 lated supporting analyses, in lieu of some por-
16 tion of the environmental impact statement, or
17 environmental assessment, for an action relat-
18 ing to a nuclear reactor;

19 (E) opportunities to coordinate the devel-
20 opment of environmental assessments or envi-
21 ronmental impact statements with other Fed-
22 eral agencies for greater efficiency;

23 (F) opportunities to enhance formal and
24 informal consultations or coordination with
25 other Federal agencies, State agencies, and

1 units of local government to facilitate timely
2 and efficient reviews and authorization deci-
3 sions relating to nuclear reactors by such agen-
4 cies and units, as applicable;

5 (G) opportunities to improve the analyses
6 of alternatives to proposed actions that are re-
7 quired in environmental impact statements;

8 (H) new categorical exclusions that could
9 be applied to actions relating to nuclear reac-
10 tors; and

11 (I) potential revisions to part 51 of title
12 10, Code of Federal Regulations, to—

13 (i) facilitate efficient environmental
14 reviews of actions relating to nuclear reac-
15 tors;

16 (ii) assist decision-making about rel-
17 evant environmental issues;

18 (iii) maintain openness with the pub-
19 lic;

20 (iv) meet obligations under the Na-
21 tional Environmental Policy Act of 1969;
22 and

23 (v) reduce burdens on licensees, appli-
24 cants, and the Nuclear Regulatory Com-
25 mission; and

1 (2) include a schedule for promulgating the rule
2 required under subsection (c).

3 (c) RULEMAKING.—

4 (1) IN GENERAL.—Not later than 3 years after
5 the date of enactment of this Act, the Nuclear Regu-
6 latory Commission shall promulgate a final rule—

7 (A) establishing an optional generic envi-
8 ronmental impact statement that may be used
9 in the licensing process for nuclear reactors, in-
10 cluding the process for issuing a construction
11 permit, early site permit, operating license, or
12 combined license; and

13 (B) amending section 51.20 of title 10,
14 Code of Federal Regulations, to eliminate or
15 modify the list in such section of types of ac-
16 tions that require an environmental impact
17 statement or a supplement to an environmental
18 impact statement to allow for the use of envi-
19 ronmental assessments and categorical exclu-
20 sions for such actions, as appropriate.

21 (2) REQUIREMENTS.—To the maximum extent
22 practicable, in promulgating the final rule under
23 paragraph (1), the Nuclear Regulatory Commission

1 shall take into account the considerations described
2 in subsection (b)(1).

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