

117TH CONGRESS  
1ST SESSION

# H. R. 1578

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

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IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2021

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

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## 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”.

6 **SEC. 2. STREAMLINING APPLICATION AND SITE PERMIT**

7 **REVIEWS.**

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

1       “c. APPLICATION REVIEWS FOR NUCLEAR ENERGY  
2 PROJECTS.—

3               “(1) STREAMLINING LICENSE APPLICATION RE-  
4 VIEW.—With respect to an application that is dock-  
5 eted seeking issuance of a construction permit, oper-  
6 ating license, or combined construction permit and  
7 operating license for a production or utilization facil-  
8 ity, the Commission shall include the following pro-  
9 cedures:

10               “(A) Undertake an environmental review  
11 process and issue any draft environmental im-  
12 pact statement to the maximum extent prac-  
13 ticable within 24 months after the application is  
14 accepted for docketing.

15               “(B) Complete the technical review process  
16 and issue any safety evaluation report and any  
17 final environmental impact statement to the  
18 maximum extent practicable within 42 months  
19 after the application is accepted for docketing.

20               “(2) EARLY SITE PERMIT.—

21               “(A) SUPPLEMENTAL ENVIRONMENTAL IM-  
22 PACT STATEMENT.—In a proceeding for a com-  
23 bined construction permit and operating license  
24 for a site for which an early site permit has  
25 been issued, any environmental impact state-

1           ment prepared by the Commission and cooper-  
2           ating agencies shall be prepared as a supple-  
3           ment to the environmental impact statement  
4           prepared for the early site permit.

5           “(B) INCORPORATION BY REFERENCE.—

6           The supplemental environmental impact state-  
7           ment shall—

8           “(i) incorporate by reference the anal-  
9           ysis, findings, and conclusions from the en-  
10          vironmental impact statement prepared for  
11          the early site permit; and

12          “(ii) include additional discussion,  
13          analyses, findings, and conclusions on mat-  
14          ters resolved in the early site permit pro-  
15          ceeding only to the extent necessary to ad-  
16          dress information that is new and signifi-  
17          cant in that the information would materi-  
18          ally change the prior findings or conclu-  
19          sions.

20          “(3) PRODUCTION OR UTILIZATION FACILITY  
21          LOCATED AT AN EXISTING SITE.—In reviewing an  
22          application for an early site permit, construction  
23          permit, operating license, or combined construction  
24          permit and operating license for a production or uti-  
25          lization facility located at the site of a licensed pro-

1       duction or utilization facility, the Commission shall,  
2       to the extent practicable, use information that was  
3       part of the licensing basis of the licensed production  
4       or utilization facility.

5           “(4) REGULATIONS.—The Commission shall  
6       initiate a rulemaking, not later than 1 year after the  
7       date of enactment of this subsection, to amend the  
8       regulations of the Commission to implement this  
9       subsection.

10           “(5) ENVIRONMENTAL IMPACT STATEMENT DE-  
11       FINED.—In this subsection, the term ‘environmental  
12       impact statement’ means a detailed statement re-  
13       quired under section 102(2)(C) of the National En-  
14       vironmental Policy Act of 1969 (42 U.S.C.  
15       4332(2)(C)).

16           “(6) RELATIONSHIP TO OTHER LAW.—Nothing  
17       in this subsection exempts the Commission from any  
18       requirement for full compliance with section  
19       102(2)(C) of the National Environmental Policy Act  
20       of 1969 (42 U.S.C. 4332(2)(C)).”.

21 **SEC. 3. UPDATING HEARING PROCEDURES.**

22       (a) INFORMAL HEARING PROCEDURES.—Section 189  
23 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a))  
24 is amended by adding at the end the following:

1       “(3) The Commission may use informal adjudicatory  
2 procedures for any hearing required under this section for  
3 which the Commission determines that adjudicatory proce-  
4 dures under section 554 of title 5, United States Code,  
5 are unnecessary.”.

6       (b) **STUDY ON THE IMPACT OF THE ELIMINATION OF**  
7 **MANDATORY HEARING FOR UNCONTESTED LICENSING**  
8 **APPLICATIONS.**—Not later than 18 months after the date  
9 of enactment of this Act, the Comptroller General shall  
10 transmit to Congress a report containing the results of  
11 a study on the effects of eliminating the hearings required  
12 under section 189 a. of the Atomic Energy Act of 1954  
13 (42 U.S.C. 2239(a)) for an application under section 103  
14 or section 104 b. of such Act for a construction permit  
15 for a facility in the absence of a request of any person  
16 whose interest may be affected by the proceeding.

17 **SEC. 4. EFFICIENCY OF ADVISORY COMMITTEE ON REAC-**  
18 **TOR SAFEGUARDS.**

19       (a) **COMMITTEE COMPOSITION.**—Section 29 of the  
20 Atomic Energy Act of 1954 (42 U.S.C. 2039) is amended  
21 by inserting “The Commission shall seek to include a di-  
22 versity of disciplines and operational experiences when ap-  
23 pointing members of the Committee.” after “four years  
24 each.”.

1 (b) LICENSE APPLICATIONS.—Section 182 b. of the  
2 Atomic Energy Act of 1954 (42 U.S.C. 2232(b)) is  
3 amended by adding at the end the following: “If the Com-  
4 mission determines referral of an application to the Com-  
5 mittee is necessary, the Committee shall initiate a review  
6 of the application not later than 30 days after receiving  
7 such referral, and shall submit a report thereon under this  
8 subsection not later than 180 days after initiating such  
9 review.”.

10 **SEC. 5. UPDATING NUCLEAR REGULATORY COMMISSION**  
11 **USER FEES AND CHARGES.**

12 Section 102(b)(3)(B) of the Nuclear Energy Innova-  
13 tion and Modernization Act (Public Law 115–439) is  
14 amended—

- 15 (1) by redesignating clause (ii) as clause (iii);  
16 (2) by inserting after clause (i) the following:

17 “(ii) FUEL FACILITIES.—

18 “(I) IN GENERAL.—The total an-  
19 nual charges under subparagraph (A)  
20 charged to fuel facility licensees, to  
21 the maximum extent practicable, shall  
22 not exceed an amount that is equal to  
23 the total annual fees collected from  
24 the fuel facilities class under the final  
25 rule of the Commission entitled ‘Revi-

1 sion of Fee Schedules; Fee Recovery  
2 for Fiscal Year 2016’ (81 Fed Reg.  
3 41171 (June 24, 2016)), which  
4 amount may be adjusted annually by  
5 the Commission to reflect changes in  
6 the Consumer Price Index published  
7 by the Bureau of Labor Statistics of  
8 the Department of Labor.

9 “(II) EXCEPTION.—Subclause (I)  
10 shall not apply if the number of li-  
11 censed facilities classified by the Com-  
12 mission as fuel facilities exceeds  
13 seven.

14 “(III) CHANGES TO ANNUAL  
15 CHARGES.—Any change in an annual  
16 charge under subparagraph (A)  
17 charged to a fuel facility licensee shall  
18 be based on—

19 “(aa) a change in the regu-  
20 latory services provided with re-  
21 spect to the fuel facility; or

22 “(bb) an adjustment de-  
23 scribed in subclause (I).”; and

1           (3) in clause (iii), as redesignated by paragraph  
2           (1) of this section, by striking “clause (i)” and in-  
3           serting “clause (i) or (ii)”.

4 **SEC. 6. TECHNICAL CORRECTION.**

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

7           (1) by striking the third sentence and inserting  
8           the following:

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

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

19                         “(i) nonenergy services;

20                         “(ii) energy; or

21                         “(iii) a combination of nonenergy  
22                         services and energy; and

23                 “(B) not more than 50 percent of the an-  
24                 nual costs to the licensee of owning and oper-



1           ating the facility are devoted to the sale of en-  
2           ergy.”;

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

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

6           (3) by striking “C. The Commission” and insert-  
7           ing the following:

8           “C. RESEARCH AND DEVELOPMENT ACTIVITIES.

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

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