

116TH CONGRESS
2D SESSION

H. R. 7817

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

JULY 29, 2020

Mr. DUNCAN (for himself and Mr. FLORES) 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 **VIEWS.**

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 facilitating efficient, timely environmental re-
9 views of nuclear reactors through expanded use of categor-
10 ical exclusions, environmental assessments, and generic
11 environmental impact statements.

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

14 (1) consider—

15 (A) the use of categorical exclusions, envi-
16 ronmental assessments, and generic environ-
17 mental impact statements by other Federal
18 agencies and the applicability of such categor-
19 ical exclusions, environmental assessments, and
20 generic environmental impact statements for ac-
21 tions relating to nuclear reactors;

22 (B) existing categorical exclusions, environ-
23 mental assessments, and generic environmental
24 impact statements of the Commission that
25 could be applied in whole or in part to construe-

tion permits, early site permits, or combined license applications for nuclear reactors;

(C) the potential to use other Federal or State environmental permitting, or permitting from units of local government, in lieu of some portion of the environmental impact statement, or environmental assessment, for an action relating to a nuclear reactor;

(D) opportunities to coordinate the development of environmental assessments or environmental impact statements with other Federal agencies for greater efficiency; and

(E) new categorical exclusions that could be applied to actions relating to advanced nuclear reactors (as defined in section 3 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215 note)); and

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

(c) RULEMAKING.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Nuclear Regulatory Commission shall promulgate a final rule—

(A) establishing an optional generic environmental impact statement for actions relating

1 to nuclear reactors that may be used in the
2 process for issuing a construction permit, early
3 site permit, or combined license; and

4 (B) amending section 51.20 of title 10,
5 Code of Federal Regulations, to eliminate the
6 list in such section of types of actions that re-
7 quire an environmental impact statement or a
8 supplement to an environmental impact state-
9 ment to allow for the use of environmental as-
10 sessments and categorical exclusions for such
11 actions, as appropriate.

12 (2) REQUIREMENTS.—To the maximum extent
13 practicable, in promulgating the final rule under
14 paragraph (1), the Nuclear Regulatory Commission
15 shall take into account the considerations described
16 in subsection (b)(1).

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