

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).

○