

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.

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## 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

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## 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 construc-

1           tion permits, early site permits, or combined li-  
2           cense applications for nuclear reactors;

3           (C) the potential to use other Federal or  
4           State environmental permitting, or permitting  
5           from units of local government, in lieu of some  
6           portion of the environmental impact statement,  
7           or environmental assessment, for an action re-  
8           lating to a nuclear reactor;

9           (D) opportunities to coordinate the devel-  
10          opment of environmental assessments or envi-  
11          ronmental impact statements with other Fed-  
12          eral agencies for greater efficiency; and

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

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

20          (c) RULEMAKING.—

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

24                          (A) establishing an optional generic envi-  
25                          ronmental 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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