

117TH CONGRESS
1ST SESSION

H. R. 1578

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2021

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

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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