

# Federal Environmental Review and Authorization Process Streamlining: FAST-41 and E.O. 13807

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# Agenda

- *Title 41 of the Fixing America's Surface Transportation Act (FAST-41)*
- *Presidential Executive Order (E.O.) 13807, Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects*
- Discussion
  - Overview
  - Covered projects
  - Differences
  - Impacts

# FAST-41: Overview

- Signed into law on 12/04/15
  - Increase timeliness, predictability, and transparency of the Federal environmental review and authorization process
- Established Federal Permitting Improvement Steering Council (FPISC)
  - Composed of agency Deputy Secretary-level members
  - Chaired by an appointed Executive Director
- Environmental review and authorization process improvements
  - Assess agencies' progress applying Best Practices
    - Reported to Congress annually
- Online Permitting Dashboard for transparency ([FAST41 Dashboard](#))
  - Publically tracks all covered Federal projects

# FAST-41: Covered Projects

- NRC projects may be eligible to be covered under FAST-41 if:
  - They require authorization of construction of infrastructure for conventional energy production,
  - Require environmental review by a Federal agency,
  - Are subject to the National Environmental Policy Act (NEPA) of 1969,
  - Are expected to cost more than \$200 million, and
  - Do not qualify for an abbreviated environmental review and authorization process.
- Project sponsors (applicants) must opt into the FAST-41 process

# FAST-41: NRC Covered Projects

- Fast-41 applies to nuclear power
- Considered part of the “conventional energy production” sector.
- Examples:
  - Early site permits- not a covered project
  - Combined Operating License- covered project
  - Spent fuel processing- not a covered project
- Turkey Point Units 6 and 7
  - Only current NRC covered project
  - Considered “in progress” even though Combined Operating License issued
    - Due to status of other permits

# E.O. 13807: Overview

- EO 13807: signed on 08/15/2017
  - Implemented by the Office of Management and Budget (OMB) and Council for Environmental Quality (CEQ)
- Goal is to address the need for a coordinated, predictable, and transparent Federal environmental review and authorization process
- Key components:
  - One Federal Decision (OFD) implementation framework
  - Permitting timetables for every major infrastructure project
  - Shorter review times
  - Increased transparency

# E.O. 13807: Major Infrastructure Projects

- An infrastructure project for which multiple authorizations by Federal agencies will be required to proceed with construction,
- The lead Federal agency has determined that it will prepare an Environmental Impact Statement (EIS) under the NEPA,
- The project sponsor (applicant) has identified the reasonable availability of funds sufficient to complete the project
  - This is currently part of the NRC licensing process

*The NRC does not currently have any projects that currently qualify as a major infrastructure project*

# E.O. 13807: One Federal Decision

- OFD Memorandum of Understanding
  - Framework for implementation of the E.O.
- OFD requires agencies submit and follow:
  - Implementation plan
  - Elevation procedures
  - Cost methodology
- *Infrastructure Permitting Cross-Agency Priority Goal Performance Accountability System Guidance* (Accountability Guidance):
  - Ensure improvements are implemented
  - Ensures accountability of agency management.



# Differences: FAST-41 and E.O.13807

- Project sponsor who opts in required to pay fees for treatment under FAST-41; there are no fees for license applicants under E.O. 13807
- FAST-41 defines covered projects as having a probable total investment of greater than \$200 million; E.O. 13807 defines a major infrastructure project as a project for which the project sponsor has identified reasonable availability of funds sufficient to complete the project but does not specify any dollar threshold. E.O. 13807 applies to all major infrastructure projects and does not have to be opted into
- For more information about differences visit the [Permitting Dashboard: FAST-41 and EO 13807](#)

# Impacts: E.O. 13807 and FAST-41

- Goal to complete all environmental review decisions within two years
  - From issuance of the Notice of Intent to publication of Record of Decision
  - Single Record of Decision for the Federal government
- Agency implementation of OFD
- Predictability through Permitting Timetables
- Commitment to process enhancements
- Commitment to cooperate, communicate, share information, and resolve conflicts within the Federal government
- Increased transparency through Permitting Dashboard
- Emphasis on pre-application work and concurrent reviews

# Questions?

For more information or answers to your questions  
please email

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