

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Hanson
SUBJECT: SECY-20-0065: Rulemaking Plan Categorical Exclusions from Environmental Review

Approved Disapproved Abstain Not Participating

COMMENTS: Below Attached None

Entered in STARS

Yes
No

Signature
Christopher T. Hanson

Date
November 19, 2020

**Commissioner Hanson's comments on
SECY-20-0065 - Rulemaking Plan Categorical Exclusions from Environmental Review**

I approve the staff's recommendation to initiate a rulemaking to add new and amend existing categorical exclusions in Title 10 of the Code of Federal Regulations 51.22. The purpose of categorical exclusion is to limit extensive National Environmental Policy Act (NEPA) analysis to major Federal actions with the potential to significantly affect the quality of the human environment, thus saving time, effort, and taxpayer dollars. Updating NRC's categorical exclusion criteria will improve the effectiveness and efficiency of licensing reviews and regulatory processes by eliminating the need for a detailed environmental review in specific circumstances.

While the use of categorical exclusions can lead to efficiencies in agency processes, the Council on Environmental Quality (CEQ) guidance issued in 2010 stated that: "If used inappropriately, categorical exclusions can thwart NEPA's environmental stewardship goals, by compromising the quality and transparency of agency environmental review and decisionmaking, as well as compromising the opportunity for meaningful public participation and review." Therefore, the staff needs to be mindful when deciding whether to expand or modify the list of categorical exclusions in our regulations to assure that it does not extend beyond its intended purpose. In particular, I note that a category of actions with the potential to have a significant impact on the environment is not suitable to be categorically excluded, even if such actions typically result in a finding of no significant impact.

Given the complexity and importance of this rulemaking, I agree that an Advance Notice of Proposed Rulemaking (ANPR) is appropriate to gather early stakeholder input for the development of the proposed rule. I approve staff's recommendation to delegate authority to the Executive Director for Operations to issue the ANPR. I also support the Chairman's request for a Commissioner Assistant's briefing in advance of the ANPR being issued. Finally, I agree with the staff's recommendation that the various internal and advisory committee reviews listed in the paper are not necessary for this rulemaking.