

**POLICY ISSUE**  
**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary

**FROM:** Commissioner Baran

**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**

11/16/20

\_\_\_\_\_  
**DATE**

**Commissioner Baran's Comments on SECY-20-0065,  
"Rulemaking Plan – Categorical Exclusions from Environmental Review"**

Council on Environmental Quality (CEQ) guidance issued in 2010 during the Obama Administration recommends that agencies conduct periodic reviews "to ensure that their categorical exclusions remain current and appropriate, and that those reviews should be conducted at least every seven years."<sup>1</sup> According to the CEQ guidance, "[a] seven-year cycle allows the agencies to regularly review categorical exclusions to avoid the use of categorical exclusions that are outdated and no longer appropriate."<sup>2</sup>

As NRC last evaluated and updated its list of categorical exclusions ten years ago, the NRC staff recommends initiating a rulemaking to consider amendments, additions, and deletions to the list. I agree with the staff that it makes sense to proceed with an Advanced Notice of Proposed Rulemaking to solicit stakeholder views on potential changes to NRC's list of categorical exclusions. Although there may be strong candidates for potential additions to the list, such as the termination of licenses where construction activities did not occur, there may also be existing categorical exclusions that should be reconsidered in light of changed circumstances, such as reactor license transfers to entities other than utilities.

For these reasons, I approve the staff's recommended rulemaking (Option 3), as well as the recommendation to delegate authority to the Executive Director for Operations to issue the Advanced Notice of Proposed Rulemaking. I concur with the staff's view that this rule does not require review by the Advisory Committee on Reactor Safeguards, the Committee to Review Generic Requirements, or the Advisory Committee on the Medical Use of Isotopes.

---

<sup>1</sup> Council on Environmental Quality, *Establishing, Applying, and Revising Categorical Exclusions under the National Environmental Policy Act* (Nov. 23, 2010) at 16.

<sup>2</sup> *Id.*