

Nuclear Regulatory Commission
Recommended Best Practices Report for Environmental Reviews and Authorizations

Section 1: Best Practice Categories

Best Practice (BP) Category i: “Enhancing early stakeholder engagement, including fully considering and, as appropriate, incorporating recommendations provided in public comments on any proposed covered project” (42 of the United State Code (U.S.C.) § 4370m-1(c)(2)(B)(i))

BP i.1 Proactively engage stakeholders and other agencies early in the project review and permitting process, and identify and document measures taken to increase meaningful stakeholder engagement.

Response:

During March 8-11, 2021, the Nuclear Regulatory Commission (NRC or the Commission) held its [Regulatory Information Conference](#) (RIC) as a virtual meeting with a variety of Federal, State, private and inter-governmental stakeholders participating. In Session M2, [“Transformation and Modernization of NRC Environmental Review Processes—Meeting the Challenge,”](#) NRC provided information to approximately 500 stakeholders on how NRC continues to meet its requirements under the National Environmental Policy Act of 1969, as amended (NEPA) and associated laws, while transforming its reviews into a more modern and risk-informed framework. Staff members highlighted how they are adapting environmental experience to support a new generation of NEPA reviews for advanced reactor technologies, reactor license renewals, nonpower reactors, and materials applications. Recent experiences and lessons learned, project updates, and future ideas were discussed by a wide variety of staff and stakeholders at a moderated panel. Discussion topics included the following interactive presentations:

- NEPA Streamlining in Action: Environmental Review Guidance for Micro-Reactors (NRC)
- Advanced Reactor Generic Environmental Impact Statement (NRC)
- Environmental Rulemaking Initiatives at the NRC (NRC)
- Union of Concerned Scientists Views on the NRC’s Environmental Review Processes (UCS)
- The Nuclear Energy Institute’s Perspective (NEI)

As outlined at the RIC, recent NRC environmental review transformation efforts include:

- Formation of an Environmental Center of Expertise that promotes review and permitting innovations
- Development of an internal Environmental Review Handbook and SharePoint Toolbox
- Revisions to Regulatory Guide (RG) 4.2, “Preparation of Environmental Reports for Nuclear Power Stations”
- Modernizing the Environmental Standard Review Plan (NUREG-1555)
- Updating the Categorical Exclusion Rulemaking
- Updating the License Renewal Generic Environmental Impact Statement
- A new Interim Staff Guidance 029 (Environmental Reviews for Micro-reactors)
- A new Advanced Reactor Generic Environmental Impact Statement
- Modernizing of 10 CFR Part 51 (NRC NEPA Regulations)

All RIC sessions were recorded and remain publicly available on NRC's webpages. As the 33rd conference in a series, the 2021 RIC builds on relevant topics from the previous year as well as emerging issues. The RIC is the largest public meeting the NRC hosts, bringing together thousands of participants from over 30 countries representing interested stakeholders from other government agencies, industry, international organizations, and the public.

BP i.2 Establish and/or utilize pre-review processes to provide project sponsors with an opportunity for early communication on project-specific information with the lead or facilitating agency, other relevant Federal agencies, State agencies, Tribes, and/or local government entities prior to initiation of official review processes (e.g., submission of application or other initiation of the project review and permitting process).

Response:

During Fiscal Year (FY) 2021, the NRC published a publicly available white paper, "[Preapplication Engagement to Optimize Application Reviews](#)," to provide information to advanced reactor developers on the benefits of robust pre-application engagement in order to optimize application reviews. The NRC encourages pre-application interactions with advanced reactor developers to provide stability and predictability in the licensing process through early identification and resolution of technical and policy issues that could affect licensing. In the white paper, the NRC staff proposed a set of pre-application activities that, if fully executed, would enable staff to offer more predictable and shorter schedules and other benefits during the review of an advanced reactor license application. This proposal for pre-application activities entails a staged licensing approach, where some key elements of an advanced reactor design are reviewed and the evaluation documented before the license application is submitted. Among other advantages, a staged licensing approach allows the NRC staff to become familiar with unique environmental aspects of a proposed site and new approaches an applicant is considering. The paper outlines key pre-application activities and interactions that, if completed, could result in a substantially shorter overall application review period with an initial acceptance review completed in two weeks. The NRC staff has recognized a noticeable improvement in the quality of information presented by potential applicants that have used this guidance during pre-application interactions.

In the paper, topical areas for substantive pre-application discussions include socioeconomics; aquatic or terrestrial ecology studies; federally-listed species and critical habitats; historic and cultural resources; outreach conducted with the State Historic Preservation Officer, Tribal Historic Preservation Officer (THPO), Tribes, and other stakeholders; transportation impacts; and design-specific reactor information. Additionally, the NRC maintains staff guidance to evaluate the "readiness" of an application ([LIC-116, "Pre-application Readiness Assessment"](#)) with basic requirements, performance measures, and responsibilities and authorities for project managers (PMs), staff, and branch chiefs.

**Best Practice Category ii: “Ensuring timely decisions regarding environmental reviews and authorizations, including through the development of performance metrics”
(42 U.S.C. § 4370m-1(c)(2)(B)(ii))**

BP ii.1 Create or improve agency processes and internal controls to maintain current and accurate timetables and quickly identify, elevate, and resolve issues to continuously improve timeliness of decisions.

Response:

Section 102(c) of the Nuclear Energy Innovation and Modernization Act (NEIMA) requires the NRC to develop performance metrics and milestone schedules for "requested activities of the Commission" that involve the issuance of a Final Safety Evaluation Report (FSER). Large infrastructure projects will typically require completion of an environmental review within the milestone schedule of the FSER, in accordance with NEIMA. As such, the NRC maintains a [public webpage](#) with generic milestone schedules for various types of permitting and licensing actions. Although the milestones are generic, the NRC staff works with each licensee or applicant to establish a specific schedule for each request. As stated in BP v.2, the NRC works in cooperation with federal, state, local governments, and interstate organizations through the [Federal and State Programs](#) initiative. During the licensing process, the NRC works closely with cooperating agencies and may formally issue requests for additional information (RAIs) to applicants for required information not otherwise provided. In accordance with staff guidance (LIC-115, "[Processing Requests for Additional Information](#)"), the RAI process has specific time limitations and internal review controls to fall within the prescribed schedule. Approval of RAI response extensions follow a process that helps maintain project timelines by ensuring that the extension request does not challenge the review timeliness metrics. An additional example involving development of a streamlined environmental impact statement (EIS) schedule is provided in the response to BP iv.1. As a result of these processes, the NRC staff's application reviews are more efficient.

Best Practice Category iii: “Improving coordination between Federal and non-Federal governmental entities, including through the development of common data standards and terminology across agencies” (42 U.S.C. § 4370m-1(c)(2)(B)(iii))

BP iii.1 Develop, update, enhance, and/or utilize mutually acceptable standards and protocols with Tribal governments for gathering and documenting Tribal input and for the identification and treatment of resources that might be affected by infrastructure projects.

Response:

During FY 2021, the NRC developed a draft EIS for public comment for the proposed license amendment in which General Electric requested to transfer 1 million cubic yards of waste from the Northeast Church Rock (NECR) uranium mine to an existing tailings impoundment at the nearby United Nuclear Corporation’s uranium mill site in McKinley County, New Mexico. The proposed action is part of a longstanding effort to clean up the NECR site, which was contaminated during previous mining operations. As part of its outreach to remote Tribal communities in the area, the NRC developed [three radio broadcasts](#) that aired on [The Voice of the Navajo Nation](#) station, in English and in Navajo (Diné), describing the proposed action and the NRC’s review. Broadcast 1 (“Overview of the NRC’s Draft Environmental Impact Statement”) consisted of two parts: The first describes the history of the mine and mill sites and explains the Environmental Protection Agency’s (EPA’s) role in the cleanup of the mine site. The second explains the NRC’s role and regulatory authority, describes the NRC’s review process, and provides details about the draft EIS. Broadcast 2 (“NRC Safety Review”) focuses on the details of the proposed action to determine whether it would meet the NRC requirements regarding the protection of public health and safety and the environment. In Broadcast 3, (“NRC Questions and Answers”), the NRC answered frequently asked questions from the public and the local community regarding the proposed action, the NRC’s draft EIS, the NRC’s safety review, and topical areas that fell outside of the NRC’s jurisdiction (e.g., questions related to the EPA’s role in the cleanup effort). The broadcasts are publicly available on an NRC [YouTube channel](#). Going forward, the NRC staff will use these multimedia initiatives as a template for reaching stakeholders in similar geographically diverse communities to seek public comments on the NRC’s regulatory actions.

Best Practice Category iv: “Increasing transparency” (42 U.S.C. § 4370m-1(c)(2)(B)(iv))

BP iv.1 In developing and maintaining the FAST-41 CPP or project plan, as applicable, facilitating, lead, cooperating, and participating agencies should share information about the project review and permitting process, including all information requirements and dependencies, with each other and the project sponsor and, where applicable, on the Permitting Dashboard. With each update to the FAST-41 CPP or project plan, the facilitating or lead agency, in conjunction with the cooperating and participating agencies, should continue to engage with each other and the project sponsor to identify reasonably foreseeable risks to the schedule and potential strategies to address those risks.

Response:

The NRC had no opportunity to participate in covered project activity pursuant to the FAST-41 Act during FY2021. However, the NRC conducted several activities consistent with the spirit of this best practice area, as described below.

During June 2020 the NRC decided to prepare an EIS for the license renewal of a fuel fabrication facility for which the NRC staff did not make a finding of no significant impact. During FY 2021, new information resulted in the NRC’s decision to develop the EIS, after the licensee’s remedial investigations, conducted under a consent agreement with the State, revealed uncertainties about the source and extent of contamination to groundwater, surface water, soils, and mitigation pathways. The development of the EIS milestones, and schedule required close coordination with the project sponsor and internal and external stakeholders, including the NRC’s licensing group, inspection team in the NRC Region II, the Office of Public Affairs, and the Office of Congressional Affairs. In response to stakeholder comments regarding difficulty obtaining the NRC communications, the NRC mailed notification postcards to all available addresses within a 6-mile radius of the facility to enhance stakeholder participation in public meetings. Staff developed and has maintained a streamlined EIS schedule by conducting timely briefings with the NRC senior leadership, updating the Commission, and keeping the public and community informed of the development of the draft EIS. The draft EIS was published for public comment in late FY 2021. The process was consistent with the NRC’s effort to incorporate a more modern and risk-informed framework in transforming NEPA reviews (as discussed at the FY 2021 RIC session [“Transformation and Modernization of NRC Environmental Review Processes—Meeting the Challenge”](#)).

Best Practice Category v: “Reducing information collection requirements and other administrative burdens on agencies, project sponsors, and other interested parties” (42 U.S.C. § 4370m-1(c)(2)(B)(v))

BP v.1 Institute a continuity plan to address staff changes. The continuity plan should include a process for updating the project sponsor and other agencies involved in the project review and permitting process and the FAST-41 CPP or project plan, as applicable, to ensure continued information flow and to minimize delays that may result in substantive schedule changes.

Response:

As part of the continuity process, the NRC initially sends a letter to an applicant and stakeholders to document and communicate PM changes (e.g., Agencywide Documents Access and Management System (ADAMS) Accession No. [ML20128J253](#)). These change letters are publicly available and memorialized in the ADAMS, the NRC’s document retention application. The change letter contains contact information for the new PM and is approved (concurred) by senior management prior to transmittal. The PM also typically notifies other cooperating or coordinating agencies of the change in an email. Additionally, the [NRC’s public website identifies the PMs](#) in charge of the safety and environmental reviews for licensing projects and contains the PM contact information, the project status, associated documents, and public meeting notices and information. The NRC typically has backup or co-PMs for each project to ensure continuity of the project actions. The NRC project teams also use secure SharePoint sites to organize project information and to share this information with cooperating agencies.

The process facilitates knowledge management and ensures access to project-specific information and communications in the event of a staff change by providing timely recordkeeping and early notification. The NRC’s internal project SharePoint sites are updated periodically and contain all information necessary for an orderly staff transition, while public facing webpages provide transparency for the transition process. Process steps and information that are captured and recorded include:

- Scope Determination
- Impact determination via subject matter
- End of Comment/Response period
- Final environmental document completed
- Ensure the review complies with other applicable environmental laws
- Permit decisions of other federal & state agencies
- Project recommendations (in preparation for mandatory hearing)
- Project Record of Decision (as applicable)

These internal process steps and information are used for internal training, presentations at branch meetings, and general reference which flatten the learning curve of new NRC staff and enhance the management skills of existing staff.

BP v.2 Develop, enhance, and/or use joint coordination procedures among Federal agencies, and with State, Tribal, and local governments with similar authorities.

Response:

The NRC staff believes [that collaboration](#) is an essential aspect of the agency's approach to open government and advances its mission to ensure adequate protection of public health and safety, promote the common defense and security, and protect the environment. Because the NRC and States have complementary roles in protecting people and the environment, the agency ensures appropriate cooperation with the States. This includes keeping Governors informed of NRC matters through [the State Liaison Officer \(SLO\) Program](#). Through this program, the NRC provides SLOs with a variety of NRC documents and information, including press releases, preliminary notifications, proposed rules and policy statements, and draft environmental assessments.

As an example of efforts to enhance coordination across federal agencies, the NRC conducted [three webinars](#) in FY 2021 in coordination with the U.S. Department of Energy (DOE)'s National Reactor Innovation Center (NRIC). These webinars discussed the voluntary NRC pre-application process, construction activities with the NRC, and enveloping advanced reactors to streamline environmental reviews. The webinars provided a venue for potential applicants to provide information and ask questions of the NRC staff which has improved the quality of information provided in their license application submittals and provided an awareness for applicants to perform Tribal outreach and meet any applicable cooperating agency permitting requirements early in the process.

As discussed in BP iii.1, the NRC coordinated its review of the NECR license amendment request and the EIS with the EPA and the DOE. The EPA Region 9 is the lead agency for the NECR cleanup under Comprehensive Environmental Response, Compensation, and Liability Act. The [EPA Region 6 and NRC have a Memorandum of Understanding](#) for dual regulatory oversight for the ongoing groundwater cleanup activities at the United Nuclear Corporation mill site. Although not part of this licensing action, the mill site is expected to be transferred to DOE in the future for long-term custodial care under the Uranium Mill Tailings Radiation Control Act. To facilitate coordination, the NRC, EPA, and DOE hold bi-weekly meetings to discuss topics of interest, and EPA and DOE have supported NRC public meetings. [Section 1.7.3 of the EIS](#) summarizes coordination activities with Federal, State, local, and Tribal agencies.

Best Practice Category vi: “Developing and making available to applicants appropriate geographic information systems and other tools” (42 U.S.C. § 4370m-1(c)(2)(B)(vi))

BP vi.1 Develop and provide resources that explain agencies' project review and permitting processes and associated information needs for reference by project sponsors and agencies involved in the project review and permitting process and identify appropriate GIS and other tools provided by agencies to support informed project reviews.

Response:

Providing a forum for stakeholder interaction and engagement, the NRC conducted a webinar about its NEPA permitting process at the FY 2021 NRC's “Enveloping Advanced Reactors to Streamline Environmental Analysis” meeting. The forum provided a venue for potential and existing applicants to provide information and ask questions of the NRC staff which has improved the quality of information provided in their license application submittals. During FY 2021, the NRC also conducted periodic Advanced Reactor Stakeholder meetings, providing stakeholders with information and the status of a variety of advanced reactor topics. This information included the following featured topics:

- The NRC's vision and strategy
- Rulemaking and guidance
- Policy development
- Licensing activities
- Stakeholder engagement
- International cooperation
- Related documents and information

Included in the actions is the NRC's FY 2021 development and preparation of an Advanced Nuclear Reactor Generic EIS for advanced nuclear reactors. This generic EIS is intended to streamline the environmental review process for future advanced nuclear reactor applications.

In addition, the NRC's public webpages provide information on its current environmental justice activities that involve a systematic review of how the agency's programs, policies, and activities address environmental justice. The review is led by an internal Environmental Justice Review Team (EJRT) that will:

- Benchmark practices of other Federal, State, and Tribal agencies;
- Evaluate whether the NRC should incorporate environmental justice beyond implementation through the National Environmental Policy Act;
- Review the adequacy of the NRC's 2004 Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions; and
- Consider whether establishing formal mechanisms to gather external stakeholder input would benefit any future environmental justice efforts.

The EJRT requested public comment to aid in this review through a [Federal Register notice on July 9, 2021](#) and held multiple public meetings during FY 2021 to gather input. The notice included several questions on which the staff is particularly interested in receiving input which were discussed at the public meetings. The input was considered in the developing recommendations to the Commission.

Best Practice Category vii: “Creating and distributing training materials useful to Federal, State, Tribal, and local permitting officials” (42 U.S.C. § 4370m-1(c)(2)(B)(vii))

BP vii.1 Provide training related to the implementation of FAST-41 or to one or more of the BPs, participate in OED-hosted training, or jointly develop and host training with OED. These trainings may be presented to Federal, State, and Tribal governments, and local permitting officials online or in person each year.

Response:

To help maintain effective relationships and communication, the NRC works in cooperation with Federal, State, and local governments, and interstate organizations, through its [Federal and State Programs](#). This cooperation ensures that the NRC maintains effective relations and communications with these organizations. Under the NRC’s [State Liaison Officer Program](#), every governor appoints a State Liaison Officer who works directly with the NRC to improve cooperation and two-way communication between the NRC and the States. Approximately every two or three years, the NRC convenes a National SLO Conference to present and discuss issues of significant interest to the States and the NRC in the areas of nuclear regulation, nuclear security, radiological public health and safety, and environmental issues, with moderating panels for various presentation and discussion topics. Recent (2019) topics included enhanced coordination considerations for Tribes, Congress, and partner Federal and State agencies. The National SLO Conference provides a unique opportunity to discuss issues of mutual interest with representatives from States, NRC senior management, and other Federal agencies.

At the invitation of the Nuclear Energy Tribal Working Group (NETWG), the NRC provided an informational presentation on the NRC’s Tribal interactions, the NRC licensing process, and NRC’s [Tribal Policy Statement](#) during the January 19, 2021 quarterly meeting to Tribal government representatives and the DOE. The NETWG is a chartered working group (WG), focusing on engaging Tribal governments interested in the broad spectrum of DOE nuclear energy activities. As such, NETWG is a conduit for knowledge transfer/sharing with insights provided directly from Tribal subject matter experts about important Tribal matters that may be overlooked. Based on input from previous NETWG meetings, presentation topics included the NRC’s resource considerations in the site selection process, issues considered in NEPA reviews, and Section 106 consultations. The NRC’s participation in this and other NETWG meetings enhances cooperation and coordination of new reactor applications with the DOE and Tribal Nations.

BP vii.2 Develop or revise policies, handbooks, programmatic agreements, and other agency resources to address where regulatory and policy changes have occurred, or where there are reoccurring misunderstandings between agencies, to improve the efficiency of the project review and permitting process.

Response:

During FY 2021, the NRC initiated a [“Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors,”](#) recognizing the unique characteristics and associated reviews for the advanced technology. Preliminary proposed rule language was publicly provided to increase transparency and to facilitate discussions with stakeholders on the licensing process for advanced nuclear reactors to shape the rulemaking. Related actions in FY 2021 included finalizing [“Interim Staff Guidance-029, Environmental Considerations Associated with Micro-reactors”](#) in preparation for advanced reactor applications and issuing

an [advance notice of proposed rulemaking](#) to obtain input from stakeholders on the NRC's plan to amend its regulations on categorical exclusions for licensing, regulatory, and administrative actions which will allow appropriate streamlining of the NEPA process to save time, effort, and resources.

The NRC staff developed a roadmap and recommendations for environmental review efficiencies in the "[Rulemaking Plan - Transforming The NRC's Environmental Review Process](#)" paper. In the proposed rulemaking plan, the staff outlines methods to streamline and enhance the flexibility of the NRC's NEPA environmental review process and to update or otherwise conform certain provisions in 10 CFR Part 51 to reflect the NRC staff practice while ensuring the appropriate consideration of potential environmental impacts. Additionally, the proposed rulemaking plan would provide greater alignment between the environmental review process and the safety reviews for commercial advanced nuclear reactors pursuant to the proposed [10 CFR Part 53 rulemaking](#) that the staff is developing in response to the NEIMA. The paper provides recommendations to initiate a rulemaking to revise and update the regulations in 10 CFR Part 51. The recommended rulemaking would streamline the staff's environmental review process; assist the Commission and the staff, as appropriate, in focusing on the relevant environmental issues in their decision-making; maintain openness with the public; and reduce the burden on applicants, licensees, and the NRC.

Best Practice Category viii: “Addressing other aspects of infrastructure permitting, as determined by the Council” (42 U.S.C. § 4370m-1(c)(2)(B)(viii))

BP viii.1 Identify and share success stories and/or lessons learned during OED-hosted meetings, including Permitting Council or CERPO meetings, training events, or other OED-hosted meetings.

Response:

As a supplement to the NRC’s internal training, Federal Permitting Improvement Steering Council (FPISC)’s “Collaboration With Native Nations And Tribal Consultation In Fast-41 Processes” enabled the NRC staff to gain a better understanding of the associated responsibilities of Federal agencies during government-to-government interactions with Tribes. The NRC staff work directly with Tribal governments to establish and maintain effective relations and communications and to promote greater awareness and mutual understanding of the policies, activities, and concerns of all parties related to the NRC’s regulatory activities. The training covered important concepts and skills, including awareness of the many facets of government-to-government consulting, including history, law, policy, sovereignty, protocol, collaboration, communication, and conflict resolution skills. The training also provided a broad range of resources that substantially flattened the learning curve for the NRC staff by providing deeper insight into applicable FAST-41 processes.

Multiple NRC staff members attended the June 23, 2021 FPISC-provided Permitting Dashboard Training. The training benefitted NRC project managers unfamiliar with the Dashboard by explaining the necessary steps to post projects to the Dashboard. The training also helped facilitate an internal knowledge transfer forum to discuss key Dashboard features and address questions specific to NRC projects. Additionally, during pre-application meetings with potential applicants, staff routinely describe the role of FPISC and directs prospective applicants to the FPISC’s website and best practice reports for guidance in interactions with the public and Tribal Nations.

For project milestone and schedule management, the NRC’s transformation team modified the FPISC OED Milestone Planning tool to fit within the confines of an NRC environmental review requiring an EIS. Although the tool was adapted to the NRC project milestones, milestones and scheduling remain consistent with elements of FAST-41 should a project become a covered project or be initiated as a covered project. The modified tool incorporates NRC-specific tasks and timelines into each milestone to allow flexibility in building project schedules, and it creates a 2-year baseline schedule for EIS development under NRC environmental reviews. To date, the NRC staff has used the modified milestone planning tool to develop streamlined project review plans and milestones for upcoming projects.

BP viii.2 Develop and/or use project review and permitting process templates, application forms, flow charts, and/or checklists to assist the project sponsor in providing required information in a timely manner.

Response:

During FY 2021, the NRC staff continued to develop an internal Environmental Toolbox SharePoint site with a dedicated pre-application section containing a collection of NRC regulations, guidance, and policy documents related to an established pre-application process.

The NRC also maintains public facing guidance for applicants that includes:

- RG 4.2, Revision 3, "Preparation of Environmental Reports for Nuclear Power Stations"
- RG 4.2, Supplement 1, Revision 1, "Preparation of Environmental Reports for Nuclear Power Plant License Renewal Applications"
- RG 4.11, Revision 2, "Terrestrial Environmental Studies for Nuclear Power Stations"
- RG 4.24, Revision 0, "Aquatic Environmental Studies for Nuclear Power Stations"
- COM-203, "Informal Interfacing and Exchange of Information with Licensees and Applicants"
- NRO-REG-116, "Pre-Application Readiness Assessment"
- COL/ESP-ISG-026, "Environmental Issues Associated with New Reactors Interim Staff Guidance"
- COL/ESP-ISG-027, "Specific Environmental Guidance for Light Water Small Modular Reactor Reviews"
- COL/ESP-ISG-029, "Environmental Issues Associated with Micro-reactors Interim Staff Guidance"

As documented in the NRC's "[Preapplication Engagement to Optimize Application Reviews](#)" white paper, the NRC encourages a prospective applicant to confer with the NRC staff as early as possible before submitting environmental information or filing an environmental report. For those potential applicants that have used this guidance, the NRC staff has recognized a noticeable improvement in the quality of information provided. If a prospective applicant elects to confer with staff, the NRC's regulations at 10 CFR 51.40 state that requests for guidance or information on environmental matters may include inquiries relating to:

- Applicable NRC rules and regulations;
- Format, content, and procedures for filing environmental reports and other environmental information, including the type and quantity of environmental information likely to be needed to address issues and concerns identified in the scoping process in a manner appropriate to their relative significance;
- Availability of relevant environmental studies and environmental information;
- Need for, appropriate level and scope of any environmental studies or information which the Commission may require to be submitted in connection with an application or petition for rulemaking; and
- Public meetings with the NRC staff.

Section 2: Other Permitting Improvements/Outcomes

Response:

The NRC had no opportunity to participate in covered project activity pursuant to the FAST-41 Act during FY2021. However, the NRC conducted several activities to improve permitting processes, as described below.

The NRC is taking a risk-based approach in planning for the efficient completion of an EIS for a forthcoming license application for an advanced power generation technology with a small site footprint. Building on lessons learned from an [Early Site Permit review of a nearby site](#), the NRC staff developed an initial list of Federal, State, local, and Tribal stakeholder contacts prior to receipt of the application because early stakeholder engagement is an effective method of minimizing the risk of unforeseen scheduling challenges. In preparing for its application submittal, the project sponsor participated in multiple advanced reactor public stakeholder meetings hosted by the NRC. Additionally, the NRC staff conducted a pre-application meeting with the project sponsor during late FY 2021 to discuss key environmental issues in advance of the application and environmental report submittals. For EIS development, the NRC staff prepared an abbreviated annotated outline scaled specifically to the project's new technology and small site area. Page limit goals were incorporated into each EIS section to help reviewers gauge compliance with page metrics to produce a clear, concise, and shorter EIS. The NRC review team meetings were initiated early and continue to be held to orient staff to the streamlined approach and schedule planned for this EIS review. To increase efficiency, the NRC staff plans to implement a "phased audit" approach to iteratively gather technical information from the project sponsor, whereby staff and project sponsor personnel will interact openly over an extended timeframe rather than use the NRC's traditional formal internal review and approval process of requesting additional information. Staff anticipates that this streamlined approach will serve as a model for producing shorter, focused EISs for micro reactor and small advanced reactor projects going forward.

Section 3: Project Review and Permitting Process Improvements (General)

Response:

During FY 2021, the NRC completed reviewing comments submitted by the NRC staff, the public, and industry group stakeholders under the Retrospective Review of Administrative Requirements (RROAR) initiative. The purpose of RROAR was to identify potentially outdated or duplicative NRC administrative requirements in Title 10 of the *Code of Federal Regulations* that may be modified or eliminated through the rulemaking process without adversely affecting public health or safety, the common defense and security, protection of the environment, or regulatory effectiveness and efficiency. The NRC documented the comment review in "[Evaluation of Stakeholder Input on Retrospective Review of Administrative Requirements](#)." As described in the RROAR [Comment Evaluation Summary](#), the NRC received 100 individual comments spanning all of the agency's program areas. The RROAR Retrospective Review of Administrative Requirements (RROAR) working group (WG) applied Commission-approved criteria to evaluate the comments. In applying these criteria to evaluate the comments, the WG also considered its programmatic experience, the intent of the requirement, the effect of elimination or modification of a requirement on the NRC's mission, and the overall effect on resources. The WG determined that 54 comments should be screened into the rulemaking process, while 46 comments did not qualify. The WG organized the qualifying comments into three categories: (1) 44 to be further evaluated in a new RROAR-related rulemaking, (2) 5 to be incorporated in an annual administrative corrections rulemaking, and (3) 5 to be further evaluated in ongoing rulemaking activities outside of the RROAR-related rulemaking(s). The next step in the RROAR is for the staff to develop rulemaking plans for the regulatory changes identified in the review and submit the plans to the Commission later this calendar year. The RROAR pre-rulemaking is currently underway as discussed at two recent public meetings ([June 30, 2021](#) and [August 19, 2021](#)) outlining the initiative and intended path forward.