

**Response to Request for Information
House Committee on Energy and Commerce
Letter Dated September 1, 2023**

1. What is NRC's interpretation of Section 321 of the FRA?

RESPONSE: The U.S. Nuclear Regulatory Commission's (NRC) position is that the amendments to the National Environmental Policy Act (NEPA) in Section 321 of the Fiscal Responsibility Act of 2023 (FRA) apply to the NRC. Accordingly, the NRC is working to implement the new amendments in the context of the agency's NEPA reviews. In doing so, the NRC is closely monitoring an ongoing rulemaking being conducted by the Council on Environmental Quality (CEQ) that is intended to conform CEQ's NEPA regulations to the new NEPA amendments in Section 321 of the FRA. Historically, the NRC has looked to CEQ's regulations for guidance when fashioning the NRC's own NEPA-implementing regulations. Specific interpretive questions may also arise and would be addressed by the NRC going forward through public processes, such as the NRC's adjudicatory hearing process under Section 189 a.(1)(A) of the Atomic Energy Act of 1954 or notice-and-comment rulemaking.

2. How long will it take NRC to implement fully Section 321 of the FRA?

RESPONSE: At this time, the NRC has already taken action to address the requirements of Section 321 of the FRA and will continue to address compliance going forward, including on a case-by-case basis as needed. The NRC is also examining the additional long-term actions that may be needed to fully implement Section 321 of the FRA. For this reason, we are unable to provide a specific timeline regarding full implementation, given that the various options the NRC may use in this regard—such as changes to regulations, new guidance, or new procedures—would represent a wide range of effort. Consistent with our efficiency principle of good regulation, if several effective alternatives are available for a given issue, the NRC is committed to pursuing the most efficient option.

3. What changes are being made to NRC's existing NEPA review processes to ensure that the Agency is following the updated law?

RESPONSE: The NRC is currently analyzing whether and how broader regulatory, rulemaking, guidance, or procedural changes may be needed as a result of the FRA, and the NRC staff is also considering the new requirements in each of its individual licensing reviews and determining what actions, if any, may be needed to meet the new requirements. Given that we are in the initial stage of analyzing options for implementing the new requirements, the NRC does not have details on the potential changes at this time.

4. Are you confident that NRC will meet the two-year and one-year statutory deadlines for EIS and EA reviews, respectively?

RESPONSE: The NRC is committed to complying with all applicable laws, including the new statutory requirements in NEPA Section 107(g). As noted above, the NRC is considering the new requirements in each of its ongoing individual NEPA reviews and determining whether additional actions, if any, may be needed to meet the new requirements. Further, the NRC's recent streamlining efforts have been consistent with the spirit of the amended statute.

Enclosure

5. Will you commit to adhering to the page limits for EIS and EA reviews set forth in the FRA?

RESPONSE: The NRC is committed to complying with all applicable laws, including the new page limit requirements in NEPA Section 107(e) as added by the FRA.

6. Will NRC apply the NEPA changes to projects and reviews that are already in process, or does the Agency plan to apply the NEPA changes just prospectively?

RESPONSE: As noted above, the NRC is applying the NEPA changes to ongoing projects and reviews, as appropriate.