

**RULEMAKING ISSUE**  
**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Carrie M. Safford, Secretary  
**FROM:** COMMISSIONER CAPUTO  
**SUBJECT:** SECY-21-0098: Proposed Rule: Advanced Nuclear  
Reactor Generic Environmental Impact Statement  
(RIN-AK55;NRC-2020-0101)

Approved XX Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_ Not Participating \_\_\_\_\_

COMMENTS: Below \_\_\_\_\_ Attached XX None \_\_\_\_\_

**Entered in STARS**

Yes X  
No \_\_\_\_\_

  
\_\_\_\_\_  
**Signature**

2-8-24  
\_\_\_\_\_  
**Date**

**Commissioner Caputo's Comments on SECY-21-0098, "Proposed Rule: Advanced Nuclear Reactor Generic Environmental Impact Statement (RIN-AK55; NRC-2020-0101)"**

I commend the staff for its innovative approach to and hard work in developing the draft Advanced Nuclear Reactor Generic Environmental Impact Statement (ANR GEIS). I also commend the staff for its significant public outreach and engagement during the development of the draft ANR GEIS, which included a public comment period, a public scoping meeting, and engaging States and Federally recognized Tribes. The staff's effort has resulted in a comprehensive draft document reflecting its extensive public engagement.

I agree with Chair Hanson that "a significant body of knowledge and experience supports the draft ANR GEIS" and that this data "serves as a solid basis for the staff's conclusions." I also agree with Chair Hanson that "[t]he NRC needs to be prepared for a variety of future scenarios, including one that requires the agency to respond to a significant number of license applications." And, as the staff notes, "[t]his rulemaking is a part of a broader NRC effort to prepare for licensing advanced nuclear reactors."<sup>1</sup>

The ANR GEIS contains generic findings that an applicant may rely on if it demonstrates that its application is bounded by the analysis in the ANR GEIS. The purpose of the ANR GEIS is "to present impact analyses for the environmental issues common to many or most ANRs that can be addressed generically, thereby eliminating the need to repeatedly reproduce the same analyses each time a licensing application is submitted and allowing applicants and NRC staff to focus future environmental review efforts on issues that can be resolved only once a site is identified."<sup>2</sup> But for an applicant to rely on the generic findings in the ANR GEIS, it must "demonstrate that its project meets or is bounded by the values and assumptions for that issue," and there must be "no new and significant information that may affect those values and assumptions such that a SMALL environmental impact finding could no longer be supported."<sup>3</sup>

Consistent with my vote on SECY-20-0020, I continue to see the value and benefit in codifying the ANR GEIS. Congress recently enacted significant revisions to NEPA in order to simplify and streamline the environmental review process and provide certainty and transparency to the public.<sup>4</sup> I believe codification of the ANR GEIS is in keeping with Congress's intent and provides regulatory certainty and transparency without sacrificing public involvement.

I agree with Chair Hanson that there "appears to be no technical reasons that the analyses in the ANR GEIS could not be applied to any new reactor application provided the reactor application meets the values and the assumptions of the plant parameter envelopes and site parameter envelopes" and am concerned that such a definition may artificially limit the applicability of the ANR GEIS. In any event, I see value in obtaining stakeholder feedback before revising the draft ANR GEIS and proposed rule to remove the definition of advanced nuclear reactor. Therefore, I approve the staff's recommendation to publish the proposed rule in the *Federal Register* and the staff should use the public comment period on the draft proposed rule to solicit feedback on the usefulness of the definition of advanced nuclear reactor. I appreciate the staff's thoughtful work in this area. The staff's development of this draft document and its plan to provide for public participation in the development of a final document aligns well with our Principles of Good Regulation of Openness, Efficiency, and Reliability.

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<sup>1</sup> SECY-21-0098, at 2.

<sup>2</sup> SECY-21-0098, Enclosure 2, at 1-2.

<sup>3</sup> SECY-21-0098, at 5.

<sup>4</sup> See Fiscal Responsibility Act of 2023, Pub. L. No.118-5, § 321, 137 Stat. 10.