



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

April 17, 2024

SECRETARY

MEMORANDUM TO: Raymond V. Furstenau  
Acting Executive Director for Operations

FROM: Carrie M. Safford, Secretary

SUBJECT: STAFF REQUIREMENTS – SECY-21-0098 – PROPOSED RULE:  
ADVANCED NUCLEAR REACTOR GENERIC  
ENVIRONMENTAL IMPACT STATEMENT (RIN 3150-AK55; NRC  
2020 0101)

The Commission has approved the staff's recommendation to publish in the *Federal Register* a proposed rule that would amend Part 51 of Title 10 of the *Code of Federal Regulations*, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," to codify the findings of the draft Advanced Nuclear Reactor Generic Environmental Impact Statement (ANR GEIS), subject to the enclosed edits and comments below. This approval is contingent upon inclusion of a provision in the proposed rule requiring a review of the ANR GEIS every ten years. The ten-year review provision in the ANR GEIS should be identical to that used in the license renewal GEIS.

The staff should remove the definition of "advanced nuclear reactor" from the rulemaking package and related guidance documents.

The staff should ensure that the rulemaking package and related draft guidance documents clearly describe the applicability of the GEIS, for example, by revising the executive summary of the GEIS.

The staff should revise the rulemaking package and related draft guidance documents to change the limited applicability of this GEIS from solely "advanced nuclear reactors" to any new nuclear reactor application, provided the application meets the values and the assumptions of the plant parameter envelopes and the site parameter envelopes used to develop the GEIS. As part of this effort, staff should consider whether to change the title of the GEIS, with associated edits to the rulemaking package and draft guidance documents, to better reflect applicability. The staff should use the comment period to solicit public and stakeholder feedback specific to the applicability of the GEIS.

In light of the Commission's direction in SRM-SECY-23-0001 to regulate near-term fusion systems under the 10 CFR Part 30 byproduct material framework, the staff should remove references to fusion reactors in the proposed rule.

The staff should add language to the proposed rule's preamble acknowledging recent statutory changes to NEPA enacted in the Fiscal Responsibility Act of 2023 (FRA) and adding any discussion of FRA provisions that may be relevant and appropriate to address for this GEIS and proposed rule.

The staff should revise the proposed rule package, including Table C-1, to clarify that any applicable site-specific and conditionally site-specific issues identified in NUREG-0586, Supplement 1 (Decommissioning GEIS) will need to be addressed within the site-specific environmental review for each application utilizing this GEIS.

Enclosure: Edited *Federal Register* Notice

cc: Chair Hanson  
Commissioner Wright  
Commissioner Caputo  
Commissioner Crowell  
OGC  
CFO  
OCA  
OPA  
ODs, RAs, ACRS, ASLBP  
PDR