



# good energy collective

October 15, 2024

U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

**Subject:** Good Energy Collective Comments on the ADVANCE Act Report to Congress on Efforts to Facilitate Efficient, Timely, and Predictable Environmental Reviews for Nuclear Reactor Applications

Dear U.S. Nuclear Regulatory Commission Staff:

Good Energy Collective (Good Energy) is pleased to provide comments following the public meeting on September 25, 2024.<sup>1</sup> During this meeting, the Nuclear Regulatory Commission (NRC) sought input to inform its report to Congress on efforts to facilitate efficient, timely, and predictable environmental reviews for nuclear reactor applications. We welcome this opportunity to provide feedback and support the implementation of the *Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy* (ADVANCE) Act.<sup>2</sup>

Good Energy is a 501(c)(3) nonprofit research organization. We're building the progressive case for nuclear energy as an essential part of the broader climate change agenda and working to align the clean energy space with environmental justice and sustainability goals. We take particular interest in ensuring that the NRC receives the resources it needs to safely and effectively regulate nuclear technologies.

To achieve our midcentury climate goals, the U.S. has signed onto a declaration to triple nuclear capacity from ~100 gigawatts (GW) in 2024 to ~300 GW by 2050.<sup>3</sup> This scale-up would require the rapid deployment of advanced nuclear reactors and a streamlined permitting process to handle the high volume of new reactors coming online. Good Energy, alongside the Nuclear Innovation Alliance, has previously argued that streamlining environmental reviews and enhancing public engagement not only boosts efficiency but also supports environmental justice.<sup>5</sup> Inclusive, timely reviews help ensure energy projects meet community needs while advancing climate goals.

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<sup>1</sup> <https://www.nrc.gov/pmns/mtg?do=details&Code=20241112>

<sup>2</sup> <https://www.epw.senate.gov/public/index.cfm/2024/7/signed-bipartisan-advance-act-to-boost-nuclear-energy-now-law>

<sup>3</sup> [https://liftoff.energy.gov/wp-content/uploads/2024/10/LIFTOFF\\_DOE\\_AdvNuclear-vX7.pdf](https://liftoff.energy.gov/wp-content/uploads/2024/10/LIFTOFF_DOE_AdvNuclear-vX7.pdf)

<sup>4</sup> <https://www.energy.gov/articles/cop28-countries-launch-declaration-triple-nuclear-energy-capacity-2050-recognizing-key>

<sup>5</sup> <https://www.utilitydive.com/news/permitting-transmission-renewables-nuclear-energy-advanced-reactors-nuscale-terrapower/648358/>

Recent bipartisan legislation underscores a renewed commitment to improving and streamlining the permitting process for advanced reactors. From the enacted *Fiscal Responsibility Act* (FRA), which amended NEPA to reform the federal permitting and environmental review process, to the enacted *Nuclear Energy Innovation and Modernization Act* (NEIMA), aimed at modernizing the NRC's reactor licensing processes—Congress continues to demonstrate robust bipartisan support for the efficient licensing of advanced nuclear.

The recent passage of the ADVANCE Act marks another critical step toward adopting and deploying advanced reactor technologies. Notably, the Act also authorizes critical hiring incentives to address NRC's workforce issues and enables the adoption of nuclear on brownfield sites. Like FRA and NEIMA, the ADVANCE Act aims to improve environmental review cost, timeliness, and predictability to meet the nearing surge of applications for advanced reactor licenses.

Below, we focus our comments on items—(A) through (L) in Section 506, "Modernization of nuclear reactor environmental reviews," of the ADVANCE Act—for which the NRC sought feedback during its September 25 public meeting.

- The NRC should leverage categorical exclusions, environmental assessments (EAs), and environmental impact statements (EISs) prepared by other Federal agencies or the Commission. Doing so would help expedite the environmental review process and minimize duplicative efforts while adhering to the robust standards other Federal agencies and the Commission uphold.
- Similarly, wherever feasible, the NRC should use prior studies and analyses prepared by Federal, State, and local governmental permitting agencies. This approach would streamline environmental reviews and help ensure that the NRC uses its resources most efficiently.
- The NRC should seize opportunities to coordinate EAs and EISs with other Federal agencies to the fullest practicable extent. This would minimize duplicative reviews and align with CEQ guidance that explicitly encourages agency coordination (40 CFR 1501.7 and 40 CFR 1506.2).<sup>67</sup>
- The NRC should streamline consultations and coordination with Federal, State, and local permitting agencies where practicable while upholding its role as the independent nuclear safety and security regulator. This approach builds on recent collaboration between the NRC and the Department of Energy (DOE) on NEPA implementation for DOE-supported reactor demonstration projects.<sup>8</sup> The NRC should pay particular attention to cross-agency participation in public meetings or hearings, as maximizing public engagement can enhance confidence in nuclear safety and increase the likelihood of successful deployment of new technologies.

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<sup>6</sup> <https://www.ecfr.gov/current/title-40/chapter-V/subchapter-A/part-1501/section-1501.7>

<sup>7</sup> <https://www.ecfr.gov/current/title-40/chapter-V/subchapter-A/part-1506/section-1506.2>

<sup>8</sup> <https://www.nrc.gov/docs/ML2321/ML23213A147.pdf>

- The NRC should create new categorical exclusions and amend existing regulations to allow case-by-case determinations on whether an EA can substitute for a full EIS. Expanding the use of categorical exclusions and EAs would enable the NRC to license next-of-a-kind reactors more efficiently, conserving time and resources. For instance, in 2023, the NRC completed an EIS for Kairos Power’s Hermes test reactor and found the environmental impacts to be negligible to small across all categories.<sup>9</sup> This outcome indicates that EAs could be suitable for future applications involving reactors with similar designs and specifications.
- The NRC should consider authorizing the use of an applicant’s EIS as the Commission’s draft EIS. Authorizations of this nature align with section 107(f) of NEPA (42 U.S.C. 4336a(f)) and CEQ guidance under 40 CFR 1506.5.<sup>10</sup>
- Efforts to streamline environmental reviews should maintain meaningful public participation. In fact, evidence shows that early public engagement can help advance projects more efficiently.<sup>11</sup><sup>12</sup> The NRC should adopt measures to maintain transparency and openness, including enhancing its online and digital platforms. These improvements should prioritize accessibility and expand opportunities for public involvement.

Thank you for the opportunity to provide input on the implementation of Section 506. We look forward to continuing to work with the Committee’s expert staff on the broader implementation of the ADVANCE Act to enable the safe and efficient licensing of advanced reactors. Please contact us if we can answer any questions related to this letter.

Sincerely,



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<sup>9</sup> <https://www.nrc.gov/docs/ML2321/ML23214A269.pdf>

<sup>10</sup> <https://www.ecfr.gov/current/title-40/chapter-V/subchapter-A/part-1506/section-1506.5>

<sup>11</sup> <https://seec.house.gov/sites/evo-subsites/seec.house.gov/files/evo-media-document/22.11.21-seec-policy-brief-permitting-reform-for-the-clean-energy-future.pdf>

<sup>12</sup> <https://www.sciencedirect.com/science/article/pii/S0301421522001471?via%3Dihub>