



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

July 28, 2025

SECRETARY

MEMORANDUM TO: Michael F. King  
Acting Executive Director for Operations

FROM: Carrie M. Safford, Secretary

SUBJECT: STAFF REQUIREMENTS – SECY-24-0046 – IMPLEMENTATION  
OF THE FISCAL RESPONSIBILITY ACT OF 2023 NATIONAL  
ENVIRONMENTAL POLICY ACT AMENDMENTS

The Commission has approved the staff's recommendations to revise the NRC's implementing regulations in Title 10 of the *Code of Federal Regulations* Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions" and update NRC guidance and policies, including a regulatory basis and rulemaking plan, that consolidates the following:

- Option 1.b, Rulemaking to Modify Purpose and Need to Focus on Agency Action
- Option 2.b, Rulemaking to Revise 10 C.F.R. 51.20(b)
- Option 3.b, Rulemaking to Authorize Project Sponsor Preparation
- Option 5.a, Update Guidance to Include Documentation of Reevaluations Without Rulemaking
- Recommendation 6.a-d, Consider Rulemaking to Streamline and Enhance Efficiency that would address, but not be limited to, the following:
  - Deadlines and Extensions
  - Bifurcated Application Submittals
  - Detailed Acceptance Criteria for Environmental Information
  - Opportunities for Preapplication Interactions

The Commission has disapproved the staff's recommended Option 4.c, regarding the need for a Commission-level policy decision to capture the agency's long-standing practice of coordinating with other partners on National Environmental Policy Act of 1969 (NEPA) reviews. Instead, the staff should develop and update existing guidance to incorporate the revisions to NEPA in the Fiscal Responsibility Act of 2023 (FRA), update the definition of "cooperating agency" through rulemaking to align with the FRA, and include the definitions of "lead," "joint," and "participating" agencies in Part 51.

In implementing Option 1.b, the staff should limit the alternative analysis to avoid analysis of forms of generation outside the NRC's regulatory and licensing authority, including a focus on the no action alternative.

The staff should include in the proposed rule any recommendations or findings from the recently issued report on the "Modernization of Nuclear Reactor Environmental Reviews" (ML24290A159) that do not overlap with recommended actions in response to the FRA. For example, staff should evaluate the benefits of codifying "mitigated FONSI" (findings of no

significant impact) into NRC's regulations versus continued reliance on guidance documents, which describe the staff's consideration of mitigation measures in EAs.

In its rulemaking, the staff should consider establishing categorical exclusions (CATX) for actions beyond those currently listed in section 51.22(c), including but not limited to subsequent license renewals, power uprate license amendments, microreactor licensing, advanced demonstration projects, site envelopes for specific reactor technologies, and site decommissioning. The staff should endeavor to define parameters for these actions to clarify limiting characteristics for each CATX.

The staff should examine what exactly narrowing the scope of our environmental reviews to only those environmental effects with a direct connection to radiological impacts would look like in practice and based on recent developments related to NEPA, including recent case law (e.g., *Seven County Infrastructure Coalition v. Eagle County, Colorado*, No. 23-975, 605 U.S. (2025)) and ongoing litigation, related Executive Orders, regulatory changes, and associated guidance. The staff should examine how to adapt the scope of environmental reviews to support alignment with NRC's statutory authorities to gain efficiencies, as appropriate.

The staff should issue guidance to clarify expectations and procedures for NRC's participation as a cooperating agency where another agency is the lead agency.

In drafting the guidance prescribing procedures for sponsor preparation of environmental documents, the staff should focus on standardization of the environmental document preparation process and agency interactions with the applicant to enable a consistent and efficient completion of environmental reviews and approval of the underlying licensing action. The staff should endeavor to define a process whereby the NRC does not duplicate the applicant's environmental review but is engaged in overseeing and reviewing the applicant's drafting of the environmental document.

The staff should review existing guidance documentation to identify and assess any conflicts that may result from the revision of the associated definitions, in order to prevent any inconsistencies in the regulatory process.

The staff should update or develop guidance outlining a process to reevaluate generic environmental impact statements and codified environmental information to ensure the analyses in these documents remain valid. In drafting or updating guidance to ensure a consistent reevaluation process for the environmental document, the staff should focus on outlining a reevaluation process that is efficient, keeping in perspective that documentation of such reevaluations should be brief. Moreover, the reevaluation process must include strict guardrails to promote regulatory stability in the long term and avoid uncertainty over varying outcomes every five years.

Given the potential for reduced transparency, the staff should seek comment on ways to preserve meaningful public engagement in the NRC's environmental review process—either within the context of NEPA or at other stages during review of an application (e.g., pre-application engagement, ad hoc public briefings, listening sessions, etc.).

The staff should seek comments on other potential environmental documents (e.g., technology- or application-specific) that could further streamline future environmental reviews.

The staff should consider seeking feedback from stakeholders on how interagency coordination, under the FRA framework, can foster more effective and efficient environmental reviews consistent with the NRC's statutory authority. The staff should emphasize receiving feedback from stakeholders with whom we expect to most frequently work during NEPA reviews (e.g., Department of Energy, Department of Defense, U.S. Army Corps of Engineers, Tribes, state

agencies). This feedback should be used to develop guidance outlining expectations around lead, joint, participating, and cooperating agencies.

The staff should continue to pursue additional opportunities to streamline environmental reviews, including definition of standardized parameters for the type, quantity, and length of appendices and supporting reports associated with environmental documents.

The staff's efforts to limit page counts should be focused on gaining efficiencies in the environmental review process, not to shift the regulatory burden in the environmental review to appendices and supporting reports.

cc: Commissioner Caputo  
Commissioner Crowell  
Commissioner Marzano  
OGC  
CFO  
OCA  
OPA  
ODs, RAs, ACRS, ASLBP