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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2, 30, 40, 50, 51, 52, 53, 54, 61, 70, 72, 76, and 110

[NRC-2025-0478]

RIN 3150-AL38

Implementation of the National Environmental Policy Act

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to revise the NRC's regulations to streamline and modernize its implementation of the National Environmental Policy Act of 1969, as amended (NEPA). These proposed revisions address Presidential directives in Executive Order (E.O.) 14300, "Ordering the Reform of the Nuclear Regulatory Commission," E.O. 14154, "Unleashing American Energy," Executive Order 14192, "Unleashing Prosperity Through Deregulation," Executive Order 14270, "Zero-Based Regulatory Budgeting to Unleash American Energy;" recent amendments to NEPA; and relevant NEPA case law. In addition, these proposed revisions aim to reduce regulatory burden while complying with NEPA requirements. The proposed rule would narrow the scope of NEPA reviews to effects (or impacts) within the NRC's substantive statutory authority; revise definitions; update procedures for determining the level of NEPA review; establish new categorical exclusions; provide new flexibility for licensees, applicants, and petitioners for rulemaking to submit environmental information; and remove outdated requirements and consolidate content provisions to improve clarity and efficiency. Consistent with section 102(2)(B) of NEPA

and E.O. 14300, the NRC consulted with the Council on Environmental Quality (CEQ) during the development of this proposed rule. The NRC is issuing new draft guidance NUREG-2270, “Environmental Review Guidance for U.S. Nuclear Regulatory Commission Actions,” for the implementation of the proposed requirements in this rulemaking. The NRC staff will carry out its NEPA responsibilities consistent with the proposed requirements in this rulemaking and the guidance in NUREG-2270.

DATES: Comments must be submitted electronically using <https://www.regulations.gov> by 11:59 p.m. eastern time on **[INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration of only comments received before this date.

ADDRESSES: Submit your comments, identified by Docket ID NRC-2025-0478, at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, call or email the individuals listed in the FOR FURTHER INFORMATION CONTACT section of this document for alternate instructions.

Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received, and will not be deleted, modified, or redacted. Comments may be submitted anonymously.

Follow the search instructions on <https://www.regulations.gov> to view public comments.

You can read a plain language description of this proposed rule at <https://www.regulations.gov/docket/NRC-2025-0478>. For additional direction on

obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Michelle Rome, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-0492, email: michelle.rome@nrc.gov and Andrew Carrera, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-1078, email: andrew.carrera@nrc.gov. Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

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I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2025-0478 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2025-0478.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section.

- **NRC's PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

- **Public Meeting:** The NRC may conduct a public meeting to describe the proposed amendments and answer questions from the public on the proposed rule. If the NRC determines it will hold a public meeting, NRC will publish a notice of the location, time, and agenda of the meeting on the NRC's public meeting website within 10 calendar days of the meeting. Stakeholders should monitor the NRC's public meeting website for information about the public meeting at: <https://www.nrc.gov/public-involve/public-meetings/index.cfm>.

B. Submitting Comments

Comments must be submitted using <https://www.regulations.gov> by 11:59 p.m. eastern time on **[INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**. Please include Docket ID NRC-2025-0478 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Executive Order 14300: Ordering the Reform of the Nuclear Regulatory Commission

On May 23, 2025, President Donald J. Trump signed E.O. 14300, “Ordering the Reform of the Nuclear Regulatory Commission.” Section 5, “Reforming and Modernizing the NRC’s Regulations,” requires the NRC to undertake a review and wholesale revision of its regulations and guidance documents as guided by the policies set forth in section 2 of the E.O. This rulemaking significantly streamlines NEPA review requirements, reduces unnecessary regulatory burden, and expands licensing efficiencies and flexibilities in accordance with section 5(c), which requires the NRC to “[r]evis[e], in

consultation with the Council on Environmental Quality, NRC regulations governing NRC's compliance with NEPA to reflect the Congress's 2023 amendments to that statute and the policies articulated in sections 2 and 5 of Executive Order 14154 of January 20, 2025 (Unleashing American Energy)."

III. Background

NEPA sets forth a national policy for promoting environmental stewardship and ensuring that humans and nature can coexist in productive harmony. It requires Federal agencies to prepare detailed statements for major Federal actions significantly affecting the quality of the human environment, aiming to inform both agency decision-making and the public. NEPA emphasizes process over outcomes, focusing on informed decisions rather than mandating specific results. The proposed revisions to the NRC's regulations in title 10 of the *Code of Federal Regulations* (10 CFR) part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," implement NEPA in a manner which is consistent with the NRC's domestic licensing and related regulatory authority under the Atomic Energy Act of 1954, as amended (AEA), the Energy Reorganization Act of 1974, as amended, and the Uranium Mill Tailings Radiation Control Act of 1978.

These proposed updates to streamline NEPA reviews would reduce regulatory burden and retain and expand licensing efficiencies within 10 CFR part 51 as required by Presidential directives in E.O.s, in consideration of amendments made to NEPA by the Fiscal Responsibility Act of 2023 (FRA) and the One Big Beautiful Bill Act, Pub. L. No. 119-21, 139 Stat. 72 (2025) (OBBBA), and the U.S. Supreme Court's recent decision in *Seven County Infrastructure Coalition v. Eagle County, Colorado*, 605 U.S. 168 (2025), which has clarified the law governing NEPA analysis in multiple significant respects. In addition, the proposed revisions address Commission direction in Staff

Requirements Memorandum (SRM)-SECY-24-0046, “Implementation of the Fiscal Responsibility Act of 2023 National Environmental Policy Act Amendments,” and SRM-SECY-25-0007, “Withdrawing the Environmental Justice Policy Statement and Environmental Justice Strategy.” These directives are discussed below.

1. Executive Orders

E.O. 14300 section 5(c) directs the NRC to revise its regulations consistent with “the policies articulated in sections 2 and 5 of Executive Order 14154.” E.O. 14154 rescinded E.O. 11991, “Relating to Protection and Enhancement of Environmental Quality,” issued by President Carter and previously cited by CEQ as the basis for its authority to engage in rulemaking under NEPA. Shortly thereafter, the CEQ rescinded its NEPA implementing regulations (40 CFR parts 1500-1508), effective April 11, 2025, “Removal of National Environmental Policy Act Implementing Regulations.” The CEQ subsequently issued guidance on September 29, 2025, with its “Memorandum for Heads of Federal Departments and Agencies: Implementation of the National Environmental Policy Act,” and its associated “Agency NEPA Procedures Template” (“CEQ Guidance”).

E.O. 14154 instructs agencies, consistent with applicable law, to “prioritize efficiency and certainty over any other objectives ... that do not align with the policy goals set forth in section 2 of this order or that could otherwise add delays and ambiguity to the permitting process.” The NRC is revising its NEPA implementing regulations in 10 CFR part 51 to be consistent with these E.O.s and to enhance the efficiency, clarity, and predictability of its environmental review process. The NRC developed this proposed rule consistent with the CEQ Guidance.

2. Fiscal Responsibility Act of 2023, National Environmental Policy Act Amendments

Congress passed the FRA, Public Law 118-5, signed into law on June 3, 2023, to add substantial details to streamline NEPA and codify procedural requirements, with

modifications, including procedures that the NRC had previously addressed in its own regulations in 10 CFR part 51. The NEPA amendments became immediately applicable to the NRC (and other agencies subject to NEPA) upon FRA's enactment.

On May 30, 2024, the NRC staff provided SECY-24-0046, "Implementation of the Fiscal Responsibility Act of 2023 National Environmental Policy Act Amendments," to the Commission for consideration. In SECY-24-0046, the NRC staff included recommendations to streamline the NRC's regulations in 10 CFR part 51 to enhance the efficiency and effectiveness of the NRC's environmental reviews in light of the FRA. On July 28, 2025, the Commission issued SRM-SECY-24-0046, in which it approved the NRC staff's recommendations. In the SRM to SECY-24-0046, among other things, the Commission directed the NRC staff to conduct rulemaking for 10 CFR part 51 to make NRC's environmental reviews more efficient. The Commission directed the staff to examine narrowing the scope of the NRC's NEPA reviews to only those environmental effects with a direct connection to radiological impacts (see SRM-SECY-24-0046). The Commission also directed the staff to consider establishing categorical exclusions for actions beyond those currently listed in § 51.22, 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.

Additionally, the Commission approved the NRC staff's recommendations to modify the purpose and need statements in NEPA reviews to focus on the agency action, typically issuance of a license; authorize project sponsor preparation of environmental assessments (EA) or environmental impact statements (EIS); consider additional options in rulemaking to streamline and enhance NEPA review efficiencies related to deadlines and extensions, bifurcated application submittals, detailed acceptance criteria for environmental information, and opportunities for preapplication

interactions; and update guidance to include reevaluations of generic analyses without rulemaking.

3. Executive Order 14173: Ending Illegal Discrimination and Restoring Merit-Based Opportunity

E.O. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity,” issued on January 21, 2025, revoked E.O. 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” issued on February 11, 1994, among other things. In response to E.O. 14173, the Commission directed the staff, in SRM-COMSECY-25-0007, “Withdrawing the Environmental Justice Policy Statement and Environmental Justice Strategy,” to undertake a comprehensive review of the NRC’s environmental regulations, guidance, and training materials to remove references to environmental justice (EJ). The Commission also directed the staff to refrain from explicitly addressing EJ in its reviews under NEPA and ensure that those reviews fully comply with the requirements of NEPA. On April 30, 2025, the NRC withdrew its Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions (Environmental Justice Policy Statement) and its Environmental Justice Strategy.

4. *Seven County Infrastructure Coalition v. Eagle County, Colorado*

On May 29, 2025, the U.S. Supreme Court issued a decision in *Seven County Infrastructure Coalition v. Eagle County, Colorado*, 605 U.S. 168 (2025). The Court emphasized that NEPA does not require agencies to evaluate potential environmental effects arising from “future or geographically separate projects,” “particularly” those over which the agencies do not “exercise regulatory authority.” *Id.* at 186–190; *see also id.* at 186–87 (“[T]he textually mandated focus of NEPA is the . . . project at hand.”). More directly relevant to the NRC’s activities and this proposed rule, the Court also reaffirmed the holding of *Department of Transportation v. Public Citizen*, 541 U.S. 752 (2004),

reiterating that “agencies are not required to analyze the effects of projects over which they do not exercise regulatory authority.” *Seven Cnty. Infra. Coal. v. Eagle Cnty.*, 605 U.S. at 188–189.

5. One Big Beautiful Bill Act of 2025, Sponsor Opt-in Fees

Congress again amended NEPA in 2025 through section 60026 of the OBBBA, adding Section 112 of NEPA, titled “Project Sponsor Opt-in Fees for Environmental Reviews.” This provision allows project sponsors to pay a fee to obtain shortened NEPA review deadlines.

6. Council on Environmental Quality Consultation

Consistent with section 102(2)(B) of NEPA and E.O. 14300, the NRC consulted with the CEQ during the development of this proposed rule to ensure consistency with Federal government-wide policies and practices.

The changes in this rulemaking would address recently issued E.O.s and the Commission’s direction in SRM-COMSECY-25-0007 and SRM-SECY-24-0046. Details of the proposed revisions are provided in the “Discussion” section.

IV. Discussion

A. What action is the NRC taking?

In this rulemaking, the NRC is proposing to streamline and modernize 10 CFR part 51 regulations and associated guidance to alleviate unnecessary regulatory burden, expand licensing efficiencies and flexibilities, address executive actions, and ensure compliance with NEPA. The NRC is proposing to remove portions of 10 CFR part 51 that are not required to be in regulation because they are codified in NEPA or established in caselaw, and thus can instead be addressed in guidance, allowing for greater flexibility without reducing efficient resolution of procedural issues in hearings.

The elements proposed to be revised in 10 CFR part 51 would include:

1. Definitions (§ 51.4):

The NRC is proposing to revise the definition of effects in 10 CFR part 51 (or impacts, which are used interchangeably for the purposes of 10 CFR part 51 consistent with general NEPA practice) to align with the definition of effects in the CEQ Guidance and in response to recent efforts to streamline NEPA and the NRC's permitting processes (e.g., the FRA amendments to NEPA, the Accelerating Deployment of Versatile, Advanced Nuclear For Clean Energy Act of 2024, and recent executive orders). Specifically, the NRC is redefining the scope of the environmental effects to those effects from the proposed agency action that are within the agency's substantive authority to take action to address (e.g., by denying or conditioning a license).

The CEQ's recommended definition of "effects" explains that a "but for" causal relationship is insufficient to make an agency responsible for a particular effect under NEPA as recently interpreted by the U.S. Supreme Court in *Seven County*. The definition also excludes "effects that the agency has no ability to prevent due to the limits of its regulatory authority," consistent with the U.S. Supreme Court's holding in *Public Citizen* and reaffirmed in *Seven County*. This proposed definition is also consistent with the Commission's consideration in 2022 that "[u]nder NEPA, '[a]n agency has no obligation to gather or consider environmental information if it has no statutory authority to act on that information.'" *NextEra Energy Point Beach, LLC* (Point Beach Nuclear Plant Units 1 and 2), CLI-22-5, 95 NRC 97, 104–05 (2022) (quoting *Sierra Club v. FERC* (Sabal Trail), 867 F.3d 1357, 1371–73 (D.C. Cir. 2017)).

The NRC's regulatory authority is generally limited to matters with a reasonable nexus to radiological health and safety or the common defense and security, except concerning AEA § 11e.(2) byproduct material (72 FR 57416; Oct. 9, 2007, and 76 FR 56961; Sept. 15, 2011). This interpretation has been reviewed and upheld repeatedly by the courts. In 1969, the U.S. Court of Appeals for the First Circuit reviewed this issue in

New Hampshire v. the Atomic Energy Commission [AEC], 406 F.2d 170 (1st Cir. 1969), cert. denied, 395 U.S. 962 (1969). The First Circuit, after noting that the scope of the terms “public health and safety” were not specifically defined in the statute, reviewed the legislative history. *Id.* at 173–75 (citing as examples “[AEA] Sections 53(b), 63(b), 69, 81, 103(d), 104(d), 161(b), and 161(i)”). Based upon its review, the First Circuit concluded that the AEC’s (the NRC’s predecessor agency) regulatory authority was limited to the scrutiny of and protection against radiation hazards. The U.S. Court of Appeals for the District of Columbia Circuit similarly agreed that the AEA limits the NRC’s consideration of health and safety to the special hazards of radioactivity. *People Against Nuclear Energy v. Nuclear Regulatory Commission*, 678 F.2d 222 (D.C. Cir. 1982), rev’d on other grounds, *Metropolitan Edison Company v. People Against Nuclear Energy*, 460 U.S. 766 (1983). It is important to note that while the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA) amended the AEA to give the NRC the authority “to protect the public health and safety and the environment from radiological and nonradiological hazards associated with the processing and with the possession of such material” with respect to certain byproduct material (§ 84.a.(1) of the AEA), the NRC’s authority over nonradiological hazards is limited to those hazards specifically associated with the processing and possession of byproduct material. The NRC’s authorizing statutes and other legislation express a Federal policy to restore, protect, or enhance environmental quality (e.g., Energy Reorganization Act of 1974 (ERA) § 2(a), ADVANCE Act § 501). This policy direction is reflected in the NRC’s mission statement, “The NRC protects public health and safety and advances the nation’s common defense and security by enabling the safe and secure use and deployment of civilian nuclear energy technologies and radioactive materials through efficient and reliable licensing, oversight, and regulation for the benefit of society and the environment.” However, the NRC’s ability to take action to meet these policy directives is limited by the scope of its statutory

authority to implement these goals; this proposed rule would ensure that the NRC's NEPA activities align the scope of its reviews with the scope of its authority to carry out its environmental protection mission.

Therefore, under this proposed rule, the NRC's evaluation of reasonably foreseeable effects of the proposed agency action and reasonable range of action alternatives (e.g., the no-action alternative) would focus on those radiological effects that the NRC has the substantive statutory authority to regulate (e.g., radiological impacts and, in some cases, the impact of chemical hazards of radiological materials), as described in the definition of "effects" in § 51.4. This means that while certain activities and their associated effects may have a close-causal relationship with the proposed agency action, the NRC may not have legal authority to prevent or mitigate the effects and therefore, will not consider those effects in its NEPA reviews. *See Seven County*, 605 U.S. at 199–200 (Sotomayor, J., concurring) ("NEPA requires consideration of environmental impacts only if such consideration would result in information on which the agency could act.") For example, although the NRC has the statutory authority to issue a construction permit, it does not have the authority to condition or deny the permit to mitigate the non-radiological impacts—such as dust, noise, non-radiological water and air quality impacts, non-radiological ecological impacts, etc., during construction. *See* 72 FR 57416. The exception to this narrowed NEPA scope would be NEPA reviews for actions related to AEA § 11e.(2) byproduct materials (e.g., mill tailings), for which the NRC has additional regulatory authority to protect the public health and safety and the environment from radiological and nonradiological hazards associated with the processing and the possession of such material. *See* 76 FR 56961. In practice, this change would mean that contested hearings adjudicating NEPA contentions would focus solely on those radiological effects that the NRC has the substantive statutory authority

to regulate. Finally, the proposed definition of effects would not preclude appropriate consideration of environmental effects for activities for which the NRC has discretion to consider broader environmental effects, such as when issuing grants or procuring research.

The NRC is also proposing a number of changes to certain terms and definitions to provide clarity. The NRC is proposing to revise the definition of construction in 10 CFR part 51 to reference the definitions in other parts of the chapter to avoid inconsistencies if the NRC considers changes to the definitions in those parts (e.g., 10 CFR part 53, “Risk-Informed, Technology-Inclusive Regulatory Framework for Commercial Nuclear Plants”). The term “construction” in NRC regulations is generally used to separate activities that require NRC authorization (i.e., construction that could affect radiological health and safety) from those that do not, which are often described as “pre-construction” activities.

In response to revisions to NEPA regarding the uses of the terms “head of agency” and “responsible official,” the NRC is defining both “head of agency” and “responsible official” to mean the NRC’s Executive Director for Operations. The Executive Director for Operations may also delegate its authority under 10 CFR part 51 to any appropriate NRC staff director.

Finally, the NRC is updating its definitions in § 51.4 for consistency with the terms and definitions in the CEQ Guidance. In addition, the NRC is removing the terms defined in NEPA section 111 and, instead, referring directly to that NEPA section (e.g., categorical exclusion, cooperating agency, EA, environmental document, EIS, finding of no significant impact).

2. Determining When NEPA Applies (§ 51.19):

As a first step in the NEPA review process, the NRC must determine whether NEPA applies to a proposed agency action. The NRC is proposing to revise 10 CFR part

51 to codify in new § 51.19 criteria for determining when NEPA does not apply or when NEPA review is not required in accordance with NEPA sections 106(a) and 111, consistent with CEQ Guidance. For example, NEPA would not apply when the proposed agency action does not result in final agency action under the Administrative Procedure Act (5 U.S.C. § 704), and NEPA review is not required in circumstances where Congress, by statute, has prescribed decisional criteria with sufficient completeness and precision such that the NRC retains no residual discretion to alter its action based on the consideration of environmental factors, that is, the action is considered nondiscretionary within the meaning of NEPA sections 106(a)(4) or 111(10)(B)(vii), respectively. Additionally, NEPA does not apply when the proposed agency action is not a “major Federal action” as defined in NEPA section 111. The NRC is proposing to include in § 51.19 an illustrative list of the types of actions that are generally considered “major,” such as an application for a new license or permit and application for renewal of a license or permit, to help clarify when an action is a “major Federal action.” Furthermore, NEPA does not apply to “non-Federal actions,” that is, those actions with no or minimal Federal funding, or no or minimal Federal involvement whereby a Federal agency cannot control the outcome of the project (NEPA section 111(10)(B)(i)). The proposed new regulation at § 51.19 also identifies actions that do not meet the definition of a “major Federal action” such as actions initiating or relating to administrative or judicial civil or criminal enforcement actions or proceedings.

3. Purpose and Need of the Proposed Agency Action:

In alignment with the FRA’s amendments to NEPA, SRM-SECY-24-0046, and recent case law, the NRC’s proposed revisions to 10 CFR part 51 would significantly streamline NEPA reviews by (1) redefining the scope of the proposed agency action, (e.g., to approve an applicant’s request) and (2) narrowing the scope of the purpose and

need and, thus, reducing the number of alternatives to those within the NRC's substantive authority.

Modifying the purpose and need to focus on the agency action is based on amendments to NEPA in the FRA, which inserted the word "agency" into the phrase "proposed agency action." In SRM-SECY-24-0046, in which the Commission approved the NRC staff's recommendation to pursue this change through rulemaking, the Commission further clarified that the "staff should limit the alternative analysis to avoid analysis of forms of generation outside the NRC's regulatory and licensing authority." Consistent with this Commission direction and FRA amendments, the proposed rule would add the word "agency" to the phrase "proposed action" throughout NEPA. As a result, the agency action at the NRC will typically be the regulatory or licensing decision (e.g., whether to issue an operating license) for the purposes of NEPA and 10 CFR part 51. The proposed agency action drives the scope of the purpose and need, and thus, the alternatives to the proposed agency action. Therefore, in most cases, the reasonable range of alternatives to the NRC regulatory or licensing decision would be defined as and limited to the no-action alternative (e.g., not issuing the license) because not engaging in regulatory or licensing decisions is the only reasonable alternative to the agency action. That is, the NRC would not consider alternatives to the proposed agency action that the agency does not have the authority to implement (e.g., facility siting and other technology or energy alternatives). The reasonably foreseeable effects of the no-action alternative would continue to include the negative environmental impacts of not implementing the proposed agency action.

4. Level of NEPA Review (§ 51.20):

The NRC is proposing to revise 10 CFR part 51 to provide more flexibilities in determining whether to prepare an EA or EIS, which will help streamline the NEPA review process. This change would incorporate NEPA section 106(b), added by the

FRA, which establishes threshold determinations for when a Federal agency should prepare an EA or EIS and is based on a determination of the significance of the reasonably foreseeable effect of the proposed agency action on the quality of the human environment. As such, the NRC is proposing to revise 10 CFR part 51 to eliminate the list of specific agency actions requiring the preparation of an EIS in § 51.20 and reflect NEPA section 106(b), except where an EIS is required by statute, and add procedures for determining the appropriate level of NEPA review. Removing the list of actions in § 51.20(b) that automatically require an EIS would provide greater flexibility to consider and implement streamlined environmental review approaches, where appropriate, and would eliminate the need for exemptions to allow the preparation of an EA where an EIS is currently required by NRC regulations. The exception is the issuance of a license for construction and operation of a uranium enrichment facility, for which section 193 of the AEA requires preparation of an EIS.

Therefore, after determining that NEPA applies, the NRC would analyze and determine whether to apply an established categorical exclusion to the proposed agency action pursuant to § 51.22. If the NRC cannot apply a categorical exclusion, the NRC will consider the proposed agency action's reasonably foreseeable effects to determine whether to prepare an EA or EIS. The NRC has historically used the term "special circumstances" to describe situations in which information is present that indicates an activity that would normally be categorically excluded could have significant environmental effects. In this rulemaking, the NRC is proposing to adopt the term "extraordinary circumstances," which is identical in meaning. This change in terminology would bring the NRC's NEPA regulations and procedures more in line with the rest of the Federal government but does not reflect a substantive change. In addition, NRC may apply a categorical exclusion to a proposed agency action when extraordinary circumstances are present when the NRC determines that despite the extraordinary

circumstance, the proposed agency action is not likely to result in reasonably foreseeable adverse significant effects or the proposed agency action is modified to avoid adverse effects.

Once the NRC determines the level of NEPA review required for a proposed agency action, the NRC will provide a unique identification number for tracking purposes on all associated environmental review documents prepared for the proposed agency action. The NRC will coordinate with CEQ and other Federal agencies to ensure uniformity of such identification numbers across Federal agencies.

5. Establish new categorical exclusions (§ 51.22):

Categorical exclusions are an essential tool for reducing the regulatory burden for categories of actions that can be shown to have no significant effect on the quality of the human environment. As previously discussed, the NRC is proposing to revise § 51.20 to use the CEQ Guidance for determining the appropriate level of NEPA review. The first step in determining the level of NEPA review is consideration of whether to apply a categorical exclusion. The NRC is proposing four enhancements to its use of categorical exclusions.

First, the NRC is proposing to increase the number and types of categorical exclusions listed in § 51.22. Second, the NRC is proposing to revise its regulations to allow for adoption of categorical exclusions established by other federal agencies in accordance with NEPA section 109. While this process has been available since prior to the FRA, the NRC is now proposing to explicitly incorporate this pathway within its regulations and guidance. Third, the NRC is proposing a process to establish new categorical exclusions by listing them on the NRC's website at <http://www.nrc.gov/NEPAcatex>. Last, the NRC is proposing to expressly use the petition for rulemaking process in § 2.802 to allow any interested party, including licensees and prospective or current applicants, to propose a new categorical exclusion for the NRC to

consider. This expanded framework for categorical exclusions is consistent with the direction in E.O. 14154 to streamline the permitting process and addresses the direction in SRM-SECY-24-0046 to consider establishing categorical exclusions for actions beyond those currently listed in § 51.22, 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 following discussion provides additional information under each pathway.

Enhancement 1. Establishing New Categorical Exclusions Under § 51.22: During the NRC's evaluation to identify and establish new categorical exclusions beyond those listed in § 51.22, the NRC, (i) consistent with SRM-SECY-24-0046, defined parameters for the categories of actions to clarify limiting characteristics for each categorical exclusion; (ii) considered the proposed new definition of "effects," which limits the scope of the effects the NRC would consider under NEPA to those effects that the NRC has the substantive statutory authority to mitigate; and (iii) considered the new definition of "categorical exclusion" in NEPA section 111(1). The NRC is proposing to expand the categories of actions that normally do not significantly affect the quality of the human environment to the list of categorical exclusions in § 51.22, such as categorical exclusions related to license renewal, construction permits, early site permits, and other common licensing activities. The bases for the new categorical exclusions and revised existing categorical exclusions can be found in "U.S. Nuclear Regulatory Commission Written Record of Support of Proposed Amendments to 10 CFR 51.22 in Accordance with Executive Order 14300 and SRM-SECY-24-0046," which is available as indicated in the "Availability of Documents" section of this document. Additionally, in a separate proposed rulemaking for 10 CFR part 57, "Licensing Requirements for Microreactors and Other Low Consequence Reactors," the NRC is considering a new categorical exclusion,

one related to general licenses for the construction of certain structures, systems related to the construction and operation of low-consequence reactors, respectively; while this rule proposes a new categorical exclusion, it has a separate basis and purpose that the NRC has determined do not need to be combined with this rulemaking.

Enhancement 2. Adopting a Categorical Exclusion from Another Agency. In accordance with NEPA section 109, the NRC may adopt a categorical exclusion established by another federal agency. While adopting a categorical exclusion from another agency has been available to Federal agencies previously, the NRC's current regulations and guidance do not consider or address the possibility of adoption. Therefore, the NRC is proposing to revise § 51.22 to allow for the adoption of categorical exclusions listed in another agency's NEPA procedures. The process for adopting another Federal agency's categorical exclusion is described in NRC staff's draft guidance, which aligns with the NEPA section 109 and the CEQ Guidance. Under NEPA section 109, the NRC may rely on categorical exclusions adopted from other agencies prior to incorporating them into § 51.22; however, § 2.335, "Consideration of Commission rules and regulations in adjudicatory proceedings," which requires a waiver to challenge NRC regulations in an individual adjudicatory proceeding, would not apply until the categorical exclusion is added to the NRC's regulations in § 51.22.

Enhancement 3. Establishing New Categorical Exclusions Outside of Rulemaking: The NRC recognizes that the current process for establishing categorical exclusions by regulation might pose some challenges in establishing new categorical exclusions in the future, including those that the NRC could adopt from other agencies. Therefore, the NRC is also revising § 51.22 to add another option for publishing categorical exclusions established or adopted by the NRC to provide greater flexibility and increase efficiency. Specifically, the NRC is proposing to establish categorical exclusions outside of the rulemaking process via public notification on the NRC's

website at <http://www.nrc.gov/NEPACatex>. Categorical exclusions noticed and published on NRC's website will be incorporated via rulemaking at appropriate intervals. As with categorical exclusions adopted from other agencies, § 2.335, "Consideration of Commission rules and regulations in adjudicatory proceedings," would not apply until the categorical exclusion is added to the NRC's regulations in § 51.22. The NRC has developed corresponding guidance in NUREG-2270 outlining the process for establishing categorical exclusions outside of rulemaking on its website, which includes consultation with CEQ and notice to the public.

Enhancement 4. Prospective Applicant or Interested Party-Proposed Categorical Exclusions: Prospective applicants or any interested party would also be able to propose a new categorical exclusion for a category of actions that normally does not significantly affect the quality of the human environment by submitting a petition for rulemaking in accordance with § 2.802. Using the existing petition for rulemaking process provides clarity to the submission process and ensures the requestor is entitled to updates and a formal response. To avoid undue delay in establishing a new categorical exclusion, , if requested by the petition, the NRC will consider using the process for establishing categorical exclusions via publication on NRC's website.. To ensure that the NRC is able to conduct an efficient and timely review, and that the categorical exclusion is established, if appropriate, and available when the application is submitted, prospective applicants and interested parties should submit proposed categorical exclusions, along with the supporting rationale and bases, to the NRC at least six months in advance of the expected application submittal or authorization request.

Finally, the NRC is proposing to revise the definition of categorical exclusion in 10 CFR part 51 to align with the definition in NEPA section 111(1) and the definition of previously disturbed areas in 10 CFR part 51 to clarify its meaning is within the context of categorical exclusions in § 51.22.

6. Application framework: Expand from one to two environmental information preparation approaches for applicants (§ 51.46):

In alignment with the FRA's amendments to NEPA and SRM-SECY-24-0046, the NRC's proposed revisions to 10 CFR part 51 expand the options that applicants and petitioners for rulemaking would have for providing environmental information that the NRC requires to comply with NEPA. If an action does not fall under an established categorical exclusion, the proposed revisions to 10 CFR part 51 will allow applicants and petitioners (in case of a petitioner for rulemaking) to either submit an environmental report for the NRC to use in developing an environmental document, or alternatively, applicants and petitioners for rulemaking can prepare a draft environmental document under NRC's supervision in accordance with NEPA section 107(f). The latter approach increases licensing flexibility for applicants and petitioners.

The NRC proposes to add new § 51.46 to establish the procedures for applicant-prepared or petitioner-prepared draft environmental documents in accordance with NEPA section 107(f), which requires Federal agencies to prescribe procedures to allow a project sponsor to prepare an EA or an EIS under the supervision of the Federal agency. The proposed procedures in § 51.46 would establish the roles and responsibilities of applicants and petitioners and the NRC. A prospective applicant or petitioner for rulemaking would opt-in by submitting a written request to the NRC prior to beginning preparation of the draft environmental document or environmental report. The NRC would in turn evaluate the request and, at its discretion, authorize an applicant-hired or petitioner-hired contractor to prepare the draft environmental document. Because the NRC will be responsible for the contents and findings of the environmental document including any final determinations and findings, the NRC has defined the term "draft environmental document" in § 51.4 to mean an applicant-prepared EA or applicant-prepared EIS that does not include an agency-prepared final impact finding,

determination, or other agency decision document, to distinguish it from the term “environmental document,” which is defined in section 111(5) of NEPA and the NRC is reserving for NRC-prepared EAs, EISs, and findings of no significant impacts, consistent with the statutory definition.

Paragraph (a) of § 51.46 would establish the commitments that a prospective applicant or petitioner must commit to in its request, including providing the contractor(s) qualifications to the NRC and ensuring that the contractor(s) will have no financial or other interest in the outcome of the proposed agency action by providing a disclosure statement. To avoid a potential conflict of interest, the proposed regulations would establish that if a prospective applicant or petitioner wants to use this process, the prospective applicant will not be able to prepare the draft environmental document itself but will need to hire a qualified contractor because the prospective applicant does have a vested interest, including a financial interest, in the proposed agency action. The proposed commitments would also require that the relevant procurement documents specify that the draft environmental document must meet the requirements of 10 CFR part 51 and to authorize the NRC to conduct oversight of the draft environmental document preparation process. Similarly, a prospective applicant or petitioner and its contractor must commit to cooperate with the NRC’s supervision of the draft environmental document preparation process and meet the set schedule. The schedule will be established by the NRC, in accordance with NEPA deadlines, as proposed in § 51.15, and E.O. 14300 deadlines, which the NRC intends to codify in a separate rulemaking. The NRC will consult with any cooperating agencies and the applicant when setting the schedule, as the lead agency determines appropriate.

The NRC, however, would be responsible for determining the level of NEPA review, providing supervision of and guidance for the prospective applicant or petitioner and applicant-hired contractor. While an applicant-hired contractor would prepare a draft

environmental document under this process, the NRC would be responsible for conducting all consultations required by other environmental statutes unless the NRC authorizes the prospective applicant or petitioner (or applicant- or petitioner-hired contractor) to do so, as appropriate, and the prospective applicant or petitioner (and applicant- or petitioner-hired contractor, if it is the case) accepts such responsibility. Finally, the NRC will independently evaluate and take responsibility for the content, accuracy, and scope of the final environmental document, including by issuing any final determinations and the final agency decision on the application.

In addition to being a voluntary process, the NRC is proposing that participation in the applicant-prepared draft environmental document process under § 51.46 would occur prior to the submittal of the application and, specifically, prior to beginning preparation of the applicant-prepared draft environmental document or environmental report. The NRC staff believes this timeframe supports an efficient, timely, and predictable review and decisionmaking by avoiding or mitigating potential challenges to the NEPA statutory deadlines in NEPA section 107(g)(1) and, consequently, the milestones called for in Section 5(a) of E.O. 14300. A prospective applicant or petitioner opt-in request submitted at the same time as an application could impact the NRC's review schedule considering the steps the applicant and the NRC have to take, including hiring and authorizing a qualified contractor(s), respectively. While the NRC will be supervising the applicant-hired contractor, the NRC is ultimately responsible for the contents and findings in the environmental document and would thus need to independently evaluate the applicant-prepared draft environmental document. Additionally, consistent with proposed § 51.46(e), the NRC may terminate the applicant-prepared draft environmental document at any time and would, thus, have to complete or fully prepare the environmental document itself. In these instances, the likelihood of challenging the NEPA statutory deadlines is high, thus, requiring the need to evaluate an

extension of the NEPA deadlines. Extending the NEPA deadlines, however, would increase the likelihood of challenging the milestones in Section 5(a) of E.O. 14300. Accordingly, the NRC is proposing that a prospective applicant's request to participate in the applicant-prepared draft environmental document process proposed § 51.46 be submitted prior to beginning preparation of an applicant-prepared draft environmental document or environmental report.

7. Deadlines (§ 51.15):

In accordance with NEPA section 107(g), which establishes the deadlines for the publication of EAs and EISs and the process for extending those deadlines, the NRC is proposing to revise § 51.15 to codify the EA and EIS statutory deadlines, the start date and completion date for calculating these deadlines, and the process to extend those deadlines. Accordingly, proposed §§ 51.15(a)(1) and 51.15(a)(2) provide that the NRC must publish EAs no later than one year, and EISs no later than two years, after the sooner of when the NRC determines that NEPA requires the preparation of an EA or EIS or the date the NRC issues a notice of intent to prepare an EA or EIS (i.e., start date), respectively. The proposed regulations also establish that for applications and petitions for rulemaking, the NRC's determination that an EA or EIS is required coincides with the docketing of a complete application or petition, or with the publication of an EA determining that an EIS is required as proposed in § 51.15(a)(2)(iii). If, after initially beginning with preparation of an EA, the NRC determines that a finding of no significant impact cannot be reached, the NRC may publish either a notice of intent to prepare an EIS, an EA determining that an EIS is required, or both. Publication of an EIS in this case would be no later than two years following publication of the notice of intent to prepare an EIS or the EA determining that an EIS is required.

The proposed § 51.15(a)(3) provides that the completion date of an EA or EIS will be the date the NRC publishes the EA or EIS in ADAMS or the *Federal Register*. In

accordance with NEPA section 107(g), if the NRC determines it is not able to meet the deadlines in § 51.15(a), the NRC will consult with the applicant, if any, prior to establishing a new deadline, as indicated in proposed § 51.15(a)(5).

Lastly, in accordance with NEPA section 112, the NRC proposes to add new paragraph (b) in § 51.15 to describe the process that should be used when licensees or applicants opt to pay a fee for an expedited EA or EIS deadline.

8. Requirements for Environmental Information Supporting Environmental Documents and Categorical Exclusions (§ 51.45):

The NRC would retain the general requirement for an applicant or petitioner for rulemaking to submit an environmental report in § 51.45. However, to support the NRC's enhanced approach to the use of categorical exclusions, the NRC would allow applicants and petitioners for rulemaking to provide the bases and rationale to justify the applicability of a categorical exclusion listed in § 51.22 or on the NRC website, including supporting analyses (see § 51.45(b)) in lieu of an environmental report. The level of evidence and supporting analyses to justify the applicability of an established categorical exclusion will vary depending on the proposed agency action. For example, certain categorical exclusions (§§ 51.22(a)(1) through (a)(16)) do not have threshold criteria that have to be met for the categorical exclusion to apply and may not need a justification based on the type of license requested. For example, nuclear laundries, which collect and launder items such as coveralls contaminated with radioactive materials, are a specific type of license at the NRC (e.g., nuclear laundries have a specific fee category under 10 CFR part 170, "Fees for Facilities, Materials, Import and Export Licenses, and Other Regulatory Services Under the Atomic Energy Act of 1954, As Amended") that is categorically excluded under § 51.22(a)(10)(xiv) without additional criteria. If an applicant submits a request for a license to operate a nuclear laundry, no additional information is needed to determine that the categorical exclusion applies, unless extraordinary

circumstances are present (e.g., the applicant is proposing to use novel technologies or to accept items for laundering that have substantially higher levels of contamination than nuclear laundries have previously handled).

Those categorical exclusions that do require additional or more complex criteria to be met, such as §§ 51.22(d) through 51.22(l), require information to be submitted as part of the application to justify the applicability of the categorical exclusion. For example, new reactor applications may meet the proposed new categorical exclusion in § 51.22(i), but only if the application meets the plant parameter and site parameter envelopes in Table C-1 of appendix C to 10 CFR part 51 and no new and significant information has been identified that would change the conclusions listed in the appendix. Demonstrating that those criteria are met requires substantial supporting information that may not otherwise be included in the application.

The NRC is also proposing to incorporate in the regulations at § 51.45(a) for environmental reports and in § 51.45(b) for information justifying the applicability of a categorical exclusion, a provision consistent with its longstanding practice of requiring an applicant or petitioner for rulemaking to submit information to the Commission relevant to NRC's compliance with other statutes, including but not limited to, the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, National Historic Preservation Act, Clean Air Act, Clean Water Act, National Marine Sanctuaries Act, and Marine Mammal Protection Act. The purpose of these provisions is to maintain the NRC's ability to collect information relevant to compliance with these other statutes, which has historically been integrated with the NRC's NEPA procedures; however, the NRC is not revising procedures for or otherwise addressing any compliance obligations it may have with respect to statutes other than NEPA as part of this rulemaking.

While the NRC is proposing to remove the regulations at §§ 51.54 and 51.55, which describe the information applicants must include in an environmental report for a

manufacturing license and a standard design certification, respectively, such information would continue to be required in new paragraphs § 51.45(c), for standard design certifications, and § 51.45(d), for manufacturing licenses. These proposed new regulations also address the requirement to provide information to justify the applicability of a categorical exclusion for an application for a standard design certification and manufacturing license, respectively. The NRC is also proposing to incorporate the environmental report requirements in § 51.56 for non-power production or utilization facilities into § 51.45.

The NRC is proposing to retain § 51.60 as modified to conform with the proposed revisions to § 51.45(a) and to incorporate the requirements in § 51.68, which address the environmental information that petitioners for rulemaking must submit to the NRC when requesting amendments of 10 CFR parts 30, 31, 32, 33, 34, 35, 36, 39, 40 or 70 of this chapter. This would ensure that references in existing categorical exclusions, which are not being changed, to the list of materials actions listed in § 51.60 are not affected.

The NRC is proposing to retain the environmental report requirements in § 51.62 for land disposal of radioactive waste licensed under 10 CFR part 61, “Licensing Requirements for Land Disposal of Radioactive Waste,” as modified to conform with the proposed revisions to § 51.45(a). While the NRC is proposing to remove § 51.61 regarding environmental reports for independent spent fuel storage installation and monitored retrievable storage installation licenses, such required information would now be included in § 51.60(d).

Lastly, information regarding environmental considerations and environmental analysis in § 51.45 would be removed as part of this rulemaking because the information is addressed in other sections of 10 CFR part 51 (e.g., requirements that the environmental report includes a description of the proposed agency action, purpose and need, affected environment, and environmental impacts) or in guidance (e.g., how the

environmental impacts should be presented in the environmental report); or the information is no longer required consistent with the definition of “effects” in § 51.4 (e.g., impacts of preconstruction activities or other impacts without a reasonable nexus to radiological health and safety or the common defense and security).

9. Preparation Requirements for Environmental Documents (§§ 51.30, 51.31, 51.32, 51.70, 51.71, 51.75, 51.76, 51.92, and 51.95).

In SRM-SECY-24-0046, the Commission directed the staff to focus on standardization of the environmental document preparation process and agency interactions with the applicant to enable consistent and efficient completion of environmental reviews and approval of the underlying agency action. Consistent with this direction, the NRC staff is proposing to retain most of the procedures in §§ 51.30, 51.31, and 51.32 related to the preparation of EAs and findings of no significant impact, and most of the procedures in §§ 51.70 and 51.71 related to the preparation of EISs. The proposed revisions to the regulations for preparing EAs and EISs align with the applicable procedures established by CEQ in the CEQ Guidance. The NRC is also proposing to incorporate language from the CEQ Guidance to add new paragraph § 51.32(a)(8) to codify the option of a finding of no significant impact based on mitigation. While the NRC has historically had the option to reach a finding of no significant impact based on mitigation, the option has not previously been codified in the NRC’s NEPA procedures. The NRC does not consider this proposal to be a change in its NEPA practice.

In addition to containing the regulations for preparing EAs and findings of no significant impact, the NRC would retain §§ 51.30, 51.31, and 51.32 regarding when to prepare an EA for a standard design certification or a manufacturing license under 10 CFR part 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants,” and 10 CFR part 53, “Risk-Informed, Technology-Inclusive Regulatory Framework for

Commercial Nuclear Plants,” the scope of these EAs, and the findings of no significant impact associated with these EAs. Although the proposed regulations would eliminate references to the specific option of publishing a draft finding of no significant impact for public comment, the NRC would continue to have the option of requesting public comment, in certain circumstances, to assist in preparation of an EA under proposed § 51.30(f).

Under this proposed rule, the NRC would discontinue preparation and publication of draft EISs as currently outlined in 10 CFR part 51, including the routine solicitation of public comments on draft EISs under § 51.73 because NEPA does not require the preparation and publication of draft EISs. Therefore, the proposed regulations at §§ 51.70 and 51.71 solely focus on the preparation of and general content requirements for EISs, respectively, rather than on the preparation and general content requirements of draft EISs as the regulations currently provide. In accordance with NEPA section 107(c), the NRC will continue to include a request for public comment in each notice of intent to prepare an EIS. Although the proposed regulations would eliminate § 51.73, the NRC would have the option of additional requests for public comment, in certain circumstances, to assist in preparation of an EIS, under proposed § 51.70(a).

The NRC is proposing to retain the provisions regarding the preparation of a concise public decision document for proposed agency actions for which the NRC has prepared an environmental impact statement. In accordance with proposed § 51.102(a), the NRC will prepare and timely publish a concise public decision document or joint decision document notifying the public that the decisionmaker has certified that the NRC has considered all relevant information raised in the NEPA process and that the NEPA process has closed. This publication allows the NRC to comply with its obligations under NEPA and its decision-making process under the AEA. The required contents of this concise public record of decision in § 51.103 have been integrated into proposed §

51.102(b), as applicable. Alternatively, the NRC may integrate its considerations under NEPA into another decision-making document without meeting the formal requirements for a record of decision under § 51.102(b). This integrated consideration would perform the same function as a formal record of decision.

To further streamline and standardize the requirements addressing the contents of environmental reports and environmental documents, the NRC is proposing to combine, as appropriate, the environmental report requirements in §§ 51.49, 51.50, and 51.53 regarding limited work authorizations (LWAs); construction permits (CPs), early site permits (ESPs), and combined licenses (COLs); operating licenses, operating license renewals, and postoperating licenses; respectively, with the applicable environmental document content requirements in §§ 51.71, 51.75, 51.76, and 51.95. The resulting new regulations would be housed under §§ 51.75, 51.76, and 51.95 for LWAs; CPs, ESPs, and COLs; operating licenses, operating license renewals, and postoperating licenses; respectively. These regulations would apply to the preparation of both EAs and EISs. Accordingly, the regulations at § 51.96 addressing the requirements for environmental documents relying on a generic environmental impact statement (GEIS) for licensing new nuclear reactors would also be incorporated into § 51.75. These proposed regulations also address the environmental information that NRC and licensees and applicants need to use when relying on the codified environmental impact findings in §§ 51.51, 51.52, appendix B, or appendix C of 10 CFR part 51.

Lastly, the proposed environmental report requirements in § 51.45(a) would also require that applicants address the matters specified in the proposed § 51.75, 51.76, or 51.95, as applicable.

In combining the requirements addressing the contents of environmental reports in §§ 51.49, 51.50, and 51.53 and contents of environmental documents in §§ 51.71, 51.75, 51.76, and 51.95 for LWAs, CPs, ESPs, and COLs, operating licenses, operating

license renewals, and postoperating licenses, the NRC is also proposing to remove some of the environmental information requirements in consideration of the proposed revision to the definition of “effects” in § 51.4. For example, the requirement at § 51.53(c)(3)(ii)(G) to provide an assessment of the impact of the proposed action on public health from thermophilic organisms would be removed because nonradiological human health impacts are not within the NRC’s substantive regulatory authority (i.e., the NRC could not impose or enforce mitigation for human health impacts from thermophilic organisms). The conditions and considerations listed in § 51.53(c)(3)(ii) with continuing relevance would be incorporated into the proposed new paragraph (5) in § 51.95(c). Paragraphs 51.53(c)(3)(ii)(A)–(C), (E)–(K), (M)–(O), and (Q) would be eliminated because they are outside the scope of the NRC’s statutory authority relating to renewing operating licenses for utilization facilities.

Additionally, the NRC is proposing to revise § 51.76(a) for LWA requests submitted as part of complete CP or COL applications to remove the option of preparing a partial environmental document in light of the statutory NEPA deadlines because it is not feasible for the NRC to prepare two environmental documents, one for the LWA and another for the CP or COL application in the same timeframe (e.g., one year for an EA). Therefore, the NRC is proposing to only keep the option of preparing one environmental document for complete applications submitted in accordance with § 51.75(a) (for CPs) or § 51.75 (c) (for COLs) that include a request for a LWA. Paragraph 51.76(b) addresses phased applications for LWAs under § 2.101(a)(9), in which an applicant for a CP or a COL submits a partial application requesting an LWA. To ensure alignment with the statutory NEPA deadlines defined in § 51.15, in the case of a partial application including a request for an LWA, the NRC is proposing to prepare an environmental document for the LWA only for which the statutory deadline will start upon acceptance for docketing of part one of the application. The statutory deadline for part two of the application (i.e., the

full CP or COL), would begin upon NRC acceptance for docketing of part two of the application. Finally, the NRC is proposing to remove the requirement for preparation of a single environmental document to address both the LWA and CP or COL in cases where the applicant submits an environmental report that contains complete information for both phases. This would ensure the NRC has the flexibility to develop the appropriate environmental documents based on the circumstances for each application.

10. Effects on existing GEISs and codified environmental information:

The proposed 10 CFR part 51 would retain codified environmental impact conclusions within the scope of the NRC's regulatory authority in the following sections: § 51.23, "Environmental impacts of continued storage of spent nuclear fuel beyond the licensed life for operation of a reactor," § 51.51, "Uranium fuel cycle environmental data—Table S-3," § 51.52, "Environmental effects of transportation of fuel and waste—Table S-4," appendix B of 10 CFR part 51, "Environmental Effect of Renewing the Operating License of a Nuclear Power Plant," and appendix C of 10 CFR part 51, "Environmental Effect of Issuing a Permit or License for a New Nuclear Reactor." Retaining the codified conclusions on effects within the NRC's substantive statutory authority (i.e., radiological impacts on health and safety and the common defense and security) would allow NRC staff, and licensees, applicants, and petitioners, to cite and incorporate the codified conclusions in environmental review documents, which would avoid duplication of these analyses and requires contentions to meet a heightened standard under § 2.335, "Consideration of Commission rules and regulations in adjudicatory proceedings," to be admitted on these items. In consideration of the proposed new definition of "effects" in § 51.4, the NRC is proposing to remove codified conclusions for environmental effects that are beyond the NRC's substantive statutory authority from these sections and tables. For the purposes of § 51.23, only the effects of continued storage within the scope of the NRC's regulatory authority will be deemed

incorporated into future environmental documents, if applicable. The original analysis of the effects of continued storage included analysis of environmental effects beyond the scope of the NRC's statutory authority to regulate. The NRC's proposed definition of effects would apply to that term as used in § 51.23; however, the NRC is not proposing to make changes to the Continued Storage Generic Environmental Impact Statement as part of this proposed rule. In a separate rulemaking, the NRC is considering updates to the values in Table S-3 and Table S-4 to address effects related to fuels with increased enrichment; while these rules both propose changes to the tables, they have separate bases and purposes that the NRC has determined do not need to be combined.

Additionally, the NRC's EISs have used significance levels of SMALL, MODERATE, or LARGE for environmental effects or impacts, but have not indicated whether the impact would necessarily be considered significant for the purposes of an EA. Rather, these significance levels for environmental impacts generally consider the potentially affected environment (previously referred to as "context") and degree (previously referred to as "intensity") in determining if the environmental effect is noticeable and destabilizing:

- SMALL is defined as environmental effects that are not detectable or are so minor that they will neither destabilize nor noticeably alter any important attribute of the resource.
- MODERATE is defined as environmental effects are sufficient to alter noticeably, but not destabilize, important attributes of the resource.
- LARGE is defined as environmental effects that are clearly noticeable and are sufficient to destabilize important attributes of the resource.

The NRC originally established the three levels of significance as part of the amendments to its regulation in 10 CFR part 51 for the NEPA review of applications for renewal of nuclear power plant operating licenses (61 FR 28467) and codified in them

Table B-1 of appendix B to 10 CFR part 51. These definitions were adapted to accommodate the environmental resource attributes of importance. Significance impact levels have been applied across the NRC's EISs since they were established in 1996 to help readers compare impacts across multiple environmental issue areas. Historically, the NRC has not defined a SMALL impact as significant or not significant. As part of this rulemaking, the NRC has reviewed the technical basis documents and codified conclusions in § 51.23 and Tables B-1 and C-1 of 10 CFR part 51 and determined that a SMALL conclusion in these documents means that there is no significant impact. For instance, for the purposes of assessing radiological impacts, the Commission has concluded that impacts are of small significance if doses to individuals and releases do not exceed the permissible levels in the Commission's regulations (61 FR 66543). The AEA requires the NRC to promulgate, inspect, and enforce standards that provide an adequate level of protection of the public health and safety. Health impacts on individual humans are the focus of NRC regulations limiting radiological doses. Numerous EAs developed by the NRC have concluded a no significant impact with respect to radiological human health if doses to individuals and releases do not exceed the permissible levels in the Commission's regulations. Therefore, if doses to individuals and releases do not exceed the permissible levels in the Commission's regulations, the impacts are not significant.

For those environmental impacts outside of human health (e.g., exposure of radionuclides to nonhuman biota), when a SMALL impact is concluded, the NRC has determined that the environmental effects are not detectable or are so minor that they will neither destabilize nor noticeably alter any important attribute of the resource and this is comparable to a no significant impact determination. This is demonstrated in the evaluations presented in the license renewal GEIS (NUREG-1437, Rev 2, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants—Final Report").

NUREG-1437 divides environmental issues into generic issues (termed Category 1 issues) and nuclear power plant- or site-specific issues (termed Category 2 issues). The findings for the Category 1 issues resulting in a SMALL impact identified that impacts from license renewal were insignificant, not expected to be significant, or would not be affected. Therefore, the Commission has determined that a SMALL impact means no significant impact for these areas.

The practical effect of this determination is that in the proposed revisions to §§ 51.22 and 51.23, Table B-1, and Table C-1 of 10 CFR part 51, actions that fall within the bounds of those generic analyses would meet the criteria for a categorical exclusion, or the basis for a finding of no significant impact if the NRC prepares an EA.

The proposed § 51.51 would also remove the caveat that only environmental reports submitted “on or after September 4, 1979” must use Table S-3, Table of Uranium Fuel Cycle Environmental Data within environmental reports for the construction permit stage or early site permit stage or combined license stage of a light-water-cooled nuclear power reactor. The NRC has removed the caveat regarding “on or after September 4, 1979,” since it is no longer relevant and all specified environmental reports would be required to use of Table S-3, Table of Uranium Fuel Cycle Environmental Data.

The NRC recognizes that, following these revisions, there would no longer be any Category 2 issues in Appendix C. Nonetheless, the NRC proposes to retain references to Category 2 issues in Appendix C within the rule text to account for the possibility that future updates may identify Category 2 issues.

11. Removing references to environmental justice (§ 51.53 and Table B-1 of 10 CFR part 51):

In SRM-COMSECY-25-0007, the Commission directed the NRC to remove environmental justice (EJ) references in regulations, guidance and training materials. Thus, the scope of rulemaking with respect to EJ would be limited to amending NRC’s

regulations at § 51.53, “Postconstruction environmental reports,” which identifies EJ information to be included in license renewal applicant’s environmental reports, and 10 CFR part 51, subpart A, appendix B, Table B-1 which require license renewal environmental reviews to include an EJ analysis for the Category 2 issue.

12. Other changes to conform with the FRA Amendments to NEPA and the CEQ Guidance:

The NRC is proposing revisions in 10 CFR part 51 to update the regulations for consistency with the FRA NEPA amendments, such as inserting the word “Federal” before “resources” in the phrase “irreversible and irretrievable commitment of resources,” incorporating terms like “technically and economically feasible” when addressing reasonable alternatives, and the requirement to evaluate negative environmental impacts from the no action alternative. With respect to the evaluation of negative impacts from the no-action alternative, the NRC has, in general, considered such impacts; however, this consideration would now be explicitly codified in the regulations.

The NRC is also proposing to codify the page limits for EISs and EAs in accordance with NEPA section 107(e). Paragraph 51.30(e) would establish that an EA must not exceed 75 pages, not including any citations or appendices. Paragraph 51.70(b) would establish that except for an EIS for a proposed agency action of extraordinary complexity, EISs must not exceed 150 pages, not including any citations or appendices. Proposed § 51.70(c) also explains that an EIS for a proposed agency action of extraordinary complexity must not exceed 300 pages, not including any citations or appendices. The NRC will determine at the earliest possible stage of preparation of an EIS whether the conditions for exceeding the 150-page limit are present.

The NRC is also proposing to remove its procedures for scoping in §§ 51.26–51.29 and appendix B and appendix C of 10 CFR part 51. Instead, the NRC is proposing

to incorporate the relevant procedures into the NRC's draft guidance. Removing the scoping procedures from 10 CFR part 51 does not eliminate the requirement to publish a notice of intent to prepare an EIS and include in this notice a request for public comment on alternatives or effects and on relevant information, studies, or analyses with respect to the proposed agency action pursuant to NEPA section 107(c). The NRC is proposing that as soon as practicable after determining that an EIS will be prepared by the NRC in connection with a proposed agency action, the NRC will publish a notice of intent to prepare an EIS in the *Federal Register* and include a request for public comment on this notice. This requirement is reflected in proposed § 51.70. The NRC may consider, in certain circumstances, requesting comments on additional topics in the notice of intent or otherwise if it determines that scoping would assist in the preparation of an EIS. The NRC would address any substantive comments that are within the scope of the proposed agency action, as appropriate, in the development of the EIS. The NRC would continue to describe appropriate methods to collect comments in the notice of intent. The NRC may consider publishing a notice of intent to prepare an EA or conducting scoping for an EIS or EA if it determines that issuing a notice of intent to prepare an EA or conducting scoping for an EA or EIS would assist in the preparation of these documents.

To streamline and enhance environmental review efficiency, the NRC will, to the fullest extent possible and when it would be most efficient to do so, continue to prepare EAs and EISs concurrently and integrated with analyses and related surveys and studies required by other environmental Federal statutes. The NRC will also continue to coordinate, to the fullest extent possible, the preparation of EAs and EISs with any other agency document to streamline those reviews.

Additionally, to reduce duplication and increase efficiency between NEPA and State, Tribal, and local requirements, the NRC is proposing to add §§ 51.30(g) and

51.70(d) providing for the NRC to cooperate with State, Tribal, and local agencies that are responsible for preparing environmental documents.

13. Public hearings

The NRC is proposing to remove the regulations in 10 CFR part 51 related to public hearings, mainly §§ 51.104 through 51.108, except for the regulations addressing public hearings in proceedings for issuance of materials license with respect to a geologic repository at § 51.109. The procedures governing public hearings are included in 10 CFR part 2, “Agency Rules Practice and Procedures,” and do not need to be repeated in 10 CFR part 51.

Additionally, participation in the NEPA process, for example, as part of a scoping process for an EIS, does not entitle the participant to become a party to the proceeding to which the environmental document relates. Participation in an adjudicatory proceeding is governed by the procedures in §§ 2.309 and 2.315 of this chapter. Participation in a rulemaking proceeding in which the Commission has decided to have a hearing is governed by the provisions in the notice of hearing.

14. Lead Agencies, Participating Federal Agencies, and Cooperating Agencies

The FRA amendments to NEPA revised or created the definitions and requirements for “lead agency,” “joint lead agency,” “cooperating agency,” and “participating Federal agency.” These amendments require that agencies identify in writing the lead agency when there are two or more participating Federal agencies and require that the head of the lead agency lead the consultation process. In many instances, a proposed agency action or decision is undertaken that may include other actions or decisions undertaken by other Federal agencies. These actions and decisions are “related actions,” in that they are each the responsibility of a particular agency, but they are all interdependent parts of a larger action and depend on the larger action for their justification. In such instances, NEPA section 107(a)(1)(A) requires that the multiple

agencies involved determine which of them will be the lead agency based on consideration of the magnitude of agency's involvement; project approval or disapproval authority; expertise concerning the action's environmental effects; duration of agency's involvement; and sequence of agency's involvement. When serving as the lead agency, the NRC is ultimately responsible for completing the NEPA process and will determine and document the scope of the proposed agency action. When a joint lead relationship is established pursuant to NEPA section 107(a)(1)(B), the NRC and the other joint lead agency or agencies are collectively responsible for completing the NEPA process. These agreements should be documented in memoranda of understanding or other means of documentation and should be signed by representatives of each agency. If the NRC and another Federal agency are unable to agree on which agency will be the lead agency, the affected agency may request that CEQ designate a lead agency pursuant to NEPA section 107(a)(5). In accordance with NEPA section 102(2)(C), during the preparation of an environmental impact statement, the NRC is required to consult with and obtain comments of any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact of the action or is authorized to develop and enforce environmental standards that govern proposed agency action. The NRC will conduct this consultation during the comment period opened for the notice of intent to prepare an environmental impact statement. The NRC will address any substantive comments that are within the scope of the proposed agency action, as appropriate.

15. Conforming Changes and Editorial Corrections

The NRC is proposing to make conforming changes to 10 CFR parts 2, 30, 40, 50, 52, 53, 54, 61, 70, 72, 76, and 110 to ensure that the environmental requirements discussion in those sections reflected the revised requirements in 10 CFR part 51 and to make editorial corrections to citations.

B. Why do the requirements need to be revised?

The NRC must revise its requirements in 10 CFR part 51 to comply with Presidential directives in E.O. 14300 to (1) streamline implementation of NEPA, (2) alleviate unnecessary regulatory burden, and (3) expand flexibilities for applicants and licensees while complying with environmental requirements. The proposed rulemaking also addresses amendments to NEPA made by the FRA and OBBBA, recent case law relevant to the interpretation of NEPA, and Commission direction in SRM-SECY-24-0046 and SRM-COMSECY-25-0007.

C. Whom would this action affect?

The regulatory changes proposed in this rule would affect all persons and entities conducting activities subject to regulation by the NRC or potentially affected by NRC regulated activities. This includes, but is not limited to, applicants for permits, licenses, license amendments, license renewals, certifications, and other forms of regulatory approval; petitioners for rulemaking; and recipients of NRC grants, cooperative agreements, or other financial assistance.

D. When would this action take effect?

The requirements proposed in this rule would take effect 30 days from the date of publication of the final rule. New applications submitted to the NRC must comply with the requirements within six months from the effective date of the final rule. No environmental report or any supplement to an environmental report filed with the NRC, and no EA, or EIS or finding of no significant impact or any supplement to any of the foregoing issued prior to the effective date of the final rule, need be redone and no notice of intent to prepare an EIS or notice of availability of these environmental documents need be republished solely by reason of the promulgation of these revisions to 10 CFR part 51.

V. Specific Request for Comment

The NRC is seeking advice and recommendations from the public on the proposed rule. The NRC is particularly interested in comments with clear justifications and supporting rationale from the public on the following:

1. Considering the NRC's substantive statutory authority and the NRC's obligations under NEPA as amended by the FRA and OBBBA and as shaped by recent case law and E.O.s, has the NRC proposed removing the assessment of any environmental impacts from the scope of its NEPA reviews that should continue to be addressed (in Table S-3, Table S-4, appendix B, or appendix C to 10 CFR part 51; or as discussed in the associated draft staff guidance, NUREG-2270, "Environmental Review Guidance for U.S. Nuclear Regulatory Commission Licensing Actions")? Beyond radiological impacts, are there other environmental effects that have a close causal relationship to an NRC licensing decision and that are not remote in time, geographically separate, or the result of an attenuated causal chain that the NRC should consider in its environmental reviews? Please provide detailed rationales.

2. E.O. 14154 directs all agencies, consistent with applicable law, to "prioritize efficiency and certainty over any other objectives." Does the proposed rule prioritize efficiency and certainty over other objectives in a manner consistent with applicable law? Are there potential unintended consequences or increases in regulatory uncertainty that could result from the proposed changes in this rule, such as the need for additional NEPA reviews by other agencies? Please identify the regulatory requirement with your response and be as specific as possible regarding potential unintended consequences or increases in uncertainty.

3. Are there NEPA procedures that the NRC proposes to eliminate from the regulations—either by deletion or by moving them into guidance—that should be

retained in the regulations? If so, why? Please identify the specific procedures, regulatory requirement, or other related items with your response.

4. What additional specific licensing or regulatory actions should the NRC consider for categorical exclusion from further NEPA review and why? Please describe actions you believe normally result in no significant environmental impacts and explain the basis for your recommendation. Furthermore, please provide any parameters that clarify limiting characteristics for each categorical exclusion. Please also provide comments on the newly proposed categorical exclusions in terms of whether the actions would normally result in no significant environmental impacts.

5. What additional NRC actions should the NRC consider developing generic environmental documents for (e.g., technology- or application-specific) that could further streamline future environmental reviews?

6. Considering the NRC's obligations under NEPA as amended by FRA and OBBBA and as shaped by recent case law and E.O.s, are there additional approaches that the NRC should consider 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.)? If so, what are they?

7. What additional information on the procedures for applicant-prepared EAs and EISs can the NRC provide to inform prospective applicants' decision on whether to pursue that process? Should the NRC consider moving more information on applicant-prepared EAs and EISs from the regulation to the guidance document to allow for greater flexibility in the program? What changes, if any, should the NRC consider to make the process for applicant-prepared NEPA documentation clearer or more efficient? Do the requirements in § 51.46 appropriately balance agency compliance with NEPA with the goal of realizing efficiencies for applicants?

8. How can interagency coordination on environmental matters be improved to foster more effective and efficient environmental reviews that meet statutory requirements under NEPA and other environmental statutes such as the National Historic Preservation Act (NHPA), Coastal Zone Management Act, and Endangered Species Act, consistent with the NRC's statutory authority? What effect, if any, does the NRC's proposal to narrow the scope of its environmental reviews have on interagency coordination? How might the proposed changes affect NHPA Section 106 consultations with State Historic Preservation Officers, Indian Tribes, and interested parties including the public? The NRC is particularly interested in feedback from Tribes and state agencies on these matters.

9. Can the NRC improve the organization, accessibility, or usability of its draft consolidated NEPA guidance document, NUREG-2270, issued with this rule? Should additional information be provided as to how an applicant would use the guidance document for common licensing actions?

10. What environmental topics or issues are missing from the NRC's draft NEPA guidance document, NUREG-2270?

11. Given the new draft consolidated environmental review guidance, NUREG-2270, should the NRC sunset or retain existing NEPA guidance (e.g., NUREG-1555, "Environmental Standard Review Plan," NUREG-1748, "Environmental Review Guidance for Licensing Actions Associated with NMSS Programs", Regulatory Guide 4.2, "DG-4037 (RG 4.2 Rev 5) Preparation of Environmental Reports for Nuclear Power Stations")?

12. It is not feasible for the NRC to prepare separate environmental documents for both actions in response to a complete application requesting both an LWA and a CP or COL in the same timeframe (e.g., one year for EAs) as currently provided in § 51.76(a). Therefore, the NRC is proposing that it would prepare a single environmental

document to address the full CP or COL requested, which would also provide the required NEPA review of actions under an LWA. What other feasible alternatives or procedural changes could address these timeframes to ensure efficient, timely, and predictable decisionmaking for LWAs requested as part of a complete application for a CP or COL?

VI. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. Therefore, in accordance with section 605(b), the NRC is not preparing a regulatory flexibility certification analysis. The rule will in fact apply to some small entities that are among the NRC licensees, applicants, and petitioners for rulemaking. The rule will revise the existing NEPA regulations, however, it will impose no new burden on those small entities.

VII. Regulatory Analysis

The NRC has prepared a draft regulatory analysis on this proposed regulation. This proposed rule is considered to be a deregulatory action that would alleviate unnecessary regulatory burden and expand flexibilities for applicants and licensees, while maintaining compliance with environmental requirements. Over a 10-year analysis period (fiscal year 2027-2036), the proposed revisions to NEPA requirements are projected to generate cumulative, undiscounted cost savings of \$134.8 million. Using 2024 as the base year, the net present value of these savings is estimated at \$108.4 million when discounted at 3 percent, or \$82.7 million when discounted at 7 percent. The annualized cost savings would be \$7.9 million discounted at 3 percent, or

\$7.3 million discounted at 7 percent. These figures represent net savings, as the one-time implementation costs are expected to be minimal.

In addition, the NRC estimates cost savings in 2024 dollars to be \$8.10 million discounted at 7 percent in perpetuity.

The NRC requests public comment on the draft regulatory analysis, including the assumptions in the uncertainty analysis and the numbers presented in Appendix A. The regulatory analysis is available as indicated in the “Availability of Documents” section of this document. Comments on the draft analysis may be submitted to the NRC as indicated under the ADDRESSES caption of this document.

VIII. Backfitting and Issue Finality

The NRC has determined that the proposed changes to 10 CFR part 51 do not meet the definition of “backfitting” in § 50.109, 53, 70.76, or 72.62, all entitled “Backfitting,” or affect the issue finality provisions in 10 CFR parts 52 or part 53 because the proposed changes relate to procedures for future NRC activities and do not involve changes to existing requirements or impose new requirements on current applicants or licensees.

IX. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111-274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, “Plain Language in Government Writing,” published June 10, 1998 (63 FR 31885). The NRC requests comment on this document with respect to the clarity and effectiveness of the language used.

X. National Environmental Policy Act

NEPA does not require agencies to prepare a NEPA analysis before establishing or updating agency procedures for implementing NEPA. Agency NEPA implementing procedures are not themselves subject to NEPA (*Heartwood v. U.S. Forest Serv.*, 230 F.3d 947, 954–955 (7th Cir. 2000)). Therefore, the NRC did not further conduct a NEPA analysis of this proposed rule.

XI. Paperwork Reduction Act

This proposed rule contains new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq). This proposed rule has been submitted to the Office of Management and Budget for review and approval of the information collections.

Type of submission: New

The title of the information collection: Implementation of the National Environmental Policy Act Proposed Rule

OMB Approval Number(s): (3150-XXXX)

The form number if applicable: N/A

How often the collection is required or requested: Justification for categorical exclusions, environmental report, or applicant- or petitioner-prepared EAs or EISs are required upon submittal of an application for a combined license, construction permit, operating license, operating license renewal, early site permit, design certification, decommissioning or license termination review, or manufacturing license, or upon submittal of a petition for rulemaking.

Who will be required or asked to respond: All persons and entities seeking action from the NRC. This includes, but is not limited to, applicants for permits, licenses,

license amendments, license renewals, certifications, and other forms of regulatory approval; petitioners for rulemaking; and recipients of NRC grants, cooperative agreements, or other financial assistance.

An estimate of the number of annual responses: 21

The estimated number of annual respondents: 21

An estimate of the total number of hours needed annually to comply with the information collection requirement or request: 44,016

Abstract: The NRC is proposing to amend its regulations in 10 CFR part 51 to: (1) streamline implementation of the National Environmental Policy Act of 1969, as amended (NEPA), (2) alleviate unnecessary regulatory burden, and (3) expand flexibilities for applicants and licensees while complying with environmental requirements. The revisions are necessitated by and consistent with Executive Order (E.O.) 14300, "Ordering the Reform of the Nuclear Regulatory Commission," E.O. 14154, "Unleashing American Energy," and Commission direction in SRM-SECY-25-0007, "Withdrawing the Environmental Justice Policy Statement and Environmental Justice Strategy," dated April 10, 2025, and SRM-SECY-24-0046, "Implementation of the Fiscal Responsibility Act of 2023 National Environmental Policy Act Amendments," dated July 28, 2025. During its comprehensive review and revision of the 10 CFR part 51 regulations, the NRC identified certain information collection requirements that should be amended under this proposed rule to streamline the regulations and improve efficiency.

The NRC is seeking public comment on the potential impact of the information collections contained in this proposed rule and on the following issues:

1. Is the proposed information collection necessary for the proper performance of the functions of the NRC, including whether the information will have practical utility? Please explain your response.

2. Is the estimate of the burden of the proposed information collection accurate? Please explain your response.

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected? Please explain your response.

4. How can the burden of the proposed information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the Office of Management and Budget (OMB) clearance package and proposed rule are available in the "Availability of Documents" section of this document or may be viewed free of charge by contacting the NRC's Public Document Room reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. You may obtain information and comment on submissions related to the OMB clearance package by searching on <https://www.regulations.gov> under Docket ID NRC-2025-0478.

You may submit comments on any aspect of these proposed information collection(s), including suggestions for reducing the burden and on the above issues, by the following method:

Federal rulemaking Web Site: Go to <https://www.regulations.gov> and search for Docket ID NRC-2025-0478. Submit comments by **[INSERT DATE 30 DAYS AFTER PUBLICATION IN THE *FEDERAL REGISTER*]**.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

XII. Executive Orders

The following are Executive orders that are related to this proposed rule:

A. Executive Order 12866: Regulatory Planning and Review (as amended by Executive Order 14215, Ensuring Accountability for All Agencies)

The Office of Information and Regulatory Affairs (OIRA) has determined that this proposed rule is a significant regulatory action. Accordingly, NRC submitted this proposed rule to OIRA for review. The NRC is required to conduct an economic analysis in accordance with section 6(a)(3)(B) of E.O. 12866. More can be found in Section VII, of this document, "Regulatory Analysis."

B. Executive Order 14154: Unleashing American Energy

The NRC has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154.

C. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is a deregulatory action as defined by E.O. 14192. Details on the estimated costs of this proposed rule can be found in Section VII, of this document, "Regulatory Analysis."

D. Executive Order 14270: Zero-Based Regulatory Budgeting to Unleash American Energy

E.O. 14270, "Zero-Based Regulatory Budgeting to Unleash American Energy," requires the NRC to insert a conditional sunset date into all new or amended NRC regulations provided the regulations are (1) promulgated under the Atomic Energy Act of 1954, as amended (AEA), the Energy Reorganization Act of 1974, as amended (ERA), or the Nuclear Waste Policy Act of 1982, as amended (NWPA); (2) not statutorily required; and (3) not part of the NRC's permitting regime. The NRC determined that the regulatory changes proposed in this rule are necessary for compliance with NEPA.

Therefore, the NRC views this rulemaking to be outside the scope of Executive Order 14270 and did not insert conditional sunset dates for the regulatory changes in this proposed rule.

XIII. Availability of Guidance

The NRC is issuing new draft guidance NUREG-2270, “Environmental Review Guidance for U.S. Nuclear Regulatory Commission Licensing Actions,” for the implementation of the proposed requirements in this rulemaking. The draft guidance is available as indicated in the “Availability of Documents” section of this document. You may obtain information and comment submissions related to the draft guidance by searching on <http://www.regulations.gov> under Docket ID NRC-2025-0478.

The draft guidance document provides general procedures for determining the level of environmental review and documentation required for NRC actions. The draft guidance document is written in general terms to accommodate the NRC’s broad variety of regulatory actions and regulated facilities. The draft guidance document provides staff, licensees, prospective applicants, and petitioners for rulemaking with methods to meet the requirements established by legislation and the 10 CFR part 51 regulations. The guidance will not be a substitute for legislation and regulations, and compliance with the guidance document is not required. Methods different from those set out in the guidance document will be acceptable if they provide a basis for concluding that the NRC’s regulations have been met.

You may submit comments on this draft regulatory guidance by the methods outlined in the ADDRESSES section of this document.

XIV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

DOCUMENT	ADAMS ACCESSION NO. / WEB LINK / FEDERAL REGISTER CITATION
SECY-24-0046, "Implementation of the Fiscal Responsibility Act of 2023 National Environmental Policy Act Amendments," dated March 30, 2024	ML24078A013 (Package)
SRM-SECY-25-0007, "Withdrawing the Environmental Justice Policy Statement and Environmental Justice Strategy," dated April 10, 2025	ML25100A106
SRM-SECY-24-0046, "Implementation of the Fiscal Responsibility Act of 2023 National Environmental Policy Act Amendments," dated July 28, 2025	ML25209A050
Draft Regulatory Analysis for Implementation of the National Environmental Policy Act Proposed Rule	ML25273A116
NUREG-2270, "Environmental Review Guidance for U.S. Nuclear Regulatory Commission Licensing Actions," Draft for Comment	ML25269A176
OMB Supporting Statement—10 CFR Part 51—Implementation of the National Environmental Policy Act Proposed Rule (OMB Clearance No. 3150-0021) and burden spread sheet.	ML25272A091 (Package)
U.S. Nuclear Regulatory Commission Written Record of Support of Proposed Amendments to 10 CFR 51.22 in Accordance with Executive Order 14300 and SRM-SECY-24-0046	ML25273A117
Final rule, "Environmental Review for Renewal of Nuclear Power Plant Operating Licenses," dated June 5, 1996	61 FR 28467
Final rule, "Environmental Review for Renewal of Nuclear Power Plant Operating Licenses," dated December 18, 1996	61 FR 66543
Final rule, "Limited Work Authorizations for Nuclear Power Plants," dated October 9, 2007	72 FR 57416
Final rule, "Licenses, Certifications, and Approvals for Materials Licensees," dated September 15, 2011	76 FR 56961
Proposed rule, "Licensing Requirements for Microreactors and Other Reactors with Comparable Risk Profiles," dated May 1, 2026	91 FR 23628

Proposed rule, “Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors,” dated October 31, 2024	89 FR 86918
Final rule, “Categorical Exclusions from Environmental Review,” dated March 30, 2026	91 FR 155519
Final rule, “Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors,” dated March 30, 2026	91 FR 15696
Correction notice, “Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors; Correction,” dated April 13, 2026	91 FR 18772
Final rule, “Generic Environmental Impact Statement for Licensing of New Nuclear Reactors,” dated April 24, 2026	91 FR 2239
NUREG-1437, Volume 1, Rev 2, “Generic Environmental Impact Statement for License Renewal of Nuclear Plants—Final Report,” dated August 31, 2024	ML24086A526
NUREG-2249, “Generic Environmental Impact Statement for Licensing of New Nuclear Reactors” dated April 2026	ML25324A130
Policy statement withdrawal, “Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions; Environmental Justice Strategy,” dated April 30, 2025	90 FR 17887
Interim final rule, “Removal of National Environmental Policy Act Implementing Regulations,” dated February 25, 2025	90 FR 10610
“Memorandum for Heads of Departments and Agencies: Implementation of the National Environmental Policy Act, Appendix 1 – Agency NEPA Procedures Template,” dated September 29, 2025	https://ceq.doe.gov/docs/ceq-regulations-and-guidance/Appendix-1-Agency-NEPA-Procedures-Template.pdf
Executive Order 14154, “Unleashing American Energy,” dated January 29, 2025	90 FR 8353
Executive Order 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity,” dated January 31, 2025	90 FR 8633
Executive Order 14300, “Ordering the Reform of the Nuclear Regulatory Commission,” dated May 29, 2025	90 FR 22587
Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” dated February 16, 1994	59 FR 7629
Executive Order 11991, “Relating to Protection and Enhancement of Environmental Quality,” dated May 25, 1977	42 FR 26967

The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at <https://www.regulations.gov> under Docket ID NRC-2025-0478. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: 1) navigate to the docket folder (NRC-2025-0478); 2) click the “Subscribe” link; and 3) enter an email address and click on the “Subscribe” link.

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Confidential business information, Environmental protection, Freedom of information, Hazardous waste, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 30

Byproduct material, Criminal penalties, Fusion, Government contracts, Intergovernmental relations, Isotopes, Nuclear energy, Nuclear materials, Penalties, Radiation protection, Reporting and recordkeeping requirements, Whistleblowing.

10 CFR Part 40

Criminal penalties, Exports, Government contracts, Hazardous materials transportation, Hazardous waste, Nuclear energy, Nuclear materials, Penalties, Reporting and recordkeeping requirements, Source material, Uranium, Whistleblowing.

10 CFR Part 50

Administrative practice and procedure, Antitrust, Backfitting, Classified information, Criminal penalties, Education, Emergency planning, Fire prevention, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Penalties, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Whistleblowing.

10 CFR Part 51

Administrative practice and procedure, Environmental impact statements, Hazardous waste, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

10 CFR Part 52

Administrative practice and procedure, Antitrust, Combined license, Early site permit, Emergency planning, Fees, Inspection, Issue finality, Limited work authorization, Manufacturing license, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting criteria, Redress of site, Penalties, Reporting and recordkeeping requirements, Standard design, Standard design certification.

10 CFR Part 53

Administrative practice and procedure, Antitrust, Backfitting, Construction permit, Combined license, Classified information, Criminal penalties, Early site permit, Emergency planning, Fees, Fire prevention, Fire protection, Inspection, Intergovernmental relations, Limited work authorization, Manufacturing license, Nuclear power plants and reactors, Operating license, Penalties, Prototype, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Standard design, Standard design certification, Training programs.

10 CFR Part 54

_____Administrative practice and procedure, Age-related degradation, Backfitting, Classified information, Criminal penalties, Environmental protection, Nuclear power plants and reactors, Penalties, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 61

_____Criminal penalties, Hazardous waste, Indians, Intergovernmental relations, Low-level waste, Nuclear energy, Nuclear materials, Penalties, Reporting and recordkeeping requirements, Waste treatment and disposal, Whistleblowing.

10 CFR Part 70

_____Classified information, Criminal penalties, Emergency medical services, Hazardous materials transportation, Material control and accounting, Nuclear energy, Nuclear materials, Packaging and containers, Penalties, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material, Whistleblowing.

10 CFR Part 72

_____Administrative practice and procedure, Hazardous waste, Indians, Intergovernmental relations, Nuclear energy, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

10 CFR Part 76

_____ Certification, Criminal penalties, Nuclear energy, Penalties, Radiation protection, Reporting and record keeping requirements, Security measures, Special nuclear material, Uranium, Uranium enrichment by gaseous diffusion.

10 CFR Part 110

_____ Administrative practice and procedure, Classified information, Criminal penalties, Exports, Imports, Intergovernmental relations, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Scientific equipment.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is proposing to amend 10 CFR parts 2, 30, 40, 50, 51, 52, 53, 54, 61, 70, 72, 76, and 110.

PART 2—AGENCY RULES OF PRACTICE AND PROCEDURE

1. The authority citation for part 2 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 29, 53, 62, 63, 81, 102, 103, 104, 105, 161, 181, 182, 183, 184, 186, 189, 191, 234 (42 U.S.C. 2039, 2073, 2092, 2093, 2111, 2132, 2133, 2134, 2135, 2201, 2231, 2232, 2233, 2234, 2236, 2239, 2241, 2282); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); Nuclear Waste Policy Act of 1982, secs. 114(f), 134, 135, 141 (42 U.S.C. 10134(f), 10154, 10155, 10161); Administrative Procedure Act (5 U.S.C. 552, 553, 554, 557, 558); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note. Section 2.205(j) also issued under Sec. 31001(s), Pub. L. 104-134, 110 Stat. 1321-373 (28 U.S.C. 2461 note).

2. In § 2.101:

a. Revise paragraphs (a)(3)(ii), (a)(4), and (b);

b. In paragraphs (a)(3)(i), (e)(1), (e)(5), remove the phrase “subpart A of”;

c. In paragraphs (a)(3)(iii), (f), (f)(1), (f)(2)(i)(D), and (f)(4), remove the phrase “environmental report” and add in its place the phrase "information required under part 51 of this chapter”;

d. In paragraph (a)(9)(ii)(a-1), remove the phrase “§ 51.20(b)” and add in its place the phrase "part 51”;

The revisions read as follows:

§ 2.101 Filing of application.

(a) * * * * *

(3) * * *

(ii) Serve a copy on the chief executive of the municipality in which the facility or site which is the subject of an early site permit is to be located or, if the facility or site which is the subject of an early site permit is not to be located within a municipality, on the chief executive of the county, containing as applicable, the docket number of the application; a brief description of the proposed site and facility; the location of the site and facility; the name, address, telephone number, and e-mail address (if available) of the applicant's representative who may be contacted for further information; notification if an environmental document will be issued by the Commission and will be made available upon request to the Commission; and notification that if a request is received from the appropriate chief executive, the applicant will transmit a copy of the application and environmental information required under part 51 of this chapter, to the executive who makes the request. In complying with the requirements of this paragraph, the applicant should not make public distribution of those parts of the application subject to § 2.390(d). The applicant shall submit to the Director, Office of Nuclear Reactor Regulation, an affidavit that service of the notice of availability of the application has been completed along with a list of names and addresses of those executives upon whom the notice was served; and

* * * * *

(4) The tendered application for a construction permit, operating license, early site permit, standard design approval, combined license, or manufacturing license will be formally docketed upon receipt by the Director, Office of Nuclear Reactor Regulation, or Director, Office of Nuclear Material Safety and Safeguards, as appropriate, of the required additional copies. Distribution of the additional copies shall be deemed to be complete as of the time the copies are deposited in the mail or with a carrier prepaid for delivery to the designated addresses. The date of docketing shall be the date when the required copies are received by the Director, Office of Nuclear Reactor Regulation, or Director, Office of Nuclear Material Safety and Safeguards, as appropriate. Within 10 days after docketing, the applicant shall submit to the Director, Office of Nuclear Reactor Regulation, or Director, Office of Nuclear Material Safety and Safeguards, as appropriate, an affidavit that distribution of the additional copies to Federal, State, and local officials has been completed in accordance with requirements of this chapter and written instructions furnished to the applicant by the Director, Office of Nuclear Reactor Regulation, or Director, Office of Nuclear Material Safety and Safeguards, as appropriate. Amendments to the application and environmental information required under part 51 of this chapter shall be filed and distributed and an affidavit shall be furnished to the Director, Office of Nuclear Reactor Regulation, or Director, Office of Nuclear Material Safety and Safeguards, as appropriate, in the same manner as for the initial application. If it is determined that all or any part of the tendered application and/or environmental information required under part 51 of this chapter is incomplete and therefore not acceptable for processing, the applicant will be informed of this determination, and the respects in which the document is deficient.

* * * * *

(b) After the application has been docketed, each applicant for a license for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee, except applicants under part 61 of this chapter, which must comply with paragraph (f) of this section, shall serve a copy of the application and environmental information required under part 51 of this chapter, as appropriate, on the chief executive of the municipality in which the activity is to be conducted or, if the activity is not to be conducted within a municipality on the chief executive of the county, containing the docket number of the application; a brief description of the proposed site and facility; the location of the site and facility as primarily proposed and alternatively listed; the name, address, telephone number, and email address (if available) of the applicant's representative who may be contacted for further information; notification if an environmental document will be issued by the Commission and will be made available upon request to the Commission; and notification that if a request is received from the appropriate chief executive, and the applicant will transmit a copy of the application and environmental report or draft environmental document, to the executive who makes the request. In complying with the requirements of this paragraph the applicant should not make public distribution of those parts of the application subject to § 2.390(d). The applicant shall submit to the Director, Office of Nuclear Material Safety and Safeguards, an affidavit that service of the notice of availability of the application or environmental information required under part 51 of this chapter has been completed along with a list of names and addresses of those executives upon whom the notice was served.

* * * * *

3. In § 2.309, revise paragraphs (f)(1)(vi) and (f)(2) to read as follows:

§ 2.309 Hearing requests, petitions to intervene, requirements for standing, and contentions.

* * * * *

(f) * * *

(1) * * *

(vi) In a proceeding other than one under § 52.103 or § 53.1452 of this chapter provide sufficient information to show that a genuine dispute exists with the applicant/licensee on a material issue of law or fact. This information must include references to specific portions of the application (including any requirements pursuant to 10 CFR part 51 and the safety report) that the petitioner disputes and the supporting reasons for each dispute, or, if the petitioner believes that the application fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the petitioner's belief. This information also must clearly indicate whether the petitioner is disputing the adequacy of the information in the application, is asserting that the application fails to contain information on a relevant matter as required by law, or both; and

* * * * *

(2) Contentions must be based on documents or other information available at the time the petition is to be filed, such as the application, supporting safety analysis report, environmental report, draft environmental document, or other supporting document filed by an applicant or licensee, or otherwise available to a petitioner. On issues arising under the National Environmental Policy Act, participants shall file contentions based on the applicant's environmental report or draft environmental document. Participants may file new or amended environmental contentions after the deadline in paragraph (b) of this section (e.g., based on the NRC environmental

document) if the associated motion for leave to file complies with the requirements in paragraph (c) of this section.

* * * * *

4. In § 2.332, revise paragraph (d) to read as follows:

§ 2.332 General case scheduling and management.

* * * * *

(d) Effect of NRC staff's schedule on scheduling order. In establishing a schedule, the presiding officer shall take into consideration the NRC staff's projected schedule for completion of its safety and environmental requirements under 10 CFR part 51 to ensure that the hearing schedule does not adversely impact the staff's ability to complete its reviews in a timely manner. Hearings on safety issues may be commenced before publication of the NRC staff's safety evaluation upon a finding by the presiding officer that commencing the hearings at that time would expedite the proceeding. Where an environmental impact statement (EIS) is involved, hearings on environmental issues addressed in the EIS may not commence before the issuance of the final EIS. In addition, discovery against the NRC staff on safety or environmental issues, respectively, should be suspended until the staff has issued the SER or EIS, unless the presiding officer finds that the commencement of discovery against the NRC staff (as otherwise permitted by the provisions of this part) before the publication of the pertinent document will not adversely affect completion of the document and will expedite the hearing.

5. In § 2.337, revise paragraphs (g)(1), (g)(2)(iv) and (g)(3)(iv) to read as follows:

§ 2.337 Evidence at a hearing.

* * * * *

(g) * * *

(1) *Facility construction permits.* In a proceeding involving an application for construction permit for a production or utilization facility, the NRC staff shall offer into evidence any report submitted by the ACRS in the proceeding in compliance with section 182(b) of the Act, any safety evaluation prepared by the NRC staff, and any categorical exclusion documentation or environmental document prepared in the proceeding under part 51 of this chapter by the Director, Office of Nuclear Reactor Regulation, or Director, Office of Nuclear Material Safety and Safeguards, as appropriate, or their designee.

(2) * * *

(iv) Any categorical exclusion documentation or environmental document prepared in the proceeding under part 51 of this chapter by the Director, Office of Nuclear Reactor Regulation, or Director, Office of Nuclear Material Safety and Safeguards, as appropriate, or their designee if there is any, but only if there are admitted contentions or contested matters with respect to the adequacy of the categorical exclusion, environmental impact statement, or environmental assessment.

* * * * *

(3) * * *

(iv) Any categorical exclusion documentation or environmental document in the proceeding under part 51 of this chapter by the Director, Office of Nuclear Reactor Regulation, or Director, Office of Nuclear Material Safety and Safeguards, as appropriate, or their designee if there is any, but only if there are admitted contentions or contested matters with respect to the adequacy or applicability of the categorical exclusion or adequacy of the environmental document.

§ 2.605 [Amended]

6. In § 2.605, remove paragraph (b)(1) and redesignate paragraph (b)(2) as paragraph (b)(1) and remove and reserve (b)(2).

§ 2.606 [Amended]

7. In § 2.606, wherever it appears, remove the phrase "subpart A".

§ 2.625 [Amended]

8. In § 2.625, remove paragraph (b)(1) and redesignate paragraph (b)(2) as paragraph (b)(1) and remove and reserve (b)(2).

§ 2.627 [Amended]

9. In § 2.627, wherever it appears, remove the phrase "subpart A".

§ 2.649 [Amended]

10. In § 2.649, remove the phrase "subpart A of".

11. In § 2.802, revise paragraph (c)(1)(viii) to read as follows:

§ 2.802 Petition for rulemaking—requirements for filing.

* * * * *

(c) * * *

(1) * * *

(viii) Provide any environmental information required under part 51 of this chapter.

* * * * *

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

12. The authority citation for part 30 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 81, 161, 181, 182, 183, 184, 186, 187, 223, 234, 274 (42 U.S.C. 2014, 2111, 2201, 2231, 2232, 2233, 2234, 2236, 2237, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); 44 U.S.C. 3504 note.

§ 30.32 [Amended]

13. In § 30.32, in paragraph (f) wherever it appears, remove the phrase "subpart A".:

§ 30.33 [Amended]

14. In § 30.33, in paragraph (a)(5) remove the phrase "subpart A of".

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

15. The authority citation for part 40 continues to read as follows:

Authority: Atomic Energy Act secs. 11(e)(2), 62, 63, 64, 65, 81, 161, 181, 182, 183, 186, 193, 223, 234, 274, 275 (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2231, 2232, 2233, 2236, 2243, 2273, 2282, 2021, 2022); Energy Reorganization Act secs. 201, 202, 206 (42 U.S.C. 5841, 5842, 5846); Government Paperwork Elimination Act sec. 1704 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. No. 109-59, 119 Stat. 594 (2005).

Section 40.7 also issued under Energy Reorganization Act sec. 211, Pub. L. 95-601, sec. 10, as amended by Pub. L. 102-486, sec. 2902 (42 U.S.C. 5851). Section 40.31(g) also issued under Atomic Energy Act sec. 122 (42 U.S.C. 2152). Section 40.46 also issued under Atomic Energy Act sec. 184 (42 U.S.C. 2234). Section 40.71 also issued under Atomic Energy Act sec. 187 (42 U.S.C. 2237).

16. In § 40.31, in paragraph (f), wherever it appears remove the phrase "subpart A" and revise paragraph(k) to read as follows:

§ 40.31 Application for specific licenses.

* * * * *

(k) A license application for a uranium enrichment facility must be accompanied by the environmental information required under part 51 of this chapter.

* * * * *

§ 40.32 [Amended]

17. In § 40.32, in paragraph (e) remove the phrase “subpart A of”.

18. In appendix A to part 40, in Criterion 3 remove the phrase “reports” and adding in its place the phrase “information required by part 51 of this chapter”; and revise Criterion 9(c) to read as follows:

Appendix A to Part 40—Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Wastes Produced by the Extraction or Concentration of Source Material From Ores Processed Primarily for Their Source Material Content

* * * * *

Criterion 9: * * *

(c) The licensee shall submit this plan in conjunction with the environmental information required by part 51 of this chapter. The plan must include a signed original of the financial instrument obtained to satisfy the surety arrangement requirements of this criterion (unless a previously submitted and approved financial instrument continues to cover the cost estimate for decommissioning). The surety arrangement must also cover the cost estimate and the payment of the charge for long-term surveillance and control required by Criterion 10 of this section.

* * * * *

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

19. The authority citation for part 50 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 101, 102, 103, 104, 105, 108, 122, 147, 149, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note.

20. In § 50.10, revise paragraphs (d)(3)(ii), (e)(1)(i), (e)(1)(ii) and (f) to read as follows:

§ 50.10 License required; limited work authorization.

* * * * *

(d) * * *

(3) * * *

(iii) Environmental information required by part 51 of this chapter.

* * * * *

(e) * * *

(1) * * *

(i) The NRC staff issues the final documentation required under NEPA and all applicable Federal environmental consultations have been complete, in accordance with part 51 of this chapter;

(ii) The presiding officer makes the finding in part 51 of this chapter, as applicable;

* * * * *

(f) Effect of limited work authorization. Any activities undertaken under a limited work authorization are entirely at the risk of the applicant and, except as to the matters determined under paragraph (e)(1) of this section, the issuance of the limited work authorization has no bearing on the issuance of a construction permit or combined license with respect to the requirements of the Act, and rules, regulations, or orders

issued under the Act. The categorical exclusions, environmental assessment, or environmental impact statement for a construction permit or combined license application for which a limited work authorization was previously issued will not address, and the presiding officer will not consider, the sunk costs of the holder of limited work authorization in determining the proposed action (i.e., issuance of the construction permit or combined license).

* * * * *

21. In § 50.30, revise paragraph (f) to read as follows:

§ 50.30 Filing of application; oath or affirmation.

* * * * *

(f) Environmental information. An application for a construction permit, operating license, early site permit, combined license, or manufacturing license for a nuclear power reactor, testing facility, fuel reprocessing plant, or other production or utilization facility whose construction or operation may be determined by the Commission to have a significant impact in the environment, shall be accompanied by an environmental information required under part 51 of this chapter.

* * * * *

22. Revise and republish § 50.36b to read as follows:

§ 50.36b Environmental conditions.

(a) Each construction permit under this part, each early site permit under part 52 of this chapter, and each combined license under part 52 of this chapter may include conditions to protect the environment during construction. These conditions are to be set out in an attachment to the permit or license, which is incorporated in and made a part of the permit or license. These conditions will be derived from information contained in the

environmental information submitted pursuant to part 51 this chapter as analyzed and evaluated by the NRC, and will identify the obligations of the licensee in the environmental area, including, as appropriate, requirements for reporting and keeping records of environmental data, and any conditions and monitoring requirement for the protection of the nonaquatic environment.

(b) Each license authorizing operation of a production or utilization facility, including a combined license under part 52 of this chapter, and each license for a nuclear power reactor facility that no longer authorizes operation of the reactor under § 50.82(a)(1) or § 52.110(a) of this chapter has been submitted, which is of a type described in § 50.21(b)(2) or (3) or § 50.22 or is a testing facility, may include conditions to protect the environment during operation and decommissioning. These conditions are to be set out in an attachment to the license, which is incorporated in and made a part of the license. These conditions will be derived from information contained in the environmental information submitted pursuant to part 51 of this chapter as analyzed and evaluated by the NRC, and will identify the obligations of the licensee in the environmental area, including, as appropriate, requirements for reporting and keeping records of environmental data, and any conditions and monitoring requirement for the protection of the nonaquatic environment.

§ 50.40 [Amended]

23. In § 50.40, in paragraph (d) remove the phrase “subpart A of”.

24. In § 50.82:

a. In paragraph (a)(4)(i), remove the phrase “environmental impact statements” and add in its place the phrase “environmental documents or categorical exclusions”;
and

b. Revise paragraph (a)(9)(ii)(G).

The revision reads as follows:

§ 50.82 Termination of license.

(a) * * *

(9) * * *

(ii) * * *

(G) A supplement to the environmental information required under part 51 of this chapter, describing any new information or significant environmental change associated with the licensee's proposed termination activities.

* * * * *

25. In § 50.83, revise paragraph (d)(3) to read as follows:

§ 50.83 Release of part of a power reactor facility or site for unrestricted use.

* * * * *

(d) * * *

(3) A supplement to the environmental information required under part 51 of this chapter, describing any new information or significant environmental change associated with the licensee's proposed release activities.

* * * * *

26. In § 50.135, revise paragraph (d)(3) to read as follows:

§ 50.135 Renewal of non-power production or utilization facility licenses issued under § 50.22 and testing facility licenses.

* * * * *

(d) * * *

(3) Each application must include the environmental information required by part 51 of this chapter.

* * * * *

Appendix N to Part 50 [Amended]

27. In Appendix N to part 50, in paragraph 2., remove the phrase “§ 51.50” and add in its place the phrase “part 51” and in paragraph 3., remove the phrase “§ 51.53” and add in its place the phrase “part 51”.

Appendix Q to Part 50 [Amended]

28. Amend appendix Q to part 50 by:

a. Wherever it appears, remove the phrase “§ 51.20b” and add in its place the phrase “part 51”;

b. In paragraph 7., remove the phrase “subpart A of”; and

c. Remove paragraph 7.(a) and redesignate paragraph 7.(b) as paragraph 7.(a) and remove and reserve 7.(b).

29. Revise and republish part 51 to read as follows:

PART 51— IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT

Sec.

51.1 Scope.

51.4 Definitions.

51.6 Specific exemptions.

Subpart A — [Reserved]

51.13 Emergencies.

51.15 Deadlines.

51.17 Information collection requirements; OMB approval.

51.19 Determination of when NEPA applies.

51.20 Determination of the appropriate level of NEPA review.

51.22 Establishing categorical exclusions.

51.23 Environmental impacts of continued storage of spent nuclear fuel beyond the licensed life for operation of a reactor.

- 51.30 Environmental assessment.
- 51.31 Determinations based on environmental assessment.
- 51.32 Finding of no significant impact.
- 51.41 Requirement to submit environmental information.
- 51.45 Environmental report and information.
- 51.46 Applicant-prepared draft environmental documents.
- 51.51 Uranium fuel cycle environmental data—Table S-3.
- 51.52 Environmental effects of transportation of fuel and waste—Table S-4.
- 51.60 Environmental report—materials licenses.
- 51.62 Environmental report—land disposal of radioactive waste licensed under 10 CFR part 61.
- 51.67 Environmental information concerning geologic repositories.
- 51.70 Environmental impact statement—general.
- 51.71 Environmental impact statements—contents.
- 51.75 Environmental documents—construction permit, early site permit, or combined license.
- 51.76 Environmental documents—limited work authorization.
- 51.92 Supplement to the final environmental document.
- 51.95 Postconstruction environmental document.
- 51.101 Limitations on actions.
- 51.102 Documentation of decision.
- 51.109 Public hearings in proceedings for issuance of materials license with respect to a geologic repository.

Appendix A — [Reserved]

Appendix B 10 CFR Part 51 — Environmental Effect of Renewing the Operating License of a Nuclear Power Plant

Appendix C of Part 51—Environmental Effect of Issuing a Permit or License for a New Nuclear Reactor

Subpart B — [Reserved]

Authority: Atomic Energy Act of 1954, secs. 161, 193 (42 U.S.C. 2201, 2243); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); National Environmental Policy Act of 1969 (42 U.S.C. 4321–4336c, 4336e); Nuclear Waste Policy Act of 1982, secs. 144(f), 121, 135, 141, 148 (42 U.S.C. 10134(f), 10141, 10155, 10161, 10168); 44 U.S.C. 3504 note.

Sections 51.20, 51.30, 51.60, 51.80, and 51.97 also issued under Nuclear Waste Policy Act secs. 135, 141, 148 (42 U.S.C. 10155, 10161, 10168).

Section 51.22 also issued under Atomic Energy Act sec. 274 (42 U.S.C. 2021) and under Nuclear Waste Policy Act sec. 121 (42 U.S.C. 10141).

Sections 51.67, and 51.109 also issued under Nuclear Waste Policy Act sec. 114(f) (42 U.S.C. 10134(f)).

§ 51.1 Scope.

This part establishes procedures that the NRC will use to comply with the National Environmental Policy Act (NEPA) of 1969, as amended, in the conduct of its domestic licensing and related regulatory functions. These regulations do not apply to export licensing matters within the scope of part 110 of this chapter, or to any

environmental effects which NRC's domestic licensing and related regulatory functions may have upon the environment of foreign nations. Subject to these limitations, the regulations in this part implement the National Environmental Policy Act of 1969, as amended.

§ 51.4 Definitions.

(a) As used in this part and for the purposes of compliance with NEPA:

Act means the Atomic Energy Act of 1954 (Pub. L. 83-703, 68 Stat. 919)

including any amendments thereto.

Authorization means any license, permit, approval, finding, determination, or other administrative decision issued by an agency that is required or authorized under Federal law in order to implement a proposed agency action.

Commission means the Nuclear Regulatory Commission or its authorized representatives.

Connected action means a separate Federal action within the authority of NRC that is closely related to the proposed agency action and should be addressed in a single environmental document because the proposed agency action:

(1) Automatically triggers the separate Federal action, which independently would require the preparation of additional environmental documents;

(2) Cannot proceed unless the separate Federal action is taken previously or simultaneously; or

(3) Is an interdependent part of a larger Federal action that includes a separate Federal action, which mutually depend on the larger Federal action for their justification.

Construction has the meaning assigned in the part of this chapter that governs the authorized activity. For example, for an activity licensed under part 50 of this chapter, construction has the meaning provided in § 50.4 of this part.

DOE or Department of Energy means the U.S. Department of Energy or its duly authorized representatives.

Draft environmental document means an applicant-prepared environmental assessment or environmental impact statement that does not include an agency-prepared final impact finding, agency-prepared impact determination, or any other agency decision-making document.

Effects or impacts for the purposes of NEPA means changes to the human environment from the proposed agency action or alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed agency action or alternatives.

(1) Effects can include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic (such as the effects on employment), social, or health effects. Effects appropriate for analysis under NEPA may be either beneficial or adverse, or both, with respect to these values.

(2) A “but for” causal relationship is insufficient to make an agency responsible for a particular effect under NEPA. Effects should generally not be considered if they are remote in time, geographically remote, or the product of a lengthy causal chain. Effects do not include those effects that the agency has no ability to prevent due to the limits of its regulatory authority, or that would occur regardless of the proposed agency action, or that would need to be initiated by a third party.

(3) The NRC’s regulatory authority for production and utilization facilities and source, special, and byproduct materials is limited to effects or impacts with a reasonable nexus to radiological health and safety or the common defense and security. The NRC has additional regulatory authority concerning certain byproduct material defined in § 11e.(2) of the Atomic Energy Act, typically licensed under part 40 of this

chapter, to protect the public health and safety and the environment from radiological and nonradiological hazards associated with the processing and possession of such material.

Environmental report means a document submitted to the Commission by an applicant for a permit, license, or other form of permission, or an amendment to or renewal of a permit, license or other form of permission, or by a petitioner for rulemaking, to aid the Commission in complying with NEPA, and other environmental statutes, including but not limited to the Endangered Species Act, National Historic Preservation Act, Clean Air Act, Clean Water Act, Magnuson-Stevens Fishery Conservation and Management Act, National Marine Sanctuaries Act, and Marine Mammal Protection Act.

Head of the agency means the NRC's Executive Director for Operations.

Human environment means comprehensively the natural and physical environment and the relationship of Americans with that environment. (See also the definition of "effects" in this section.)

Mitigation means measures that avoid, minimize, or compensate for effects caused by a proposed agency action or alternatives as described in an environmental document or record of decision or another decision document and that have a nexus to those effects. While NEPA requires consideration of mitigation, it does not mandate the form or adoption of any mitigation. NEPA also does not provide authority to impose mitigation. Mitigation includes:

(1) Avoiding the impact altogether by not taking a certain action or parts of an action.

(2) Minimizing effects by limiting the degree or magnitude of the action and its implementation.

(3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

(4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(5) Compensating for the impact by replacing or providing substitute resources or environments.

NEPA means the National Environmental Policy Act of 1969, as amended (42 U.S.C. § 4321, *et seq.*).

NEPA process means all measures necessary for compliance with the requirements of section 2 and title I of NEPA § 102(2), 42 U.S.C. § 4332(2).

Notice of Intent means a public notice that the NRC will prepare and consider an environmental document.

NRC means the Nuclear Regulatory Commission, the agency established by Title II of the Energy Reorganization Act of 1974, as amended.

NRC staff director means the Executive Director for Operations; the Director, Office of Nuclear Reactor Regulation; the Director, Office of Nuclear Material Safety and Safeguards; the Director, Office of Nuclear Regulatory Research; the Director, Office of Public Affairs; and the designee of any NRC staff director.

Publish and publication mean methods found by the agency to efficiently and effectively make environmental documents and information available for review by interested persons, including electronic publication.

Previously disturbed areas as used in § 51.22 of this part means areas that have been changed by development of the facility and remain altered by human activity such that they do not support important habitat or habitat to important species and no longer have the potential to yield historic and cultural resources. This includes the lateral and vertical extent of alteration from natural cover to a managed state.

Reasonable alternatives means a reasonable range of alternatives that are technically and economically feasible, within the scope of the NRC's statutory authority, and meet the purpose and need for the proposed agency action.

Reasonably foreseeable means sufficiently likely to occur such that a person of ordinary prudence would take it into account in reaching a decision.

Related action means an action undertaken by an agency, e.g., a permitting action, some other type of authorization action, an analysis required by statute, or the like, that bears a relationship to other actions undertaken by other agencies relevant to NEPA, e.g., that is an interdependent part of a larger action and depends on the larger action for its justification.

Responsible federal official means the NRC's Executive Director for Operations or their delegee.

Scope consists of the range of actions, alternatives, and effects to be considered in an environmental document. The scope of an individual environmental document may depend on the document's relationships to other environmental documents.

Uranium enrichment facility means:

(1) Any facility used for separating the isotopes for uranium or enriching uranium in the isotope 235, except laboratory scale facilities designed or used for experimental or analytical purposes only; or

(2) Any equipment or device, or important component part especially designed for such equipment or device, capable of separating the isotopes of uranium or enriching uranium in the isotope 235.

(b) Unless specifically defined in this section, the terms defined in NEPA § 111 as used in this part have the meaning assigned in NEPA § 111.

§ 51.6 Specific exemptions.

The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and are otherwise in the public interest.

Subpart A [Reserved]

§ 51.13 Emergencies.

Whenever emergency circumstances make it necessary and whenever, in other situations, the health and safety of the public may be adversely affected if mitigative or remedial actions are delayed, the Commission may take an action with significant environmental impact without observing the provisions of these regulations. In taking an action covered by this section, the Commission will consult with the Council on Environmental Quality as soon as feasible concerning appropriate alternative NEPA arrangements.

§ 51.15 Deadlines.

(a) Absent a project sponsor's payment of a fee for an expedited deadline pursuant to NEPA § 112:

(1) The NRC will complete an environmental assessment no later than one year after the sooner of:

(i) When the NRC determines that NEPA requires the preparation of an environmental assessment, or

(ii) The date the NRC issues a notice of intent to prepare an environmental assessment.

(iii) For applications and petitions for rulemaking, the NRC's determination that NEPA requires the preparation of an environmental assessment is made when a complete application or petition is docketed.

(2) The NRC will complete an environmental impact statement no later than two years after the sooner of:

(i) When the NRC determines that NEPA requires the preparation of an environmental impact statement, or

(ii) The date the NRC issues a notice of intent to prepare an environmental assessment or environmental impact statement.

(iii) For applications and petitions for rulemaking, the NRC's determination that NEPA requires the preparation of an environmental impact statement is made when a complete application or petition is docketed or when an environmental assessment resulting in a determination that an environmental impact statement is required is published.

(3) The completion date of an environmental assessment or environmental impact statement will be the date the NRC publishes the environmental document in the NRC's Agencywide Documents Access and Management System or the *Federal Register*.

(4) The environmental assessment and environmental impact statement will be published (unless the deadline is extended pursuant to the provision below), at the latest, on the day the deadline elapses, in as substantially complete form as is possible.

(5) If the NRC determines it is not able to meet the deadline prescribed by NEPA § 107(g)(1), the NRC will consult with the applicant, if any, pursuant to NEPA § 107(g)(2). After such consultation, if needed, it may establish a new deadline. The new deadline will provide only so much additional time as is necessary to complete such environmental assessment or environmental impact statement.

(b) Project sponsors intending to pay a fee for an expedited environmental impact statement or environmental assessment deadline pursuant to NEPA § 112 for which the NRC would be the lead agency should consult with the NRC before submitting a request to the Council on Environmental Quality. The NRC will use such consultation to assist the project sponsor in providing an accurate description of the project as it relates to the anticipated environmental impact statement or environmental assessment-associated costs.

§ 51.17 Information collection requirements; OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has approved the information collection requirements contained in this part under control number 3150-0021.

(b) The approved information collection requirements in this part appear in §§ 51.6, 51.41, 51.45, 51.46, 51.51, 51.52, 51.60, 51.60(c), 51.62 and 51.62(d) of this part.

Preliminary Procedures

CLASSIFICATION OF LICENSING AND REGULATORY ACTIONS

§ 51.19 Determination of when NEPA applies.

(a) The NRC will determine that NEPA does not apply to a proposed agency action when:

(1) The actions or decision do not result in final agency action under the Administrative Procedure Act, or other relevant statute that also includes a finality requirement;

(2) The proposed agency action or decision is exempted from NEPA by law;

(3) Compliance with NEPA would clearly and fundamentally conflict with the requirements of another provision of law;

(4) In circumstances where Congress by statute has prescribed decisional criteria with sufficient completeness and precision such that the NRC retains no residual discretion to alter its action based on the consideration of environmental factors, then that function of the NRC is nondiscretionary within the meaning of NEPA § 106(a)(4) or § 111(10)(B)(vii), and NEPA does not apply to the action in question;

(5) The proposed agency action is an action for which another statute's requirements serve the function of agency compliance with NEPA; or

(6) The proposed agency action is not a "major Federal action." The terms "major" and "Federal action," each have independent force. NEPA applies only when both of these two criteria are met. While such a determination is inherently bound up in the facts and circumstances of each individual situation, and is thus reserved to the judgment of the NRC in each instance, the NRC provides its officers and employees and the public at large with the following interpretive guidance:

(i) The NRC anticipates, on the basis of its experience, that the following types of actions are generally "major:" an application for a new license or permit; an application for renewal of a license or permit; significant amendments to licenses or permits; some exemption requests; rulemaking; decommissioning actions; license termination; and limited work authorizations.

(ii) NEPA does not apply to "non-Federal actions." Therefore, under NEPA § 111(10)(B)(i), NEPA does not apply to actions with no or minimal Federal funding, or

with no or minimal Federal involvement where a Federal agency cannot control the outcome of the project. A “but for” causal relationship is insufficient to make an agency responsible for a particular effect under NEPA. By the same token, minimal Federal funding or involvement does not by itself convert that action into a Federal action within the meaning of the language of the statute.

(7) In addition to the illustrative general categories set forth in NEPA § 111(10), the NRC has determined that the following non-exhaustive list of NRC actions are not subject to NEPA because NRC anticipates they do not meet the definition of a “major Federal action:” NRC actions initiating or relating to administrative or judicial civil or criminal enforcement actions or proceedings including issuance of notices of violation, orders, and denials of requests for action pursuant to subpart B of part 2 of this chapter; matters covered by parts 15 and part 160 of this chapter; and issuance of confirmatory action letters, bulletins, generic letters, notices of deviation, and notices of nonconformance.

(8) The issuance or update of the NRC’s NEPA procedures is not subject to NEPA review.

(b) In determining whether NEPA applies to a proposed agency action, the NRC will consider only the action or project at hand.

§ 51.20 Determination of the appropriate level of NEPA review.

(a) If the NRC determines under § 51.19 of this part that NEPA applies to a proposed licensing or regulatory action or decision, the NRC will then determine the appropriate level of NEPA review in the following sequence and manner. At all steps in the following process, the NRC will consider the proposed agency action and its effects.

(1) If the NRC has established pursuant to § 51.22 of this part a categorical exclusion that covers the proposed agency action, the NRC will analyze whether to

apply the categorical exclusion to the proposed agency action and apply the categorical exclusion, if appropriate.

(2) [Reserved]

(b) Except as provided in paragraph (d) of this section, if the NRC cannot apply a categorical exclusion to the proposed agency action, the NRC will consider the proposed agency action's reasonably foreseeable effects consistent with paragraph (c) of this section, and then will prepare, as appropriate, an environmental assessment or environmental impact statement in accordance with paragraphs (b)(1) or (b)(2), respectively, of this section.

(1) The NRC will prepare an environmental assessment, consistent with §§ 51.30, 51.31, and 51.32 of this part, if the proposed agency action is not likely to have reasonably foreseeable significant effects or the significance of the effects is unknown; or

(2) The NRC will prepare an environmental impact statement, consistent with §§ 51.70 and 51.71 of this part, if the proposed agency action is likely to have reasonably foreseeable significant effects.

(c) When considering whether the reasonably foreseeable effects of the proposed agency action are significant, the NRC will analyze the potentially affected environment and degree of the effects of the action. The NRC may use any reliable data source and will not undertake new research unless it is essential to evaluating alternatives and the cost and time of obtaining it are not unreasonable.

(d) Issuance of a license for a uranium enrichment facility requires preparation of an environmental impact statement pursuant to Atomic Energy Act § 193(a)(1).

§ 51.22 Establishing categorical exclusions.

The NRC may establish categories of licensing, regulatory, and administrative actions eligible for categorical exclusion that the NRC finds are within a category of actions that normally does not significantly affect the quality of the human environment within the meaning of NEPA § 102(2)(C). The NRC may establish these categorical exclusions by rule or public notification on the NRC's website, <http://www.nrc.gov/NEPAcatex>, or by adopting pursuant to NEPA § 109 categorical exclusions established by other Federal agencies into regulation or on the NRC's website, <http://www.nrc.gov/NEPAcatex>. A prospective applicant or any other interested party may also propose a new categorical exclusion for a category of actions that normally does not significantly affect the quality of the human environment for NRC consideration by submitting a petition for rulemaking in accordance with § 2.802 of this chapter. If appropriate, the NRC may establish a new categorical exclusion on its website, <http://www.nrc.gov/NEPAcatex>, while a decision on whether to pursue rulemaking is pending.

(a) The following categories of NRC actions are excluded from the requirement to prepare an environmental assessment or environmental impact statement:

(1) Actions that are administrative, procedural, or solely financial in nature, including, for example:

(i) Issuance of or changes to procedures for filing and reviewing applications;

(ii) Issuance of or changes to recordkeeping or reporting requirements;

(iii) Issuance of or changes to surety, insurance, or indemnity requirements;

(iv) Issuance of or changes to administrative procedures or requirements;

(v) Actions on petitions for rulemaking, but not including rulemakings in response to a petition for rulemaking;

(vi) Amendments to the regulations in this chapter that are corrective or of a minor or nonpolicy nature and do not substantially modify existing regulations;

(vii) Issuance of or changes to guidance for the implementation of regulations in this chapter and other informational and procedural documents that do not impose any legal requirements;

(viii) Changes to a person or organization's name, position, or title;

(ix) Revisions that are editorial, corrective, or otherwise minor, including the updating of NRC-approved references, or changes to formatting of a document;

(x) Changes to contact information;

(xi) Personnel or managerial actions;

(xii) Actions on or changes to requirements for decommissioning funding under parts 30, 40, 50, 53, 70, or 72 of this chapter; or

(xiii) Termination of licenses that were issued but for which no construction activities have begun or where all decommissioning activities have been completed and approved and license termination is a final administrative step.

(2) Issuance of or changes to education, training, experience, qualification, or other employment suitability requirements.

(3) Amendments to parts 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 13, 15, 16, 19, 21, 25, 26, 55, 75, 95, 110, 140, 150, 160, 170, or 171 of this chapter.

(4) Procurement of general equipment and supplies, and procurement of technical assistance and personal services relating to the safe operation and protection of commercial reactors, other facilities, and materials subject to NRC licensing and regulation.

(5) Entrance into or amendment, suspension, or termination of all or part of an agreement with a State under section 274 of the Atomic Energy Act of 1954, as amended, providing for assumption by the State and discontinuance by the Commission of certain regulatory authority of the Commission.

(6) Approvals of direct or indirect transfers of any license issued by the NRC (any associated amendments of a license required to reflect the approval of a direct or indirect transfer of an NRC license are included in paragraph (a)(1) of this section).

(7) The import of nuclear facilities and materials under part 110 of this chapter, but not including the import of spent power reactor fuel.

(8) Approvals of or changes to operators' licenses under part 55 or part 53 of this chapter.

(9) Approvals of package designs for packages to be used for the transportation of licensed materials.

(10) Actions under parts 30, 31, 32, 33, 34, 35, 36, 39, 40 or 70 of this chapter authorizing the following:

(i) Distribution of radioactive material and devices or products containing radioactive material to general licensees and to persons exempt from licensing;

(ii) Distribution of radiopharmaceuticals, generators, reagent kits and/or sealed sources to persons licensed under § 35.18 of this chapter;

(iii) Nuclear pharmacies;

(iv) Use of radioactive materials for medical and veterinary purposes;

(v) Use of radioactive materials for research and development and for educational purposes;

(vi) Industrial radiography;

(vii) Irradiators;

(viii) Use of sealed sources and use of gauging devices, analytical instruments and other devices containing sealed sources;

(ix) Use of uranium as shielding material in containers or devices;

(x) Possession of radioactive material incident to performing services such as installation, maintenance, leak tests and calibration;

(xi) Use of sealed sources and/or radioactive tracers in well-logging procedures;

(xii) Acceptance of packaged radioactive wastes from others for transfer to licensed land burial facilities provided the interim storage period for any package does not exceed 180 days and the total possession limit for all packages held in interim storage at the same time does not exceed 50 curies;

(xiii) Manufacturing or processing of source, byproduct, or special nuclear materials for distribution to other licensees, except processing of source material for extraction of rare earth and other metals;

(xiv) Nuclear laundries;

(xv) Possession, manufacturing, processing, shipment, testing, or other use of depleted uranium military munitions; or

(xvi) Any use of source, byproduct, or special nuclear material not listed above which involves quantities and forms of source, byproduct, or special nuclear material similar to those listed in paragraphs (a)(10)(i) through (xv) of this section.

(11) Standard design approvals under part 52 or 53 of this chapter.

(12) Issuance of amendments to § 72.214 of this chapter for new, amended, revised, or renewed certificates of compliance for cask designs used for spent fuel storage.

(13) Issuance, amendment, modification, or renewal of a certificate of compliance of gaseous diffusion enrichment plants under part 76 of this chapter.

(14) The decommissioning of sites where licensed operations have been limited to the use of—

(i) Small quantities of short-lived radioactive materials;

(ii) Radioactive materials in sealed sources, provided there is no evidence of leakage of radioactive material from these sealed sources; or

(iii) Radioactive materials in such a manner that a decommissioning plan is not required by §§ 30.36(g)(1), 40.42(g)(1), or 70.38(g)(1) of this chapter, and the NRC has determined that the facility meets the radiological criteria for unrestricted use in § 20.1402 of this chapter without further remediation or analysis.

(15) The Commission finding for a combined license under § 52.103(g) or § 53.1452(g) of this chapter.

(16) Actions under § 50.55a of this chapter.

(b) The following categories of NRC actions are excluded from the requirement to prepare an environmental assessment or environmental impact statement, provided that any ground disturbance is limited to previously disturbed areas:

(1) Procurement of confirmatory research.

(2) Review and approval of transportation routes under § 73.37 of this chapter.

(c) The following categories of NRC actions are excluded from the requirement to prepare an environmental assessment or environmental impact statement except to the extent they include activities directly affecting the environment, such as the construction of facilities; a major disturbance brought about by blasting, drilling, excavating or other means; field work, except that which only involves noninvasive or non-harmful techniques such as taking water or soil samples or collecting non-protected species of flora and fauna; or the release of radioactive material:

(1) Grants to institutions of higher education in the United States, to fund scholarships, fellowships, and stipends for the study of science, engineering, or another field of study that the NRC determines is in a critical skill area related to its regulatory mission, to support faculty and curricular development in such fields, and to support other domestic educational, technical assistance, or training programs (including those of trade schools) in such fields.

(2) [Reserved]

(d) The following categories of NRC actions are excluded from the requirement to prepare an environmental assessment or environmental impact statement provided that any ground disturbance is limited to previously disturbed areas and there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite, no significant increase in individual or cumulative public or occupational radiation exposure, and no significant increase in the potential for or consequences from radiological accidents.

(1) Changes to inspection or surveillance requirements.

(2) Changes to equipment servicing or maintenance requirements.

(3) Changes to safeguard plans or materials control and accounting inventory requirements, including modifications to systems used for security and/or materials accountability.

(4) Changes to requirements for fire protection, emergency planning, physical security, cybersecurity, or quality assurance.

(5) Changes to scheduling requirements.

(6) Changes to extend implementation dates for activities previously found to not have a significant environmental impact.

(7) Actions that result in a change in process operations or equipment under licenses for fuel cycle facilities or radioactive waste disposal sites, or under the materials licenses identified in § 51.60(b)(1) of this part.

(8) Authorizations under, or changes to requirements in part 50, 52, or part 53 of this chapter with respect to installation or use of a facility component.

(e) In accordance with section 121 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10141), the promulgation of technical requirements and criteria that the Commission will apply in approving or disapproving applications under part 60 or part 63 of this chapter shall not require an environmental impact statement, an environmental

assessment, or any environmental review under subparagraph (H) or (I) of NEPA § 102(2).

(f) The following categories of NRC actions normally do not significantly affect the quality of the human environment:

(1) Approvals related to long term surveillance plans provided that criteria in appendix A in part 40 of this chapter for Title II site or 40 CFR 192 for Title I sites are met.

(2) Approvals of partial site releases or license termination plans, except for facilities or sites that possess Atomic Energy Act § 11e.(2) byproduct material, provided that the NRC has determined that the radiological criteria for unrestricted use in § 20.1402 of this chapter are met .

(3) Issuance of standard design certifications and manufacturing licenses under part 52 or part 53 of this chapter provided that the severe accident mitigation design alternatives do not provide cost beneficial risk improvements.

(4) Changes to standard design certifications and manufacturing licenses under part 52 or part 53 of this chapter provided that no new severe accident mitigation design alternatives to reasonably incorporate into the design are identified and previously considered severe accident mitigation design alternatives remain rejected.

(g) Approvals under § 20.2002 of this chapter normally do not significantly affect the quality of the human environment provided that there is no significant change in the types or significant increase in the amounts of any radiological effluents that may be released offsite, no significant increase in public or occupational radiation exposure, and no significant increase in the potential for or consequences from radiological accidents.

(h) Actions related to changes to reactor power levels normally do not significantly affect the quality of the human environment provided that there is no significant change in the types or significant increase in the amounts of any radiological

effluents that may be released offsite, no significant increase in public or occupational radiation exposure, no significant increase in the potential for or consequences from radiological accidents, and no significant increase in radioactive solid waste.

(i) Actions under part 50, part 52, or part 53 of this chapter related to a limited work authorization, construction permit, operating license, early site permit, or combined license for nuclear power or non-power reactors normally do not significantly affect the quality of the human environment provided that the facility and site meet or are bounded by and will continue to meet or be bounded by the environmental plant parameter and site parameter envelopes in Table C-1 of appendix C of this part, and no new and significant information has been identified for any of the issues identified as Category 1 and listed in Table C-1, such that it would change the conclusions listed in the table and further described in NUREG-2249.

(j) Actions related to renewed licenses under part 54 of this chapter normally do not significantly affect the quality of the human environment provided that:

(1) No substantial new circumstances or information has been identified for any of the issues identified as Category 1 and listed in Table B-1 of appendix B of this part, such that it would change the conclusions listed in the table and further described in NUREG-1437, Revision 2;

(2) Inadvertent radionuclide releases to groundwater have not resulted in radionuclide concentrations onsite or offsite that exceed drinking water maximum contaminant levels and there are no current or ongoing inadvertent releases under investigation, and;

(3) For plants with cooling ponds, cooling pond water quality is maintained such that the maximum contaminant levels for radionuclides in drinking water have not been exceeded.

(k) Actions related to the possession of special nuclear material for an activity at a permanent site that normally do not significantly affect the quality of the human environment provided that (i) there are no associated effluents that may be released offsite, or there is no significant change in the types of or significant increase in the amounts of effluents that may be released offsite, (ii) occupational and public dose meets part 20 of this chapter limits, and (iii) any new or increased possession limit for licensed material is of a physical form that is not readily dispersible. This categorical exclusion would not apply to actions related to enriched uranium processing, fabrication of uranium fuel or fuel assemblies, uranium enrichment, enriched uranium hexafluoride conversion, plutonium processing, fabrication of mixed-oxide fuel or fuel assemblies, or scrap recovery of special nuclear material.

(l) Actions under part 72 of this chapter, except decommissioning actions under § 72.54 of this chapter, related to the storage of undamaged spent fuel or reactor related greater-than-class-C waste in a dry cask independent spent fuel storage installation located within the site boundary of an operating nuclear power plant or located at an away-from-reactor decommissioned reactor site normally do not significantly affect the quality of the human environment provided that occupational and public dose meets part 20 of this chapter limits, real individual dose meets § 72.104 of this chapter limit, and postulated accident dose meets § 72.106 of this chapter limit.

§ 51.23 Environmental impacts of continued storage of spent nuclear fuel beyond the licensed life for operation of a reactor.

(a) The Commission has generically determined that the environmental impacts of continued storage of spent nuclear fuel beyond the licensed life for operation of a reactor are those impacts identified in NUREG-2157, "Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel."

(b) Environmental reports or applicant-prepared draft environmental documents are not required to discuss the environmental impacts of spent nuclear fuel storage in a reactor facility storage pool or an ISFSI for the period following the term of the reactor operating license, reactor combined license, or ISFSI license. If the impacts of continued storage of spent fuel are relevant to the proposed agency action, then the impact determinations in NUREG-2157 regarding continued storage shall be deemed incorporated into the environmental documents. For the purposes of an environment assessment that relies on the impact determinations in NUREG-2157, a SMALL impact determination means that the impacts are not significant.

(c) This section does not alter any requirements to consider the environmental impacts of spent fuel storage during the term of a reactor operating license or combined license, or a license for an ISFSI in a licensing proceeding.

ENVIRONMENTAL ASSESSMENT

§ 51.30 Environmental assessment.

(a) The NRC will prepare an environmental assessment as soon as practicable after determining that an environmental assessment is required under § 51.20 of this part.

(b) Other than an environmental assessment for a standard design certification or a manufacturing license under part 52 or part 53 of this chapter, as appropriate and to the extent required by the scope, an environmental assessment will address the matters described in §§ 51.45, 51.51, 51.52, 51.60, 51.62, 51.75, 51.76, and 51.95 of this part, as applicable. For the purpose of providing evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact, an environmental assessment for proposed agency actions must identify the proposed agency action and include:

(1) A brief discussion of:

(i) The purpose and need for the proposed agency action;

(ii) Alternatives to the extent required by NEPA; and

(iii) The reasonably foreseeable effects of the proposed agency action and alternatives, as appropriate.

(c) An environmental assessment for a standard design certification under subpart B of part 52 or part 53 of this chapter must identify the proposed agency action, and will be limited to the consideration of the costs and benefits of severe accident mitigation design alternatives and the bases for not incorporating severe accident mitigation design alternatives in the design certification. An environmental assessment for an amendment to a design certification will be limited to the consideration of whether the design change which is the subject of the proposed amendment renders a severe accident mitigation design alternative previously rejected in the earlier environmental assessment to become cost beneficial, or results in the identification of new severe accident mitigation design alternatives, in which case the costs and benefits of new severe accident mitigation design alternatives and the bases for not incorporating new severe accident mitigation design alternatives in the design certification must be addressed.

(d) An environmental assessment for a manufacturing license under subpart F of part 52 or part 53 of this chapter must identify the proposed agency action, and will be limited to the consideration of the costs and benefits of severe accident mitigation design alternatives and the bases for not incorporating severe accident mitigation design alternatives in the manufacturing license. An environmental assessment for an amendment to a manufacturing license will be limited to consideration of whether the design change which is the subject of the proposed amendment either renders a severe accident mitigation design alternative previously rejected in an environmental

assessment to become cost beneficial, or results in the identification of new severe accident mitigation design alternatives, in which case the costs and benefits of new severe accident mitigation design alternatives and the bases for not incorporating new severe accident mitigation design alternatives in the manufacturing license must be addressed. In either case, the environmental assessment will not address the environmental impacts associated with manufacturing the reactor under the manufacturing license.

(e) An environmental assessment must not exceed 75 pages, not including any citations or appendices.

(f) The NRC may, in certain circumstances (e.g., uncertain effects or effects involving unique or unknown risks), issue a notice of intent to prepare an environmental assessment and request public comment to assist in preparation of an environmental assessment.

(g) The NRC may cooperate with State, Tribal, and local agencies that are responsible for preparing environmental documents.

§ 51.31 Determinations based on environmental assessment.

(a) *General.* Upon completion of an environmental assessment for proposed agency actions other than those involving a standard design certification or a manufacturing license under part 52 or part 53 of this chapter, the appropriate NRC staff director authorized to take the action will determine whether to prepare an environmental impact statement or a finding of no significant impact on the proposed agency action.

(b) *Standard design certification.*

(1) The proposed rule involving the issuance or amendment of a standard design certification must state that:

(i) The Commission has determined in § 51.32 of this part that there is no significant environmental impact associated with the issuance of the standard design certification or its amendment, as applicable; and

(ii) Comments on the environmental assessment will be limited to the consideration of severe accident mitigation design alternative as required by § 51.30(c) of this part.

(2) The Commission will prepare a environmental assessment following the close of the public comment period for the proposed standard design certification.

(c) *Manufacturing license.* Upon completion of the environmental assessment for actions involving issuance or amendment of a manufacturing license (manufacturing license environmental assessment) in accordance with § 51.30(d) of this part, the appropriate NRC staff director will determine the costs and benefits of severe accident mitigation design alternatives and the bases for not incorporating severe accident mitigation design alternatives in the design of the reactor to be manufactured under the manufacturing license.

FINDING OF NO SIGNIFICANT IMPACT

§ 51.32 Finding of no significant impact.

(a) A finding of no significant impact will:

(1) Identify the proposed agency action;

(2) Describe the purpose and need for the proposed agency action based on the NRC's substantive statutory authority;

(3) State that the Commission has determined not to prepare an environmental impact statement for the proposed agency action;

(4) Document the reasons why the proposed agency action will not have a significant effect on the quality of the human environment;

(5) Include the environmental assessment or a summary of the environmental assessment in the finding of no significant impact. If the assessment is included, the finding need not repeat any of the discussion in the assessment but may incorporate it by reference;

(6) Identify any other related environmental documents;

(7) State that the finding and any related environmental documents are available for public inspection and where the documents may be inspected; and

(8) If applicable, state the authority for any mitigation that NRC has adopted and any applicable monitoring or enforcement provisions. If NRC finds no significant effects based on mitigation, the mitigated finding of no significant impact will state any mitigation requirements enforceable by the agency or voluntary mitigation commitments that will be undertaken to avoid significant effects.

(b) The Commission finds that there is no significant environmental impact associated with the issuance of:

(1) A standard design certification under subpart B of part 52 or part 53 of this chapter;

(2) An amendment to a design certification;

(3) A manufacturing license under subpart F of part 52 or part 53 of this chapter;

or

(4) An amendment to a manufacturing license.

(c) The finding of no significant impact will be prepared by the NRC staff director authorized to take the action. Whenever the NRC makes a finding of no significant impact on a proposed agency action, the finding or a notice of availability of the finding will be published in the *Federal Register*.

**Environmental Reports and Information, and Applicant-Prepared Draft
Environmental Documents—Requirements Applicable to Applicants and
Petitioners for Rulemaking**

GENERAL

§ 51.41 Requirement to submit environmental information.

The NRC may require an applicant for a permit, license, or other form of permission, or amendment to or renewal of a permit, license or other form of permission, or a petitioner for rulemaking to submit such information to the NRC as may be useful in aiding the NRC in complying with NEPA and with any other environmental statutory compliance obligations it may have, under statutes, including but not limited to, the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, National Historic Preservation Act, Clean Air Act, Clean Water Act, National Marine Sanctuaries Act, and Marine Mammal Protection Act. The Commission will independently evaluate and be responsible for the reliability of any information which it uses.

ENVIRONMENTAL REPORTS—GENERAL REQUIREMENTS

§ 51.45 Environmental report and information.

(a) Unless the applicant or petitioner for rulemaking believes its application or petition is subject to a categorical exclusion, each applicant or petitioner for rulemaking must submit with its application or petition for rulemaking one signed original of a separate document entitled “Applicant’s” or “Petitioner’s Environmental Report,” as appropriate. An applicant or petitioner for rulemaking may submit a supplement to an environmental report at any time. Submittal of a supplement to an environmental report would be grounds for extending the NEPA deadlines in accordance with § 51.15(a)(5) of this part.

(1) If the application is for an amendment to or a renewal of a license or other form of permission for which the applicant has previously submitted an environmental report, the supplement to the applicant's environmental report may be limited to incorporating by reference and updating or supplementing the information previously submitted to reflect any significant new information, including any significant environmental change resulting from operational experience or a change in operations or proposed decommissioning activities. If the applicant is a Federal agency, the environmental report may be in the form of either an environmental impact statement or an environmental assessment, as appropriate, provided that the submittal includes all the information required for an environmental report.

(2) An environmental report or supplement to an environmental report must contain environmental information necessary for the NRC to prepare an environmental assessment in accordance with the procedures in §§ 51.30, 51.31, and 51.32 of this part, or an environmental impact statement in accordance with the procedures in §§ 51.70 and 51.71 of this part. An environmental report for a production and utilization facility, other than environmental reports for standard design certifications or manufacturing licenses under part 52 or part 53 of this chapter, must also address the matters specified in §§ 51.51, 51.52, 51.75, 51.76, and 51.95 of this part, as applicable. An environmental report must also include information relevant to NRC's statutory compliance obligations under statutes, including but not limited to the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, National Historic Preservation Act, Clean Air Act, Clean Water Act, National Marine Sanctuaries Act, and Marine Mammal Protection Act.

(b) Applicants and petitioners for rulemaking who believe that a categorical exclusion applies to their application or petition must include in their application or petition a justification for the application of a categorical exclusion. For categorical

exclusions the applicant or petitioner for rulemaking must provide the rationale and bases for applying a categorical exclusion, including any supporting analyses. A categorical exclusion under NEPA does not excuse the NRC from other statutory consultations and responsibilities. Therefore, the Commission may require an applicant for a permit, license, or other form of permission, or amendment to or renewal of a permit, license, or other form of permission, or a petitioner for rulemaking to submit such information to the Commission as may be useful in aiding the Commission in complying with other environmental statutes, including but not limited to, the Endangered Species Act, National Historic Preservation Act, Clean Air Act, Clean Water Act, Magnuson-Stevens Fishery Conservation and Management Act, National Marine Sanctuaries Act, and Marine Mammal Protection Act.

(c) Each applicant for a standard design certification under subpart B of part 52 or part 53 of this chapter must submit with its application information that either justifies the categorical exclusion in § 51.22(f)(3) of this part by providing the rationale and bases for concluding that the severe accident mitigation design alternatives do not provide cost beneficial risk improvements, or addresses, in an environmental report, the costs and benefits of severe accident mitigation design alternatives, and the bases for not incorporating severe accident mitigation design alternatives. If the application is for an amendment to a design certification, the applicant must submit information that either justifies the categorical exclusion in § 51.22(f)(4) of this part by providing the rationale and bases for concluding that no new severe accident mitigation design alternatives to reasonably incorporate into the design are identified and previously considered severe accident mitigation alternatives remain rejected, or addresses, in a supplemental environmental report, whether the design change which is the subject of the proposed amendment either renders a severe accident mitigation design alternative previously rejected in an environmental assessment to become cost beneficial, or results in the

identification of new severe accident mitigation design alternatives that may be reasonably incorporated into the design certification.

(d) Each applicant for a manufacturing license under subpart F of part 52 or part 53 of this chapter must submit with its application information that either justifies the categorical exclusion in § 51.22(f)(3) of this part by providing the rationale and bases for concluding that the severe accident mitigation design alternatives do not provide cost beneficial risk improvements, or addresses, in an environmental report, the costs and benefits of severe accident mitigation design alternatives, and the bases for not incorporating severe accident mitigation design alternatives into the design of the reactor to be manufactured. The environmental report need not address the environmental impacts associated with manufacturing the reactor under the manufacturing license, the benefits and impacts of utilizing the reactor in a nuclear power plant, or an evaluation of alternative energy sources. If the application is for an amendment to a manufacturing license, the applicant must submit information that either justifies the categorical exclusion in § 51.22(f)(4) of this part by providing the rationale and bases for concluding that no new severe accident mitigation design alternatives to reasonably incorporate into the design are identified and previously considered severe accident mitigation alternatives remain rejected, or addresses, in a supplemental environmental report, whether the design change which is the subject of the proposed amendment either renders a severe accident mitigation design alternative previously rejected in an environmental assessment to become cost beneficial, or results in the identification of new severe accident mitigation design alternatives that may be reasonably incorporated into the design of the manufactured reactor. The environmental report need not address the environmental impacts associated with manufacturing the reactor under the manufacturing license.

(e) Each applicant for a non-power production or utilization construction permit or facility license, or renewal of a non-power production or utilization facility license issued pursuant to § 50.21(a) or (c) or § 50.22 of this chapter must submit with its application an environmental report in accordance with paragraph (a) of this section. If the application is for a renewal of a license for which the applicant has previously submitted an environmental report, the supplement, to the extent applicable, must include an analysis of any environmental impacts resulting from operational experience or a change in operations, and an analysis of any environmental impacts that may result from proposed decommissioning activities.

(f) The analyses for environmental reports submitted in accordance with paragraph (a) of this section and the rationale and bases for application of a categorical exclusion submitted in accordance with paragraph (b) of this section for limited work authorizations, construction permits, early site permits, operating licenses, combined licenses, and materials licenses listed in § 51.60(b) of this part must, to the fullest extent practicable, quantify the various factors considered. To the extent that there are important qualitative considerations or factors that cannot be quantified, those considerations or factors must be discussed in qualitative terms. The environmental report should contain sufficient data to aid the Commission in its development of an independent analysis.

(g) The submittals referenced in paragraph (a) of this section must list all Federal permits, licenses, approvals and other entitlements which must be obtained in connection with the proposed agency action, and must describe the status of compliance with these requirements. The environmental report must also include a discussion of the status of compliance with applicable environmental quality standards and requirements including, but not limited to, applicable zoning and land-use regulations, and thermal and

other water pollution limitations or requirements which have been imposed by Federal, State, regional, and local agencies having responsibility for environmental protection.

(h) The information submitted pursuant to this section should not be confined to information supporting the proposed agency action or application of a categorical exclusion but should also include adverse information.

APPLICANT-PREPARED DRAFT ENVIRONMENTAL DOCUMENTS- GENERAL REQUIREMENTS

§ 51.46 Applicant- prepared draft environmental documents.

(a) In lieu of the environmental report required under §§ 51.45(a), 51.60, and 51.62 of this part, in accordance with NEPA section 107(f), the NRC may, at its discretion, authorize an applicant-hired or petitioner-hired contractor to prepare a draft environmental document, in whole or in part, under NRC supervision. A prospective applicant or petitioner for rulemaking must submit a written notice requesting participation in this process prior to beginning preparation of an applicant-prepared draft environmental document or environmental report.

The request must include the following commitments:

(1) The prospective applicant will hire a contractor, or contractors, with qualifications or experience to prepare draft environmental documents that meet the requirements of this part.

(2) The prospective applicant will ensure that the relevant procurement documents specify that the draft environmental document will meet the requirements of part 51 of this chapter and authorize the NRC to conduct oversight of the preparation process.

(3) The prospective applicant will ensure the contractor, or contractors, have no financial or other interest in the outcome of the proposed agency action. A disclosure

statement for the NRC-supervised applicant-hired contractor's execution specifying that the contractor has no financial or other interest in the outcome of the action. Such statements need not include privileged or confidential trade secrets or other confidential business information.

(4) The prospective applicant and their contractor(s) will cooperate with the NRC's supervision of the preparation of the draft environmental document and in meeting the schedule established by NRC, including through timely submittal of information requested by the NRC.

(5) The prospective applicant and their contractor(s) will meet the requirements of this part and comply with all other applicable environmental laws, regulations, or executive orders under the NRC's purview.

(b) The NRC will be responsible for the following:

(1) Determining the appropriate level of NEPA review.

(2) Providing supervision and guidance to the prospective applicant and applicant-hired contractor.

(3) Conducting all consultations required under other environmental statutes unless the NRC is authorized by law to permit the prospective applicant or applicant-hired contractor to conduct all or part of a required consultation, as appropriate, and the applicant accepts that responsibility.

(4) Independently evaluating and taking responsibility for the content, accuracy, and scope of the environmental document, including by issuing any final determinations and the final agency decision on the application.

(c) An applicant-prepared draft environmental document for the construction permit stage or early site permit stage or combined license stage of a light-water-cooled nuclear power reactor, must use Table S-3, Table of Uranium Fuel Cycle Environmental Data, in § 51.51 of this part as the basis for evaluating the contribution of the

environmental effects of uranium mining and milling, the production of uranium hexafluoride, isotopic enrichment, fuel fabrication, reprocessing of irradiated fuel, transportation of radioactive materials and management of low-level wastes and high-level wastes related to uranium fuel cycle activities to the environmental costs of licensing the nuclear power reactor. Table S-3 must be included in the applicant-prepared draft document and may be supplemented by a discussion of the environmental effects of the data set forth in the table as weighed in the analysis for the proposed facility.

(d) An applicant-prepared draft environmental document prepared for the construction permit stage or early site permit stage or combined license stage of a light-water-cooled nuclear power reactor, and submitted after February 4, 1975, must contain a statement concerning transportation of fuel and radioactive wastes to and from the reactor. That statement must indicate that the reactor and this transportation meet either all of the conditions in § 51.52(a) of this part or all of the conditions in § 51.52(b) of this part.

(e) The NRC may terminate the process described in this section at any time if it determines that the applicant or applicant-hired contractor is failing to meet commitments. The NRC will provide notice at least 30 days in advance of any reasons for the potential termination of this process and opportunities for the applicant to resolve the matter that will allow the NRC to meet its obligations (e.g., proposing an appropriate schedule extension, providing needed information, requesting that NRC staff complete the environmental document).

(f) The NRC will independently evaluate the draft environmental document, take responsibility for its contents and findings, and decide whether to issue the environmental document as final. The NRC may choose in its discretion to accept, edit,

revise, or independently author sections of the environmental document or the whole document.

ENVIRONMENTAL REPORTS—PRODUCTION AND UTILIZATION FACILITIES

§ 51.51 Uranium fuel cycle environmental data—Table S-3.

(a) Every environmental report submitted in accordance with § 51.45(a) of this part for the construction permit stage or early site permit stage or combined license stage of a light-water-cooled nuclear power reactor, must take Table S-3, Table of Uranium Fuel Cycle Environmental Data, as the basis for evaluating the contribution of the environmental effects of uranium mining and milling, the production of uranium hexafluoride, isotopic enrichment, fuel fabrication, reprocessing of irradiated fuel, transportation of radioactive materials and management of low-level wastes and high-level wastes related to uranium fuel cycle activities to the environmental costs of licensing the nuclear power reactor. Table S-3 must be included in the environmental report submitted in accordance with § 51.45(a) of this part and may be supplemented by a discussion of the environmental effects of the data set forth in the table as weighed in the analysis for the proposed facility.

(b) Table S-3.

Table S-3—Table of Uranium Fuel Cycle Environmental Data¹

[Normalized to model LWR annual fuel requirement [WASH-1248] or reference reactor year [NUREG-0116]]

Environmental Considerations	Total	Maximum effect per annual fuel requirement or reference reactor year of model 1,000 MWe LWR
Effluents—Chemical (MT) Other gases F	.67	Principally from UF ₆ , production, enrichment, and reprocessing. Concentration within range of state standards—below level that has effects on human health.

HCl	.014	
Liquids:		
SO ₄ ⁻	9.9	From enrichment, fuel fabrication, and reprocessing steps. Components that constitute a potential for adverse environmental effect are present in dilute concentrations and receive additional dilution by receiving bodies of water to levels below permissible standards. The constituents that require dilution and the flow of dilution water are: NH ₃ —600 cfs., NO ₃ —20 cfs., Fluoride—70 cfs.
NO ₃ ⁻	25.8	
Fluoride	12.9	
CA ⁺	5.4	
C1 ⁻	8.5	
Na ⁺	12.1	
NH ₃	10.0	
Fe	.4	
Tailings Solutions (thousands of MT)	240	From mills only—no significant effluents to environment.
Solids	91,000	Principally from mills—no significant effluents to environment.
Effluents—Radiological (curies)		
Gases (including entrainment):		
Rn-222		Presently under reconsideration by the Commission.
Ra-226	.02	
Th-230	.02	
Uranium	.034	
Tritium (thousands)	18.1	
C-14	24	
Kr-85 (thousands)	400	
Ru-106	.14	Principally from fuel reprocessing plants.
I-129	1.3	
I-131	.83	
Tc-99		Presently under consideration by the Commission.
Fission products and transuranics	.203	
Liquids:		
Uranium and daughters	2.1	Principally from milling—included tailings liquor and returned to ground—no effluents; therefore, no effect on environment.
Ra-226	.0034	From UF ₆ production.
Th-230	.0015	
Th-234	.01	From fuel fabrication plants—concentration 10 percent of 10 CFR part 20 for total processing 26 annual fuel requirements for model LWR.
Fission and activation product	5.9 x 10 ⁻⁶	
Solids (buried on site):		
Other than high level (shallow)	11,300	9,100 Ci comes from low level reactor wastes and 1,500 Ci comes from reactor decontamination and decommissioning—buried at land burial facilities. 600 Ci comes from mills—included in tailings returned to

TRU and HLW (deep)	1.1 x 10 ⁷	ground. Approximately 60 Ci comes from conversion and spent fuel storage. No significant effluent to the environment. Buried at Federal Repository.
Transportation (person-rem):		
Exposure of workers and general public	2.5	
Occupational exposure (person-rem)	22.6	From reprocessing and waste management.

¹ Table S-3 does not include health effects from the effluents described in the Table, or estimates of releases of Radon-222 from the uranium fuel cycle or estimates of Technetium-99 released from waste management or reprocessing activities. These issues may be the subject of litigation in the individual licensing proceedings.

Data supporting this table are given in the "Environmental Survey of the Uranium Fuel Cycle," WASH-1248, April 1974; the "Environmental Survey of the Reprocessing and Waste Management Portion of the LWR Fuel Cycle," NUREG-0116 (Supp. 1 to WASH-1248); the "Public Comments and Task Force Responses Regarding the Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle," NUREG-0216 (Supp. 2 to WASH-1248); and in the record of the final rulemaking pertaining to Uranium Fuel Cycle Impacts from Spent Fuel Reprocessing and Radioactive Waste Management, Docket RM-50-3. The contributions from reprocessing, waste management and transportation of wastes are maximized for either of the two fuel cycles (uranium only and no recycle). The contribution from transportation excludes transportation of cold fuel to a reactor and of irradiated fuel and radioactive wastes from a reactor which are considered in Table S-4 of § 51.20(g) of this part. The contributions from the other steps of the fuel cycle are given in columns A-E of Table S-3A of WASH-1248.

§ 51.52 Environmental effects of transportation of fuel and waste—Table S-4.

Every environmental report submitted in accordance with § 51.45(a) of this part prepared for the construction permit stage or early site permit stage or combined license stage of a light-water-cooled nuclear power reactor, and submitted after February 4, 1975, must contain a statement concerning transportation of fuel and radioactive wastes to and from the reactor. That statement must indicate that the reactor and this transportation meet either all of the conditions in paragraph (a) of this section or all of the conditions of paragraph (b) of this section.

(a)(1) The reactor has a core thermal power level not exceeding 3,800 megawatts;

(2) The reactor fuel is in the form of sintered uranium dioxide pellets having a uranium-235 enrichment not exceeding 4% by weight, and the pellets are encapsulated in zircaloy rods;

(3) The average level of irradiation of the irradiated fuel from the reactor does not exceed 33,000 megawatt-days per metric ton, and no irradiated fuel assembly is shipped until at least 90 days after it is discharged from the reactor;

(4) With the exception of irradiated fuel, all radioactive waste shipped from the reactor is packaged and in a solid form;

(5) Unirradiated fuel is shipped to the reactor by truck; irradiated fuel is shipped from the reactor by truck, rail, or barge; and radioactive waste other than irradiated fuel is shipped from the reactor by truck or rail; and

(6) The environmental impacts of transportation of fuel and waste to and from the reactor, with respect to normal conditions of transport and possible accidents in transport, are as set forth in Summary Table S-4 in paragraph (c) of this section; and the values in the table represent the contribution of the transportation to the environmental costs of licensing the reactor.

(b) For reactors not meeting the conditions of paragraph (a) of this section, the statement must contain a full description and detailed analysis of the environmental effects of transportation of fuel and wastes to and from the reactor, including values for the environmental impact under normal conditions of transport and for the environmental risk from accidents in transport. The statement must indicate that the values determined by the analysis represent the contribution of such effects to the environmental costs of licensing the reactor.

(c) Table S-4.

Summary Table S-4—Environmental Impact of Transportation of Fuel and Waste to and from One Light-Water-Cooled Nuclear Power Reactor¹

Normal Conditions of Transport

Exposed population	Estimated number of	Range of doses to exposed individuals ² (per reactor year)	Cumulative Dose to Exposed Population (per reactor year) ³
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	persons exposed		
Transportation workers	200	0.01 to 300 millirem	4 man-rem.
General public:			
Onlookers	1,100	0.003 to 1.3 millirem	3 man-rem.
Along Route	600,000	0.0001 to 0.06 millirem	

Types of Effects

Radiological Effects

Environmental Risk

Small⁴

¹ Data supporting this table are given in the Commission's "Environmental Survey of Transportation of Radioactive Materials to and from Nuclear Power Plants," WASH-1238, December 1972; and Supp. 1 of NUREG-75/038, April 1975. Both documents are available for electronic access at the NRC's Publicly Available Records System Library at <https://www.nrc.gov/reading-rm/adams>.

² The Federal Radiation Council has recommended that the radiation doses from all sources of radiation other than natural background and medical exposures should be limited to 5,000 millirem per year for individuals as a result of occupational exposure and should be limited to 500 millirem per year for individuals in the general population. The dose to individuals due to average natural background radiation is about 130 millirem per year.

³ Man-rem is an expression for the summation of whole body doses to individuals in a group. Thus, if each member of a population group of 1,000 people were to receive a dose of 0.001 rem (1 millirem), or if 2 people were to receive a dose of 0.5 rem (500 millirem) each, the total man-rem dose in each case would be 1 man-rem.

⁴ Although the environmental risk of radiological effects stemming from transportation accidents is currently incapable of being numerically quantified, the risk remains small regardless of whether it is being applied to a single reactor or a multireactor site.

ENVIRONMENTAL REPORTS—MATERIALS LICENSES

§ 51.60 Environmental report—materials licenses.

(a) Each applicant for a license or other form of permission, or an amendment to or renewal of a license or other form of permission issued pursuant to parts 30, 32, 33, 34, 35, 36, 39, 40, 61, 70 and/or 72 of this chapter, and covered by paragraphs (b)(1) through (b)(5) of this section, must submit with its application an environmental report in accordance with the procedures in § 51.45(a) of this part, unless a categorical exclusion is applicable. Information to justify the applicability of a categorical exclusion must be submitted to the NRC in accordance with § 51.45(b) of this part.

(b) As required by paragraph (a) of this section, each applicant must prepare an environmental report for the following types of actions, unless the action qualifies for a categorical exclusion:

(1) Issuance or renewal of a license or other form of permission for:

(i) Possession and use of special nuclear material for processing and fuel fabrication, scrap recovery, or conversion of uranium hexafluoride pursuant to part 70 of this chapter.

(ii) Possession and use of source material for uranium milling or production of uranium hexafluoride pursuant to part 40 of this chapter.

(iii) Storage of spent fuel in an independent spent fuel storage installation (ISFSI) or the storage of spent fuel or high-level radioactive waste in a monitored retrievable storage installation (MRS) pursuant to part 72 of this chapter.

(iv) Receipt and disposal of radioactive waste from other persons pursuant to part 61 of this chapter.

(v) Processing of source material for extraction of rare earth and other metals.

(vi) Use of radioactive tracers in field flood studies involving secondary and tertiary oil and gas recovery.

(vii) Construction and operation of a uranium enrichment facility.

(2) Issuance of an amendment that would authorize or result in

(i) A significant expansion of a site,

(ii) A significant change in the types of effluents,

(iii) A significant increase in the amounts of effluents,

(iv) A significant increase in individual or cumulative occupational radiation exposure,

(v) A significant increase in the potential for or consequences from radiological accidents, or

(vi) A significant increase in spent fuel storage capacity, in a license or other form of permission to conduct an activity listed in paragraph (b)(1) of this section.

(3) Amendment of a license to authorize the decommissioning of an independent spent fuel storage installation (ISFSI) or a monitored retrievable storage installation (MRS) pursuant to part 72 of this chapter.

(4) Issuance of a license amendment pursuant to part 61 of this chapter authorizing

(i) Closure of a land disposal site,

(ii) Transfer of the license to the disposal site owner for the purpose of institutional control, or

(iii) Termination of the license at the end of the institutional control period.

(5) Any other licensing action for which the Commission determines an environmental report is necessary.

(c) Petitioners for rulemaking requesting amendments of parts 30, 31, 32, 33, 34, 35, 36, 39, 40 or part 70 of this chapter concerning the exemption from licensing and regulatory requirements of or authorizing general licenses for any equipment, device, commodity or other product containing byproduct material, source material or special nuclear material must submit with the petition a separate document entitled "Petitioner's Environmental Report," in accordance with § 51.45(a) of this part, unless a categorical exclusion is applicable. Information to justify the applicability of a categorical exclusion must be submitted to the NRC in accordance with § 51.45(b) of this part.

(d) The environmental report for an application for a license for storage of spent fuel in an ISFSI or for the storage of spent fuel and high-level radioactive waste in an MRS pursuant to part 72 of this chapter must contain the information specified in § 51.45(a) of this part and must address the siting evaluation factors contained in subpart E of part 72 of this chapter.

§ 51.62 Environmental report—land disposal of radioactive waste licensed under 10 CFR part 61.

(a) Each applicant for issuance of a license for land disposal of radioactive waste pursuant to part 61 of this chapter must submit with its application an environmental report in accordance with § 51.45(a) of this part. The environmental report and any supplement to the environmental report may incorporate by reference information contained in the application or in any previous application, statement or report filed with the Commission provided that such references are clear and specific and that copies of the information so incorporated are available at the NRC website, <http://www.nrc.gov>, and/or at the NRC Public Document Room.

(b) The environmental report must contain the information specified in § 51.45(a) of this part, must address the applicant's environmental monitoring program required by §§ 61.12(l), 61.53 and 61.59(b) of this chapter, and must be as complete as possible in the light of information that is available at the time the environmental report is submitted.

(c) The applicant must supplement the environmental report in a timely manner as necessary to permit the Commission to review, prior to issuance, amendment or renewal of a license, new information regarding the environmental impact of previously proposed activities, information regarding the environmental impact of any changes in previously proposed activities, or any significant new information regarding the environmental impact of closure activities and long-term performance of the disposal site.

§ 51.67 Environmental information concerning geologic repositories.

(a) In lieu of an environmental report, the Department of Energy, as an applicant for a license or license amendment pursuant to part 60 or part 63 of this chapter, shall submit to the Commission any final environmental impact statement which the Department of Energy prepares in connection with any geologic repository developed

under Subtitle A of Title I, or under Title IV, of the Nuclear Waste Policy Act of 1982, as amended. (See § 60.22 or § 63.22 of this chapter as to the required time and manner of submission.) The statement shall include, among the alternatives under consideration, denial of a license or construction authorization by the Commission.

(b) Under applicable provisions of law, the Department of Energy may be required to supplement its final environmental impact statement if it makes a substantial change in its proposed action that is relevant to environmental concerns or determines that there are substantial new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. The Department shall submit any supplement to its final environmental impact statement to the Commission. (See § 60.22 or § 63.22 of this chapter as to the required time and manner of submission.)

(c) Whenever the Department of Energy submits a final environmental impact statement, or a final supplement to an environmental impact statement, to the Commission pursuant to this section, it shall also inform the Commission of the status of any civil action for judicial review initiated pursuant to § 119 of the Nuclear Waste Policy Act of 1982. This status report, which the Department shall update from time to time to reflect changes in status, shall:

(1) State whether the environmental impact statement has been found by the courts of the United States to be adequate or inadequate; and

(2) Identify any issues relating to the adequacy of the environmental impact statement that may remain subject to judicial review.

ENVIRONMENTAL IMPACT STATEMENTS—GENERAL REQUIREMENTS

§ 51.70 Environmental impact statements—general.

(a) The NRC will publish a notice of intent to prepare an environmental impact statement in the *Federal Register* as soon as practicable after determining that preparation of an environmental impact statement is required under § 51.20 of this part. The notice of intent will include a request for public comment on alternatives or impacts and on relevant information, studies, or analyses with respect to the proposed agency action. The NRC will prepare an environmental impact statement as soon as practicable after publication of the notice of intent to prepare an environmental impact statement. The NRC may, in certain circumstances (e.g., uncertain effects or effects involving unique or unknown risks), request additional public comment to assist in preparation of an environmental impact statement.

(b) Except as provided in paragraph (c) of this section, an environmental impact statement must not exceed 150 pages, not including citations or appendices.

(c) An environmental impact statement for a proposed agency action of extraordinary complexity must not exceed 300 pages, not including any citations or appendices.

(d) The NRC may cooperate with State, Tribal, and local agencies that are responsible for preparing environmental impact statements.

§ 51.71 Environmental impact statements—contents.

(a) As appropriate, the environmental impact statement will address the topics in paragraphs (b), (c), (d), (e) and (f) of this section and the matters specified in §§ 51.45, 51.51, 51.52, 51.60, 51.62, 51.75, 51.76, and 51.95, as applicable.

(b) The environmental impact statement will include a description of the proposed agency action and a discussion of the purpose and need for the proposed agency action. The statement will also include a description of the environment affected and discuss:

(1) Reasonably foreseeable environmental effects of the proposed agency action. Effects will be discussed in proportion to their significance;

(2) Any reasonably foreseeable adverse environmental effects which cannot be avoided should the proposal be implemented;

(3) A reasonable range of alternatives to the proposed agency action, including an analysis of any adverse environmental impacts of not implementing the proposed agency action in the case of a no action alternative, that are technically and economically feasible and meet the purpose and need of the proposed agency action;

(4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(5) Any irreversible and irretrievable commitments of Federal resources which would be involved in the proposed agency action should it be implemented; and

(6) Any means identified to mitigate adverse environmental effects of the proposed agency action.

(c) While satisfaction of Commission standards and criteria pertaining to radiological effects will be necessary to meet the licensing requirements of the Atomic Energy Act, the analysis will, for the purposes of NEPA, consider the radiological effects of the proposed agency action and alternatives.

(d) Environmental impact statements will be analytic, concise, and no longer than necessary to comply with NEPA in light of the page limits under § 51.70 of this part and deadlines under § 51.15 of this part. With respect to issues that are not of a significant nature and do not meaningfully inform the consideration of environmental effects and the resulting decision on how to proceed, there will be no more than a brief discussion to explain why those issues are not significant and therefore not analyzed further.

(e) The analysis for all environmental impact statements will, to the fullest extent practicable, quantify the various factors considered. To the extent that there are

important qualitative considerations or factors that cannot be quantified, these considerations or factors will be discussed in qualitative terms.

(f) To the extent sufficient information is available, the environmental impact statement will include consideration of major points of view concerning the reasonably foreseeable environmental effects of the proposed agency action and the alternatives, and contain an analysis of substantive issues and objections raised by other Federal, State, Tribal, and local agencies and interested persons.

ENVIRONMENTAL DOCUMENTS—PRODUCTION AND UTILIZATION FACILITIES

§ 51.75 Environmental Documents—construction permit, early site permit, or combined license.

(a) *Construction permit stage.* If an environmental document is required under § 51.20 of this part in connection with issuance of a construction permit for a production or utilization facility, the environmental document must meet the requirements of this paragraph. The contribution of the environmental effects of the uranium fuel cycle activities specified in § 51.51 of this part must be evaluated on the basis of impact values set forth in Table S–3, Table of Uranium Fuel Cycle Environmental Data, which must be set out in the environmental document. With the exception of radon-222 and technetium-99 releases, no further discussion of fuel cycle release values and other numerical data that appear explicitly in the table shall be required.¹ The environmental document must take account of dose commitments and health effects from fuel cycle effluents set forth in Table S–3 and other fuel cycle impacts within the NRC’s statutory authority as may reasonably appear significant. The environmental document will also consider the applicant’s procedures for reporting and keeping records of environmental data, and any conditions and monitoring requirements for protecting the non-aquatic environment, that will be included in the license as environmental conditions in

accordance with § 50.36b of this chapter. For non-light-water reactors as defined in § 50.2 of this chapter, the environmental document must contain the basis for evaluating the contribution of the environmental effects of fuel cycle activities for the nuclear reactor.

(b) *Early site permit stage.* If an environmental document is required under § 51.20 of this part in connection with issuance of an early site permit for a production or utilization facility, the environmental document must meet the requirements of this paragraph. The contribution of the environmental effects of the uranium fuel cycle activities specified in § 51.51 of this part must be evaluated on the basis of impact values set forth in Table S–3, Table of Uranium Fuel Cycle Environmental Data, which must be set out in the environmental document. With the exception of radon-222 and technetium-99 releases, no further discussion of fuel cycle release values and other numerical data that appear explicitly in the table must be required.¹ The environmental document must take account of dose commitments and health effects from fuel cycle effluents set forth in Table S–3 and other fuel cycle impacts within the NRC's statutory authority as may reasonably appear significant. The environmental document must also include an evaluation of the environmental effects of construction and operation of a reactor, or reactors, which have design characteristics that fall within the site characteristics and design parameters for the early site permit application, but only to the extent addressed in the early site permit environmental report. For other than light-water-cooled nuclear power reactors, the environmental document will address the basis for evaluating the contribution of the environmental effects of fuel cycle activities for the nuclear power reactor. The environmental document will also consider the applicant's procedures for reporting and keeping records of environmental data, and any conditions and monitoring requirements for protecting the non-aquatic environment, that will be

included in the license as environmental conditions in accordance with § 50.36b of this chapter.

(c) *Combined license stage.* If an environmental document is required under § 51.20 of this part in connection with issuance of a combined license that does not reference an early site permit, the environmental document must meet the requirements of this paragraph. The contribution of the environmental effects of the uranium fuel cycle activities specified in § 51.51 of this part must be evaluated on the basis of impact values set forth in Table S–3, Table of Uranium Fuel Cycle Environmental Data, which shall be set out in the environmental document. With the exception of radon-222 and technetium-99 releases, no further discussion of fuel cycle release values and other numerical data that appear explicitly in the table must be required.¹ The environmental document must take account of dose commitments and health effects from fuel cycle effluents set forth in Table S–3 and other fuel cycle impacts within the NRC’s statutory authority as may reasonably appear significant.

(1) *Combined license application referencing an early site permit.* If the combined license application references an early site permit, then the environmental document must be prepared as a supplement to the early site permit environmental document. The supplement must be prepared in accordance with § 51.92 of this part. The environmental document need not address information or analyses contained in the environmental report the applicant submitted to the NRC for the early site permit stage or resolved in the Commission's early site permit environmental document, but will address, in addition to the environmental information and analyses otherwise required in this part:

(i) Information to demonstrate that the design of the facility falls within the site characteristics and design parameters specified in the early site permit;

(ii) Information to resolve any significant environmental issue that was not resolved in the early site permit proceeding;

(iii) Any new and significant information for issues related to the impacts of construction and operation of the facility that were resolved in the early site permit proceeding;

(iv) The process used to identify new and significant information regarding the conclusions in the early site permit environmental document. The process must use a reasonable methodology for identifying such new and significant information; and

(v) Whether all environmental terms and conditions that have been included in the early site permit will be satisfied by the applicant by the date of issuance of the combined license. Any terms or conditions of the early site permit that could not be met by the applicant by the time of issuance of the combined license must be set forth as terms or conditions of the combined license.

(2) *Combined license application referencing a standard design certification.* If the combined license application references a standard design certification and the site characteristics of the combined license's site fall within the site parameters specified in the design certification environmental assessment or a standard design certification that was categorically excluded in accordance with § 51.22 of this part, then the combined license environmental document must incorporate by reference the design certification environmental assessment, and summarize the findings and conclusions of the environmental assessment with respect to severe accident mitigation design alternatives, or must incorporate by reference the categorically excluded standard design certification, respectively.

(3) *Combined license application referencing a manufactured reactor.* If the combined license application proposes to use a manufactured reactor and the site characteristics of the combined license's site fall within the site parameters specified in the manufacturing license environmental assessment or a manufactured reactor that was categorically excluded in accordance with § 51.22 of this part, then the combined

license environmental document must incorporate by reference the manufacturing license environmental assessment, and summarize the findings and conclusions of the environmental assessment with respect to severe accident mitigation design alternatives, or must incorporate by reference the categorically excluded manufacturing license, respectively. The combined license environmental document will not address the environmental impacts associated with manufacturing the reactor under the manufacturing license.

(d) *Construction permit, early site permit, or combined license for a nuclear reactor.* If an environmental document being prepared in accordance with paragraph (a), (b), or (c) of this section relies upon, or if the applicant's environmental report relied upon the findings of one or more of the issues identified as Category 1 issues in appendix C of this part, the environmental document must be prepared as a supplement to NUREG-2249, "Generic Environmental Impact Statement for Licensing of New Nuclear Reactors." The supplemental environmental document will incorporate the conclusions in NUREG-2249 for issues identified as Category 1 for which the applicant has demonstrated that the applicable values and assumptions have been met and for which neither the applicant nor the NRC identified any new and significant information. The supplemental environmental document must contain an analysis for those issues identified as Category 1 for which the applicant could not demonstrate that the applicable values and assumptions were met or for which any new and significant information was identified by the applicant or the NRC, and for any issues identified as Category 2. The supplemental environmental document will consider alternatives for reducing adverse environmental impacts for all issues identified as Category 1 issues in appendix C of this part for which the applicant does not provide the information specified in this paragraph, and for any issues identified as Category 2 issues in appendix C of this part. No such consideration is required for Category 1 issues in appendix C of this

part that meet the applicable values and assumptions as specified in this paragraph. The supplemental environmental document will describe the process used to identify new and significant information regarding the issues identified as Category 1 issues in appendix C of this part for which the applicant relied on the findings for those issues.

(e) *Construction permit, early site permit, or combined license for a nuclear reactor.* In connection with:

(1) A construction permit, an early site permit, or a combined license that does not reference an early site permit for a nuclear reactor, as defined in § 50.2 of this chapter, and for which the NRC relied on any of the findings in appendix C of this part in preparing a supplemental environmental document in accordance with § 51.75(d) of this section, the supplemental environmental document must include a recommendation regarding the environmental acceptability of approving the construction permit, the early site permit, or the combined license. Recommendations and the final decision on the proposed agency action must integrate:

(i) The conclusions in NUREG-2249 for issues designated as Category 1 for which the applicant has demonstrated that the applicable values and assumptions have been met and for which neither the applicant nor the NRC identified any new and significant information.

(ii) Information developed for those Category 1 issues for which the applicant could not demonstrate that the applicable values and assumptions were met and those Category 2 issues applicable to the plant and any new and significant information.

(2) A combined license that references an early site permit for which the environmental document for that early site permit relied on any of the findings in appendix C of this part, the environmental document must be prepared as a supplement to the environmental document for the early site permit. The supplement for the

combined license must meet the requirements of § 51.92 of this part and must be considered a supplement to NUREG-2249.

(3) The issuance of an operating license for which the NRC relied on any of the findings in appendix C of this part in preparing the supplemental environmental document for the construction permit for that nuclear reactor, the environmental document must be prepared as a supplement to the environmental document for the construction permit. The supplement must meet the requirements of § 51.95(b) of this part and must be considered a supplement to NUREG-2249.

¹ Values for releases of Rn-222 and Tc-99 are not given in the table. The amount and significance of Rn-222 releases from the fuel cycle and Tc-99 releases from waste management or reprocessing activities shall be considered in the environmental document and may be the subject of litigation in individual licensing proceedings.

§ 51.76 Environmental documents—limited work authorization.

An environmental document prepared in connection with issuance of a limited work authorization must meet the requirements in the following paragraphs.

(a) *Limited work authorization submitted as part of complete construction permit or combined license application.* If the application for a limited work authorization is submitted as part of a complete construction permit or combined license application, then the NRC will prepare a single environmental document addressing both the limited work authorization and the construction permit or combined license application in accordance with § 51.75(a) or (c) of this part, as applicable. The environmental document will also address the activities the applicant proposes to be conducted under the limited work authorization.

(b) *Phased application for limited work authorization under § 2.101(a)(9) of this chapter.* If the application for a limited work authorization is submitted in accordance with § 2.101(a)(9) of this chapter, then the environmental document for part one of the

application may be limited to consideration of the activities proposed to be conducted under the limited work authorization and the proposed redress plan. If either part of the application relies on any of the findings in appendix C of this part in its environmental report, then the environmental document for part one may implement the process in § 51.75(d) of this part to determine whether it can rely on any of the findings in appendix C of this part. Siting issues, including issues related to operation of the proposed nuclear power plant at the site, may not be considered unless included as part of the application in accordance with § 2.101(a)(9)(ii)(a-1) of this chapter. After part two of the application is docketed, the NRC will prepare an environmental document for part two of the application in accordance with § 51.75(a) or (c) of this part, as applicable. No updating of the information contained in the environmental document prepared for part one is necessary in preparation of the environmental document prepared for part two.

(1) For part one of the application, the statutory deadline provided in § 51.15 of this part will start upon NRC acceptance for docketing of part one of the application.

(2) For part two of the application, the statutory deadline provided in § 51.15 of this part will start upon NRC acceptance for docketing of part two of the application.

(c) *Limited work authorization submitted as part of an early site permit application.* If the application for a limited work authorization is submitted as part of an application for an early site permit, then the NRC will prepare an environmental document in accordance with § 51.75(b) of this part. However, the analysis must also address the activities proposed to be conducted under the limited work authorization.

(d) *Limited work authorization request submitted by an early site permit holder.* If the application for a limited work authorization is submitted by a holder of an early site permit, then the NRC will prepare a supplement to the environmental document for the early site permit, if appropriate.

(e) *Limited work authorization for a site where an environmental document was prepared, but the facility construction was not completed.* If the limited work authorization is for activities to be conducted at a site for which the NRC has previously prepared an environmental document for the construction and operation of a nuclear power plant, and a construction permit was issued but construction of the plant was not completed, then the environmental document must incorporate by reference the earlier environmental document. The environmental document must be limited to a consideration of whether there is significant new information with respect to the environmental impacts of construction, relevant to the activities to be conducted under the limited work authority, so that the conclusion of the referenced environmental document on the impacts of construction would, when analyzed in accordance with § 51.71 of this part, lead to the conclusion that the limited work authorization should not be issued or should be issued with appropriate conditions.

(f) *Environmental document.* An environmental document prepared under this section must separately evaluate the environmental impacts and proposed alternatives attributable to the activities proposed to be conducted under the limited work authorization. However, if the “Applicant’s Environmental Report—Limited Work Authorization Stage” or “Applicant-prepared Draft Environmental Document—Limited Work Authorization Stage,” also contains the information described in § 51.75 of this part, then the environmental document may also address the impacts of construction and operation for the proposed facility (including the environmental impacts attributable to the limited work authorization) in accordance with § 51.71, and § 51.75(a) or (c) of this part, as applicable. For any environmental document prepared under this section, if the applicant’s environmental report or applicant-prepared draft environmental document relied upon the findings of one or more of the issues identified as Category 1 issues in appendix C of this part, the environmental document must be prepared as a supplement

to NUREG-2249, "Generic Environmental Impact Statement for Licensing of New Nuclear Reactors." The supplemental environmental document will incorporate the conclusions in NUREG-2249 for issues identified as Category 1 for which the applicant has demonstrated that the applicable values and assumptions have been met and for which neither the applicant nor the NRC identified any new and significant information. The supplemental document must contain an analysis for those issues identified as Category 1 for which the applicant could not demonstrate that the applicable values and assumptions were met or for which any new and significant information was identified by the applicant or the NRC, and for any issues identified as Category 2.

§ 51.92 Supplement to the environmental document.

If the proposed agency action has not been taken, a supplement to an environmental document is required if:

(a) There are substantial changes in the proposed agency action that are relevant to environmental effects; or

(b) The NRC decides, in its discretion, that there are substantial new circumstances or information about the significance of the adverse effects that bear on the proposed agency action or its effects.

§ 51.95 Postconstruction environmental document.

(a) *General.* An environmental document prepared under the provisions of this section may incorporate by reference any information contained in a previous environmental document that relates to the same production or utilization facility. Documents that may be referenced include, but are not limited to, the final environmental impact statement; supplements to the final environmental impact statement, including supplements prepared at the operating license stage; final generic

environmental impact statements; environmental assessments and records of decision prepared in connection with the construction permit, the operating license, the early site permit, or the combined license and any license amendment for that facility.

(b) *Initial operating license stage.* In connection with the issuance of an operating license for a production or utilization facility, the environmental document must be a supplement to the final environmental document on the construction permit for that facility, which will update the prior environmental review. The supplement will only cover matters that differ from the final environmental document or that reflect significant new information concerning matters discussed in the final environmental document.

(c) *Operating license renewal stage.* In connection with the renewal of an operating license or combined license for a nuclear power plant, the environmental document must be a supplement to the Commission's NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants," which is available in the NRC's Publicly Available Records System Library at www.nrc.gov/reading-rm/adams.

(1) The supplemental environmental document for the operating license renewal stage need not discuss other issues not related to the environmental effects of the proposed agency action and associated alternatives. The supplemental environmental document will rely on conclusions as amplified by the supporting information in the license renewal generic environmental impact statement for issues designated as Category 1 in Table B-1 of appendix B of this part. The supplemental environmental document must contain an analysis of those issues identified as Category 2 in Table B-1 of appendix B of this part for the proposed agency action in accordance with the considerations in paragraph (5) of this section.

(2) The supplemental environmental document must also consider the impacts from the applicant's plans to modify the facility or its administrative control procedures as described in accordance with § 54.21 of this chapter.

(3) The supplemental environmental document must be issued as a final environmental document after considering any significant new information relevant to the proposed agency action contained in the supplement or incorporated by reference.

(4) The supplemental environmental document must contain a recommendation regarding the environmental acceptability of the license renewal action. To make recommendations and reach a final decision on the proposed agency action, the environmental document must integrate the conclusions in the license renewal generic environmental impact statement for issues designated as Category 1 with information developed for those Category 2 issues applicable to the nuclear power plant under paragraph (5) of this section and any new and significant information.

(5) For license renewal applications covered by Table B–1 for a nuclear power plant for which an operating license, construction permit, or combined license was issued as of June 30, 1995, the supplemental environmental document must address the information required in paragraphs (c)(1) and (c)(2) of this section subject to the following considerations:

(i) For those issues identified as Category 2 issues in Table B-1 of appendix B of this part, the analyses of the environmental impacts of the proposed agency action, including the impacts of continued operations and any planned refurbishment activities, if any, during the renewal term must address:

(A) The impact of radionuclides discharged in plant effluents and other wastewater to the ponds and the impact on groundwater quality and beneficial use, if the applicant's plant utilizes cooling ponds.

(B) If the NRC has not previously considered severe accident mitigation alternatives for the applicant's plant in an environmental impact statement or related supplement or in an environmental assessment, consideration of alternatives to mitigate severe accidents.

(C) The impact of any documented inadvertent releases of radionuclides into groundwater. The analyses must include a description of any groundwater protection program used by the applicant for the surveillance of piping and components containing radioactive liquids for which a pathway to groundwater may exist. The analysis must also include a description of any past inadvertent releases and the projected impact to the environment (e.g., aquifers, rivers, lakes, ponds, ocean) during the license renewal term.

(ii) The analyses must consider alternatives for reducing adverse impacts for all Category 2 license renewal issues in appendix B of this part.

(iii) The analyses must consider any new and significant information regarding the environmental impacts of license renewal of which the applicant or NRC is aware.

(d) *Postoperating license stage.* In connection with the amendment of certain licensing actions, the environmental document will be prepared as a supplemental environmental document if an environmental document is required by § 51.20 of this part. These actions include the amendment of an operating or combined license authorizing decommissioning activities at a production or utilization facility, either for unrestricted use or based on continuing use restrictions applicable to the site. They also include the amendment of a license to approve a license termination plan or decommissioning plan under §§ 50.82, 52.110, and part 53 of this chapter, either for unrestricted use or based on continuing use restrictions applicable to the site. Additionally, this applies to the issuance, amendment or renewal of a license to store spent fuel at a nuclear power reactor after expiration of the operating or combined license for the nuclear power reactor. In each of these cases, the environmental

document will be prepared as an update to the prior environmental document with any new information or significant environmental change associated with the applicant's proposed decommissioning activities or with the applicant's proposed activities with respect to the planned storage of spent fuel. The supplement or assessment may incorporate by reference any information contained in the final environmental document—for the operating or combined license stage, as appropriate, or in the records of decision prepared in connection with the early site permit, construction permit, operating license, or combined license for that facility.

NEPA PROCEDURE AND ADMINISTRATIVE ACTION— GENERAL

§ 51.101 Limitations on actions.

(a) Except as provided in § 51.13 of this part and paragraph (c) of this section, until the NRC publishes a record of decision or other decision document integrating the NRC's considerations under NEPA in connection with a proposed agency action for which an environmental impact statement is prepared, or a finding of no significant impact or notice of a finding of no significant impact in the *Federal Register*, or makes a categorical exclusion determination, as applicable, the NRC staff will take no action concerning a proposal that would:

- (i) Have an adverse environmental effect, or
- (ii) Limit the choice of reasonable alternatives.

(b) If NRC is considering an application and becomes aware that the applicant is about to take an action within the NRC's jurisdiction that would meet either of the criteria in paragraph (a) of this section, the NRC should promptly notify the applicant that the NRC will take appropriate action to ensure that the objectives and procedures of NEPA are achieved.

(c) This section does not preclude any applicant for an NRC permit, license, or other form of permission, or amendment to or renewal of an NRC permit, license, or other form of permission, from developing any plans or designs or performance of other activities necessary to support an application for Federal, State, Tribal, or local permits or assistance.

§ 51.102 Documentation of Decision.

(a) At the time of the NRC's decision on the proposed agency action for which an environmental impact statement was prepared, the NRC will prepare and timely publish a concise public record of decision document or joint decision document notifying the public that the decisionmaker has certified that the NRC has considered all relevant information raised in the NEPA process and that the NEPA process has closed. Alternatively, the NRC may integrate its considerations under NEPA into any other decision-making document, with documentation appropriate for the proposal under consideration.

(b) The record of decision, or other decision document, will be clearly identified and will:

(1) State the decision.

(2) Identify all alternatives considered by the NRC in reaching the decision and state that the reasonable range of alternatives is discussed in the environmental impact statement.

(3) Discuss preferences among alternatives based on relevant factors, including the NRC's statutory mission and any essential considerations of national policy, which were evaluated by the NRC in making the decision and state how these considerations entered into the decision.

(4) State whether the NRC has taken all practicable measures within its jurisdiction to avoid or minimize environmental harm from the alternative selected, and if

not, explain why those measures were not adopted. Summarize any license conditions and monitoring programs adopted in connection with mitigation measures.

(c) The record of decision may be integrated into any other record prepared by the NRC in connection with the action.

(d) The record of decision may incorporate by reference material contained in an environmental impact statement.

GEOLOGIC REPOSITORIES

§ 51.109 Public hearings in proceedings for issuance of materials license with respect to a geologic repository.

(a)(1) In a proceeding for issuance of a construction authorization for a high-level radioactive waste repository at a geologic repository operations area under parts 60 and 63 of this chapter, and in a proceeding for issuance of a license to receive and possess source, special nuclear, and byproduct material at a geologic repository operations area under parts 60 and 63 of this chapter, the NRC staff shall, upon the publication of the notice of hearing in the *Federal Register*, present its position on whether it is practicable to adopt, without further supplementation, the environmental impact statement (including any supplement thereto) prepared by the Secretary of Energy. If the position of the staff is that supplementation of the environmental impact statement by NRC is required, it shall file its final supplemental environmental impact statement with the Environmental Protection Agency, furnish that statement to commenting agencies, and make it available to the public, before presenting its position, or as soon thereafter as may be practicable. In discharging its responsibilities under this paragraph, the staff shall be guided by the principles set forth in paragraphs (c) and (d) of this section.

(2) Any other party to the proceeding who contends that it is not practicable to adopt the DOE environmental impact statement, as it may have been supplemented,

shall file a contention to that effect within thirty (30) days after the publication of the notice of hearing in the *Federal Register*. Such contention must be accompanied by one or more affidavits which set forth factual and/or technical bases for the claim that, under the principles set forth in paragraphs (c) and (d) of this section, it is not practicable to adopt the DOE environmental impact statement, as it may have been supplemented. The presiding officer shall resolve disputes concerning adoption of the DOE environmental impact statement by using, to the extent possible, the criteria and procedures that are followed in ruling on motions to reopen under § 2.326 of this chapter.

(b) In any such proceeding, the presiding officer will determine those matters in controversy among the parties within the scope of NEPA and this subpart, specifically including whether, and to what extent, it is practicable to adopt the environmental impact statement prepared by the Secretary of Energy in connection with the issuance of a construction authorization and license for such repository.

(c) The presiding officer will find that it is practicable to adopt any environmental impact statement prepared by the Secretary of Energy in connection with a geologic repository proposed to be constructed under Title I of the Nuclear Waste Policy Act of 1982, as amended, unless:

(1)(i) The action proposed to be taken by the Commission differs from the action proposed in the license application submitted by the Secretary of Energy; and

(ii) The difference may significantly affect the quality of the human environment;
or

(2) Significant and substantial new information or new considerations render such environmental impact statement inadequate.

(d) To the extent that the presiding officer determines it to be practicable, in accordance with paragraph (c) of this section, to adopt the environmental impact

statement prepared by the Secretary of Energy, such adoption shall be deemed to satisfy all responsibilities of the Commission under NEPA and no further consideration under NEPA or this subpart shall be required.

(e) To the extent that it is not practicable, in accordance with paragraph (c) of this section, to adopt the environmental impact statement prepared by the Secretary of Energy, the presiding officer will:

(1) Determine whether the requirements of section 102(2) (A), (C), and (H) of NEPA and the regulations in this subpart have been met;

(2) Independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken;

(3) Determine, after weighing the environmental, economic, technical and other benefits against environmental and other costs, whether the construction authorization or license should be issued, denied, or appropriately conditioned to protect environmental values;

(4) Determine, in an uncontested proceeding, whether the NEPA review conducted by the NRC staff has been adequate; and

(5) Determine, in a contested proceeding, whether in accordance with the regulations in this subpart, the construction authorization or license should be issued as proposed.

(f) In making the determinations described in paragraph (e) of this section, the environmental impact statement will be deemed modified to the extent that findings and conclusions differ from those in the final statement prepared by the Secretary of Energy, as it may have been supplemented. The initial decision will be distributed to any persons not otherwise entitled to receive it who responded to the request in the notice of docketing. If the Commission reaches conclusions different from those of the presiding

officer with respect to such matters, the final environmental impact statement will be deemed modified to that extent and the decision will be similarly distributed.

(g) The provisions of this section shall be followed in any proceedings for the issuance of a license to receive and possess source, special nuclear, and byproduct material at a geologic repository operations area.

Appendix A [RESERVED]

Appendix B 10 CFR Part 51—Environmental Effect of Renewing the Operating License of a Nuclear Power Plant

The Commission has assessed the environmental impacts associated with granting a renewed operating license for a nuclear power plant for which an operating license, construction permit, or combined license was issued as of June 30, 1995. This assessment applies to applications for initial or a first (i.e., one term) subsequent license renewal. Table B-1 summarizes the Commission’s findings on the scope and magnitude of environmental impacts of renewing the operating license for a nuclear power plant as required by the National Environmental Policy Act of 1969, as amended. Table B-1, subject to an evaluation of those issues identified in Category 2 as requiring further analysis and possible significant new information, represents the analysis of the environmental impacts associated with renewal of any operating license. On a 10-year cycle, the Commission intends to review the material in this appendix and update it if necessary.

Table B–1—Summary of Findings on Environmental Issues for Initial and One Term of Subsequent License Renewal of Nuclear Power Plants¹

Issue	Category ²	Finding ³
Surface Water Resources		

Surface water use and quality (non-cooling system impacts)	1	SMALL. Impacts are expected to be small if best management practices are employed to control soil erosion and spills. Surface water use associated with continued operations and refurbishment associated with license renewal would not increase significantly or would be reduced if refurbishment occurs during a plant outage.
Discharge of metals in cooling system effluent	1	SMALL. Discharges of metals have not been found to be a problem at operating nuclear power plants with cooling-tower-based heat dissipation systems and have been satisfactorily mitigated at other plants. Discharges are monitored and controlled as part of the National Pollutant Discharge Elimination System (NPDES) permit process.
Discharge of biocides, sanitary wastes, and minor chemical spills	1	SMALL. The effects of these discharges are regulated by Federal and State environmental agencies. Discharges are monitored and controlled as part of the NPDES permit process. These impacts have been small at operating nuclear power plants.
Effects of dredging on surface water quality	1	SMALL. Dredging to remove accumulated sediments in the vicinity of intake and discharge structures and to maintain barge shipping has not been found to be a problem for surface water quality. Dredging is performed under permit from the U.S. Army Corps of Engineers, and possibly, from other State or local agencies.
Groundwater Resources		
Groundwater quality degradation (plants with cooling ponds)	2	SMALL or MODERATE. Sites with cooling ponds could degrade groundwater quality. The significance of the impact would depend on site-specific conditions including cooling pond water quality, site hydrogeologic conditions (including the interaction of surface water and groundwater), and the location, depth, and pump rate of water wells.

Radionuclides released to groundwater	2	SMALL or MODERATE. Leaks of radioactive liquids from plant components and pipes have occurred at numerous plants. Groundwater protection programs have been established at all operating nuclear power plants to minimize the potential impact from any inadvertent releases. The magnitude of impacts would depend on site-specific characteristics.
Terrestrial Resources		
Exposure of terrestrial organisms to radionuclides	1	SMALL. Doses to terrestrial organisms from continued nuclear power plant operation and refurbishment during the license renewal term would be expected to remain well below U.S. Department of Energy exposure guidelines developed to protect these organisms.
Aquatic Resources		
Exposure of aquatic organisms to radionuclides	1	SMALL. Doses to aquatic organisms from continued nuclear power plant operation and refurbishment during the license renewal term would be expected to remain well below U.S. Department of Energy exposure guidelines developed to protect these organisms.
Human Health		
Radiation exposures to plant workers	1	SMALL. Occupational doses from continued operations and refurbishment associated with license renewal are expected to be within the range of doses experienced during the current license term and would continue to be well below regulatory limits.
Radiation exposures to the public	1	SMALL. Radiation doses to the public from continued operations and refurbishment associated with license renewal are expected to continue at current levels and would be well below regulatory limits.
Postulated Accidents		
Design-basis accidents	1	SMALL. The NRC staff has concluded that the environmental impacts of design-basis accidents are of small significance for all plants.

Severe accidents ⁴	1	SMALL. The probability-weighted consequences of atmospheric releases, fallout onto open bodies of water, releases to groundwater, and societal and economic impacts from severe accidents are small for all plants. Severe accident mitigation alternatives do not warrant further plant-specific analysis because the demonstrated reductions in population dose risk and continued severe accident regulatory improvements substantially reduce the likelihood of finding cost-effective significant plant improvements.
Waste Management		
Low-level waste storage and disposal	1	SMALL. The comprehensive regulatory controls that are in place and the low public doses being achieved at reactors ensure that the radiological impacts on the environment would remain small during the license renewal term.
Onsite storage of spent nuclear fuel	1	<p>During the license renewal term, SMALL. The expected increase in the volume of spent fuel from an additional 20 years of operation can be safely accommodated onsite during the license renewal term with small environmental impacts through dry or pool storage at all plants.</p> <p>For the period after the licensed life for reactor operations, the impacts of onsite storage of spent nuclear fuel during the continued storage period are discussed in NUREG-2157 and as stated in § 51.23(b), shall be deemed incorporated into this issue.</p>

<p>Offsite radiological impacts of spent nuclear fuel and high-level waste disposal</p>	<p>1</p>	<p>For the high-level waste and spent-fuel disposal component of the fuel cycle, the EPA established a dose limit of 0.15 mSv (15 millirem) per year for the first 10,000 years and 1.0 mSv (100 millirem) per year between 10,000 years and 1 million years for offsite releases of radionuclides at the proposed repository at Yucca Mountain, Nevada.</p>
<p>Mixed-waste storage and disposal</p>	<p>1</p>	<p>The Commission concludes that the impacts would not be sufficiently large to require the NEPA conclusion, for any plant, that the option of extended operation under 10 CFR part 54 should be eliminated. Accordingly, while the Commission has not assigned a single level of significance for the impacts of spent fuel and high-level waste disposal, this issue is considered Category 1. SMALL. The comprehensive regulatory controls and the facilities and procedures that are in place ensure proper handling and storage, as well as negligible doses and exposure to toxic materials for the public and the environment at all plants. License renewal would not increase the small, continuing risk to human health and the environment posed by mixed waste at all plants. The radiological and nonradiological environmental impacts of long-term disposal of mixed waste from any individual plant at licensed sites are small.</p>
<p>Uranium Fuel Cycle</p>		
<p>Offsite radiological impacts—individual impacts from other than the disposal of spent fuel and high-level waste</p>	<p>1</p>	<p>SMALL. The impacts to the public from radiological exposures have been considered by the Commission in Table S-3 of this part. Based on information in the GEIS, impacts to individuals from radioactive gaseous and liquid releases, including radon-222, would remain at or below the NRC's regulatory limits.</p>

Offsite radiological impacts—collective impacts from other than the disposal of spent fuel and high-level waste	1	<p>There are no regulatory limits applicable to collective doses to the general public from fuel-cycle facilities. The practice of estimating health effects on the basis of collective doses may not be meaningful. All fuel-cycle facilities are designed and operated to meet the applicable regulatory limits and standards. The Commission concludes that the collective impacts are acceptable.</p> <p>The Commission concludes that the impacts would not be sufficiently large to require the NEPA conclusion, for any plant, that the option of extended operation under 10 CFR part 54 should be eliminated. Accordingly, while the Commission has not assigned a single level of significance for the collective impacts of the uranium fuel cycle, this issue is considered Category 1.</p>
Transportation	1	SMALL. The impacts of transporting materials to and from uranium-fuel-cycle facilities on workers, the public, and the environment are expected to be small.
Termination of Nuclear Power Plant Operations and Decommissioning		
Termination of plant operations and decommissioning	1	SMALL. License renewal is expected to have a negligible effect on the impacts of terminating operations and decommissioning on all resources.

¹ Data supporting this table are contained in NUREG-1437, Revision 2, “Generic Environmental Impact Statement for License Renewal of Nuclear Plants,” August 2024.

² The numerical entries in this column are based on the following category definitions:

Category 1: For the issue, the analysis reported in the Generic Environmental Impact Statement has shown:

(1) The environmental impacts associated with the issue have been determined to apply to all nuclear plants;

(2) A single significance level (i.e., SMALL, MODERATE, or LARGE) has been assigned to the impacts (except for offsite radiological impacts of spent nuclear fuel and high-level waste disposal and offsite radiological impacts—collective impacts from other than the disposal of spent fuel and high-level waste); and

(3) Mitigation of adverse impacts associated with the issue has been considered in the analysis, and it has been determined that additional plant-specific mitigation measures are not likely to be sufficiently beneficial to warrant implementation.

The generic analysis of the issue may be adopted in each plant-specific review.

Category 2: For the issue, the analysis reported in the Generic Environmental Impact Statement has shown that one or more of the criteria of Category 1 cannot be met, and therefore additional plant-specific review is required.

³ The impact findings in this column are based on the definitions of three significance levels. Unless the significance level is identified as beneficial, the impact is adverse, or in the case of “SMALL,” may be negligible. The definitions of significance follow:

SMALL—For the issue, environmental effects are not detectable or are so minor that they will neither destabilize nor noticeably alter any important attribute of the resource. For the purposes of assessing radiological impacts, the Commission has concluded that those impacts that do not exceed permissible levels in the Commission’s regulations are considered SMALL as the term is used in this table.

MODERATE—For the issue, environmental effects are sufficient to alter noticeably, but not to destabilize, important attributes of the resource.

LARGE—For the issue, environmental effects are clearly noticeable and are sufficient to destabilize important attributes of the resource.

These levels are used for describing the environmental impacts of the proposed agency action (license renewal), as well as for the impacts of a range of reasonable alternatives to the proposed agency action.

For issues where probability is a key consideration (i.e., accident consequences), probability was a factor in determining significance.

For the purpose of assessing impacts when preparing a categorical exclusion or environmental assessment, the Commission has concluded that a SMALL significance level is the equivalent of concluding no significant impact.

⁴ Although the NRC does not anticipate any license renewal applications for nuclear power plants for which a previous severe accident mitigation design alternative (SAMDA) or severe accident mitigation alternative (SAMA) analysis has not been performed, alternatives to mitigate severe accidents must be considered for all plants that have not considered such alternatives and would be the functional equivalent of a Category 2 issue requiring plant-specific analysis.

Appendix C of Part 51—Environmental Effect of Issuing a Permit or License for a New Nuclear Reactor

The Commission has assessed the environmental impacts associated with authorizing the construction, operation, and decommissioning of a nuclear reactor.

Table C-1 summarizes the Commission's generic findings on the scope and magnitude of environmental impacts of such an authorization as required by section 102(2) of the National Environmental Policy Act of 1969, as amended. Table C-1 presents the results of the generic analysis of those environmental impacts associated with building,¹ operating, and decommissioning a nuclear reactor that the NRC has designated as Category 1, as well as listing the issues that could not be resolved generically, designated as Category 2.² On a 10-year cycle, the Commission intends to review the material in this appendix and update it if necessary.

¹ The term "building," as used in the NR GEIS, includes the full range of preconstruction (building activities not within the NRC's regulatory authority), and construction and installation activities (building activities within the NRC's regulatory authority).

² For the purpose of assessing impacts when preparing a categorical exclusion or environmental assessment, the Commission has concluded that a SMALL significance level is the equivalent of concluding no significant impact.

Table C-1—Summary of Findings on Environmental Issues for Issuing a Permit or License for a New Nuclear Reactor¹

Issue	Category ²	Finding ³	Plant Parameter Envelope/Site Parameter Envelope Values and Assumptions ⁴
Water Resources			
Groundwater Quality Degradation Due to Plant Discharges	1	SMALL	<p>The plant is outside the recharge area for any EPA-designated SSA, or any aquifer designated to have special protections by a State, Tribal, or regional authority.</p> <p>The plant is outside the wellhead protection area or designated contributing area for any public water supply well.</p> <p>There are no planned discharges to the subsurface (by infiltration or injection).</p>
Water Quality Degradation due to Inadvertent Spills and Leaks during Operation	1	SMALL	<p>Applicable requirements and guidance on spill prevention and control are followed, including relevant BMPs and IPPPs.</p> <p>There are no planned discharges to the subsurface (by infiltration or injection), including stormwater discharge.</p> <p>A groundwater protection program conforming to currently applicable industry guidance is established and followed.</p> <p>Adherence to requirements in NPDES permits issued by the EPA or a given State, and any other applicable permits.</p>
Degradation of Water Quality from Plant Effluent Discharges to Municipal Systems	1	SMALL	<p>Municipal Systems' Available Capacity to Receive and Treat Plant Effluent accounts for all existing and reasonably foreseeable future discharges.</p> <p>Agreement to discharge to a municipal treatment system is obtainable.</p>
Terrestrial Ecology			

Exposure of Terrestrial Organisms to Radionuclides	1	SMALL	Applicants would demonstrate in their application that any radiological nonhuman biota doses would be below International Atomic Energy Agency (IAEA) and National Council on Radiation Protection and Measurements (NCRP) guidelines.
Aquatic Ecology			
Exposure of aquatic organisms to radionuclides	1	SMALL	Applicants would demonstrate in their application that any radiological nonhuman biota doses would be below IAEA and NCRP guidelines.
Environmental Hazards - Radiological Environment			
Radiological dose to construction workers	1	SMALL	<p>For protection against radiation, the applicant must meet the regulatory requirements of:</p> <ul style="list-style-type: none"> -10 CFR 20.1101 Radiation Protection Programs if issued a license -10 CFR 20.1201 Occupational dose limits for adults 10 CFR 20.1301 Dose limits for individual members of the public -Appendix B to 10 CFR part 20 Annual Limits on Intake (ALIs) and Derived Air Concentrations (DACs) of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sewerage -10 CFR 50.34a Design objectives for equipment to control releases of radioactive material in effluents—nuclear power reactors -10 CFR 50.36a. Technical specifications on effluents from nuclear power reactors <p>Application contains sufficient technical information for the staff to complete the detailed technical safety review.</p> <p>Application will be found to be in compliance by the NRC with the above regulations through a radiation protection program and an effluent release monitoring program.</p>

Occupational doses to workers	1	SMALL	<p>For protection against radiation, the applicant must meet the regulatory requirements of:</p> <ul style="list-style-type: none"> -10 CFR 20.1101 Radiation Protection Programs if issued a license -10 CFR 20.1201 Occupational dose limits for adults -Appendix B of 10 CFR part 20 Annual Limits on Intake (ALIs) and Derived Air Concentrations (DACs) of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sewerage -10 CFR 50.34a Design objectives for equipment to control releases of radioactive material in effluents—nuclear power reactors -10 CFR 50.36a Technical specifications on effluents from nuclear power reactors <p>Application contains sufficient technical information for the staff to complete the detailed technical safety review.</p> <p>Application will be found to be in compliance by the NRC with the above regulations through a radiation protection program and an effluent release monitoring program.</p>
Maximally exposed individual annual doses	1	SMALL	<p>For protection against radiation, the applicant must meet the regulatory requirements of:</p> <ul style="list-style-type: none"> -10 CFR 20.1101 Radiation Protection Programs if issued a license -10 CFR 20.1301 Dose limits for individual members of the public -Appendix B of 10 CFR part 20 ALIs and DACs of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sewerage -10 CFR 50.34a Design objectives for

			<p>equipment to control releases of radioactive material in effluents—nuclear power reactors</p> <p>-10 CFR 50.36a Technical specifications on effluents from nuclear power reactors</p> <p>Application contains sufficient technical information for the staff to complete the detailed technical safety review.</p> <p>Application will be found to be in compliance by the NRC with the above regulations through a radiation protection program and an effluent release monitoring program.</p>
Total population annual doses	1	SMALL	<p>For protection against radiation, the applicant must meet the regulatory requirements of:</p> <p>-10 CFR 20.1101 Radiation Protection Programs if issued a license</p> <p>-10 CFR 20.1301 Dose limits for individual members of the public</p> <p>-Appendix B of 10 CFR part 20 ALIs and DACs of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sewerage</p> <p>-10 CFR 50.34a Design objectives for equipment to control releases of radioactive material in effluents—nuclear power reactors</p> <p>-10 CFR 50.36a Technical specifications on effluents from nuclear power reactors</p> <p>Application contains sufficient technical information for the staff to complete the detailed technical safety review.</p> <p>Application will be found to be in compliance by the NRC with the above regulations through a radiation protection program and an effluent release monitoring program.</p>

Nonhuman biota doses	1	SMALL	Applicants would demonstrate in their application that any radiological nonhuman biota doses would be below IAEA and NCRP guidelines.
Waste Management - Radiological Waste Management			
Low-level radioactive waste (LLRW)	1	SMALL	Applicants must meet the regulatory requirements of 10 CFR part 20 (e.g., 10 CFR 20.1406 and subpart K), 10 CFR part 61, 10 CFR part 71, and 10 CFR part 72. Quantities of LLRW generated at a new nuclear reactor would be less than the quantities of LLRW generated at existing nuclear power plants, which generate an average of 21,200 cubic feet [ft ³] (600 cubic meters [m ³]) and 2,000 curies [Ci] (7.4×10^{13} becquerels [Bq]) per year for boiling water reactors and half that amount for pressurized water reactors.
Onsite spent nuclear fuel management	1	SMALL	Compliance with 10 CFR part 72
Mixed waste	1	SMALL	RCRA Small Quantity Generator for Mixed Waste.
Postulated Accidents			
Design Basis Accidents Involving Radiological Releases	1	SMALL	For the exclusion area boundary, the maximum total effective dose equivalent for any 2-hour period during the radioactivity release should be calculated. For the low-population zone, the total effective dose equivalent should be calculated for the duration of the accident release (i.e., 30 days, or other duration as justified). The above calculations would compare the design basis accident doses with the dose criteria given in regulations related to the application (e.g., 10 CFR 50.34(a)(1), 10 CFR 52.17(a)(1), and 10 CFR 52.79(a)(1)), standard review plans (e.g., standard review plan criteria, table 1 in standard review plan section 15.0.3 of NUREG-0800), and regulatory guides, (e.g., RG 1.183), as applicable.

Accidents Involving Releases of Hazardous Chemicals	1	SMALL	<p>Reactor inventory of a regulated substance is less than its Threshold Quantity (TQ). TQs are found in 40 CFR 68.130, tables 1, 2, 3, and 4; and</p> <p>Reactor inventory of an extremely hazardous substance is less than its Threshold Planning Quantity (TPQ). TPQs are found in 40 CFR part 355, appendices A and B.</p>
Severe Accidents	1	SMALL	<p>Within the maximum population dose risk 95th confidence bounding value of 9.727×10^3 person-rem per reactor year (i.e., Indian Point Energy Center Units 2 and 3) specified in the 1996 LR GEIS and demonstrating the utilization of 10 CFR 50.155 or diverse and flexible coping strategies (FLEX) to address mitigation of beyond-design-basis events; or</p> <p>Within the maximum 10- and 150-mile Exposure Index at the 95th confidence bounds value of 1.896×10^4 and 2.864×10^6, respectively (i.e., Indian Point Energy Center Units 2 and 3) specified in the 1996 LR GEIS and demonstrating the utilization of 10 CFR 50.155 or FLEX to address mitigation of beyond-design-basis events; or</p> <p>Utilizing the source term from 10 CFR 50.34(a)(1)(ii)(D), or the equivalent 10 CFR part 52 regulation, with a non-intact containment or confinement for population density assessments under 10 CFR 100.21(h) to demonstrate a calculated total effective dose equivalent (TEDE) of no greater than 1 rem over a period of 30 days and that no further mitigation is necessary because health effects are shown not to be significant or a new reactor that is co-located with an</p>

			<p>existing LWR may compare its source terms to demonstrate that the LWR's severe accident risks bounds the new reactor's risks; or</p> <p>Utilizing 10 CFR 50.33(g)(2) to demonstrate there is no plume exposure pathway emergency planning zone where the projected total effective dose equivalent exceeds 1 rem over 96 hours (i.e., 10 CFR 50.33(g)(2)(i)(A)) and no further mitigation is necessary because health effects are shown not to be significant.</p>
Acts of Terrorism	1	SMALL	The environmental impacts of acts of terrorism and sabotage only need to be addressed if a reactor facility is subject to the jurisdiction of the U.S. Court of Appeals for the Ninth Circuit.
Fuel Cycle			
Uranium Recovery	1	SMALL	<p>Table S-3 of 10 CFR 51.51 is expected to bound the radiological impacts for new reactor fuels, because of uranium fuel cycle changes since WASH-1248, including:</p> <ul style="list-style-type: none"> -Increasing use of in situ leach uranium mining has lower radiological environmental impacts than traditional mining and milling methods. -Current light-water reactors (LWRs) are using nuclear fuel more efficiently due to higher levels of fuel burnup resulting in less demand for mining and milling activities. <p>Must satisfy the regulatory requirements of 10 CFR part 40, "Domestic Licensing of Source Material," and 10 CFR part 71, "Packaging and Transportation of Radioactive Material."</p>
Uranium Conversion	1	SMALL	Table S-3 of 10 CFR 51.51 is expected to bound the radiological impacts for new reactor fuels because of uranium fuel cycle changes since WASH-1248, including:

			<p>Current LWRs are using nuclear fuel more efficiently due to higher levels of fuel burnup resulting in less demand for conversion activities.</p> <p>Must satisfy the regulatory requirements of 10 CFR part 40, "Domestic Licensing of Source Material," 10 CFR part 71, "Packaging and Transportation of Radioactive Material," and 10 CFR part 73, "Physical Protection of Plants and Materials."</p>
Enrichment	1	SMALL	<p>Table S-3 is expected to bound the radiological impacts for new nuclear reactor fuels, because of uranium fuel cycle changes since WASH-1248, including:</p> <p>Current LWRs are using nuclear fuel more efficiently due to higher levels of fuel burnup resulting in less demand for enrichment activities.</p> <p>Must satisfy the regulatory requirements of 10 CFR part 40, "Domestic Licensing of Source Material;" 10 CFR part 70, "Domestic Licensing of Special Nuclear Material;" 10 CFR part 71, "Packaging and Transportation of Radioactive Material;" and 10 CFR part 73, "Physical Protection of Plants and Materials."</p>

<p>Fuel Fabrication (excluding metal fuel and liquid-fueled molten salt)</p>	<p>1</p>	<p>SMALL</p>	<p>Table S-3 is expected to bound the radiological impacts for new nuclear reactor fuels, because of uranium fuel cycle changes since WASH-1248, including:</p> <p>Current LWRs are using nuclear fuel more efficiently due to higher levels of fuel burnup resulting in fewer discharged fuel assemblies to be fabricated each year and due to longer time periods between refueling.</p> <p>Must satisfy the regulatory requirements of 10 CFR part 40, "Domestic Licensing of Source Material," 10 CFR part 70, "Domestic Licensing of Special Nuclear Material," 10 CFR part 71, "Packaging and Transportation of Radioactive Material," and 10 CFR part 73, "Physical Protection of Plants and Materials."</p>
<p>Reprocessing</p>	<p>1</p>	<p>SMALL</p>	<p>Table S-3 is expected to bound the radiological impacts for new nuclear reactor fuels, because of uranium fuel cycle changes since WASH-1248, including:</p> <p>Current LWRs are using nuclear fuel more efficiently due to higher levels of fuel burnup resulting in fewer discharged fuel assemblies to be reprocessed each year.</p> <p>Reprocessing capacity up to 900 metric tons of uranium [MTU]/yr.</p> <p>Must satisfy the regulatory requirements of 10 CFR part 40, "Domestic Licensing of Source Material;" 10 CFR part 50, "Domestic Licensing of Production and Utilization Facilities;" 10 CFR part 70, "Domestic Licensing of Special Nuclear Material;" 10 CFR part 71, "Packaging and Transportation of Radioactive Material;" 10 CFR part 72, "Licensing Requirements for the Independent Storage of Spent Fuel, High-Level Radioactive Waste, and Reactor-related Greater Than Class C Waste;" and 10 CFR part 73, "Physical Protection of Plants and Materials."</p>

Storage and Disposal of Radiological Wastes	1	SMALL	<p>Table S-3 is expected to bound the radiological impacts for new nuclear reactor fuels, because of uranium fuel cycle changes since WASH-1248, including:</p> <p>Current LWRs are using nuclear fuel more efficiently due to higher levels of fuel burnup resulting in fewer discharged fuel assemblies to be stored and disposed.</p> <p>Waste and spent fuel inventories, as well as their associated certified spent fuel shipping and storage containers, are not significantly different from what has been considered for LWR evaluations in NUREG-2157.</p> <p>Must satisfy the regulatory requirements of 10 CFR part 40, "Domestic Licensing of Source Material," 10 CFR part 70, "Domestic Licensing of Special Nuclear Material," 10 CFR part 71, "Packaging and Transportation of Radioactive Material," 10 CFR part 72, "Licensing Requirements for the Independent Storage of Spent Fuel, High-Level Radioactive Waste, and Reactor-related Greater Than Class C Waste," and 10 CFR part 73, "Physical Protection of Plants and Materials."</p>
Transportation of Fuel and Waste			
Transportation of Unirradiated Fuel	1	SMALL	<p>The maximum annual one-way shipment distance does not exceed 59,160 km (36,760 mi). The annual shipments associated with the one-way shipment distance have been normalized to a net electrical output of 880 megawatts electric [MW(e)], <i>i.e.</i>, 1,100 MW(e) with an 80 percent capacity factor from WASH-1238. The maximum annual round-trip shipment distance does not exceed 118,320 km (73,520 mi). The annual shipments associated with the round-trip shipment distance have been normalized to a net electrical output of 880 MW(e), <i>i.e.</i>, 1,100 MW(e) with an 80 percent capacity factor from WASH-1238.</p>

Transportation of Radioactive Waste	1	SMALL	The maximum annual round-trip shipment distance does not exceed 293,145 km (182,152 mi). The annual shipments associated with the round-trip shipment distance have been normalized to a net electrical output of 880 MW(e), <i>i.e.</i> , 1,100 MW(e) with an 80 percent capacity factor and a shipment volume of 2.34 m ³ /shipment from WASH-1238.
Transportation of Irradiated Fuel	1	SMALL	The maximum annual one-way shipment distance does not exceed 505,393 km (314,037 mi). The annual shipments associated with the one-way shipment distance have been normalized to a net electrical output of 880 MW(e), <i>i.e.</i> , 1,100 MW(e) with an 80 percent capacity factor and a shipment capacity of 0.5 MTU/shipment from WASH-1238. The maximum annual round-trip shipment distance does not exceed 1,010,786 km (628,073 mi). The annual shipments associated with the round-trip shipment distance have been normalized to a net electrical output of 880 MW(e), <i>i.e.</i> , 1,100 MW(e) with an 80 percent capacity factor and a shipment capacity of 0.5 MTU/shipment from WASH-1238. A maximum peak rod burnup of 80 gigawatt-days [GWd]/MTU for UO ₂ fuel and peak pellet burnup of 133 GWd/MTU for TRI-structural ISOtropic (TRISO) fuel.
Decommissioning			

Decommissioning	1	SMALL	<p>The environmental impacts for the following resource areas were generically addressed in NUREG-0586, Supplement 1, would be limited to operational areas, would not be detectable or destabilizing and are expected to have a negligible effect on the impacts of terminating operations and decommissioning:</p> <ul style="list-style-type: none"> -Radiological -Radiological Accidents (non-spent-fuel-related) -Occupational Issues -Transportation -Irretrievable Resource
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¹ Data supporting this table are contained in NUREG-2249, "Generic Environmental Impact Statement for Licensing of New Nuclear Reactors."

² Category 1 issues – Radiological environmental issues for which the NRC has been able to make a generic finding of SMALL adverse environmental impacts, or beneficial impacts, provided that the applicant's proposed reactor facility and site meet or are bounded by relevant values and assumptions in the PPE and SPE that support the generic finding for that Category issue.

³ A finding of SMALL impacts means that environmental effects are not detectable or are so minor that they will neither destabilize nor noticeably alter any important attribute of the resource. For the purposes of assessing radiological impacts, the Commission has concluded that those impacts that do not exceed permissible levels in the Commission's regulations are considered SMALL as the term is used in this table. For issues where probability is a key consideration (*i.e.*, accident consequences), probability was a factor in determining significance.

Subpart B [Reserved]

PART 52—LICENSES, CERTIFICATIONS, AND APPROVALS FOR NUCLEAR

POWER PLANTS

30. The authority citation for part 52 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 103, 104, 147, 149, 161, 181, 182, 183, 185, 186, 189, 223, 234 (42 U.S.C. 2133, 2134, 2167, 2169, 2201, 2231, 2232, 2233, 2235, 2236, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); 44 U.S.C. 3504 note.

31. In § 52.17, revise paragraph (a)(2) to read as follows:

§ 52.17 Contents of applications; technical information.

(a) * * *

(2) A complete environmental report or draft environmental document as required by part 51 of this chapter.

* * * * *

§ 52.18 [Amended]

32. In § 52.18, in the second sentence, remove the phrase “environmental impact statement during review of the application,” and add the phrase “environmental document” and remove the phrase “during review of the application.”

33. Revise and republish § 52.21 to read as follows:

§ 52.21 Administrative review of applications; hearings.

All hearings conducted on applications for early site permits filed under this part are governed by the procedures contained in subparts C, G, L, and N of 10 CFR part 2, as applicable.

§ 52.24 [Amended]

34. In § 52.24, in paragraph (a)(8) remove the phrase “subpart A of 10 CFR part 51” and add in its place the phrase “part 51 of this chapter”.

35. In § 52.47, revise paragraph (b)(2) to read as follows:

§ 52.47 Contents of application; technical information.

* * * * *

(b) * * *

(2) Environmental information as required by part 51 of this chapter.

* * * * *

§ 52.54 [Amended]

36. In § 52.54, in paragraph (a)(7) remove the phrase “subpart A of”.

37. In § 52.80, revise paragraph (b) to read as follows:

§ 52.80 Contents of applications; additional technical information.

* * * * *

(b) Environmental information as required by part 51 of this chapter.

* * * * *

§ 52.97 [Amended]

38. In § 52.97, in paragraph (a)(1)(vi) remove the phrase “subpart A of”.

39. In § 52.110, revise paragraphs (d)(1) and (i)(2)(vii) to read as follows:

§ 52.110 Termination of license.

* * * * *

(d) * * *

(1) Before or within two years following permanent cessation of operations, the licensee shall submit a post-shutdown decommissioning activities report (PSDAR) to the NRC, and a copy to the affected State(s). The report must include a description of the planned decommissioning activities along with a schedule for their accomplishment, an estimate of expected costs, and a discussion that provides the reasons for concluding that the environmental impacts associated with site-specific decommissioning activities will be bounded by appropriate previously issued categorical exclusion or environmental document.

* * * * *

(i) * * *

(2) * * *

(vii) A supplement to the environmental information as required by part 51 of this chapter describing any substantial new circumstance or information associated with the licensee's proposed termination activities; and

* * * * *

40. In § 52.158, revise paragraph (b)(1) to read as follows:

§ 52.158 Contents of application; additional technical information.

* * * * *

(b) * * *

(1) Environmental information as required by part 51 of this chapter.

* * * * *

41. Revise and republish § 52.163 to read as follows:

§ 52.163 Administrative review of applications; hearings.

A proceeding on a manufacturing license is subject to all applicable procedural requirements contained in 10 CFR part 2, including the requirements for docketing in § 2.101(a)(1) through (4) of this chapter, and the requirements for issuance of a notice of proposed action in § 2.105 of this chapter. All hearings on manufacturing licenses are governed by the hearing procedures contained in 10 CFR part 2, subparts C, E, G, L, and N.

§ 52.167 [Amended]

42. In § 52.167, in paragraph (a)(7) remove the phrase “subpart A of”.

43. In appendix N to part 52, revise paragraph 6. to read as follows:

**Appendix N to Part 52—Standardization of Nuclear Power Plant Designs:
Combined Licenses To Construct and Operate Nuclear Power Reactors of
Identical Design at Multiple Sites**

* * * * *

6. If a categorical exclusion under part 51 of this chapter does not apply, the NRC staff shall issue environmental documents for each of the applications under part 51 of this chapter. If the applications reference a standard design certification, then the environmental document, if required under part 51 of this chapter, for each of the applications must incorporate by reference the design certification environmental assessment. If the applications do not reference a standard design certification, then the NRC staff shall prepare supplemental environmental documents which address severe accident mitigation design alternatives for the common design, which must be incorporated by reference into the environmental document prepared for each application.

* * * * *

**PART 53—RISK-INFORMED, TECHNOLOGY-INCLUSIVE REGULATORY
FRAMEWORK FOR COMMERCIAL NUCLEAR PLANTS**

44. The authority citation for part 53 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 101, 103, 108, 122, 147, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note; Pub. L. 115-439, 132 Stat. 5571.

§ 53.090 [Amended]

45. In § 53.090, in paragraph (a)(4) remove the phrase “subpart A of”.

46. In § 53.1070, revise paragraph (i)(2)(vii) to read as follows:

§ 53.1070 Termination of license.

* * * * *

(i) * * *

(2) * * *

(vii) Environmental information required by part 51 of this chapter, describing any new information or significant environmental change associated with the licensee's proposed termination activities; and

* * * * *

47. In § 53.1080, revise paragraphs (b)(5) and (d)(3) to read as follows:

§ 53.1080 Release of part of a commercial nuclear plant or site for unrestricted use.

* * * * *

(b) * * *

(5) A discussion that provides the reasons for concluding that the environmental impacts associated with the licensee's proposed release of the property will be bounded by appropriate previously issued environmental impact statements, environmental assessments, or categorical exclusions.

* * * * *

(d) * * *

(3) Information required under part 51 of this chapter.

* * * * *

48. In § 53.1100, revise paragraph (f) to read as follows:

§ 53.1100 Filing of application for licenses, certifications, or approvals; oath or affirmation.

* * * * *

(f) *Environmental requirements.* An application for a CP, OL, early site permit, design certification, COL, or ML for a commercial nuclear plant must address the environmental requirements under 10 CFR part 51.

49. In § 53.1112:

a. In paragraph (a), remove the phrase “environmental report or draft document” and add in its place the phares “environmental information” and remove the phrase “§ 51.50” and add in its place the phrase "part 51”; and

b. Revise paragraph (b).

The revision reads as follows:

§ 53.1112 Environmental conditions.

* * * * *

(b) Each license authorizing operation of a commercial nuclear plant under this part, and each license for a commercial nuclear plant for which the certification of permanent cessation of operations required under § 53.1070 has been submitted may include conditions to address environmental issues during operation and decommissioning. These conditions are to be set out in an attachment to the license, which is incorporated in and made a part of the license. These conditions will be derived from environmental information submitted under part 51 of this chapter as analyzed and evaluated by the NRC, and will identify the obligations of the licensee in the environmental area, including, as appropriate, requirements for reporting and keeping

records of environmental data and any conditions and monitoring requirement for the protection of the nonaquatic environment.

50. In § 53.1130:

a. Revise paragraphs (a)(3)(ii), (b)(i) and (c); and

b. In paragraph (b)(iii), remove the phrase “§ 51.105(c) or § 51.107(d)” and add in its place the phrase "part 51”.

The revisions read as follows:

§ 53.1130 Limited work authorizations.

* * * * *

(a) * * *

(3) Any required environmental information in accordance with part 51 of this chapter; and

* * * * *

(b) * * *

(i) The NRC staff that a categorical exclusion applies to the LWA or issues the environmental document for the LWA under part 51 of this chapter;

* * * * *

(c) *Effect of limited work authorization.* Any activities undertaken under an LWA are entirely at the risk of the applicant and, except as to the matters determined under paragraph (b)(1) of this section, the issuance of the LWA has no bearing on the issuance of a CP or COL with respect to the requirements of the Act and rules, regulations, or orders issued under the Act. The categorial exclusion or environmental document for a CP or COL application for which an LWA was previously issued will not address, and the presiding officer will not consider, the sunk costs of the holder of the LWA in determining the proposed action (i.e., issuance of the CP or COL).

* * * * *

51. In § 53.1146, revise paragraph (a)(2) to read as follows:

§ 53.1146 Contents of applications for early site permits; technical information.

(a) * * *

(2) Environmental information to justify a categorical exclusion under part 51 of this chapter as applicable, or other information to address the environmental requirements under part 51 of this chapter.

* * * * *

52. In § 53.1149:

a. Revise paragraph (a); and

b. In paragraph (b) remove the phrase "impact statement" and add in its place the phrase "document".

The revision reads as follows:

§ 53.1149 Review of applications.

(a) *Standards for review of applications.* Applications filed under this part will be reviewed according to the applicable standards set out in this part. In addition, if a categorical exclusion under part 51 of this chapter does not apply, the Commission must prepare an environmental document during review of the application, under the applicable provisions of 10 CFR part 51. The Commission must determine, after consultation with FEMA, as applicable, whether the information required of the applicant by § 53.1146(b)(1) shows that there is no significant impediment to the development of emergency plans that cannot be mitigated or eliminated by measures proposed by the applicant, whether any major features of emergency plans submitted by the applicant under § 53.1146(b)(2)(i) are acceptable under either § 50.160 or appendix E to part 50

and § 50.47(b) of this chapter, and whether any emergency plans submitted by the applicant under § 53.1146(b)(2)(ii) provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

§ 53.1158 [Amended]

53. In § 53.1158, in paragraph (a)(8) remove the phrase "subpart A of".

54. In § 53.1241, revise paragraph (a)(1) to read as follows:

§ 53.1241 Contents of applications for standard design certifications; other application content.

(a) * * *

(1) *Environmental requirements.* Environmental information as required by part 51 of this chapter.

* * * * *

§ 53.1248 [Amended]

55. In § 53.1248, in paragraph (a)(7) remove the phrase "subpart A of".

56. In § 53.1282, revise paragraph (b) to read as follows:

§ 53.1282 Contents of applications for manufacturing licenses; other application content.

* * * * *

(b) *Environmental requirements.*

(1) The application must contain environmental information as required by part 51 of this chapter.

(2) If the ML application references a standard design certification, the no environmental report or environmental document is required to contain a discussion of severe accident mitigation design alternatives for the manufactured reactor as used in a commercial nuclear plant.

* * * * *

§ 53.1285 [Amended]

57. In paragraph (b) remove the phrase "impact statement" and add in its place the phrase "document".

§ 53.1287 [Amended]

58. In § 53.1287, in paragraph (a)(7) remove the phrase "subpart A of".

59. In § 53.1312, revise paragraph (a)(1) to read as follows:

§ 53.1312 Contents of applications for construction permits; other application content.

(a) * * *

(1) Environmental information as required under part 51 of this chapter; or

* * * * *

60. In § 53.1372, revise paragraph (a) to read as follows:

§ 53.1372 Contents of applications for operating licenses; other application content.

* * * * *

(a) *Environmental requirements.* Environmental information as required in accordance with part 51 of this chapter.

* * * * *

§ 53.1387 [Amended]

61. In § 53.1387, in paragraph (a)(1)(viii) remove the phrase “subpart A of”.

62. In § 53.1419, revise paragraphs (a)(1) and (a)(1)(i) to read as follows:

§ 53.1419 Contents of applications for combined licenses; other application content.

(a) * * *

(1) *Environmental requirements.*

(i) Environmental information as required under part 51 of this chapter or

* * * * *

§ 53.1440 [Amended]

63. In § 53.1440, in paragraph (a)(1)(vi) remove the phrase “subpart A of”.

64. In § 53.1470, revise paragraphs (d) and (f) to read as follows:

§ 53.1470 Standardization of commercial nuclear plant designs: licenses to construct and operate nuclear power reactors of identical design at multiple sites.

* * * * *

(d) Each application submitted pursuant to this section must contain environmental information to address the requirements under part 51 of this chapter, as applicable. The application may incorporate by reference a single document on the environmental impacts of the common design that are applicable to each site.

* * * * *

(f) The NRC must meet the requirements of 10 CFR part 51 for each of the applications. If a categorical exclusion does not apply, and the applications reference a standard design certification, then the environmental document for each of the applications must incorporate by reference the standard design certification environmental assessment. If a categorical exclusion does not apply, and the applications do not reference a standard design certification, then the NRC must prepare environmental documents which address severe accident mitigation design alternatives for the common design, which must be incorporated by reference into the environmental document prepared for each application.

* * * * *

PART 54—REQUIREMENTS FOR RENEWAL OF OPERATING LICENSES FOR NUCLEAR POWER PLANTS

65. The authority citation for part 54 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 102, 103, 104, 161, 181, 182, 183, 186, 189, 223, 234 (42 U.S.C. 2132, 2133, 2134, 2136, 2137, 2201, 2231, 2232, 2233, 2236, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206 (42 U.S.C. 5841, 5842, 5846); 44 U.S.C. 3504 note.

Section 54.17 also issued under E.O. 12829, 58 FR 3479, 3 CFR, 1993 Comp., p. 570; E.O. 13526, 75 FR 707, 3 CFR, 2009 Comp., p. 298; E.O. 12968, 60 FR 40245, 3 CFR, 1995 Comp., p. 391.

66. Revise and republish § 54.23 to read as follows:

§ 54.23 Contents of application—environmental information.

Each application must include a supplement to the environmental information that complies with the requirements of part 51 of this chapter.

§ 54.29 [Amended]

67. In § 54.29, in paragraph (b) remove the phrase “subpart A of”.

PART 61—LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

68. The authority citation for part 61 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 57, 62, 63, 65, 81, 161, 181, 182, 183, 223, 234 (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2231, 2232, 2233, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 206, 211 (42 U.S.C. 5841, 5846, 5851); Low-Level Radioactive Waste Policy Amendments Act of 1985, sec. 2 (42 U.S.C. 2021b); 44 U.S.C. 3504 note.

69. Revise and republish § 61.10 to read as follows:

§ 61.10 Content of application.

An application to receive from others, possess and dispose of wastes containing or contaminated with source, byproduct or special nuclear material by land disposal must consist of general information, specific technical information, institutional information, and financial information as set forth in §§ 61.11 through 61.16. Environmental information required under part 51 of this chapter must accompany the application.

§ 61.23 [Amended]

70. In § 61.23, in paragraph (l) remove the phrase "subpart A of".

§ 61.28 [Amended]

71. In § 61.28, revise paragraph (b) to read as follows:

§ 61.28 Contents of application for closure.

* * * * *

(b) Environmental information required under subpart A of part 51 of this chapter.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

72. The authority citation for part 70 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57(d), 108, 122, 161, 182, 183, 184, 186, 187, 193, 223, 234, 274, 1701 (42 U.S.C. 2071, 2073, 2077(d), 2138, 2152, 2201, 2232, 2233, 2234, 2236, 2237, 2243, 2273, 2282, 2021, 2297f); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note.

Sections 70.1(c) and 70.20a(b) also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

Section 70.21(g) also issued under Atomic Energy Act sec. 122 (42 U.S.C. 2152).

Section 70.31 also issued under Atomic Energy Act sec. 57(d) (42 U.S.C. 2077(d)).

Sections 70.36 and 70.44 also issued under Atomic Energy Act sec. 184 (42 U.S.C. 2234).

Section 70.81 also issued under Atomic Energy Act secs. 186, 187 (42 U.S.C. 2236, 2237).

Section 70.82 also issued under Atomic Energy Act sec. 108 (42 U.S.C. 2138).

73. In § 70.21, revise paragraph (f) and (h) to read as follows:

§ 70.21 Filing.

* * * * *

(f) Any application for a license under this part shall include the environmental information required by part 51 of this chapter.

* * * * *

(h) A license application for a uranium enrichment facility must be accompanied by environmental information required under part 51 of this chapter.

* * * * *

§ 70.23 [Amended]

74. In § 70.23, in paragraph (a)(7) remove the phrase “subpart A of”.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

75. The authority citation for part 72 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2210e, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a), 10152, 10153, 10154, 10155, 10157, 10161, 10165(g), 10168, 10198(a)); 44 U.S.C. 3504 note.

76. Revise and republish § 72.34 to read as follows:

§ 72.34 Environmental information.

Each application for an ISFSI or MRS license under this part must be accompanied environmental information which meets the requirements of part 51 of this chapter.

§ 72.40 [Amended]

77. In § 72.40, in paragraph (b) remove the phrase "subpart A of".

78. In § 72.90, revise paragraph (e) to read as follows:

§ 72.90 General considerations.

* * * * *

(e) Pursuant to part 51 of this chapter for each proposed site for an ISFSI and pursuant to sections 141 or 148 of NWPA, as appropriate (96 Stat. 2241, 101 Stat. 1330-235, 42 U.S.C. 10161, 10168) for each proposed site for an MRS, the potential for radiological impacts on the region must be evaluated with due consideration of the characteristics of the population, including its distribution, and of the regional environs.

* * * * *

PART 76—CERTIFICATION OF GASEOUS DIFFUSION PLANTS

79. The authority citation for part 76 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 122, 161, 193(f), 223, 234, 1701 (42 U.S.C. 2152, 2201, 2243(f), 2273, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 206, 211 (42 U.S.C. 5841, 5846, 5851); 44 U.S.C. 3504 note.

Section 76.22 is also issued under Atomic Energy Act sec. 193(f) (42 U.S.C. 2243(f)).

Section 76.35(j) also issued under Atomic Energy Act sec. 122 (42 U.S.C. 2152).

80. In § 76.35, revise paragraph (c) to read as follows:

§ 76.35 Contents of application.

* * * * *

(c) Any relevant information concerning deviations from the published environmental documents or environmental permits under which the plants currently operate from which the Commission can prepare an environmental document related to the compliance plan.

* * * * *

PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

81. The authority citation for part 110 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 51, 53, 54, 57, 62, 63, 64, 65, 81, 82, 103, 104, 109, 111, 121, 122, 123, 124, 126, 127, 128, 129, 133, 134, 161, 170H, 181, 182, 183, 184, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2071, 2073, 2074, 2077, 2092, 2093, 2094, 2095, 2111, 2112, 2133, 2134, 2139, 2141, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2160c, 2160d, 2201, 2210h, 2231, 2232, 2233, 2234, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); Administrative Procedure Act (5 U.S.C. 552, 553); 42 U.S.C. 2139a, 2155a; 44 U.S.C. 3504 note.

Section 110.1(b) also issued under 22 U.S.C. 2403; 22 U.S.C. 2778a; 50 App. U.S.C. 2401 et seq.

§ 110.43 [Amended]

82. In § 110.43, in paragraph (c) remove the phrase "subpart A of".

§ 110.45 [Amended]

83. In § 110.45, in paragraph (b)(3) remove the phrase "subpart A of".

Dated: Month XX, 2025.

For the Nuclear Regulatory Commission.

Carrie Safford,
Secretary of the Commission.