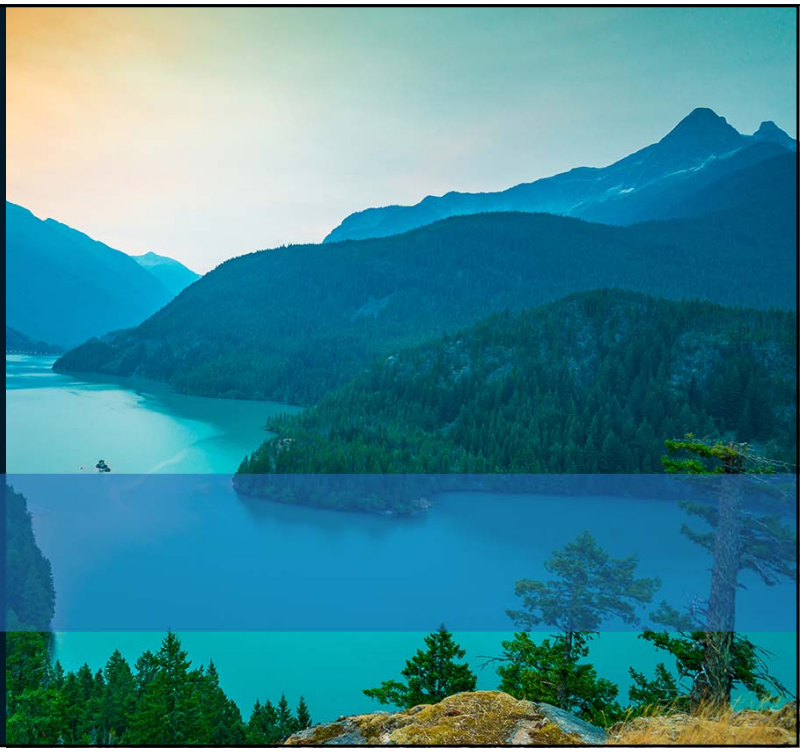
Recommendations for Streamlining NRC's Environmental Review Process

Kati Austgen
Sr. Project Mgr, New Reactors

March 11, 2020

NUCLEAR ENERGY INSTITUTE

©2019 Nuclear Energy Institute



1

Challenges & Opportunities

- National Environmental Policy Act (NEPA)
  - intent to inform federal actions based on an assessment of their likely environmental impacts
  - implementation of NEPA has yielded unjustified increases in both length of time to complete the review and associated costs
- Advanced Reactors
  - review proportionate to potential environmental impacts
  - expected to result in small environmental risks
  - environmental benefits and avoided carbon emissions

©2020 Nuclear Energy Institute

Overview of Recommendations

1) Allow for the flexibility to use environmental assessments (EAs) and categorical exclusions
2) Increase the use of generic environmental impact statements (GEISs)
3) Incorporate existing environmental analyses into a project's EA or EIS
4) Flexibility to use the applicant's environmental report (ER) as the basis for the draft EA or EIS
5) Reduce unnecessary burden in alternative site analysis
6) Increase efficiency of environmental reviews

©2020 Nuclear Energy Institute

1) Allow for the flexibility to use EAs and categorical exclusions

- Requiring an EIS without consideration of the characteristics of advanced reactors and the history of current reactors is not commensurate with anticipated environmental impacts per NEPA.
- For the NRC to leverage EA's in the environmental reviews of advanced reactors, the NRC will have to change the current regulations which prescribe to the NRC which actions require an EIS.
- This recommendation is focused on the NRC considering how it can provide more latitude to consider categorical exclusions based on the circumstances of the proposed action.

©2020 Nuclear Energy Institute

2) Increase the use of GEISs

- NEI recommends that NRC leverage the experience of the current reactor fleet, their existing GEISs and drive towards smart environmental reviews that are effective and efficient.

©2020 Nuclear Energy Institute

3) Incorporate existing environmental analyses into a project's EA or EIS

- The NRC should streamline its NEPA reviews by codifying into Part 51 the practice of adopting other agencies' EISs.
- The NRC should further expedite the NEPA review process by specifically codifying circumstances where EAs and EISs can reference externally prepared analyses.
- Given the often-duplicative nature of NEPA reviews, heavier reliance on existing environmental analyses has the potential to save significant time and resources for both project applicants and the NRC.

©2020 Nuclear Energy Institute

4) Flexibility to use the applicant's ER as the basis for the draft EA or EIS.

- Preparation of the ER is an expensive endeavor for applicants and currently serves as the basis for preparation of the NRC's EIS. Unfortunately, as conducted to-date, the NRC's EIS preparations duplicate the applicant's efforts to develop an ER, wasting time and level of effort, and resulting in costs that are then charged back to the applicant.

- The NRC can amend its regulations by looking to federal agencies that allow more applicant participation in the environmental review process.
  - FERC
  - FAA

©2020 Nuclear Energy Institute

5) Reduce unnecessary burden in alternative site analysis

- The CEQ has proposed a revised definition to reasonable alternatives that the NRC should consider. Reasonable alternatives should be analyzed with the lens of what is actually feasible, based on the purpose and need of the applicant's goals and the agency's statutory authority.
- It would be more appropriate to limit the requirement to a description of the process used to select the site, which is likely more important for advanced reactors, many of which will be sited in specific locations to meet a specific need.

©2020 Nuclear Energy Institute

6) Increase efficiency of environmental reviews

- Consistent with the NRC Principles of Good Regulation and organizational values, the agency strives for efficiency and continuous learning.
- Many of the procedural efficiencies identified for the safety review should also be considered to increase the efficiency of environmental reviews.
- Additional contributing factors that once addressed in the environmental review context should help achieve and sustain increased efficiency.

©2020 Nuclear Energy Institute

Thank you

10