

AMENDMENT TO
RULES COMMITTEE PRINT 116-63
OFFERED BY MR. KINZINGER OF ILLINOIS

At the end of title IV, add the following:

1 **Subtitle C—Nuclear Licensing**
2 **Efficiency**

3 **SEC. 4301. STREAMLINING APPLICATION AND SITE PERMIT**
4 **REVIEWS.**

5 Section 185 of the Atomic Energy Act of 1954 (42
6 U.S.C. 2235) is amended by adding at the end the fol-
7 lowing:

8 “c. APPLICATION REVIEWS FOR NUCLEAR ENERGY
9 PROJECTS.—

10 “(1) STREAMLINING LICENSE APPLICATION RE-
11 VIEW.—With respect to an application that is dock-
12 eted seeking issuance of a construction permit, oper-
13 ating license, or combined construction permit and
14 operating license for a production or utilization facil-
15 ity, the Commission shall include the following pro-
16 cedures:

17 “(A) Undertake an environmental review
18 process and issue any draft environmental im-
19 pact statement to the maximum extent prac-

1 ticable within 24 months after the application is
2 accepted for docketing.

3 “(B) Complete the technical review process
4 and issue any safety evaluation report and any
5 final environmental impact statement to the
6 maximum extent practicable within 42 months
7 after the application is accepted for docketing.

8 “(2) EARLY SITE PERMIT.—

9 “(A) SUPPLEMENTAL ENVIRONMENTAL IM-
10 PACT STATEMENT.—In a proceeding for a com-
11 bined construction permit and operating license
12 for a site for which an early site permit has
13 been issued, any environmental impact state-
14 ment prepared by the Commission and cooper-
15 ating agencies shall be prepared as a supple-
16 ment to the environmental impact statement
17 prepared for the early site permit.

18 “(B) INCORPORATION BY REFERENCE.—
19 The supplemental environmental impact state-
20 ment shall—

21 “(i) incorporate by reference the anal-
22 ysis, findings, and conclusions from the en-
23 vironmental impact statement prepared for
24 the early site permit; and

1 “(ii) include additional discussion,
2 analyses, findings, and conclusions on mat-
3 ters resolved in the early site permit pro-
4 ceeding only to the extent necessary to ad-
5 dress information that is new and signifi-
6 cant in that the information would materi-
7 ally change the prior findings or conclu-
8 sions.

9 “(3) PRODUCTION OR UTILIZATION FACILITY
10 LOCATED AT AN EXISTING SITE.—In reviewing an
11 application for an early site permit, construction
12 permit, operating license, or combined construction
13 permit and operating license for a production or uti-
14 lization facility located at the site of a licensed pro-
15 duction or utilization facility, the Commission shall,
16 to the extent practicable, use information that was
17 part of the licensing basis of the licensed production
18 or utilization facility.

19 “(4) REGULATIONS.—The Commission shall
20 initiate a rulemaking, not later than 1 year after the
21 date of enactment of this subsection, to amend the
22 regulations of the Commission to implement this
23 subsection.

24 “(5) ENVIRONMENTAL IMPACT STATEMENT DE-
25 FINED.—In this subsection, the term ‘environmental

1 impact statement’ means a detailed statement re-
2 quired under section 102(2)(C) of the National En-
3 vironmental Policy Act of 1969 (42 U.S.C.
4 4332(2)(C)).

5 “(6) RELATIONSHIP TO OTHER LAW.—Nothing
6 in this subsection exempts the Commission from any
7 requirement for full compliance with section
8 102(2)(C) of the National Environmental Policy Act
9 of 1969 (42 U.S.C. 4332(2)(C)).”.

10 **SEC. 4302. UPDATING HEARING PROCEDURES.**

11 (a) INFORMAL HEARING PROCEDURES.—Section 189
12 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a))
13 is amended by adding at the end the following:

14 “(3) The Commission may use informal adjudicatory
15 procedures for any hearing required under this section for
16 which the Commission determines that adjudicatory proce-
17 dures under section 554 of title 5, United States Code,
18 are unnecessary.”.

19 (b) STUDY ON THE IMPACT OF THE ELIMINATION OF
20 MANDATORY HEARING FOR UNCONTESTED LICENSING
21 APPLICATIONS.—Not later than 18 months after the date
22 of enactment of this Act, the Comptroller General shall
23 transmit to Congress a report containing the results of
24 a study on the effects of eliminating the hearings required
25 under section 189 a. of the Atomic Energy Act of 1954

1 (42 U.S.C. 2239(a)) for an application under section 103
2 or section 104 b. of such Act for a construction permit
3 for a facility in the absence of a request of any person
4 whose interest may be affected by the proceeding.

5 **SEC. 4303. EFFICIENCY OF ADVISORY COMMITTEE ON RE-**
6 **ACTOR SAFEGUARDS.**

7 (a) COMMITTEE COMPOSITION.—Section 29 of the
8 Atomic Energy Act of 1954 (42 U.S.C. 2039) is amended
9 by inserting “The Commission shall seek to include a di-
10 versity of disciplines and operational experiences when ap-
11 pointing members of the Committee.” after “four years
12 each.”.

13 (b) LICENSE APPLICATIONS.—Section 182 b. of the
14 Atomic Energy Act of 1954 (42 U.S.C. 2232(b)) is
15 amended by adding at the end the following: “If the Com-
16 mission determines referral of an application to the Com-
17 mittee is necessary, the Committee shall initiate a review
18 of the application not later than 30 days after receiving
19 such referral, and shall submit a report thereon under this
20 subsection not later than 180 days after initiating such
21 review.”.

1 **SEC. 4304. UPDATING NUCLEAR REGULATORY COMMISSION**
2 **USER FEES AND CHARGES.**

3 Section 102(b)(3)(B) of the Nuclear Energy Innova-
4 tion and Modernization Act (Public Law 115–439) is
5 amended—

6 (1) by redesignating clause (ii) as clause (iii);

7 (2) by inserting after clause (i) the following:

8 “(ii) FUEL FACILITIES.—

9 “(I) IN GENERAL.—The total an-
10 nual charges under subparagraph (A)
11 charged to fuel facility licensees, to
12 the maximum extent practicable, shall
13 not exceed an amount that is equal to
14 the total annual fees collected from
15 the fuel facilities class under the final
16 rule of the Commission entitled ‘Revi-
17 sion of Fee Schedules; Fee Recovery
18 for Fiscal Year 2016’ (81 Fed Reg.
19 41171 (June 24, 2016)), which
20 amount may be adjusted annually by
21 the Commission to reflect changes in
22 the Consumer Price Index published
23 by the Bureau of Labor Statistics of
24 the Department of Labor.

25 “(II) EXCEPTION.—Subclause (I)
26 shall not apply if the number of li-

1 censed facilities classified by the Com-
2 mission as fuel facilities exceeds
3 seven.

4 “(III) CHANGES TO ANNUAL
5 CHARGES.—Any change in an annual
6 charge under subparagraph (A)
7 charged to a fuel facility licensee shall
8 be based on—

9 “(aa) a change in the regu-
10 latory services provided with re-
11 spect to the fuel facility; or

12 “(bb) an adjustment de-
13 scribed in subclause (I).”; and

14 (3) in clause (iii), as redesignated by paragraph
15 (1) of this section, by striking “clause (i)” and in-
16 sserting “clause (i) or (ii)”.

