

118TH CONGRESS  
1ST SESSION

# H. R. 4676

To amend the Nuclear Energy Innovation and Modernization Act to direct the Nuclear Regulatory Commission to further utilize a risk-informed and performance-based approach to licensing, to amend the hearing requirements for certain licenses under the Atomic Energy Act of 1954, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2023

Mr. DONALDS introduced the following bill; which was referred to the  
Committee on Energy and Commerce

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## A BILL

To amend the Nuclear Energy Innovation and Modernization Act to direct the Nuclear Regulatory Commission to further utilize a risk-informed and performance-based approach to licensing, to amend the hearing requirements for certain licenses under the Atomic Energy Act of 1954, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Nuclear Red Tape Re-

5        duction Act”.

1 **SEC. 2. TECHNOLOGY-INCLUSIVE REGULATORY FRAME-**  
2 **WORK FOR NUCLEAR LICENSING.**

3 Section 3(14) of the Nuclear Energy Innovation and  
4 Modernization Act (42 U.S.C. 2215 note) is amended—

5 (1) by striking “where appropriate” and insert-  
6 ing “to the maximum extent practicable”; and

7 (2) by inserting “(consistent with the document  
8 issued by the Commission on June 22, 1998, and ti-  
9 tled ‘White Paper on Risk-Informed, Performance-  
10 Based Regulation’ (SECY–98–144))” after “risk-in-  
11 formed and performance-based techniques”.

12 **SEC. 3. HEARINGS AND JUDICIAL REVIEW UNDER THE**  
13 **ATOMIC ENERGY ACT OF 1954.**

14 (a) IN GENERAL.—Section 189a.(1)(A) of the Atomic  
15 Energy Act of 1954 (42 U.S.C. 2239(a)(1)(A)) is amend-  
16 ed to read as follows:

17 “(A)(i) In any proceeding under this Act,  
18 for the granting, suspending, revoking, or  
19 amending of any license or construction permit,  
20 or application to transfer control, and in any  
21 proceeding for the issuance or modification of  
22 rules and regulations dealing with the activities  
23 of licenses, and in any proceeding for the pay-  
24 ment of compensation, an award or royalties  
25 under sections 153, 157, 186 c., or 188, the  
26 Commission shall, subject to clause (ii), grant a

1 hearing upon the request of any person whose  
2 interest may be affected by the proceeding, and  
3 shall admit any such person as a party to such  
4 proceeding.

5 “(ii) The Commission may only hold a  
6 hearing under this subparagraph for an applica-  
7 tion for a license under section 103 for a con-  
8 struction permit if the Commission receives a  
9 request for a hearing under clause (i) by a per-  
10 son described in such clause by not later than  
11 30 days after notice and publication of the ap-  
12 plication for the license in the Federal Register.

13 “(iii) The Commission shall hold a hearing  
14 after 30 days notice and publication once in the  
15 Federal Register, on each application under sec-  
16 tion 104 b. for a construction permit for a facil-  
17 ity, and on any application under section 104 c.  
18 for a construction permit for a testing facility.

19 “(iv) In cases where such a construction  
20 permit has been issued following the holding of  
21 such a hearing, the Commission may, in the ab-  
22 sence of a request therefor by any person whose  
23 interest may be affected, issue an operating li-  
24 cense or an amendment to a construction per-  
25 mit or an amendment to an operating license

1 without a hearing, but upon 30 days notice and  
2 publication once in the Federal Register of its  
3 intent to do so.

4 “(v) The Commission may dispense with  
5 such 30 days notice and publication with re-  
6 spect to any application for an amendment to  
7 a construction permit or an amendment to an  
8 operating license upon a determination by the  
9 Commission that the amendment involves no  
10 significant hazards consideration.”.

11 (b) COMBINED LICENSES.—Section 189a.(1)(B)(i) of  
12 the Atomic Energy Act of 1954 (42 U.S.C.  
13 2239(a)(1)(B)(i)) is amended by striking “within 60  
14 days” and inserting “within 45 days”.

15 **SEC. 4. REPORT ON TERMS OF RENEWED NUCLEAR REGU-**  
16 **LATORY COMMISSION LICENCES.**

17 Not later than 120 days after the date of enactment  
18 of this Act, the Nuclear Regulatory Commission shall sub-  
19 mit to the Committee on Energy and Commerce of the  
20 House of Representatives and the Committee on Environ-  
21 ment and Public Works of the Senate a report that de-  
22 scribes—

23 (1) the authority of the Nuclear Regulatory  
24 Commission to determine the terms of renewed li-  
25 censes under the Atomic Energy Act of 1954 (42

1 U.S.C. 2011 et seq.), including how the Nuclear  
2 Regulatory Commission determines the maximum  
3 term for such renewed licenses and in which cir-  
4 cumstances the Nuclear Regulatory Commission may  
5 issue a renewed licence for a term in excess of 20  
6 years; and

7 (2) the meaning of “adequacy of licensee pro-  
8 grams” as used on page 64964 of the final rule ti-  
9 tled “Nuclear Power Plant License Renewal” and  
10 published December 13, 1991 (56 Fed. Reg. 64943).

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