

118TH CONGRESS
2D SESSION

S. 4288

To amend the Atomic Energy Act of 1954 to provide for more efficient hearings on nuclear facility construction applications, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 8, 2024

Mr. SCOTT of South Carolina (for himself and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Atomic Energy Act of 1954 to provide for more efficient hearings on nuclear facility construction applications, 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 “Efficient Nuclear Li-
5 censing Hearings Act”.

6 **SEC. 2. UPDATING HEARING PROCEDURES.**

7 (a) HEARINGS AND JUDICIAL REVIEW.—Section 189
8 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a))
9 is amended—

1 (1) in paragraph (1)(A)—

2 (A) by striking “In any proceeding under
3 this Act” and inserting the following:

4 “(i) In any proceeding under this Act”; and

5 (B) in clause (i) (as so designated), by
6 striking “The Commission shall hold a hearing”
7 and all that follows through “upon a determina-
8 tion by the Commission that the amendment in-
9 volves no significant hazards consideration.”
10 and inserting the following:

11 “(ii) The Commission may, in the absence of a re-
12 quest for a hearing by any person whose interest may be
13 affected, issue a construction permit, an operating license,
14 a combined construction permit and operating license, an
15 amendment to a construction permit, an amendment to
16 an operating license, or an amendment to a combined con-
17 struction permit and operating license under section 103,
18 104 b., 104 c., or 185 b. for a facility or a testing facility,
19 without a hearing, but upon thirty days notice and publi-
20 cation once in the Federal Register of its intent to do so.
21 The Commission may dispense with such thirty days no-
22 tice and publication with respect to any application for an
23 amendment to a construction permit, an amendment to
24 an operating license, or an amendment to a combined con-
25 struction permit and operating license upon a determina-

1 tion by the Commission that the amendment involves no
2 significant hazards consideration.

3 “(iii) The Commission shall use informal adjudica-
4 tory procedures for any hearing held by the Commission
5 pursuant to this subparagraph.”;

6 (2) in paragraph (1)(B)(iv)—

7 (A) by inserting “informal” before “hear-
8 ing procedures”; and

9 (B) by striking “, whether informal or for-
10 mal adjudicatory,”; and

11 (3) in the second sentence of paragraph (2)(A),
12 by striking “required hearing” and inserting “hear-
13 ing held by the Commission under this section”.

14 (b) CONSTRUCTION PERMITS AND OPERATING LI-
15 CENSES.—Section 185 b. of the Atomic Energy Act of
16 1954 (42 U.S.C. 2235(b)) is amended by striking “After
17 holding a public hearing under section 189 a. (1)(A),” and
18 inserting “After the thirty days notice and publication pe-
19 riod or holding a hearing, as applicable, under section 189
20 a. (1)(A),”.

21 (c) LICENSING OF URANIUM ENRICHMENT FACILI-
22 TIES.—Section 193(b) of the Atomic Energy Act of 1954
23 (42 U.S.C. 2243(b)) is amended—

24 (1) in paragraph (1)—

25 (A) by striking “on the record”; and

1 (B) by inserting “if a person whose inter-
2 est may be affected by such construction and
3 operation has requested a hearing regarding the
4 licensing of the construction and operation of
5 the facility” after “and 63”; and

6 (2) in paragraph (2), by striking “Such hear-
7 ing” and inserting “If a hearing is held under para-
8 graph (1), the hearing”.

9 (d) APPLICABILITY.—The amendments made by this
10 section shall apply to all applications and proceedings
11 pending before the Nuclear Regulatory Commission on or
12 after the date of enactment of this section.

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