



EFFICIENT NUCLEAR LICENSING HEARINGS ACT (H.R. 6464)

The Efficient Nuclear Licensing Hearings Act would improve the efficiency and effectiveness of the Nuclear Regulatory Commission (NRC) by removing duplicative processes and procedures.

SUMMARY

The Efficient Nuclear Licensing Hearings Act will improve the efficiency with which the NRC reviews new nuclear reactor applications. Under the Atomic Energy Act, the NRC is required to hold a hearing on every reactor license application before it with the NRC Commissioners, NRC staff members and license applicants. During the review, members of the public have an opportunity to petition the Commission to intervene and contest the application. However, in many cases, these hearings are uncontroversial and “uncontested,” but still required by law to happen. Recent examples of these “uncontested mandatory hearings” are estimated to require upwards of 1,500 hours of preparation by NRC staff, have cost the applicant anywhere between thousands or millions of dollars, and delayed the approval of an application for at least six months. Removing the statutory requirement to hold this specific type of hearing is a promising opportunity to enact meaningful bipartisan legislation that helps level the playing field for the advanced nuclear industry, accelerating innovation through the licensing process.

HISTORY:

The requirement for a public hearing at the end of the licensing process, even if the license is uncontested, began before the NRC even existed. Until 1974, nuclear energy was regulated by the Atomic Energy Commission (AEC), which had the dual mandate of regulating and promoting nuclear energy. The Energy Reorganization Act of 1974 split these mandates between the NRC and the Energy Research and Development Administration (ERDA), which was later merged with the Federal Energy Administration to form the Department of Energy (DOE).

The original justification for an uncontested mandatory hearing was based on the lack of public engagement on proposed reactor siting decisions by the AEC in the early 1960s. Today, a reactor application has significant opportunities for public engagement: the NRC holds public meetings on every aspect of the safety and environmental reviews and publishes documents related to the review on its website. Furthermore, the public still has an opportunity to petition to intervene (i.e., contest a hearing). Thus, the uncontested mandatory hearing has become redundant and slows the deployment of new nuclear, especially as the number of applications before the NRC begins to increase. Removing this duplicative step in the process is an exciting opportunity for innovation.

SPECIFICS:

The Efficient Nuclear Licensing Hearings Act improves how fast the NRC can license advanced reactors, without limiting opportunities for public engagement, by removing the requirement for a Commission hearing on a reactor license application and enrichment facilities if the hearing is uncontested.

ORIGINAL SPONSORS:

Rep. Morgan H. Griffith (R-VA)

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