

119TH CONGRESS
1ST SESSION

S. _____

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

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

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)—

2 (A) in subparagraph (A)—

3 (i) in the first sentence, by striking

4 “In any proceeding under this Act” and

5 inserting the following:

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

7 (ii) in clause (i) (as so designated), by

8 striking “The Commission shall hold a

9 hearing” and all that follows through

10 “upon a determination by the Commission

11 that the amendment involves no significant

12 hazards consideration.” and inserting the

13 following:

14 “(ii) The Commission may, in the absence of a re-

15 quest for a hearing by any person whose interest may be

16 affected, issue a construction permit, an operating license,

17 a combined construction permit and operating license, an

18 amendment to a construction permit, an amendment to

19 an operating license, or an amendment to a combined con-

20 struction permit and operating license under section 103,

21 104 b., 104 c., or 185 b. for a facility or a testing facility,

22 without a hearing, but upon thirty days notice and publi-

23 cation once in the Federal Register of its intent to do so.

24 The Commission may dispense with such thirty days no-

25 tice and publication with respect to any application for an

1 amendment to a construction permit, an amendment to
2 an operating license, or an amendment to a combined con-
3 struction permit and operating license upon a determina-
4 tion by the Commission that the amendment involves no
5 significant hazards consideration.

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

9 (B) in subparagraph (B)(iv)—

10 (i) by inserting “informal” before
11 “hearing procedures”; and

12 (ii) by striking “, whether informal or
13 formal adjudicatory,”; and

14 (2) in paragraph (2)(A), in the second sentence,
15 by striking “required hearing” and inserting “hear-
16 ing held by the Commission under this section”.

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

1 (c) LICENSING OF URANIUM ENRICHMENT FACILI-
2 TIES.—Section 193(b) of the Atomic Energy Act of 1954
3 (42 U.S.C. 2243(b)) is amended—

4 (1) in paragraph (1)—

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

6 (B) by inserting “if a person whose inter-
7 est may be affected by such construction and
8 operation has requested a hearing regarding the
9 licensing of the construction and operation of
10 the facility” after “and 63”; and

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

14 (d) APPLICABILITY.—The amendments made by this
15 section shall apply to all applications and proceedings
16 pending before the Nuclear Regulatory Commission on or
17 after the date of enactment of this section.