August 21, 2026

U.S. Nuclear Regulatory Commission
11555 Rockville Pike,
Rockville, Maryland 20852

Subject: NIA Comment on Implementation of the National Environmental Policy Act (RIN 3150-AL38; Docket NRC-2025-0478)

Dear NRC Staff,

The Nuclear Innovation Alliance (NIA) is an independent, non-profit, non-partisan "think-and-do" tank whose mission is to help create the conditions for success for new nuclear energy so it can play a major role as an energy security and climate solution. Through policy analysis, research, outreach, and education, NIA works to catalyze the next era of nuclear energy. NIA focuses on regulatory modernization, federal and state policy, and enabling private investment to support new reactor commercialization while meeting national environmental, energy security, and other public-interest goals.

NIA appreciates the opportunity to comment on the U.S. Nuclear Regulatory Commission's proposed rule, Implementation of the National Environmental Policy Act (NEPA). NIA generally supports the Commission's effort to make environmental reviews more focused, efficient, and predictable. Building on innovations such as the New Reactor Generic Environmental Impact Statement (GEIS), the NRC should eliminate analysis that is speculative, duplicative, immaterial to the licensing decision, or directed toward genuinely separate project and policy choices outside the matter before the agency. When implemented correctly and efficiently, greater use of categorical exclusions, generic analyses, disciplined scoping, and coordinated review can improve licensing predictability while maintaining strong environmental protection.

NIA is concerned, however, that the proposed definition of environmental effects may go beyond disciplining the scope of NEPA review and unnecessarily narrow the Commission's interpretation of its authority under the Atomic Energy Act (AEA) and Energy Reorganization Act (ERA). The final rule should not equate the absence of primary or direct regulatory authority over an environmental impact with an inability to consider a closely connected effect in exercising NRC licensing discretion. Durable reform should preserve the Commission's lawful authority and responsibility while directing that authority toward decision-useful issues in a proportionate, transparent, and efficient manner. This comment addresses these concerns and responds to NRC's specific request for comments.

Summary of Key Points

NIA recommends that the NRC:

- Preserve NRC authority while disciplining review. The final rule should distinguish among effects the NRC is legally unable to consider, effects within overlapping or complementary jurisdiction, effects relevant to licensing discretion but primarily regulated elsewhere, and effects of genuinely separate projects.
- Acknowledge and fully explain any change in longstanding NRC interpretation or practice, consistent with *FCC v. Fox Television Stations*, and reconcile the new approach with 10 CFR § 51.103, prior §§ 51.105 and 107, the ADVANCE Act, and prior Commission environmental decision making.
- Provide a crosswalk showing where each environmental finding and balancing determination remains after the 2026 mandatory-hearing rule and the proposed Part 51 changes, so that the two rulemakings do not inadvertently create a decisional or procedural gap.
- Use categorical exclusions and generic analyses where the record supports them, with objective bounding parameters, extraordinary-circumstances review, public technical bases, periodic updates, and prompt codification.
- Preserve meaningful public engagement for consequential actions and retain core procedural safeguards in regulation, including NRC responsibility for overseeing applicant-prepared documents and appropriate opportunities to identify errors in completed analyses.
- Use written interagency review plans to reduce duplication without treating another agency's involvement as automatically extinguishing NRC consideration of an effect, and make NUREG-2270 action-specific, searchable, and clear about jurisdictional boundaries and transition from existing guidance.

Preserving NRC Authority and Responsibility

NIA supports focusing NRC environmental reviews on reasonably foreseeable effects that are causally connected to the proposed agency action and useful to the decision before the Commission. NRC should not devote resources to speculative chains of causation, effects of genuinely separate upstream or downstream projects, or alternatives that the Commission has no authority to implement.

The Commission should not, however, achieve those efficiencies by unnecessarily disclaiming its substantive authority. There is an important distinction between determining that an effect warrants limited treatment in a particular review and determining that the Commission is legally prohibited from considering the effect at all. Likewise, the fact that another federal, state, Tribal, or local agency has oversight of an effect does not by itself establish that the NRC lacks authority to consider it in exercising licensing discretion. NRC can rely on another agency's analysis, incorporate it by reference, coordinate schedules, or assign the effect limited decisional weight without surrendering otherwise available authority.

Seven County Infrastructure Coalition v. Eagle County principally addresses the appropriate scope of NEPA review, especially the effects of projects separate from the project at hand; it does not, however, independently define the scope of NRC authority under the AEA and ERA. If the NRC is changing a longstanding interpretation or practice, the final rule should acknowledge the change, identify what is being retained or disavowed, and provide the reasoned explanation required by FCC v. Fox Television Stations.

Finally, the NRC should address the combined effect of this rule and the 2026 final rule, "Increased Flexibility in the Mandatory Hearing Process." That final rule removed hearing-specific environmental findings for issuing reactor licenses by deleting 10 CFR §§ 51.105 and 107, stating that the findings were not required to be made by the presiding officer with the premise that the underlying licensing and environmental-review processes remained in place. The Part 51 proposal now changes the scope of those underlying processes. The revised Part 51 moves the generally applicable environmental disclosure requirements to § 51.102, parroting the language in existing § 51.103. The proposed § 51.102 is generic like the existing § 51.103, and unlike the prior §§ 51.105 and 51.107 that were specific to reactor licensing. The generic language in § 51.102 does not include specific balancing provisions that reactor licenses be required to protect environmental values previously required to be made by the presiding officer in issuing reactor licenses. NIA recommends NRC provide a decisional findings crosswalk demonstrating that the two rules together do not eliminate or materially narrow a finding that each rule assumed would remain elsewhere.

Community impacts should remain visible in NRC environmental reviews

NIA recognizes that the NRC has withdrawn its Environmental Justice Policy Statement and proposes to remove environmental-justice terminology from Part 51. That change should not cause NRC reviews to omit material effects on people or meaningful differences in how those effects are distributed.

The final rule and NUREG-2270 should retain a neutral, technically grounded framework for identifying affected communities and evaluating materially different environmental, health, cultural, and emergency-planning effects. Regional averages should not obscure greater impacts on nearby communities, Tribal populations, or populations with distinctive exposure pathways or emergency-response constraints.

NRC should separately encourage transparent community engagement and documentation of project benefits and applicant commitments. Community benefits can support durable deployment, but they should not substitute for mitigation or obscure project burdens. Commitments outside NRC's authority should be implemented through appropriate federal, state, Tribal, local, or private mechanisms.

The table below provides NIA's responses to each of the NRC's 12 specific requests for comment. The questions are condensed for readability while preserving their substance.

No.	NRC question (condensed)	NIA response
1	**Has the NRC removed environmental effects that should remain within the scope of its NEPA reviews? Are there nonradiological effects sufficiently connected to an NRC licensing decision that NRC should continue to consider?**	NIA supports tailoring NRC environmental reviews to effects that are reasonably foreseeable, have a reasonably close causal relationship to the proposed agency action, and are material to the decision before the Commission. NEPA should not require analysis of speculative effects, effects of genuinely separate projects, or policy alternatives the NRC has no authority to implement. NIA recommends, however, that the NRC clarify the proposed definition of "Effect" in 10 CFR 51.4 to more closely track the Supreme Court's reasoning in *Seven County Infrastructure Coalition v. Eagle County*. *Seven County* does not establish that an effect may be excluded merely because the effect itself is remote in time or geography. Rather, the Court faulted the D.C. Circuit for requiring consideration of environmental effects arising from projects that were themselves separate in time or place from the project before the agency - such as potential future projects or geographically separate projects. The final rule should preserve that distinction. Accordingly, in 10 CFR 51.4, definition of "Effects," paragraph (2), NIA recommends revising the proposed language to make clear that temporal or geographic remoteness bears on whether an effect arises from a separate project, rather than operating as an independent categorical exclusion. For example, the provision could state: "Effects should generally not be considered if they are either (1) caused by projects remote in time or geographically remote, or (2) the product of a lengthy causal chain. Effects do not include those effects from projects that the agency has no ability to prevent …." This formulation would more closely reflect the distinction drawn by the Supreme Court. NIA is also concerned that the proposed definition may go beyond the goal of disciplining NEPA review and unnecessarily narrow the NRC's interpretation of its authority under the AEA and ERA. In particular, the proposal appears to treat an inability to directly regulate or mitigate a non-radiological effect as establishing that the NRC cannot consider that effect at all. The Commission should either modify this interpretation or explain why those propositions are equivalent. For example, the NRC does not change 10 CFR 50.36b that provides that the NRC may require license conditions to protect the environment. If the NRC concludes that its historically exercised discretion to condition licenses to include environmental protection plans is no longer appropriate, the NRC should provide licensees a clear basis so that licensees can evaluate when it would be appropriate for them to request a change to a license condition. Applicants will need guidance on how to address

		aspects of conditions that have historically been imposed by NRC on behalf of other agencies (e.g., for the Endangered Species Act). The final rule should distinguish among: (1) effects the NRC is legally unable to prevent, mitigate, or consider; (2) effects primarily regulated by another agency but potentially relevant to NRC licensing discretion; (3) effects the NRC is authorized to directly prevent or mitigate through license conditions; and (4) effects attributable to genuinely separate upstream or downstream projects. These categories should not be treated as interchangeable. *Seven County* does not independently determine the scope of NRC authority under its organic statutes. Before excluding direct environmental effects of an NRC-licensed project, the NRC should identify the statutory basis for concluding that it cannot lawfully consider those effects, acknowledge and explain any departure from longstanding Commission practice, and address the relationship to past environmental findings made by presiding officers in reactor licensing proceedings and to the ADVANCE Act. The final definition should also make clear that an effect is not excluded solely because another governmental entity regulates it. The NRC should be able to rely on another agency's analysis, avoid duplication, and exercise its authority proportionately without disclaiming authority it may lawfully retain. The NRC should also publish a jurisdictional crosswalk identifying commonly limited or excluded effects and the agency or process ordinarily responsible for them. Finally, the NRC should not omit a material project effect merely because its consequences are experienced primarily as community, cultural, or socioeconomic effects. Where such effects arise from a change in the physical environment or bear directly on radiological safety, emergency planning, mitigation, or another matter relevant to NRC licensing discretion, they should remain visible in the analysis.
2	**Does the proposal appropriately prioritize efficiency and certainty? Could it unintentionally increase uncertainty or require**	Directionally, yes, the proposed changes prioritize efficiency and certainty. Focusing review on matters material to the NRC decision, using generic findings, and selecting the appropriate level of review based on likely significance should substantially improve efficiency and certainty. NIA finds several provisions could nevertheless create new uncertainty if they are not clarified. These include categorical exclusions announced on an NRC website but not yet codified; movement of important procedures from regulation into guidance; inconsistent interpretations among cooperating agencies; and the possibility that an issue removed from NRC review will need to be addressed later by another agency on a different schedule. For example, categorical exclusions established by only

	additional reviews by other agencies?	posting on the website do not have the protection that 10 CFR 2.335 offers and may be more susceptible to contested hearings. An overly broad disclaimer of NRC authority could itself increase regulatory uncertainty. It could create gaps between agencies, constrain the Commission's ability to address an unforeseen site-specific issue, produce inconsistencies with other NRC regulations, and invite litigation over whether NRC has accurately characterized its statutory authority. NRC should distinguish between choosing to exercise authority narrowly and concluding that the authority does not exist. Further, separate and potentially less coordinated involvement by other federal and state agencies has the potential to add uncertainty and burden to the overall environmental review process. NIA recommends the NRC address these risks through objective eligibility criteria, publicly available technical bases, clear transition provisions, written interagency responsibility agreements, and a prompt schedule for codifying website categorical exclusions. Efficiency and certainty should be treated as outcomes of a disciplined process, not as factors that obviate statutory compliance or a sufficient administrative record. Additionally, NRC should address any inconsistencies or alignment issues between the proposed rule, the new reactor GEIS, and proposed Part 57. The proposed Part 51 states that the proposed new categorical exclusion in Part 57 "has a separate basis and purpose that the NRC has determined do not need to be combined with this rulemaking." Part 51 applies agencywide and the updates made in the proposed rule are intended to provide more efficiency across the agency. If the same design, consequences, and site characteristics exist for a reactor under a different licensing pathway (Parts 50, 52, or 53) then the reactor should be able to use the proposed categorical exclusion in Part 57. To fully provide certainty and clarity, Part 51 should not separate Part 57's categorical exclusion. NIA also previously recommended in a comment on proposed Part 57 that Part 53 should reflect the categorical exclusion provisions used in Part 57.[1]
3	**Are there procedures the NRC proposes to eliminate or move into guidance that should remain in regulation?**	The NRC should distinguish between detailed implementation methods, which can appropriately reside in guidance, and core procedural safeguards, which should remain in regulation to promote stability and predictability. At a minimum, the regulation should retain: • Basic public-notice and participation requirements.

[1] NIA's public comment on proposed Part 57

		• Minimum standards for determining the appropriate level of review (with detailed implementation described in guidance). • The extraordinary-circumstances standard for categorical exclusions.[2] • The process and minimum evidentiary requirements for establishing categorical exclusions outside rulemaking. • NRC responsibility for the scope, accuracy, findings, and final content of applicant-prepared documents. • Principal rules governing deadlines, extensions, and transitions. Part 51 should also include a savings clause providing that nothing in the rule limits or otherwise alters the Commission's substantive authority under the AEA or ERA. The NRC should retain clearly identifiable requirements for those environmental findings necessary to support a licensing decision. The NRC should provide a crosswalk reconciling the proposed Part 51 changes with the 2026 mandatory-hearing rule, including the removal of former §§ 51.105 and 51.107. The crosswalk should identify each finding previously required, whether it remains required, where it will now be made, who makes it, and whether its substantive scope has changed. NIA also recommends retaining a minimum regulatory framework for scoping. Detailed methods can be placed in guidance, but the regulation should make clear when NRC will seek public input and how substantive comments will be addressed. Moving core safeguards entirely into guidance could reduce certainty and weaken legal durability.
4	**What additional licensing or regulatory actions should receive categorical exclusions? Are the newly proposed exclusions appropriately bounded?**	NIA supports the proposed categorical exclusions where the record demonstrates that the defined category of actions normally does not significantly affect the human environment. Each categorical exclusion should be based on a publicly available technical record and include limiting parameters that can be readily confirmed in an individual case. The NRC should define categorical exclusions by the characteristics and effects of the action, rather than relying solely on broad labels such as "advanced reactor," "microreactor," or "demonstration project." Additional candidates could include:

[2] Note that in 2025 NIA published Improving Environmental Reviews through a Categorical Exclusion for Microreactors which included a recommendation for extraordinary circumstances. NRC must describe how it will consider extraordinary circumstances. Further, NRC should perform an extraordinary circumstance analysis to verify that any site-specific issues do not amount to significant environmental impact, and the NRC would need to identify such circumstances to be considered for each project

		• Repeat deployments that remain within a previously evaluated plant, process, and site envelope. • License amendments and renewals that do not materially increase radiological effluents, accident consequences, waste generation, authorized material inventories, operating limits, or land disturbance. • Administrative decommissioning and license-termination actions after relevant physical activities and site remediation have been completed and reviewed. • Repeated manufacturing or standardized-design approvals whose environmental effects are bounded by an existing generic analysis. • Activities at previously disturbed sites that involve no meaningful additional land disturbance and remain within defined radiological and operational parameters. For power uprates, subsequent license renewals, advanced demonstrations, and other potentially varied actions, the categorical exclusion should require confirmation that the proposed action remains within the stated bounds and that no extraordinary circumstances or new and significant information are present.
5	**For what additional actions should NRC develop generic environmental documents?**	The NRC should prioritize generic analyses[3] where it anticipates multiple applications and where the principal environmental issues are repeated, technically understood, and capable of being bounded. High-value candidates include: • Classes of microreactors and other low-consequence reactors differentiated by source term, effluent characteristics, footprint, operating mode, and waste generation. • Repeat and fleet deployments under standardized designs or manufacturing licenses. • Deployment on previously disturbed industrial, energy, military, and other federal sites. • Common decommissioning, site-remediation, and license-termination activities. • Fuel-cycle facilities organized around defined material, inventory, process, and effluent envelopes. • Transportation, storage, and waste effects associated with higher-assay fuels, increased enrichment, higher burnup, and advanced fuel forms. • Common environmental effects of co-locating reactors with industrial loads, data centers, hydrogen production, desalination, or district-heating applications, to the extent those effects are within the NRC's authority and capable of generic treatment.

[3] NIA previously recommended greater use of generic analyses in our report Advancing Regulatory Efficiency: Lessons and Opportunities in NRC Licensing Practice

		NIA recommends each generic analysis have transparent applicability criteria, a process for addressing new and significant information, and a schedule or trigger for periodic review. Generic analyses will improve predictability only if applicants, NRC staff, and the public can readily determine which conclusions are bounded and which issues require site-specific review.
6	**What additional approaches should NRC use to preserve meaningful public engagement?**	Public engagement can be made more focused and useful without becoming more burdensome, but it can be easy to infer that some of the changes in the proposed rule could marginalize public involvement. It would be useful to ensure – and emphasize to stakeholders – the traditional practice of NRC beginning engagement during preapplication activities, before important assumptions, schedules, and analytical approaches have hardened. For major licensing actions, NRC should publish a plain-language scope document explaining what it will review, what it proposes to limit or exclude, the legal and factual basis for those choices, and how relevant issues will be addressed by NRC or another decision-maker. Early public briefings or listening sessions should be used for new reactors, fuel-cycle facilities, and other actions likely to present novel or locally significant issues. NRC should maintain a searchable comment-and-response record showing how substantive issues were resolved. NIA recommends NRC retain an opportunity for the public to comment on a draft EIS for first-of-a-kind, novel, extraordinarily complex, or substantially disputed actions. Early scoping comments are valuable, but they do not always provide an opportunity to identify errors in the agency's completed analysis. A targeted draft-comment requirement would preserve quality-control and legitimacy benefits without imposing a routine, duplicative process on every action. Tribal, state, and local engagement should begin early and should be integrated with, rather than treated as an adjunct to, the environmental-review schedule. Meaningful engagement should include the communities most likely to experience project effects, not merely the largest population centers or governmental entities. NRC should use accessible meeting formats, plain-language materials, and early engagement to identify localized exposure pathways, cultural uses, emergency-response constraints, and other information that may not be apparent from standard datasets.
7	**What procedures or guidance are needed for applicant-**	Proposed 10 CFR 51.46 is more restrictive than NEPA Section 107(f), which allows a project sponsor itself (not only a contractor retained by an applicant or petitioner) to prepare an EA or EIS under agency supervision. The NRC appears to justify this additional proposed restriction on the

	prepared EAs and EISs? Should more requirements be placed in guidance, and does proposed Section 51.46 strike the right balance?	ground that a prospective applicant has a vested interest in the proposed agency action. That interest alone should not disqualify qualified applicant personnel from preparing the environmental document. The rule should permit such personnel to do so, while allowing the NRC to require an independent contractor when warranted by a particular conflict of interest. In all cases, the NRC would supervise the process and retain responsibility for the adequacy of the environmental review. Guidance should provide clear information on: • Eligibility and opt-in criteria. • The timing and content of a preapplication request. • Specifically, the NRC should identify examples of an irreconciled conflict of interest rather than conflicts that can be disclosed and handled by reasonable mitigation measures. • NRC, applicants, and cooperating-agency roles. • Permissible communications and document-control protocols. • Milestones, schedules, and acceptance criteria. • Treatment of proprietary or security-sensitive information. • Public disclosure and participation procedures. • The scope of the NRC's independent verification. • Fee treatment and responsibility for additional work. • Procedures if NRC terminates the applicant-prepared approach.
8	**How can NRC improve interagency coordination, and how will the narrower NRC scope affect coordination and consultations under statutes such as the National Historic Preservation Act (NHPA), Coastal Zone Management Act (CZMA), and Endangered Species Act (ESA)?**	A narrower NRC NEPA scope makes disciplined interagency coordination more important. During preapplication engagement, NRC and other relevant agencies should develop a written coordination plan identifying: • Lead, cooperating, and participating agencies. • Each agency's statutory authority and analytical responsibilities. • The agency responsible for each environmental subject NRC proposes to limit or exclude. • Shared baseline information, studies, and data standards. • A coordinated schedule and information-request process. • Consultation milestones under the NHPA, ESA, CZMA, and other applicable statutes. • Procedures for resolving jurisdictional disagreements or schedule conflicts. Interagency coordination should allocate analytical responsibility and reduce duplication, but another agency's involvement should not automatically extinguish NRC consideration of an effect. NRC should use adoption, incorporation by reference, coordinated records, and reliance on another agency's expertise before concluding that an effect must be omitted entirely.

		These arrangements should be documented in an MOU or comparable public record. To the extent practicable, agencies should rely on a common factual record and avoid requiring applicants to prepare duplicative but differently formatted analyses. Where community effects fall primarily within another agency's authority, NRC should identify that agency and coordinate the review rather than risk the issue disappearing between jurisdictions. Tribal consultation and cultural-resource obligations should remain distinct from, and should not be diminished by, removal of environmental-justice terminology. The final rule and guidance should make clear that narrowing NRC's NEPA analysis does not narrow or defer separate obligations under other environmental statutes. Tribal consultation and NHPA Section 106 engagement should begin sufficiently early to inform project planning and should not depend solely on NRC's notice-of-intent process.
9	**How can NRC improve the organization, accessibility, and usability of NUREG-2270? Should it explain how the guidance applies to common licensing actions?**	NUREG-2270 should be organized both by environmental-review process and by common licensing action. An applicant should not have to reconstruct its obligations by reading a general procedural document from beginning to end. The final guidance should include: • Decision trees for determining whether NEPA applies and whether a categorical exclusion, EA, or EIS is appropriate. • Action-specific road maps for reactor permits and licenses, early site permits, renewals, amendments, decommissioning, materials licenses, fuel-cycle facilities, and rulemaking petitions. • Minimum-information and acceptance criteria. • Checklists, model schedules, and worked examples. • A crosswalk to Part 51 and to existing or superseded guidance. • A dedicated road map for applicant-prepared documents. • Clear identification of regulatory requirements, recommended methods, and optional practices. • Links to applicable generic environmental findings and categorical exclusions. • Version control and a searchable, accessible online format. The NRC should also provide examples showing how common actions proceed through the framework, including examples of an action qualifying for a categorical exclusion, an action requiring an EA and Finding of No Significant Impact (FONSI), and an action requiring an EIS.

10	**What environmental topics or issues are missing from draft NUREG-2270?**	The final NUREG should expressly address: • A decision framework distinguishing direct NRC authority, overlapping or complementary jurisdiction, effects relevant to NRC licensing discretion but primarily regulated elsewhere, and effects of genuinely separate projects. • The boundary between limited treatment of an effect and a conclusion that NRC lacks authority to consider it. • Mixed radiological and chemical effects. • Multi-unit, phased, or otherwise integrated developments and guidance on what would constitute improper project segmentation. • Interagency responsibility for issues outside or beyond the principal scope of NRC review. • Application of the extraordinary-circumstances standard. • Establishment, use, challenge, review, and codification of website categorical exclusions. • Periodic updating of generic environmental findings. • New and significant information and supplementation. • Applicant-prepared documents and NRC independent verification. • Public-engagement triggers, including when NRC will seek comment on a draft document. • Tribal consultation and NHPA Section 106 coordination. • Transition rules for pending and near-term applications. • Integrated and phased treatment of limited work authorizations (LWAs), construction permit (CP) or combined license (COL) applications, and joint CP/OL applications. NUREG-2270 should also include a crosswalk among Parts 2, 50, 51, 52, 53, and 57 identifying where each necessary environmental and licensing finding is now made after the mandatory-hearing and Part 51 changes. These topics are important not only for completeness but also to reduce inconsistent implementation and potential for litigation over the meaning of the new framework. NUREG-2270 should include guidance on identifying affected communities, evaluating materially different effects within the study area, avoiding misleading reliance on regional averages, incorporating local and Tribal knowledge, and distinguishing environmental mitigation from voluntary community-benefit commitments.
11	**Should NRC sunset existing NEPA guidance once NUREG-2270 is issued, or retain it?**	As guidance is, by definition, not mandatory, there is no compelling need to immediately sunset all existing guidance. NIA recommends NRC establish a defined transition period and publish a detailed crosswalk showing which provisions of NUREG-1555, NUREG-1748, Regulatory Guide 4.2, and other documents have been incorporated, modified, superseded, or retained.

		Individual documents should be withdrawn only after NRC confirms that NUREG-2270 includes all still-useful material and applicants and staff have had sufficient experience with the consolidated framework. Specialized guidance should remain available where it provides technical or action-specific detail that a general NUREG cannot reasonably reproduce. That said, to avoid maintaining multiple documents that provide conflicting procedural direction, the NRC document should clearly state each document's continuing applicability during the transition. A staged and transparent retirement process will preserve institutional knowledge while ultimately achieving the benefits of consolidation.
12	**What alternatives or procedural changes could support timely review when an applicant requests both an LWA and a CP or COL?**	NIA recommends that NRC expand its recognition that a LWA is categorically excluded from environmental review absent extraordinary circumstances. LWA work is, by definition, a limited scope of work that is unambiguously covered by the NEPA review done for the CP or COL, and an LWA requires a redress plan such that any impact is transient/temporary. Because the work for LWA is undertaken at risk (i.e. the subsequent phases may or may not move forward based on regulatory approval and other factors) later work that **is** under NRC's purview for NEPA environmental assessment is not logically connected to the LWA. In other words, the NRC issuing the LWA is not the proximate cause of environmental effects that will arise later in time. Thus, the LWA could be exempt from NEPA. Although not our preference, NIA would support a single integrated environmental review as the default for a complete application requesting both an LWA and a CP or COL. Preparing two substantially overlapping documents on parallel statutory schedules would add work without improving the environmental analysis or the decision. The NRC should permit a phased integrated-review approach under which: • The applicant submits information necessary for the LWA as early as practicable. • NRC conducts rolling review of information common to both decisions. • The integrated document contains a clearly identified analysis and finding supporting the LWA decision when that portion of the record is complete. • The LWA analysis is incorporated without duplication into the final CP or COL document. • Any LWA conditions ensure that early activities do not prejudice the later licensing decision or foreclose reasonable alternatives remaining before NRC. • NRC and the applicant use a single administrative record, coordinated information-request process, and integrated project schedule.

		A preapplication environmental-review plan should identify the information needed for the early decision, the issues shared with the full application, and the milestones for completing each portion of the analysis. This approach would provide more benefit than requiring separate environmental documents for closely related decisions.

Conclusion

NIA strongly supports modernizing Part 51 so environmental reviews are focused on decision-useful issues, commensurate with risk, and coordinated with other environmental reviews. The proposed rule can reduce duplication, improve the use of generic analyses and categorical exclusions, and make licensing timelier and more predictable.

The strongest and most durable version of the rule will discipline the exercise of NRC authority without unnecessarily disclaiming that authority. The final rule should distinguish limits on direct regulation from limits on consideration, state that Part 51 does not narrow the Commission's authority under the AEA or ERA, provide a reasoned explanation for any change in longstanding interpretation or practice, reconcile the proposal with the ADVANCE Act, and demonstrate that the Part 2 and Part 51 changes together preserve all environmental findings necessary for licensing decisions. These steps will make the reforms faster, clearer, more credible, and more resistant to legal, legislative, or regulatory reversal.

NIA appreciates the Commission's leadership on this issue and the opportunity to provide input. If you have any questions, please contact Miranda McGuire at mmcguire@nuclearinnovationalliance.org.

Sincerely,

Judi Greenwald
President & CEO
Nuclear Innovation Alliance