

119TH CONGRESS
2D SESSION

S. _____

To exempt the conversion of covered sites into certain types of nuclear reactor plants from the requirements of the National Environmental Policy Act of 1969, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. LUMMIS introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To exempt the conversion of covered sites into certain types of nuclear reactor plants from the requirements of the National Environmental Policy Act of 1969, 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 “Revitalizing Energy
5 Communities by Hosting Advanced Reactors and Gener-
6 ating Energy Act of 2026” or the “RECHARGE Act of
7 2026”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ADVANCED NUCLEAR REACTOR.**—The term
4 “advanced nuclear reactor” has the meaning given
5 the term in section 3 of the Nuclear Energy Innova-
6 tion and Modernization Act (42 U.S.C. 2215 note;
7 Public Law 115–439).

8 (2) **BROWNFIELD SITE.**—The term “brownfield
9 site” has the meaning given the term in section 101
10 of the Comprehensive Environmental Response,
11 Compensation, and Liability Act of 1980 (42 U.S.C.
12 9601).

13 (3) **COMMISSION.**—The term “Commission”
14 means the Nuclear Regulatory Commission.

15 (4) **COVERED SITE.**—The term “covered site”
16 means a brownfield site, a retired fossil fuel site, or
17 a site that is both a brownfield site and a retired
18 fossil fuel site.

19 (5) **PROPOSED ADVANCED NUCLEAR REAC-**
20 **TOR.**—The term “proposed advanced nuclear reac-
21 tor” means a proposed advanced nuclear reactor de-
22 scribed in section 3(a)(1).

23 (6) **RETIRED FOSSIL FUEL SITE.**—The term
24 “retired fossil fuel site” means the site of 1 or more
25 fossil fuel electric generation facilities that are re-

1 tired or are scheduled to retire, including multi-unit
2 facilities that are partially shut down.

3 **SEC. 3. CATEGORICAL EXCLUSION FOR ADVANCED NU-**
4 **CLEAR REACTORS ON COVERED SITES.**

5 (a) IN GENERAL.—Subject to subsection (b), the fol-
6 lowing actions shall not be considered to be a major Fed-
7 eral action under the National Environmental Policy Act
8 of 1969 (42 U.S.C. 4321 et seq.) and shall be categorically
9 excluded from the requirements of that Act:

10 (1) The siting, construction, or operation of an
11 advanced nuclear reactor at a site that is a covered
12 site as of—

13 (A) with respect to a request for approval
14 to site or construct the advanced nuclear reac-
15 tor or request for approval that combines a re-
16 quest to site or construct the advanced nuclear
17 reactor with a request to operate that advanced
18 nuclear reactor, the proposed date on which
19 construction on the advanced nuclear reactor
20 would commence, as described in the applica-
21 tion requesting that approval; or

22 (B) with respect to a request for approval
23 to operate an advanced nuclear reactor, the
24 date on which construction of the advanced nu-
25 clear reactor began.

1 (3) the design attributes of the proposed ad-
2 vanced nuclear reactor, including potential fission
3 product inventory, fuel type, reactor design, and
4 operational plans, sufficiently reduce the risk of ad-
5 verse offsite consequences from the release of radio-
6 active or hazardous materials;

7 (4) any hazardous waste, radioactive waste, or
8 spent nuclear fuel generated by the proposed facility
9 can be managed in accordance with applicable Fed-
10 eral and State standards; and

11 (5) any transmission upgrades or interconnec-
12 tion facilities for which the categorical exclusion is
13 sought pursuant to paragraph (2) or (3) of sub-
14 section (a) are located within existing rights-of-way
15 and will not require significant adverse environ-
16 mental impacts beyond the existing industrial foot-
17 print of the covered site.

18 (c) RELATIONSHIP TO OTHER LAWS.—

19 (1) NRC REGULATORY AUTHORITY.—Nothing
20 in this section affects the regulatory authority of the
21 Commission under the Atomic Energy Act of 1954
22 (42 U.S.C. 2011 et seq.), the Energy Reorganization
23 Act of 1974 (42 U.S.C. 5801 et seq.), and the Ura-
24 nium Mill Tailings Radiation Control Act of 1978
25 (42 U.S.C. 7901 et seq.).

1 (2) NRC LICENSING PROCESSES.—Nothing in
2 this section modifies, limits, or supersedes any re-
3 quirement of the Atomic Energy Act of 1954 (42
4 U.S.C. 2011 et seq.) or any regulation or rule-
5 making of the Commission, including under part 51
6 of title 10, Code of Federal Regulations (or suc-
7 cessor regulations).

8 (3) OTHER FEDERAL LAW.—Nothing in this
9 section affects any obligation under the Endangered
10 Species Act of 1973 (16 U.S.C. 1531 et seq.), divi-
11 sion A of subtitle III of title 54, United States Code
12 (formerly known as the “National Historic Preserva-
13 tion Act”), or any other Federal law except for the
14 National Environmental Policy Act of 1969 (42
15 U.S.C. 4321 et seq.).