



Mike Davin
Senior Director, Energy and Resources Policy

Christopher Phalen
Vice President, Domestic Policy

August 21, 2026

The Honorable Ho K. Nieh
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

**RE: Comments of the National Association of Manufacturers on NRC's
Rulemaking on Implementation of the National Environmental Policy Act
(Docket NRC-2025-0478)**

Dear Chairman Nieh:

The National Association of Manufacturers (NAM) respectfully submits these comments on the proposed rulemaking issued by the Nuclear Regulatory Commission (NRC) entitled, *Implementation of the National Environmental Policy Act* ("the proposed rule" or "the proposal"). The NAM appreciates the opportunity to submit comments on the proposed revisions and supports the NRC's efforts to issue nuclear policies that reflect the modern economy and current energy needs.

The NAM is the voice of the manufacturing community and the leading advocate for a policy agenda that supports and empowers the 13 million people who make things in America. As the largest manufacturing association in the U.S., the NAM's membership includes businesses of all sizes, across all industrial sectors, and in all 50 states. Manufacturers collectively contribute \$2.9 trillion to the U.S. economy—and right-sized, commonsense regulations are critical to sustaining the manufacturing strength that underpins our nation's prosperity.

Manufacturers use one-third of America's energy. As such, the sector needs to be able to produce and use every energy source available to meet this critical moment. In short, manufacturers need American energy dominance, bolstered by an all-of-the-above energy strategy, that allows our industry to innovate, build, and grow here at home. Nuclear energy is a critical piece of that strategy, as it offers a reliable source of clean, baseload power.

Unfortunately, America's broken permitting system has stood in the way of greater deployment of new energy assets as well as manufacturing facilities. Our industry experiences a cost of at least \$8 billion per year due to permitting delays.¹ We have implored policymakers to implement workable permitting processes and procedures that will make it easier to grow the manufacturing sector here in America, while still maintaining strong environmental protections.

One of the key statutes where its implementation has impeded this progress is the National Environmental Policy Act (NEPA). While not every manufacturer has had to interact with NEPA's environmental review processes, the implementation of the statute has nevertheless impacted

¹ American on Hold: How Permitting Delays Stall Manufacturing Progress," *National Association of Manufacturers and Foundation of American Innovation*, at 3. See also <https://nam.org/wp-content/uploads/securepdfs/2026/03/NAM-America-on-Hold-Report-vF.pdf>

manufacturers and their ability to either obtain their permits or manage significant costs associated with compliance and prolonged project development. For example, opponents of major energy projects have used NEPA to pursue litigation and accordingly delay energy projects, which require on average 23 months to resolve.² This adds significant costs and delays to manufacturers and hinders the buildout of new energy generation like nuclear. Given the strain placed on manufacturers by NEPA implementation, the NAM has called for keeping environmental reviews focused on direct, near-term effects; conducting faster, coordinated federal reviews for major projects with multiple agencies; and ensuring faster, predictable reviews with reasonable court time limits.³

In response to recent legislative, executive, and judicial developments, the NRC's proposed rule makes critical updates to its licensing and permitting procedures that will facilitate the deployment of new nuclear power to meet rising energy demand. The NAM is supportive of this important rulemaking.

The Greater Role of Categorical Exclusions in Expedited Permitting

Under the proposed rule, companies seeking approval before the NRC would be able to apply for categorical exclusions for certain routine activities that do not have a significant effect on the environment, such as license renewals, construction permits, and early site permits. The proposal would also allow for the consideration that categorical exclusions be approved for use in situations such as power uprates, microreactors, and other advanced reactor projects. In the absence of additional statutory changes, the NAM supports the increased use of categorical exclusions to eliminate unnecessary reviews for low environmental impact activities. We appreciate that the NRC has proposed this approach.

Manufacturers have also called for the interagency transferability of categorical exclusions. The NRC-proposed rule expressly authorizes this action under NEPA Section 109 (as added by the Fiscal Responsibility Act of 2023). Codifying this into NRC regulation will reduce the duplication of efforts across the federal government in an effort to streamline the review process, thus saving applicants crucial time and resources. Finally, the proposed rule would open a new pathway for licensees and applicants to petition for new categorical exclusions through the NRC's rulemaking process.

Manufacturers welcome these changes and believe they will give manufacturers additional tools and flexibility to continue to make progress towards final project approval.

Streamlining Activities to Reduce Reporting Burdens and Ensure Timely Reviews

The proposed rule would narrow the scope of what are considered to be "environmental effects" to those under direct jurisdiction of the NRC, including radiological health, safety, and security. This change is being made to comply with the Supreme Court ruling in *Seven County Infrastructure Coalition v. Eagle County, Colorado*, which held that NEPA does not require federal agencies to evaluate effects of projects that fall outside their own regulatory authority. Reining in the definition of "effects" will allow for a more focused review process that will reduce costs to applicants, save NRC time and resources, and ensure those NRC resources can be most effectively used to address high priority public health and safety and environmental matters.

² *Ibid.*, at 14.

³ *Ibid.*, at 15.

NAM also welcomes the proposed codification of NEPA statutory deadlines for environmental assessments and environmental impact statements. Under this proposal, the NRC would be required to complete an environmental assessment within one year and an environmental impact statement within two years. If the NRC is unable to complete their reviews within these allotted times, then the Agency would be required to consult with the applicant. This provides applicants with predictability around their projects, providing them with greater confidence to finalize financing and deployment schedules, as well as keeping the Agency accountable to abide by the set timelines. Because the NAM has long called for greater transparency and enforceable deadlines in NEPA reviews, it is appreciated that the NRC follows through with implementing these changes as directed by Congress.

* * * *

The NAM strongly supports the NRC's proposed rule and appreciates the opportunity to provide comments. By modernizing the Commission's implementation of NEPA, streamlining pathways for manufacturers, and removing those unnecessary administrative barriers that do not impact environmental quality, this proposal will successfully facilitate the deployment of safe, reliable nuclear energy to meet our nation's rising energy demands. The NAM looks forward to continuing to work with the NRC to develop effective and sensible policies that will benefit manufacturers in the months and the years to come.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Davin", written over a light yellow rectangular background.

Mike Davin
Senior Director, Energy and Resources Policy

A handwritten signature in black ink, appearing to read "Christopher Phalen", written over a light yellow rectangular background.

Christopher Phalen
Vice President, Domestic Policy