

**U.S. Nuclear Regulatory Commission
Fiscal Year 2022
Recommended Best Practices Report for Environmental Reviews and Authorizations**

This report assesses the performance of the U.S. Nuclear Regulatory Commission (NRC) in implementing the Federal Permitting Improvement Steering Council (FPISC) Fiscal Year (FY) 2022 [recommended best practices](#). The FPISC is required to issue annual recommendations on best practices for improving the federal environmental review process for covered projects under Title 41 of the Fixing America's Surface Transportation Act (FAST-41). The Infrastructure Investment and Jobs Act of 2021 amended FAST-41 to add three categories to the existing FAST-41 list of best practices, as well as require each participating agency and lead agency for FAST-41 covered projects to annually submit to Congress and the Director of the Office of Management and Budget a report assessing agency performance in implementing these recommendations. The FPISC issued the [FY 2022 Recommended Best Practices](#) with recommendations exclusively in these three new categories to allow agencies to focus their efforts. The NRC currently has no projects that qualify for the Permitting Dashboard.

FPISC Best Practice (BP) Categories and NRC Responses

BP Category (i)(I): enhancing early stakeholder engagement, including—engaging with Native American stakeholders to ensure that project sponsors and agencies identify potential natural, archeological, and cultural resources and locations of historic and religious significance in the area of the covered project.

1. Identify Tribes that may be impacted by a project or may have knowledge and expertise related to the project by using multiple tools or sources (e.g., the Bureau of Indian Affairs' Tribal Leaders Directory, the Tribal Directory Assistance Tool, the National Park Service's Tribal Historic Preservation Officer Directory, etc.) to verify the accuracy of contact information. Include multiple relevant contacts (e.g., Tribal Government leadership, Tribal administrators, cultural resources staff, natural resources staff, Tribal Historic Preservation Officers, etc.) when conducting outreach to maximize chances that the designated representative(s) of a Tribe are engaged at the appropriate steps in the project's environmental review and authorization process.
2. Invite identified Tribes, and any other Tribe who so requests, to participate in consultation as early as practicable in the environmental review and authorization process and, to the extent possible, maintain engagement throughout the process. This includes responding to Tribes' questions and concerns; ensuring that complete, accurate, and high-quality data and information is provided to Tribes in a timely manner for Tribes' review and comment; and actively informing Tribes of how the agency incorporated Tribal input into project-related decision making. In addition to consulting with a Tribe's designated representatives, Federal agencies should be prepared to conduct Government-to-Government consultation with a federally-recognized Tribe's leadership, where appropriate.

3. Consult with Tribes to develop reasonable permitting timetables that provide sufficient time for meaningful consultation on Federal environmental reviews and authorizations. To the extent possible, coordinate agency requests for Tribal review and input on related, adjoining, or similar projects to avoid overlapping timeframes and simultaneous requests.
4. In consultation with Tribes, identify opportunities to incorporate Indigenous Traditional Ecological Knowledge as best available science in the development of project alternatives and scoping and proactively identify mechanisms to protect sensitive Tribal information. Request and incorporate, as appropriate, input from Tribes on the types of studies that are conducted and the ways in which studies are conducted to assess a project's potential impacts on Tribal lands and environmental and cultural resources.
5. Build trust and mutually defined relationships with Tribes on an ongoing basis and in advance of project-specific information or consultation requests. Examples of relationship-building activities include, but are not limited to, hosting biannual meetings with agency and Tribal leadership, visiting Tribal lands and resources that may be impacted by a project, establishing or leveraging an existing agency Tribal liaison position to maintain continuity in relationships throughout potential staff turnover, and hiring Tribal representatives to participate in the environmental review and authorization process.
6. In consultation with Tribes, develop and regularly update trainings and other resources on Tribal consultation and engagement. Trainings and resources should include topics such as Tribal sovereignty and treaty rights, Sacred Sites, Government-to-Government consultation requirements, employing respectful protocols, and engagement before and beyond National Historic Preservation Act Section 106 consultation. Strongly encourage Federal staff and third-party contractors to participate in training in advance of Tribal consultation or engagement with Tribal Nations.
7. Where appropriate and to the degree the agency has the authority to do so, identify and pursue opportunities to provide funding or staffing support to Tribes for participating in the environmental review and authorization process for FAST-41 projects to address Tribe's resource and capacity constraints. For example, work with Tribes to hire consultants or technical review staff to increase Tribes' capacity to participate in the environmental review and authorization process. Actively inform Tribes of the FPISC Office of the Executive Director's ability to transfer funds from the Environmental Review and Improvement Fund to Tribal governments to facilitate timely and efficient environmental reviews and authorizations for FAST-41 projects. Tribal Nations interested in this funding mechanism can reach out to the FPISC Executive Director for further discussion at fast.fortyone@fpisc.gov.

NRC Response

Nuclear Energy Tribal Working Group Participation

The NRC staff participated in the Nuclear Energy Tribal Working Group's (NETWG) [third-quarter meeting of FY 2022](#) in Green Bay, WI on June 28-29, 2022. NETWG is a [chartered](#) working group focused on engaging Tribal governments interested in the broad spectrum of the U.S. Department of Energy (DOE) nuclear energy activities. Representatives from 11 Tribes

attended the meeting and were joined by officials from the DOE Office of Nuclear Energy, DOE Office of Clean Energy Demonstrations, the National Nuclear Security Administration, Idaho National Laboratory (INL), and the NRC.

Information for potential future qualifying projects is shared with Tribal Nations very early in the project planning stage whenever possible. For example, with input from the NRC, the DOE presented information to the NETWG on an anticipated 2023 license application for the [Carbon Free Power Project \(CFPP\)](#) that is to be located at the INL site in Idaho. Working with the NRC, INL's Tribal Cultural Resource program conducted surveys to identify and record cultural resources in the CFPP project area in preparation for the application submittal. A complete CFPP site preparation and development schedule was presented to the NETWG. During the presentation, the NRC provided information on NRC's stakeholder participation process. The NRC will continue to participate in the NETWG meetings to share insights with Tribes related to environmental permitting reviews.

Carbon Free Power Project Tribal Engagement

During the week of October 24-28, 2022, the NRC environmental staff visited the site of the proposed CFPP in Idaho. The NRC staff initiated pre-application discussions with members of the Shoshone-Bannock Tribes, including the Shoshone-Bannock Fort Hall Business Council and the Tribal Environmental Leader. Pre-application discussions addressed the purpose and role of the NRC in the CFPP, what the Tribes could expect during the application review process, and how the Tribes could be involved in that process for this project. The NRC staff intends to have future engagements with the Shoshone-Bannock Tribes as an important component of the NRC's regulatory review process related to historic and cultural resources. The NRC staff is planning another site visit for May 2023 that will include representatives of the Shoshone-Bannock Tribes. Working with the DOE, the NRC staff will continue to consult and cooperate with the Tribes.

Meeting of Potential Applicant and Tribal Governments

In October 2022, the NRC staff observed a Tribal Summit in Kemmerer, WY, which was hosted by TerraPower and addressed its planned 2023 license application to the NRC for an advanced reactor demonstration project near a coal plant slated for retirement in 2025. The purpose of the summit was to provide an opportunity for Tribal Nations that could be affected by the proposed TerraPower reactor project to engage directly with TerraPower. Three of the 13 invited Tribes were in attendance. The Tribal representatives discussed with TerraPower items of Tribal interest and cultural importance. The Tribal Nations requested that a government-to-government meeting be held prior to formal submittal of TerraPower's construction permit application. During the summit, the NRC provided information to the Tribes about the NRC's role in the environmental permitting and licensing process and about the applicant's role in developing the future application and continued Tribal engagement.

Financial Assistance and Support Services for Tribes

The NRC's Minority Serving Institution Program provides financial assistance for a broad range of support services, programs, and activities, including a program to assist [Tribal Colleges and Universities \(TCUs\)](#). These initiatives support the needs of TCUs, their students, and faculty. The programs and activities include research and development, mentoring, leadership instruction, training, education activities, technical assistance, and recruitment and retention initiatives. These activities are accomplished through cooperative agreements and grants for

direct institutional subsidies, fellowships, internships, scholarships, tuition, travel, housing and other types of assistance.

In addition, NRC staff collaborated with, and sent numerous notifications regarding, funding and job-related opportunities to contacts at TCUs (e.g., Diné College, Navajo Technical University, College of Menominee Nation), Native American Nontribal Institutions, and affiliated professional organizations such as the American Indian Higher Education Consortium, American Indian Science and Engineering Society, and the Quality Education for Minorities Network. This outreach included information about funding opportunities, the Temporary Student Internship Program, a virtual hiring session for Emergency Preparedness Specialists, solicitations for advisory committee board members, and notifications related to other Federal program announcements and opportunities. As part of a broader effort to expand the NRC's University Champions program and recruitment outreach efforts, the agency approved the following institutions as Native American-Serving Nontribal Institutions: Fort Lewis College; Northeastern State University; and University of North Carolina at Pembroke.

Church Rock

The NRC provided native language translations, both for oral and written communications, during its review of a license amendment application for Church Rock mill tailings disposal project. The NRC contracted with a Diné translator to support meetings at which NRC staff discussed the environmental and safety reviews for the Church Rock mill tailings disposal project.

In addition, NRC provided real-time translation services, to and from the Navajo language of Diné, during an April 2022 meeting with Navajo Tribal community members of the Red Water Pond Road as well other communities and friends of the Navajo Nation. The meeting was held at the Red Water Pond Road Cha'a'oh ("Shade House"). The NRC also held a Commission meeting in Gallup, NM to discuss matters involving uranium contamination, which marked the first offsite Commission meeting in 40 years. For both the [Shade House meeting](#) and the [Commission meeting](#), the NRC prepared courtesy transcripts in Diné, thereby furthering the NRC's accessibility and inclusion goals.

Environmental Justice

The NRC's Environmental Justice Review Team, conducted extensive stakeholder outreach, including to Tribal Nations, as part of the NRC staff's systematic review of how agency programs, policies, and activities address environmental justice in response to the Commission's April 2021 direction to the NRC staff. The Environmental Justice Review Team's March 2022 assessment and recommendations regarding the agency's environmental justice approach, which includes consideration of the President's 2021 Executive Orders on environmental justice, are currently with the Commission for review.

NRC's Regulatory Information Conference

During March 14-16, 2023, the NRC held its 35th annual [Regulatory Information Conference](#) (RIC) in a hybrid meeting format with a variety of Federal, State, Tribal, private sector, and inter-governmental stakeholders participating. The 2023 RIC built on relevant topics from the previous year as well as emerging issues. The RIC is the largest public meeting the NRC hosts, bringing together thousands of participants from over 30 countries representing stakeholders from other government agencies, industry, international organizations, and the public.

In a session entitled, “Transformation and Modernization of NRC Environmental Review Processes: Meeting the Challenge,” the NRC provided information to several hundred stakeholders on how the NRC complies with the National Environmental Policy Act of 1969, as amended (NEPA) through its regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 51 “Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions”, while transforming its reviews into a more modern and risk-informed framework. The staff highlighted how it is adapting environmental experience to support a new generation of NEPA reviews. The RIC offers an robust technical program featuring experts from across the agency, as well as speakers from industry, academia, and the international community.

NRC Commissioner Bradley Crowell moderated the session, which included panelists with varied roles in the NEPA process. Manisha Patel, FPISC Deputy Executive Director, provided perspectives for coordination among Federal environmental reviews and authorizations for projects within the FAST-41 infrastructure sectors. Kenneth Erwin, NRC staff, provided perspectives of lessons learned from current and past NRC environmental reviews and authorizations. Larae Bill, Shoshone-Bannock Cultural Resources Specialist, provided a Tribal perspective of government-to-government interactions and the importance of conducting cultural resource consultations prior to and during major federal actions. Raymond Schiele, Tennessee Valley Authority Licensing Manager, provided the perspective of an applicant holding an NRC early site permit (ESP) and developing an NRC construction permit application that will reference the ESP.

All RIC sessions were recorded and are publicly available online.

Tribal Protocol Manual

The NRC’s [Tribal Policy Statement](#) (TPS) and [Tribal Protocol Manual](#) (TPM) outline the engagement and interactions with Tribal Nations. The NRC has a trust responsibility that results in meaningful and timely engagement with Federally-recognized Tribal Nations. The NRC fulfills its commitment to the Tribal Nations by implementing the six principles of the NRC’s TPS. The NRC staff implements the principles of the TPS to advance communication and understanding with Tribal Nations to ensure that Tribes have opportunities to participate meaningfully in NRC’s regulatory processes and to inform NRC decision-making activities.

The TPM provides implementing guidance for the TPS and serves primarily as a reference tool to guide effective consultations and outreach between the NRC and Tribal Nations related to activities within the NRC’s jurisdiction.

The six principles of the TPS that guide NRC’s Tribal relationships and interactions are as follows:

1. The NRC recognizes the Federal Trust Relationship with and will uphold its Trust Responsibility to Indian Tribes.
2. The NRC recognizes and is committed to a Government-to-Government relationship with Indian Tribes.
3. The NRC will conduct outreach to Indian Tribes.
4. The NRC will engage in timely consultation.

5. The NRC will coordinate with other Federal agencies.
6. The NRC will encourage participation by State-recognized Tribes.

The NRC staff is currently updating the TPM, which includes consideration of recent comments from Tribal Nations, feedback from other stakeholders (e.g., Advisory Council on Historic Preservation and Federal directives for Tribal consultations), staff perspectives and lessons learned, consolidation of other staff guidance, and Federal agency best practices. The TPM revisions are intended to result in more effective staff interactions, communication, and relationships with Tribal Nations going forward.

BP Category viii - To improve preliminary engagement with project sponsors in developing coordinated project plans (CPP) in coordination with the FPISC Executive Director, it is recommended that agencies:

1. Collaborate with Permitting Council agencies to share information with project sponsors to support greater understanding of Federal agency Government-to-Government engagement responsibilities as they relate to environmental review and authorization processes and impacts to CPPs, including the permitting timetable.
2. Provide information to project sponsors regarding best practices for identifying, communicating with, and engaging with Tribes as a complement to Federal agency consultation, and identify opportunities to collaborate with Tribes to enhance Tribes' access to infrastructure projects, by leveraging existing resources such as the Advisory Council on Historic Preservation's *Early Coordination with Indian Tribes in Pre-Application Processes Handbook*.
3. Coordinate with the project sponsor as early as practicable to obtain input on project sponsor milestones that will be used to inform the development of the permitting timetable.
4. Explain how the project sponsor can provide input to agencies as they develop the permitting timetable and how project sponsors' responsibilities in the permitting process can impact agencies' ability to meet dates in the permitting timetable, such as a project sponsor's timely submission of complete applications.
5. Develop, update, and share guidance or practice tips for project sponsors to explain authorization application requirements.
6. Circulate the draft permitting timetable with the project sponsor concurrent with review by cooperating and participating agencies.
7. Hold regular meetings, to the extent practicable, between the lead, participating, and cooperating agencies and the project sponsor to enhance communication and build trust.

NRC Response

Coordinated Project Planning Tools

The NRC staff is developing a master project “Roadmap” to support efficient and effective project planning, as the NRC anticipates conducting numerous licensing reviews in FY 2023 and subsequent years. This Roadmap will provide an integrated overview as well as individual project estimates for the tasks, scope, budget, resources, personnel, and timelines. The NRC staff anticipates that the initial Roadmap, populated with tasks, timetables, and assigned resources, will be completed during FY 2023 and maintained with dedicated resources in subsequent years.

Interagency Coordination and Pre-application Engagement

The Infrastructure Investment and Jobs Act includes both authorization and appropriations for DOE’s Advanced Reactor Demonstration Program (ARDP). Through ARDP, DOE has provided funding to the CFPP for a SMR plant near Idaho Falls, ID, to TerraPower for its ARDP in Wyoming, and to X-energy for the Xe-100 Demonstration in the U.S. Gulf Coast region. Both the NRC and DOE have NEPA responsibilities for these anticipated advanced reactor projects, and both agencies continue to discuss ways to meet these responsibilities in an efficient and comprehensive manner during pre-application interactions in preparation for the prospective applicants’ applications.

Consistent with the [Commission’s Advanced Reactor Policy Statement](#), the NRC continues to encourage early interactions with these advanced reactor developers as well as other prospective applicants. The NRC staff is currently conducting pre-application engagements with CFPP, TerraPower, and X-energy to share guidance with project sponsors to explain consultations, license application requirements, and licensing and permitting actions. Further, Section 103 of the Nuclear Energy Innovation and Modernization Act requires that the NRC: (1) include the use of topical reports, standard design approval, and other appropriate mechanisms as tools to introduce stages into the commercial advanced nuclear reactor (ANR) licensing process; (2) evaluate options for improving the efficiency, timeliness, and cost-effectiveness of licensing reviews of commercial ANRs, including opportunities to minimize the delays that may result from any necessary amendment or supplement to an application; and (3) evaluate options for improving the predictability of the commercial ANR licensing process, including the evaluation of opportunities to improve the process by which application review milestones are established and met. NRC recognizes that robust pre-application engagement is key to fulfilling these requirements to conduct efficient and thorough reviews of the anticipated license applications from CFPP, TerraPower, X-energy, and other potential applicants within the next few years.

Permitting and Licensing Lessons Learned Webinar

The NRC staff participated in the February 2023 National Reactor Innovation Center (NRIC) webinar, “NRIC Tech Talk: Best Practices and Lessons Learned on Application Preparation for NRC Reviews.” The NRIC, a DOE program led by INL, aims to accelerate the demonstration and deployment of advanced nuclear energy. In the webinar, industry stakeholders and the NRC staff discussed the perspectives of both recent and long-term applicants regarding the application development process and NRC review process. The goal of this technical information session and discussion was to provide useful insights to potential new applicants on navigating the NRC licensing process. As a lessons learned information session, the webinar

presented perspectives that will provide future project teams with information that can increase effectiveness and efficiency and to build on the experience realized by each completed project. These recorded [webinar sessions](#) remain accessible online for future reference.

Advanced Reactor Public Stakeholder Outreach Meetings

During 2022 and 2023, the NRC staff held more than 10 advanced reactor [stakeholder meetings](#) to share information and discuss topics related to the development and licensing of advanced reactors with the nuclear industry and other stakeholders. These meetings continue in 2023 as planning for new advanced reactor licensing and deployment projects continues over the next several years. The NRC meetings provide opportunities for the NRC staff to meet jointly with industry stakeholders to discuss regulatory and technical issues and give attendees time to ask questions of the NRC staff or provide input concerning relevant licensing and permitting issues. These meetings have included discussions between NRC and industry subject matter experts related to development of a generic environmental impact statement (GEIS) for ANRs, seismic designs, proposed rules, development of environmental reports for nuclear power stations, and pre-application engagement. These ongoing meetings provide a discussion forum for, and opportunities to review stakeholder feedback on, corresponding NRC rulemaking activities, NRC White Papers, and draft guidance for incorporating risk-informed and performance-based methods into application reviews.

BP Category ix - To use programmatic assessments, templates, and other tools based on the best available science and data, it is recommended that agencies:

1. Work with cooperating agencies, including State, local, and Tribal governments, and other Federal agencies, as necessary, to gather and implement the best available science to inform decision making in the environmental analysis for a project.
2. Document best available science used in analysis, where appropriate.
3. Utilize existing studies, programmatic assessments, environmental analyses, templates, and/or tools for project-specific analysis to reduce possible duplication of effort and time, consistent with law.
4. Implement a process for regular review and updating of existing resources to avoid the use and dissemination of out-of-date information.
5. Use or establish cross-agency channels to communicate about new and existing permitting resources.
6. Use lesson-learned from completed environmental reviews and authorizations, as applicable, to develop sector-specific regional programmatic approaches where multiple FAST-41 covered projects are anticipated in a region.

NRC Response

Programmatic Agreements and Memorandums of Understanding/Agreement/Cooperation

Since its inception in 1975, the NRC has implemented hundreds of memorandums of understanding (MOUs) and memorandums of agreement for various projects and actions with

Federal, State, and local agencies to support early cross-agency engagement. The NRC continues to foster a collaborative permitting process with these agreements. The NRC executed an [MOU](#) with DOE to ensure technical readiness and the exchange of technical expertise and knowledge on nuclear energy innovations to help prepare the agency and staff to meet application review milestones for FY 2023 through FY 2025. The NRC and DOE have a history of implementing MOUs concerning environmental reviews and continue to discuss ways to meet these responsibilities in an efficient and comprehensive manner during pre-application interactions in preparation for the prospective applicants' application submittals. The NRC's current MOUs and agreements are publicly available on its [website](#).

Programmatic Agreements (PAs) offer another means for the NRC to engage with other agencies, licensees, and stakeholders. A recent PA was developed between the NRC, U.S. Environmental Protection Agency, Navajo Nation Tribal Historic Preservation Office, New Mexico State Historic Preservation Office, Bureau of Indian Affairs, and United Nuclear Corporation (UNC) to resolve any adverse effects to historic properties identified during Section 106 consultation under the National Historic Preservation Act for a license amendment for the UNC Mill Site in McKinley County, NM (Church Rock mill tailings disposal project). The PA was published in the *Federal Register* (FR) on December 6, 2021 ([86 FR 69103](#)). On February 15, 2023, the NRC published its record of decision (Agencywide Documents Access and Management System Accession No. [ML23040A439](#)) documenting issuance of the license amendment ([ML23023A118](#)) for the [project](#).

In 2019, the NRC and the Canadian Nuclear Safety Commission (CNSC) signed a first of its kind [Memorandum of Cooperation \(MOC\)](#) for both agencies to increase regulatory effectiveness through discussions about ways to provide efficient and comprehensive technical reviews of advanced reactor and SMR technologies. This MOC is intended to supplement and strengthen the [existing MOU](#) between the two agencies, signed in August 2017, by sharing best practices and experience, including:

- development of shared advanced reactor and SMR technical review approaches that facilitate resolution of common technical questions to facilitate regulatory reviews that address each participant's national regulations;
- engagement on pre-application activities to ensure mutual preparedness to efficiently review advanced reactor and SMR designs; and
- engagement with research, training, and the development of regulatory approaches to address unique and novel technical considerations for ensuring the safety of advanced reactors and SMRs.

The MOC has helped to facilitate technical reviews of advanced reactor and SMR designs to ensure safety and support each agency's regulatory decisions by leveraging analysis and reviews performed by each organization. To date, the NRC and CNSC have initiated seven [projects](#) and issued six joint reports. The NRC and CNSC recently reached a milestone in September 2022 when both agencies signed a [charter](#) documenting cooperation on a new project under the MOC covering both U.S. and Canadian interests in the BWRX-300 SMR design. Currently, the Tennessee Valley Authority and Ontario Power Generation are working together on the industry stakeholder side to share experience and enhance design standardization of the BWRX-300. An upcoming milestone, which is occurring, in part, as a result of the NRC and CNSC's engagement on technology issues, is an anticipated [submission of](#)

[a construction permit application](#) to the NRC to build the BWRX-300 SMR at the Clinch River site in Tennessee.

Advanced Nuclear Reactor Generic Environmental Impact Statement

As part of a broad effort to prepare for NRC licensing of ANRs, the NRC staff prepared a draft [GEIS](#) to streamline the environmental review process for future ANR applications. The purpose of this programmatic approach is to determine which common environmental issues result in generic impacts for different ANR designs. The NRC could perform environmental reviews for ANR license applications that incorporate the ANR GEIS by reference if the design and siting information in the application meet parameters in the ANR GEIS, and could separately provide site-specific information and analyses in a Supplemental Environmental Impact Statement for issues not generically analyzed in the ANR GEIS or that do not conform to the ANR GEIS parameters. Currently, the staff's ANR GEIS proposed rulemaking is under Commission review. Pending Commission direction, the staff plans to hold one or more public meetings during the comment period and conduct additional stakeholder outreach as needed to develop a final ANR GEIS.

Categorical Exclusions from Environmental Review Rulemaking

Recently, the NRC reviewed its environmental programs and organization to identify potential opportunities to continue to meet NEPA obligations in different ways to increase efficiency, reduce costs, and enhance work products. One such opportunity is to create new or revise existing categorical exclusions for licensing, regulatory, and administrative actions that individually or cumulatively do not have a significant effect on the human environment. By categorically excluding such actions from environmental review, the NRC will ensure that its reviews focus on actions more likely to have new or significant environmental impacts. Further, this review of categorical exclusions helps ensure that the NRC's environmental review program is better aligned with the Council on Environmental Quality's best practices. A list of NRC actions currently eligible for categorical exclusion is provided at 10 CFR 51.22(c).

The NRC held a public meeting on June 16, 2021, to facilitate comments on an advance notice of proposed rulemaking published on May 7, 2021 (86 FR 24514). In November 2022, the staff provided a draft proposed rule to the Commission that identified potential categorical exclusions that are no longer necessary or have proven to no longer meet the criteria for categorical exclusion, potential new categorical exclusions, areas where the scope of existing categories could be clarified, and areas where ambiguity in the criteria for exclusion has created inconsistencies between existing excluded categories. The categorical exclusion draft proposed rule is under Commission review.