

Suspend the Rules and Pass the Bill, H.R. 4979, with an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

114TH CONGRESS
2^D SESSION

H. R. 4979

To foster civilian research and development of advanced nuclear energy technologies and enhance the licensing and commercial deployment of such technologies.

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2016

Mr. LATTA (for himself and Mr. MCNERNEY) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To foster civilian research and development of advanced nuclear energy technologies and enhance the licensing and commercial deployment of such technologies.

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 “Advanced Nuclear
5 Technology Development Act of 2016”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Nuclear energy generates approximately 20
4 percent of the total electricity and approximately 60
5 percent of the carbon-free electricity of the United
6 States.

7 (2) Nuclear power plants operate consistently at
8 a 90 percent capacity factor, and provide consumers
9 and businesses with reliable and affordable elec-
10 tricity.

11 (3) Nuclear power plants generate billions of
12 dollars in national economic activity through nation-
13 wide procurements and provide thousands of Ameri-
14 cans with high paying jobs contributing substantially
15 to the local economies in communities where they
16 operate.

17 (4) The United States commercial nuclear in-
18 dustry must continue to lead the international civil-
19 ian nuclear marketplace, because it is one of our
20 most powerful national security tools, guaranteeing
21 the safe, secure, and exclusively peaceful use of nu-
22 clear energy.

23 (5) Maintaining the Nation's nuclear fleet of
24 commercial light water reactors and expanding the
25 use of new advanced reactor designs would support
26 continued production of reliable baseload electricity

1 and maintain United States global leadership in nu-
2 clear power.

3 (6) Nuclear fusion technology also has the po-
4 tential to generate electricity with significantly in-
5 creased safety performance and no radioactive waste.

6 (7) The development of advanced reactor de-
7 signs would benefit from a performance-based, risk-
8 informed, efficient, and cost-effective regulatory
9 framework with defined milestones and the oppor-
10 tunity for applicants to demonstrate progress
11 through Nuclear Regulatory Commission approval.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) **ADVANCED NUCLEAR REACTOR.**—The term
15 “advanced nuclear reactor” means—

16 (A) a nuclear fission reactor with signifi-
17 cant improvements over the most recent genera-
18 tion of nuclear fission reactors, which may in-
19 clude inherent safety features, lower waste
20 yields, greater fuel utilization, superior reli-
21 ability, resistance to proliferation, and increased
22 thermal efficiency; or

23 (B) a nuclear fusion reactor.

24 (2) **DEPARTMENT.**—The term “Department”
25 means the Department of Energy.

1 (3) LICENSING.—The term “licensing” means
2 NRC activities related to reviewing applications for
3 licenses, permits, and design certifications, and re-
4 quests for any other regulatory approval for nuclear
5 reactors within the responsibilities of the NRC under
6 the Atomic Energy Act of 1954.

7 (4) NATIONAL LABORATORY.—The term “Na-
8 tional Laboratory” has the meaning given that term
9 in section 2 of the Energy Policy Act of 2005 (42
10 U.S.C. 15801).

11 (5) NRC.—The term “NRC” means the Nu-
12 clear Regulatory Commission.

13 (6) SECRETARY.—The term “Secretary” means
14 the Secretary of Energy.

15 **SEC. 4. AGENCY COORDINATION.**

16 The NRC and the Department shall enter into the
17 a memorandum of understanding regarding the following
18 topics:

19 (1) TECHNICAL EXPERTISE.—Ensuring that
20 the Department has sufficient technical expertise to
21 support the civilian nuclear industry’s timely re-
22 search, development, demonstration, and commercial
23 application of safe, innovative advanced reactor tech-
24 nology and the NRC has sufficient technical exper-
25 tise to support the evaluation of applications for li-

1 censes, permits, and design certifications, and other
2 requests for regulatory approval for advanced reac-
3 tors.

4 (2) MODELING AND SIMULATION.—The use of
5 computers and software codes to calculate the behav-
6 ior and performance of advanced reactors based on
7 mathematical models of their physical behavior.

8 (3) FACILITIES.—Ensuring that the Depart-
9 ment maintains and develops the facilities to enable
10 the civilian nuclear industry’s timely research, devel-
11 opment, demonstration, and commercial application
12 of safe, innovative reactor technology and ensuring
13 that the NRC has access to such facilities, as need-
14 ed.

15 **SEC. 5. REPORTING TO CONGRESS.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of enactment of this Act, the Secretary, in consulta-
18 tion with the National Laboratories, relevant Federal
19 agencies, and other stakeholders, shall submit to the Com-
20 mittee on Energy and Commerce and the Committee on
21 Science, Space, and Technology of the House of Rep-
22 resentatives and the Committee on Environment and Pub-
23 lic Works and the Committee Energy and Natural Re-
24 sources of the Senate a report assessing the capabilities

1 of the Department to authorize, host, and oversee pri-
2 vately proposed and funded experimental reactors.

3 (b) CONTENTS.—Such report shall address—

4 (1) the safety review and oversight capabilities
5 of the Department, including options to leverage ex-
6 pertise from the NRC and the National Labora-
7 tories;

8 (2) options to regulate Department hosted, pri-
9 vately proposed and funded experimental reactors;

10 (3) potential sites capable of hosting the activi-
11 ties described in subsection (a);

12 (4) the efficacy of the available contractual
13 mechanisms of the Department to partner with the
14 private sector and other Federal agencies, including
15 cooperative research and development agreements,
16 strategic partnership projects, and agreements for
17 commercializing technology;

18 (5) the Federal Government's liability with re-
19 spect to the disposal of low-level radioactive waste,
20 spent nuclear fuel, or high-level radioactive waste, as
21 defined by section 2 of the Nuclear Waste Policy Act
22 of 1982 (42 U.S.C. 10101);

23 (6) the impact on the Nation's aggregate inven-
24 tory of low-level radioactive waste, spent nuclear
25 fuel, or high-level radioactive waste;

1 (7) potential cost structures relating to physical
2 security, decommissioning, liability, and other long-
3 term project costs; and

4 (8) other challenges or considerations identified
5 by the Secretary.

6 (c) UPDATES.—The Secretary shall update relevant
7 provisions of the report submitted under subsection (a)
8 every 2 years and submit that update to the Committee
9 on Energy and Commerce and the Committee on Science,
10 Space, and Technology of the House of Representatives
11 and the Committee on Environment and Public Works and
12 the Committee Energy and Natural Resources of the Sen-
13 ate.

14 **SEC. 6. ADVANCED REACTOR REGULATORY FRAMEWORK.**

15 (a) PLAN REQUIRED.—Not later than 1 year after
16 the date of enactment of this Act, the NRC shall transmit
17 to the Committee on Energy and Commerce and the Com-
18 mittee on Science, Space, and Technology of the House
19 of Representatives and the Committee on Environment
20 and Public Works of the Senate a plan for developing an
21 efficient, risk-informed, technology-neutral framework for
22 advanced reactor licensing. The plan shall evaluate the fol-
23 lowing subjects, consistent with the NRC's role in pro-
24 tecting public health and safety and common defense and
25 security:

1 (1) The unique aspects of advanced reactor li-
2 censing and any associated legal, regulatory, and
3 policy issues the NRC will need to address to de-
4 velop a framework for licensing advanced reactors.

5 (2) Options for licensing advanced reactors
6 under existing NRC regulations in title 10 of the
7 Code of Federal Regulations, a proposed new regu-
8 latory framework, or a combination of these ap-
9 proaches.

10 (3) Options to expedite and streamline the li-
11 censing of advanced reactors, including opportunities
12 to minimize the time from application submittal to
13 final NRC licensing decision and minimize the
14 delays that may result from any necessary amend-
15 ments or supplements to applications.

16 (4) Options to expand the incorporation of con-
17 sensus-based codes and standards into the advanced
18 reactor regulatory framework to minimize time to
19 completion and provide flexibility in implementation.

20 (5) Options to make the advanced reactor li-
21 censing framework more predictable. This evaluation
22 should consider opportunities to improve the process
23 by which application review milestones are estab-
24 lished and maintained.

1 (6) Options to allow applicants to use phased
2 review processes under which the NRC issues ap-
3 provals that do not require the NRC to re-review
4 previously approved information. This evaluation
5 shall consider the NRC's ability to review and condi-
6 tionally approve partial applications, early design in-
7 formation, and submittals that contain design cri-
8 teria and processes to be used to develop information
9 to support a later phase of the design review.

10 (7) The extent to which NRC action or modi-
11 fication of policy is needed to implement any part of
12 the plan required by this subsection.

13 (8) The role of licensing advanced reactors
14 within NRC long-term strategic resource planning,
15 staffing, and funding levels.

16 (9) Options to provide cost-sharing financial
17 structures for license applicants in a phased licens-
18 ing process.

19 (b) COORDINATION AND STAKEHOLDER INPUT RE-
20 QUIRED.—In developing the plan required by subsection
21 (a), the NRC shall seek input from the Department, the
22 nuclear industry, and other public stakeholders.

23 (c) COST AND SCHEDULE ESTIMATE.—The plan re-
24 quired by subsection (a) shall include proposed cost esti-
25 mates, budgets, and specific milestones for implementing

1 the advanced reactor regulatory framework by September
2 30, 2019.

3 (d) DESIGN CERTIFICATION STATUS.—In the NRC’s
4 first budget request after the acceptance of any design cer-
5 tification application for an advanced nuclear reactor, and
6 annually thereafter, the NRC shall provide the status of
7 performance metrics and milestone schedules. The budget
8 request shall include a plan to correct or recover from any
9 milestone schedule delays, including delays because of
10 NRC’s inability to commit resources for its review of the
11 design certification applications.

12 **SEC. 7. USER FEES AND ANNUAL CHARGES.**

13 Section 6101(e)(2)(A) of the Omnibus Budget Rec-
14 onciliation Act of 1990 (42 U.S.C. 2214(e)(2)(A)) is
15 amended—

16 (1) by striking “and” at the end of clause (iii);

17 (2) by striking the period at the end of clause

18 (iv) and inserting “; and”; and

19 (3) by adding at the end the following:

20 “(v) for fiscal years ending before Oc-
21 tober 1, 2020, amounts appropriated to
22 the Commission for activities related to the
23 development of regulatory infrastructure
24 for advanced nuclear reactor tech-
25 nologies.”.