

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To assess and improve the competitiveness of American civilian nuclear commerce, to expedite Department of Energy review of certain nuclear technology exports, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. JOHNSON of Ohio introduced the following bill; which was referred to the Committee on _____

A BILL

To assess and improve the competitiveness of American civilian nuclear commerce, to expedite Department of Energy review of certain nuclear technology exports, 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 “Strengthening Amer-
5 ican Nuclear Competitiveness Act”.

1 **SEC. 2. COMPETITIVENESS OF NUCLEAR COMMERCE.**

2 (a) REPORT.—Not later than 180 days after the date
3 of enactment of this Act, the Secretary of Energy shall
4 develop and submit to Congress a report on United States
5 civilian nuclear commerce.

6 (b) CONSULTATION.—In developing the report re-
7 quired under subsection (a), the Secretary of Energy shall
8 consult with—

9 (1) the Secretary of State;

10 (2) the Secretary of Commerce;

11 (3) the Administrator of the Environmental
12 Protection Agency; and

13 (4) the Nuclear Regulatory Commission.

14 (c) CONTENTS.—The report required under sub-
15 section (a) shall include—

16 (1) an assessment of—

17 (A) legal and regulatory requirements and
18 policies of, and commercial practices in, the
19 United States with respect to the civilian nu-
20 clear industry of the United States;

21 (B) the effects of such practices on such
22 civilian nuclear industry in domestic and for-
23 eign commerce;

24 (C) the role of emerging United States nu-
25 clear technologies and applications of such tech-
26 nologies, including nonelectric applications of

1 those technologies, in domestic and foreign
2 commerce; and

3 (D) the effects of advanced manufacturing
4 and construction methods for nuclear tech-
5 nologies on the costs of such technologies and
6 the civilian nuclear industry of the United
7 States;

8 (2) a comparison of the matters assessed in
9 paragraph (1) with respect to the United States to
10 an assessment of such matters as they apply with
11 respect to foreign countries;

12 (3) recommendations to improve the competi-
13 tiveness of United States civilian nuclear commerce;
14 and

15 (4) recommendations relating to the application
16 of section 170 of the Atomic Energy Act of 1954
17 (42 U.S.C. 2210) with respect to advanced nuclear
18 technologies.

19 **SEC. 3. EXPEDITING NUCLEAR TECHNOLOGY EXPORTS.**

20 (a) **EXPEDITED PROCEDURES.**—Section 57 of the
21 Atomic Energy Act of 1954 (42 U.S.C. 2077) is amended
22 by adding at the end the following new subsection:

23 “f. **EXPEDITED PROCEDURES.**—

24 “(1) **ESTABLISHMENT.**—In carrying out sub-
25 section b.(2), the Secretary of Energy shall establish

1 procedures for expedited consideration of requests
2 for authorizations regarding the transfer of a tech-
3 nology that involves a low-proliferation-risk reactor
4 activity described in paragraph (2) of this subsection
5 to a foreign country described in paragraph (3) of
6 this subsection.

7 “(2) ACTIVITIES.—A low-proliferation-risk reac-
8 tor activity described in this paragraph is an activity
9 that meets each of following criteria:

10 “(A) The activity is listed in section
11 810.2(b) of title 10, Code of Federal Regula-
12 tions, as in effect on the date of enactment of
13 this subsection.

14 “(B) The activity is not an activity requir-
15 ing a specific authorization pursuant to section
16 810.7(c) of such title, as in effect on such date.

17 “(C) The Secretary determines that the
18 transfer (or retransfer) of a technology that in-
19 volves the activity will not result in a significant
20 increase of the risk of proliferation beyond such
21 risk that exists at the time that the authoriza-
22 tion is requested.

23 “(3) FOREIGN COUNTRIES.—A foreign country
24 described in this paragraph is a foreign country—

1 “(A) that is not a nuclear-weapon State, as
2 defined by Article IX of the Treaty on the Non-
3 Proliferation of Nuclear Weapons, signed at
4 Washington, London, and Moscow on July 1,
5 1968, other than the United Kingdom or
6 France; and

7 “(B) with respect to which the Secretary
8 determines under subsection b.(2) that a trans-
9 fer to the country of a technology that involves
10 a low-proliferation-risk reactor activity de-
11 scribed in paragraph (2) of this subsection will
12 not be inimical to the interest of the United
13 States.

14 “(4) CONCURRENCE AND CONSULTATION.—The
15 Secretary of Energy shall establish the procedures
16 under paragraph (1) with the concurrence of the De-
17 partment of State and after consultation with the
18 Nuclear Regulatory Commission, the Department of
19 Commerce, and the Department of Defense.

20 “(5) TIMING AND AVAILABILITY.—The proce-
21 dures established under paragraph (1) shall—

22 “(A) ensure that each request is approved
23 or denied by not later than 45 days after the
24 later of—

1 “(i) the date on which the foreign
2 country transmits any required assurances
3 to the Department of State; or

4 “(ii) the date on which the inter-
5 agency review under subsection b. is com-
6 pleted; and

7 “(B) be publicly available.”.

8 (b) ASSURANCES.—Section 57 b. of the Atomic En-
9 ergy Act of 1954 (42 U.S.C. 2077(b)) is amended by in-
10 serting after “mechanisms.” the following new sentence:
11 “To the extent practicable, the Secretary of Energy shall
12 continue to process such requests during such interagency
13 review in a manner that enables the Secretary to make
14 such determination as soon as practicable after the receipt
15 of assurances by a foreign country to the Department of
16 State, if any such assurances are required.”.

17 **SEC. 4. LICENSING DOMESTIC NUCLEAR PROJECTS IN**
18 **WHICH UNITED STATES ALLIES INVEST.**

19 (a) IN GENERAL.—The prohibitions against issuing
20 certain licenses for utilization facilities to certain corpora-
21 tions and other entities described in the second sentence
22 of section 103 d. of the Atomic Energy Act of 1954 (42
23 U.S.C. 2133(d)) and the second sentence of section 104
24 d. of that Act (42 U.S.C. 2134(d)) shall not apply to an
25 entity described in subsection (b) of this section if the Nu-

1 clear Regulatory Commission determines that issuance of
2 the applicable license to that entity is not inimical to—

3 (1) the common defense and security; or

4 (2) the health and safety of the public.

5 (b) ENTITIES DESCRIBED.—An entity referred to in
6 subsection (a) is a corporation or other entity that is
7 owned, controlled, or dominated by—

8 (1) the government of—

9 (A) a country that is a member of the Or-
10 ganization for Economic Co-operation and De-
11 velopment on the date of enactment of this Act;

12 or

13 (B) the Republic of India;

14 (2) a corporation that is incorporated in a
15 country described in subparagraph (A) or (B) of
16 paragraph (1); or

17 (3) an alien who is a national of a country de-
18 scribed in subparagraph (A) or (B) of paragraph

19 (1).

20 (c) EXCLUSION.—A country described in subsection
21 (b)(1)(A) may not be a country with a person that was
22 subject to sanctions under section 231 of the Countering
23 America’s Adversaries Through Sanctions Act (Public
24 Law 115–44).

1 (d) TECHNICAL AMENDMENT.—Section 103 d. of the
2 Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is
3 amended, in the second sentence, by striking “any any”
4 and inserting “any”.

5 (e) SAVINGS CLAUSE.—Nothing in this section af-
6 fects the requirements of section 721 of the Defense Pro-
7 duction Act of 1950 (50 U.S.C. 4565).

8 **SEC. 5. LICENSING CONSIDERATIONS RELATING TO USE OF**
9 **NUCLEAR ENERGY FOR NONELECTRIC APPLI-**
10 **CATIONS.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of enactment of this Act, the Nuclear Regulatory
13 Commission (in this section referred to as the “Commis-
14 sion”) shall submit to the Committee on Energy and Com-
15 merce of the House of Representatives and the Committee
16 on Environment and Public Works of the Senate a report
17 addressing any unique licensing issues or requirements re-
18 lating to—

19 (1) the flexible operation of advanced nuclear
20 reactors, such as ramping power output and switch-
21 ing between electricity generation and nonelectric
22 applications;

23 (2) the use of advanced nuclear reactors exclu-
24 sively for nonelectric applications; and

1 (3) the collocation of advanced nuclear reactors
2 with industrial plants or other facilities.

3 (b) STAKEHOLDER INPUT.—In developing the report
4 under subsection (a), the Commission shall seek input
5 from—

6 (1) the Secretary of Energy;

7 (2) the nuclear energy industry;

8 (3) technology developers;

9 (4) the industrial, chemical, and medical sec-
10 tors;

11 (5) nongovernmental organizations; and

12 (6) other public stakeholders.

13 (c) CONTENTS.—

14 (1) IN GENERAL.—The report under subsection
15 (a) shall describe—

16 (A) any unique licensing issues or require-
17 ments relating to the matters described in para-
18 graphs (1) through (3) of subsection (a), in-
19 cluding, with respect to the nonelectric applica-
20 tions referred to in paragraphs (1) and (2) of
21 that subsection, any licensing issues or require-
22 ments relating to the use of nuclear energy—

23 (i) for hydrogen or other liquid and
24 gaseous fuel or chemical production;

1 (ii) for water desalination and waste-
2 water treatment;

3 (iii) for heat used in industrial proc-
4 esses;

5 (iv) for district heating;

6 (v) in relation to energy storage;

7 (vi) for industrial or medical isotope
8 production; and

9 (vii) other applications, as identified
10 by the Commission;

11 (B) options for addressing such issues or
12 requirements—

13 (i) within the existing regulatory
14 framework;

15 (ii) through the technology-inclusive,
16 regulatory framework to be established
17 under section 103(a)(4) of the Nuclear En-
18 ergy Innovation and Modernization Act (42
19 U.S.C. 2133 note; Public Law 115–439);
20 or

21 (iii) through a new rulemaking;

22 (C) the extent to which Commission action
23 is needed to implement any matter described in
24 the report; and

1 (D) cost estimates, proposed budgets, and
2 proposed timeframes for implementing risk-in-
3 formed and performance-based regulatory guid-
4 ance for licensing advanced nuclear reactors for
5 nonelectric applications.

6 **SEC. 6. REPORT ON ADVANCED METHODS OF MANUFAC-**
7 **TURING AND CONSTRUCTION FOR NUCLEAR**
8 **ENERGY PROJECTS.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of enactment of this Act, the Nuclear Regulatory
11 Commission (in this section referred to as the “Commis-
12 sion”) shall submit to the Committee on Energy and Com-
13 merce of the House of Representatives and the Committee
14 on Environment and Public Works of the Senate a report
15 on manufacturing and construction for nuclear energy
16 projects.

17 (b) STAKEHOLDER INPUT.—In developing the report
18 under subsection (a), the Commission shall seek input
19 from—

- 20 (1) the Secretary of Energy;
- 21 (2) the nuclear energy industry;
- 22 (3) the National Laboratories;
- 23 (4) institutions of higher education;
- 24 (5) nuclear and manufacturing technology de-
25 velopers;

- 1 (6) the manufacturing and construction indus-
- 2 tries;
- 3 (7) standards development organizations;
- 4 (8) labor unions;
- 5 (9) nongovernmental organizations; and
- 6 (10) other public stakeholders.

7 (c) CONTENTS.—

- 8 (1) IN GENERAL.—The report under subsection
- 9 (a) shall—

- 10 (A) examine any unique licensing issues or
- 11 requirements relating to the use, for nuclear en-
- 12 ergy projects, of—

- 13 (i) advanced manufacturing tech-
- 14 niques; and

- 15 (ii) advanced construction techniques;

- 16 (B) examine—

- 17 (i) the requirements for nuclear-grade
- 18 components in manufacturing and con-
- 19 struction for nuclear energy projects;

- 20 (ii) opportunities to use standard ma-
- 21 terials, parts, or components in manufac-
- 22 turing and construction for nuclear energy
- 23 applications; and

- 24 (iii) opportunities to use standard ma-
- 25 terials that are in compliance with existing

1 codes and standards to provide acceptable
2 approaches to support or encapsulate new
3 materials that do not yet have applicable
4 codes or standards;

5 (C) identify safety aspects of advanced
6 manufacturing processes and advanced con-
7 struction techniques that are not addressed by
8 existing codes and standards, so that generic
9 guidance for nuclear energy projects may be up-
10 dated or created as necessary by the Commis-
11 sion;

12 (D) identify options for addressing the
13 issues, requirements, and opportunities exam-
14 ined under subparagraphs (A) and (B)—

15 (i) within the existing regulatory
16 framework; or

17 (ii) through a new rulemaking; and

18 (E) describe the extent to which Commis-
19 sion action is needed to implement any matter
20 described in the report.

21 (2) COST ESTIMATES, BUDGETS, AND TIME-
22 FRAMES.—The report under subsection (a) shall in-
23 clude cost estimates, proposed budgets, and pro-
24 posed timeframes for implementing risk-informed
25 and performance-based regulatory guidance for ad-

1 vanced manufacturing and construction for nuclear
2 energy projects.

3 **SEC. 7. EXTENSION OF THE PRICE-ANDERSON ACT.**

4 (a) EXTENSION.—Section 170 of the Atomic Energy
5 Act of 1954 (42 U.S.C. 2210) (commonly known as the
6 “Price-Anderson Act”) is amended by striking “December
7 31, 2025” each place it appears and inserting “December
8 31, 2065”.

9 (b) LIABILITY.—Section 170 of the Atomic Energy
10 Act of 1954 (42 U.S.C. 2210) (commonly known as the
11 “Price-Anderson Act”) is amended—

12 (1) in subsection d. (5), by striking
13 “\$500,000,000” and inserting “\$2,000,000,000”;
14 and

15 (2) in subsection e. (4), by striking
16 “\$500,000,000” and inserting “\$2,000,000,000”.

17 (c) REPORT.—Section 170 p. of the Atomic Energy
18 Act of 1954 (42 U.S.C. 2210(p)) (commonly known as the
19 “Price-Anderson Act”) is amended by striking “December
20 31, 2021” and inserting “December 31, 2061”.

21 (d) DEFINITION OF NUCLEAR INCIDENT.—Section
22 11 q. of the Atomic Energy Act of 1954 (42 U.S.C.
23 2014(q)) is amended, in the second proviso, by striking
24 “if such occurrence” and all that follows through “United
25 States:” and inserting a colon.

1 **SEC. 8. RISK POOLING PROGRAM ASSESSMENT.**

2 (a) REPORT.—Not later than 1 year after the date
3 of enactment of this Act, the Comptroller General shall
4 carry out a review of, and submit to the Committee on
5 Energy and Commerce of the House of Representatives
6 and the Committee on Environment and Public Works of
7 the Senate a report on, the Secretary of Energy’s actions
8 with respect to the program described in section 934(e)
9 of the Energy Independence and Security Act of 2007 (42
10 U.S.C. 17373(e)).

11 (b) CONTENTS.—The report described in subsection
12 (a) shall include—

13 (1) an evaluation of the Secretary of Energy’s
14 actions to determine the risk-informed assessment
15 formula under section 934(e)(2)(C) of the Energy
16 Independence and Security Act of 2007 (42 U.S.C.
17 17373(e)(2)(C)); and

18 (2) a review of the Secretary of Energy’s meth-
19 odology to collect information to determine and im-
20 plement the formula.