



**MEMORANDUM**

October 20, 2023

TO: Members of the Subcommittee on Energy, Climate, and Grid Security

FROM: Committee Majority Staff

RE: Subcommittee on Energy, Climate, and Grid Security Markup

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**I. INTRODUCTION**

On Tuesday, October 24, 2023, at 10:00 a.m., the Subcommittee on Energy, Climate, and Grid Security will meet in open markup session in 2123 Rayburn House Office Building to consider the following:

- H.R. \_\_\_\_, Advanced Reactor Fee Reduction Act
- H.R. \_\_\_\_, Advanced Nuclear Reactor Prize Act
- H.R. \_\_\_\_, Nuclear for Brownfields Site Preparation Act
- H.R. \_\_\_\_, Strengthening American Nuclear Competitiveness Act
- H.R. \_\_\_\_, NRC Mission Alignment Act
- H.R. \_\_\_\_, Nuclear Licensing Efficiency Act
- H.R. \_\_\_\_, Advanced Nuclear Deployment Act
- H.R. \_\_\_\_, Modernize Nuclear Reactor Environmental Reviews Act
- H.R. \_\_\_\_, Advancing Nuclear Regulatory Oversight Act
- H.R. 995, Global Nuclear Energy Assessment and Cooperation Act
- H.R. 5718, Nuclear Fuel Security Act of 2023
- H.R. 4528, Strengthening the NRC Workforce Act of 2023
- H.R. 4167, Protecting America's Distribution Transformer Supply Chain Act
- H.R. \_\_\_\_, Hands Off Our Home Appliances Act
- H.R. \_\_\_\_, GRID Act
- H.R. \_\_\_\_, Affordable HOMES Act
- H.R. 4045, Hydropower Clean Energy Future Act

In keeping with Chair Rodgers' announced policy, Members must submit any amendments they may have two hours before they are offered during this markup. Members may submit amendments by email to [EandCdocs@mail.house.gov](mailto:EandCdocs@mail.house.gov). Any information with respect to an amendment's parliamentary standing (e.g., its germaneness) should be submitted at this time.

## **II. EXPLANATION OF LEGISLATION**

### **A. H.R.\_\_\_\_, Advanced Reactor Fee Reduction Act**

This legislation would amend the Nuclear Energy Innovation and Modernization Act (NEIMA) to reduce the hourly rate for fees assessed and collected by the Nuclear Regulatory Commission (NRC) from applicants for advanced nuclear reactor licenses. It would also reduce the hourly rate, through fiscal year 2029, for such fees from entities that engage in preapplication activities for purposes of submitting a future advanced nuclear reactor license application. The legislation would provide that fees reflect only mission-direct program costs and that the Commission may not collect fees from qualified entities for costs that are not mission-direct program costs. Such mission indirect and other agency support costs would be excluded from NRC's fee recovery requirements. (Rep. Bucshon is expected to introduce this legislation.)

### **B. H.R.\_\_\_\_, Advanced Nuclear Reactor Prize Act**

This legislation would authorize the Secretary of Energy to make targeted awards to cover fees assessed by the NRC and collected from a non-federal entity or the Tennessee Valley Authority for the first technologies that are licensed and made operational in five categories: the first advanced nuclear reactor licensed; the first advanced nuclear reactor to use isotopes derived from spent nuclear fuel as fuel for a reactor; the first advanced reactor that is part of an integrated energy system; the first advanced reactor that is used for nonelectric applications; and the first nuclear reactor licensed under the new technology-inclusive framework required by NEIMA. (Rep. Curtis is expected to introduce this legislation.)

### **C. H.R.\_\_\_\_, Nuclear for Brownfield Site Preparation Act**

This legislation would direct the NRC to identify and report on regulations, guidance, or policy necessary to license and oversee nuclear facilities at brownfield sites, including sites with retired fossil fuel facilities, and at retired fossil fuel sites, where one or more electric generation facilities are retired or scheduled to retire. The NRC would be required to consider how existing site infrastructure can be reused and how early site permits, plant parameter envelopes, or standardized applications for similar sites may be used for licensing. The NRC would be required to develop and implement strategies, including through rulemaking, to enable and support licensing of nuclear facilities, taking into consideration matters relating to existing emergency planning, environmental data and reviews, decontamination and remediation, community engagement, and historical experience with energy use at the sites. (Rep. Guthrie is expected to introduce this legislation.)

### **D. H.R.\_\_\_\_, Strengthening American Nuclear Competitiveness Act**

This legislation would require the Secretary of Energy to assess and report on recommendations regarding requirements, policies, and practices that affect the competitiveness of civilian nuclear technology, and the role of emerging U.S. technologies on these activities. The legislation would direct the Secretary of Energy to identify factors other than agreements under section 123 of the Atomic Energy Act (AEA) that may be used to determine a country's status to

be “generally authorized” to receive unclassified nuclear technology and assistance and to update its list of “generally authorized” countries at least every five years, taking these factors into account. It would remove restrictions on investments in U.S. nuclear technology by certain foreign allies and companies incorporated within those allied countries. The legislation would extend section 170 of the AEA, commonly known as the “Price-Anderson Act,” to December 31, 2065, would increase the indemnification coverage, and would require the Comptroller General to study risk-pooling analyses associated with the Act. The legislation also would require the NRC to study and recommend steps for efficient licensing for new, nonelectric uses of nuclear energy and for advanced manufacturing techniques to build American nuclear reactors. (Rep. Johnson is expected to introduce this legislation.)

**E. H.R.\_\_\_\_, NRC Mission Alignment Act**

This legislation would direct the NRC to update its mission statement to include that licensing and regulation of nuclear energy activities be conducted in a manner that is efficient and does not unnecessarily limit the potential for nuclear energy to improve the general welfare or benefits of nuclear energy to society. The legislation would also amend the Energy Reorganization Act of 1974 to require the NRC’s Director of Nuclear Reactor Regulation to establish licensing techniques and guidance to support efficient, timely, and predictable reviews of license applications. (Rep. Duncan is expected to introduce this legislation.)

**F. H.R.\_\_\_\_, Nuclear Licensing Efficiency Act**

This legislation would amend the AEA to require that the NRC provide efficient, timely, and predictable reviews and proceedings for licensing and for the modification of its rules and regulations. It would require NRC, when licensing a facility where there are already licensed nuclear facilities, to use information that was part of the licensing basis for those facilities to the extent practicable. The legislation would also amend NEIMA to require NRC to review, assess, and revise licensing performance metrics and milestone schedules required under that Act to provide the most efficient performance metrics and milestone schedules reasonably achievable. The legislation would also amend NEIMA to exclude nuclear fusion reactors from NRC’s new regulatory framework for advanced reactors and to provide technical corrections relating to research reactors. (Rep. Allen is expected to introduce this legislation.)

**G. H.R.\_\_\_\_, Advanced Nuclear Deployment Act**

This legislation would amend NEIMA to authorize funding to the NRC to support preapplication activities and early site permit reviews for advanced reactors that will be located on either Department of Energy (DOE) or critical national security infrastructure sites. The activities would be excluded from NRC’s fee recovery requirements. The legislation would direct the NRC to identify and implement regulatory guidance or, as necessary, issue regulations for licensing issues concerning micro-reactors. The legislation would require NRC to establish procedures to ensure licensing decisions to construct and operate new reactors using previously licensed designs, and sited on, or adjacent to, existing sites to be made within 25 months. The legislation would authorize the Secretary of Energy to enter into power purchase agreements of up to 40 years for eligible nuclear reactors, with a priority for advanced reactors that provide

power to high-value assets or to increase energy security in remote locations. (Rep. Hudson is expected to introduce this legislation.)

#### **H. H.R. \_\_\_\_, Modernize Nuclear Reactor Environmental Reviews Act**

This legislation would direct the NRC to submit a report and conduct a rulemaking to facilitate efficient, timely environmental reviews of nuclear reactor applications pursuant to the National Environmental Policy Act (NEPA). The report would include a description of actions taken to implement recent amendments to NEPA and to consider additional measures to facilitate timely reviews while meeting the obligations of NEPA, including through use of categorical exclusions, environmental assessments, and generic environmental assessments, as well as process efficiencies to reduce duplicative reviews. The NRC would be required to complete a final rulemaking, two years after completing its report, that implements identified measures to update its environmental review requirements. (Rep. Weber is expected to introduce this legislation.)

#### **I. H.R. \_\_\_\_, Advancing Nuclear Regulatory Oversight Act**

This legislation would direct NRC to submit a report that examines any changes, including temporary changes, NRC made to its regulatory oversight processes or procedures during the Covid-19 pandemic and that explains how NRC will incorporate resulting lessons identified into its oversight processes and procedures to become more efficient. The legislation would also direct NRC to develop a report, in consultation with federal, industry, and nongovernmental stakeholders, that assesses, and describes what actions NRC will take to modify, and improve its nuclear reactor oversight and inspections programs to maximize the efficiency of such programs through risk-informed, performance-based procedures, information technology, regular staff training, and other measures. The legislation would also direct the Comptroller General to examine and make recommendations to reduce NRC office and facility costs through reduction or consolidation of offices and related measures, as appropriate. (Rep. Lesko is expected to introduce this legislation.)

#### **J. H.R. 995, Global Nuclear Energy Assessment and Cooperation Act.**

Rep. Carter and Rep. Peters introduced H.R. 995 on February 14, 2023. The legislation would direct the Secretary of Energy to conduct a comprehensive study of the global status of civilian nuclear energy and supply chains and to recommend measures to increase the role of U.S. nuclear energy in strategic energy policy, to remove regulatory barriers to development of U.S. nuclear supply chains, to align nuclear energy with national security objectives and to mitigate foreign competitor's strategic use of civil nuclear for geopolitical purposes. The legislation would require the Secretary to establish a program to promote U.S. safety standards, technology, and expertise through training and partnerships with foreign allies. The legislation would also establish an "International Nuclear Reactor Export and Innovation Branch" within NRC's international programs office to coordinate Commission international nuclear export and innovation activities. The fees for such activity would be excluded from NRC's fee recovery requirements. The legislation would amend the AEA to require NRC denial of licenses to possess or own nuclear fuel assemblies fabricated by Russia or China owned or controlled entities, if the

Secretary of Energy, in consultation with the Secretary of State, determines the possession or ownership poses a threat to national and economic security of the United States.

**K. H.R. 5718, Nuclear Fuel Security Act of 2023**

Rep. Latta, Rep. Clyburn, Rep. Balderson, and Rep. Kuster introduced H.R. 5718 on September 26, 2023. This legislation would provide authorizations for the Secretary of Energy to increase domestic production of high-assay, low-enriched uranium (HALEU) by certain annual quantities and to support availability of supplies of domestically produced, converted, and enriched uranium for existing reactors, as necessary, particularly to respond to supply disruptions. The legislation would establish a Nuclear Fuel Security Program, update the American Assured Fuel Supply Program, and establish a HALEU for Advanced Reactor Demonstrations Program, through which the Secretary will support domestic fuel capacity for the commercial market and for DOE demonstration projects.

**L. H.R. 4528, Strengthening the NRC Workforce Act of 2023**

Rep. DeGette introduced this legislation on July 11, 2023. This legislation would amend the AEA to authorize an exception to the Office of Personnel Management's competitive hiring process for the NRC to recruit individuals, provided the NRC Chairman certifies a severe shortage of candidates or a critical hiring need to carry out NRC responsibilities. The legislation also would authorize, based on certification that such action is necessary, an exception to Federal equal compensation laws for the NRC to increase the compensation of employees to assist with recruitment and retention of employees essential the NRC's mission. Additionally, the legislation would allow NRC to obtain the services of outside experts and consultants and provide bonuses of up to \$25,000 per employee.

**M. H.R. 4167, the "Protecting America's Distribution Transformer Supply Chain Act"**

Rep. Hudson introduced this legislation on June 15, 2023. H.R. 4167 would prohibit DOE from imposing new efficiency standards for distribution transformers until 5 years after the date of enactment. Under the legislation, the current standards for distribution transformers that were published in 2013 would remain in effect in the intervening period of time.

**N. H.R. \_\_\_, the "Hands Off Our Home Appliances Act"**

This legislation would amend the Energy Policy and Conservation Act (EPCA) to reform DOE's procedures for issuing energy efficiency standards. The legislation would prohibit DOE from prescribing any new or amended energy efficiency standards for a product that is not technologically feasible and economically justified. The legislation defines a minimum threshold for energy or water savings that must be achieved to justify a new regulation, and would establish several new factors that DOE must consider, including the cost to low-income households, and the full lifecycle costs associated with requiring consumers to purchase a new qualifying appliance. (Rep. Lesko is expected to introduce this legislation.)

**O. H.R. \_\_\_, the "Guaranteeing Reliable Infrastructure Development (GRID Act) Act"**

This legislation would amend the Federal Power Act (FPA) to require coordination between the Federal Energy Regulatory Commission (FERC) and any Federal agency that promulgates a regulation that could threaten the reliable operation of the bulk power system. The legislation would ensure that electric reliability authorities are given adequate input in the regulatory process when such regulations pose a threat to grid reliability or resource adequacy. (Rep. Duncan is expected to introduce this legislation.)

**P. H.R. \_\_\_\_, the “Affordable HOMES Act”**

This legislation would repeal section 413 of the Energy Independence and Security Act of 2007 relating to energy efficiency standards applicable to manufactured housing. The legislation would also render the final rule titled “Energy Conservation Program: Standards for Manufactured Housing” published in the Federal Register on May 31, 2022, to have no force or effect. (Rep. Bucshon is expected to introduce this legislation.)

**Q. H.R. 4045, the “Hydropower Clean Energy Future Act”**

Chair McMorris Rodgers introduced this legislation on June 12, 2023. H.R. 4045 would amend the FPA to modernize the hydropower licensing process and promote next-generation hydropower projects. The legislation would expedite the non-Federal hydropower licensing process by requiring FERC, and all resource agencies with responsibilities in the licensing process, to establish a schedule and coordinate reviews, subject to interagency dispute resolution by Council on Environmental Quality (CEQ) and penalties for failure to meet scheduled deadlines. The legislation would also create an expedited 2-year licensing process for next-generation hydropower facilities and allow for regulatory exemptions for a small hydropower project if it is unlikely to threaten protected species.

**III. STAFF CONTACTS**

If you have any questions regarding this markup, please contact Mary Martin, Peter Spencer, or Brandon Mooney of the Committee Staff at (202) 225-3641.