

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. R. No. 518

Representative Stein

Cosponsors: Representatives Wiggam, Romanchuk, Gavarone, Cupp, Anielski, Sweeney, Greenspan, Duffey, Brinkman, Seitz, DeVitis, Roegner, Henne, Butler, Merrin, Schuring, West, Retherford, Lang, Manning, Rogers, Young, Lipps, Holmes, Becker, Green, Brenner, Hambley, Kick, Ryan, Perales, LaTourette, Schaffer, Hood, Koehler, Huffman, Hoops, Riedel, Faber, McClain, Reineke, Arndt, Johnson, Wilkin, Scherer, Speaker Smith, Representatives Thompson, Cera, Hill, Patterson

A RESOLUTION

To petition the United States Department of Energy	1
to promulgate rules and establish programs	2
allowing states, in collaboration with the	3
Department, to develop new nuclear technologies	4
and laboratories and construct nuclear	5
experimentation containment facility testing	6
platforms.	7

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF OHIO:

WHEREAS, The United States Department of Energy (USDOE) has	8
nuclear energy development agreements with foreign nations such	9
as China; and	10

WHEREAS, The State of Ohio has the sovereign right to	11
protect its citizens, protect its environment, and improve its	12
economy, if doing so does not negatively affect any other state	13

within the United States; and 14

WHEREAS, The federal government has failed to provide for a 15
national long-term repository for our nation's high-level 16
nuclear waste; and 17

WHEREAS, Ohio's nuclear reactors produce high-level nuclear 18
waste, and this waste is currently stored on-site in temporary 19
facilities; and 20

WHEREAS, The federal government has failed to provide a 21
stable, secure, and economically viable supply of medical 22
isotopes; and 23

WHEREAS, Ohio's hospitals use lifesaving medical isotopes 24
in diagnostic imaging and in the treatment of diseases such as 25
cancer; and 26

WHEREAS, There are known technologies, and new fields of 27
study that are developing technologies, that can consume high- 28
level nuclear waste and produce medical isotopes; and 29

WHEREAS, 42 U.S.C. 2013 directs authorized federal agencies 30
to: 31

(A) Encourage widespread participation in the development 32
and utilization of atomic energy for peaceful purposes to the 33
maximum extent consistent with the common defense and security 34
of the nation and with the health and safety of the public in 35
mind; and 36

(B) Administer domestic activities and programs consistent 37
with the policies and programs for nuclear activities, with 38
international arrangements, and with agreements for cooperation; 39
and 40

WHEREAS, 42 U.S.C. 2021 provides: 41

(A) That the federal government and its authorized agencies 42
must do the following: 43

(1) Recognize the interests of the states in the peaceful 44
uses of atomic energy; and 45

(2) Promote an orderly regulatory pattern with respect to 46
nuclear development, without federally exclusive powers to 47
develop nuclear technologies, and within federally defined 48
regulatory powers overseeing the handling and storage of nuclear 49
materials; and 50

(B) That, as the states improve their capabilities to 51
regulate effectively such nuclear materials, additional 52
legislation may be desirable; and 53

WHEREAS, 42 U.S.C. 2021 provides for the establishment of 54
procedures and criteria for discontinuance of certain federal 55
regulatory responsibilities with respect to byproduct, source, 56
and special nuclear materials, and the assumption of those 57
responsibilities by the states; and 58

WHEREAS, 42 U.S.C. 5801 transferred the authority for the 59
development of nuclear technology from the Atomic Energy 60
Commission to the Energy Research and Development 61
Administration, and 42 U.S.C. 7151 transferred the authority 62
from the Energy Research and Development Administration to the 63
USDOE, and 42 U.S.C. 5841 transferred the licensing and 64
regulation of nuclear reactors from the Atomic Energy Commission 65
to the United States Nuclear Regulatory Commission (USNRC); and 66

WHEREAS, The Administrative Procedure Act, 5 U.S.C. 551, 67
and 553, requires each federal agency to "give an interested 68
person the right to petition for the issuance, amendment, or 69
repeal of a rule" and defines a "person" to include an 70
individual, partnership, corporation, association, or public or 71
private organization other than an agency; and 72

WHEREAS, The House of Representatives of the State of Ohio 73
is a public organization other than an agency of the federal 74

government and is recognized as a person by the Administrative 75
Procedure Act, 5 U.S.C. 551, and therefore has the legal right 76
to petition federal agencies regarding the issuance of rules; 77
and 78

WHEREAS, Directives from Congress to the USNRC to provide 79
safety, and to the USDOE to provide for a program of maximum 80
development of nuclear technologies, are in opposition to each 81
other, if taken to an extreme; and 82

WHEREAS, The widespread domestic participation in the 83
development and utilization of atomic energy for peaceful 84
purposes to the maximum extent consistent with international 85
arrangements and international agreements of cooperation is 86
largely dependent upon the cost of regulation; and 87

WHEREAS, Regulations promulgated by the USNRC have become 88
so prohibitively expensive that they prevent the maximum 89
development of nuclear technologies; and 90

WHEREAS, The intent of the laws passed by the United States 91
Congress is clear that as states gain greater expertise with 92
nuclear materials, they should be allowed greater research and 93
development autonomy consistent with international arrangements 94
and that of international agreements of cooperation; and 95

WHEREAS, The House of Representatives of the State of Ohio 96
recognizes that the decentralization of nuclear research and 97
development from the federal government to the states will help 98
to accelerate innovation in the development of nuclear 99
technologies and allow the United States to once again lead the 100
world in the development of nuclear technologies; and 101

WHEREAS, It is not the purpose or mission of the USNRC to: 102

(A) Provide and encourage widespread participation in the 103
development and utilization of atomic energy for peaceful 104
purposes to the maximum extent consistent with the common 105

defense and security of the nation; 106

(B) Provide a program administering domestic activities and 107
programs consistent with policies and programs of nuclear 108
activities, with international arrangements, and with 109
international agreements for cooperation; and 110

(C) Recognize the interests of the states in the 111
development of peaceful uses of atomic energy; and 112

WHEREAS, The State of Ohio has the sovereign right to 113
research and develop new nuclear technologies for peaceful 114
purposes, to improve the Ohio economy, to ensure a stable supply 115
of isotopes for Ohio citizens, to reduce and consume high-level 116
nuclear waste, and to generate energy for Ohioans; and 117

WHEREAS, The State of Ohio has an interest in developing 118
new nuclear technologies to produce medical isotopes, industrial 119
isotopes, isotopes for space exploration, and isotopes for the 120
peaceful defense of our nation; technologies to consume nuclear 121
waste produced in Ohio; and safer and more cost-effective 122
nuclear technologies that produce zero carbon energy and less 123
high-level nuclear waste than traditional light water reactors; 124
now therefore be it 125

RESOLVED, That we, the members of the House of 126
Representatives of the 132nd General Assembly of the State of 127
Ohio, hereby petition the USDOE, under its authority, to 128
promulgate rules and establish programs that will allow states 129
and their agents to collaboratively develop new nuclear 130
technologies with the USDOE, including, but not limited to, the 131
development of small nuclear reactors that are designed to 132
produce ten megawatts or less of thermal energy, thus providing 133
for a program of maximum development that recognizes the 134
interests of states; and be it further 135

RESOLVED, That we, the members of the House of 136

Representatives of the 132nd General Assembly of the State of 137
Ohio, hereby petition the USDOE to promulgate rules and programs 138
that will allow states to develop collaborative nuclear and non- 139
nuclear laboratories with the USDOE on currently licensed or 140
formerly licensed nuclear facility grounds, within their 141
respective states, and allow for the construction of 142
collaborative nuclear experimentation containment facility 143
testing platforms; and be it further 144

RESOLVED, That the Clerk of the House of Representatives 145
transmit duly authenticated copies, formatted according to USDOE 146
rules for rulemaking petitions, by registered postal mail or by 147
any other means that confirms delivery, receipt, and acceptance 148
of this petition to the USDOE Office of the General Counsel, GC- 149
1, Attention: John T. Lucas, United States Department of Energy, 150
1000 Independence Avenue, S.W., Washington D.C. 20585; and be it 151
further 152

RESOLVED, That the Clerk of the House of Representatives 153
transmit electronic copies to: Eric J. Fygi, Deputy General 154
Counsel, at eric.fygi@hq.doe.gov; Mary Therese Keokuk, Executive 155
Assistant to the Deputy General Counsel, at 156
therese.keokuk@hq.doe.gov; Daniel Cohen, Assistant General 157
Counsel for Legislation, Regulation, and Energy Efficiency, at 158
daniel.cohen@hq.doe.gov; and Elizabeth Kohl, Deputy Assistant 159
General Counsel for Legislation and Regulation, at 160
elizabeth.kohl@hq.doe.gov. 161