

117TH CONGRESS
2D SESSION

H. R. 9351

To require the Nuclear Regulatory Commission to distribute an optional and anonymous survey to certain Commission employees to ultimately find solutions to improve the efficiency and effectiveness of the Commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 2022

Mr. DONALDS (for himself, Mr. FLEISCHMANN, Mr. NEHLS, Mr. BISHOP of Georgia, Ms. MACE, and Mr. POSEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require the Nuclear Regulatory Commission to distribute an optional and anonymous survey to certain Commission employees to ultimately find solutions to improve the efficiency and effectiveness of the Commission, 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 “Nuclear Regulatory
5 Commission Survey Act” or the “NRC Survey Act”.

6 **SEC. 2. NRC SURVEY.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) The Commission is an independent agency
2 created by Congress in 1974 to ensure the safe use
3 of radioactive materials and nuclear power for bene-
4 ficial civilian purposes while protecting people and
5 the environment.

6 (2) The mission of the Commission is to regu-
7 late the national civilian use of nuclear byproducts,
8 nuclear sources, and special nuclear materials to en-
9 sure adequate protection of public health and safety,
10 to promote the common defense and security, and to
11 protect the environment.

12 (3) Before commercial nuclear technology can
13 be deployed in the United States, it must be ap-
14 proved by the Commission.

15 (4) Historically, the Commission has been a
16 thorough, methodical, and conservative agency and
17 is considered to be the gold standard in the world
18 with respect to regulating nuclear power.

19 (5) The Commission is a technically competent
20 agency that seeks strategies to successfully mod-
21 ernize its approach to license the next generation of
22 nuclear reactors.

23 (6) Current licensing procedures through the
24 Commission are very prescriptive and based pri-
25 marily on conventional pressurized water reactor de-

1 signs that have the potential to restrict nuclear inno-
2 vation.

3 (7) The existing design, licensing, and delivery
4 processes for new reactor projects are extremely ex-
5 pensive and have lengthy timelines compared to such
6 design, licensing, and delivery processes in other
7 countries.

8 (8) The Commission reports directly to Con-
9 gress each year and is an independent agency that
10 is not a part of the executive branch.

11 (b) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that Congress—

13 (1) recognizes the need for the Commission to
14 maintain public trust by keeping the nuclear indus-
15 try safe while also recognizing the need for increased
16 efficiency to license nuclear reactors in the United
17 States;

18 (2) understands that asking for continued
19 transparency from the Commission relating to the
20 development and licensing of nuclear reactors is im-
21 portant for Congress and the American public;

22 (3) stresses the need for the Commission to
23 modernize its regulatory regime to facilitate efficient
24 licensing of innovative next-generation nuclear tech-
25 nology; and

1 (4) believes that unnecessarily long licensing re-
2 views raise significant barriers to investment, reduce
3 customer interest in advanced reactors, and threaten
4 the long-term deployment potential of nuclear reac-
5 tors for the next generation.

6 (c) NRC EMPLOYEE SURVEY.—

7 (1) IN GENERAL.—Not later than 60 days after
8 the date of enactment of this Act, the inspector gen-
9 eral shall draft and distribute an optional and anon-
10 ymous survey, in accordance with paragraphs (3)
11 and (4), to covered employees.

12 (2) REPORT.—Not later than 60 days after the
13 date of distributing the survey to covered employees
14 pursuant to paragraph (1), the inspector general
15 shall submit to the appropriate congressional com-
16 mittees a report containing—

17 (A) an unbiased cumulative summary of
18 the responses to each question of such survey;

19 (B) a document that contains every indi-
20 vidual response to each question of such survey;
21 and

22 (C) any other information the inspector
23 general determines necessary or appropriate.

1 (3) CONTENTS OF SURVEY.—The survey draft-
2 ed and distributed under paragraph (1) shall inquire
3 about the following:

4 (A) Any enhancements that can be made
5 to existing licensing frameworks utilized by the
6 Commission to increase the efficiency, timeli-
7 ness, and predictability of engagements between
8 the Commission and licensees.

9 (B) How the Commission could improve
10 the process of preparing for and learning about
11 the technical details of each proposed nuclear
12 reactor in a licensing application.

13 (C) How the Commission could improve
14 outreach to stakeholders, including any rec-
15 ommendations with respect to changing the ex-
16 isting policies of the Commission relating to
17 public engagement.

18 (D) Whether the Commission implemented
19 a risk-informed and performance-based ap-
20 proach to reviewing licensing applications and,
21 if implemented, how the Commission has imple-
22 mented such approach to reviewing licensing
23 applications.

24 (E) Examples of laws or regulations relat-
25 ing to nuclear energy that—

1 (i) may be unnecessary, irrelevant, or
2 duplicative;

3 (ii) need to be revised for modern ad-
4 vanced reactors; and

5 (iii) negatively affects the effectiveness
6 and efficiency of the Commission.

7 (F) How the Commission could maximize
8 the efficiency of licensing reactors that are
9 similar to reactors that are already licensed by
10 the Commission.

11 (G) How efficient the Commission would
12 be in reviewing licensing applications if the
13 Commission reviewed licensing applications
14 through a holistic approach instead of a chap-
15 ter-by-chapter approach.

16 (H) How providing clear expectations and
17 targets for achievable review milestones for po-
18 tential applicants would affect the process of re-
19 viewing and approving licensing applications.

20 (I) Suggestions for Congress to revise or
21 clarify any terms and definitions relating to nu-
22 clear energy that—

23 (i) are used within the scope of em-
24 ployment for covered employees;

25 (ii) may be outdated;

1 (iii) have inconsistencies in term
2 usage or definitions across different laws
3 and regulations; or

4 (iv) with respect to terms and defini-
5 tions relating to nuclear energy in laws
6 and regulations, used within the scope of
7 employment for covered employees.

8 (J) Any term, and the corresponding defi-
9 nition, relating to nuclear energy and nuclear
10 waste matters in laws and regulations, that are
11 used within the scope of employment for cov-
12 ered employees, that—

13 (i) may be outdated and in need of re-
14 vision;

15 (ii) have—

16 (I) inconsistencies in the defini-
17 tion of such term across different laws
18 and regulations; or

19 (II) inconsistencies in the defini-
20 tion of such term across different
21 agencies; and

22 (iii) may affect potential innovation in
23 the nuclear industry due to the inconsis-
24 tencies described in clause (ii) in the defini-
25 tion of such term.

1 (K) Suggestions to Congress to clarify any
2 inconsistencies described in paragraph
3 (3)(J)(ii).

4 (L) Whether covered employees feel a
5 sense of urgency when reviewing a licensing ap-
6 plication.

7 (M) Whether covered employees believe
8 that the lack of efficient licensing is hampering
9 nuclear innovation and dissuading American
10 companies from getting involved in the nuclear
11 industry.

12 (N) Whether covered employees believe
13 that the Commission is capable of approving
14 potentially hundreds of new licensing applica-
15 tions, including licensing applications for fission
16 reactors and fusion reactors, in a timely man-
17 ner over the course of the upcoming decades.

18 (O) Suggestions to redefine the overall
19 mission statement and mandate of the Commis-
20 sion so that such mission statement and man-
21 date reflects the goals of maintaining safety
22 and promoting nuclear innovation.

23 (P) Challenges a covered employee faces on
24 a daily basis within the scope of employment of

1 such covered employee and how Congress could
2 alleviate such challenges.

3 (Q) How the current funding structure of
4 the Commission affects the ability of the Com-
5 mission to—

6 (i) engage in rulemaking or licensing
7 review;

8 (ii) educate covered employees; and

9 (iii) conduct research to support risk-
10 informed and performance-based regula-
11 tions.

12 (R) How the current funding structure of
13 the Commission may inhibit private companies
14 from—

15 (i) rapidly acquiring licenses for new
16 nuclear reactors; and

17 (ii) suggesting improvements to the
18 Commission, if any, to such funding struc-
19 ture.

20 (S) Any obstacles imposed by the Commis-
21 sion that—

22 (i) negatively affect American nuclear
23 competitiveness; and

24 (ii) should be removed.

1 (T) How the Commission could improve
2 the resolution of disagreements between appli-
3 cants and covered employees.

4 (U) Recommendations on improving com-
5 munication between the Commission and appli-
6 cants with respect to providing an early and
7 predictable timeline and estimated costs of the
8 licensing application process, including
9 preapplication review and application review.

10 (V) Whether the Advisory Committee on
11 Reactor Safeguards (established under section
12 29 of the Atomic Energy Act of 1954 (42
13 U.S.C. 2039)) is effectively and efficiently re-
14 viewing safety studies and licensing applica-
15 tions, or whether the role of the Advisory Com-
16 mittee on Reactor Safeguards—

17 (i) is unnecessary and redundant with
18 the existing review process by the Commis-
19 sion; and

20 (ii) ultimately impedes nuclear innova-
21 tion.

22 (W) How the Commission is using artifi-
23 cial intelligence, whether the functions of the
24 Commission could be improved if the Commis-
25 sion adopted an AI-friendly culture, and what

1 organizational challenges the Commission would
2 face in adopting and using a broader range of
3 artificial intelligence.

4 (X) How digitizing old data and informa-
5 tion may improve the overall efficiency of the
6 Commission, the steps taken to digitize such
7 data and information, and any challenges the
8 Commission is facing or will face in digitizing
9 such data and information.

10 (Y) Challenges the Commission faces with
11 relying on data from safety and performance
12 data simulations of proposed nuclear reactors
13 during the application review.

14 (Z) How effective the Commission is at
15 communicating to applicants, potential appli-
16 cants, and nuclear stakeholders about changes
17 made to the regulatory process.

18 (AA) Whether any new requirements or
19 processes implemented following the nuclear ac-
20 cident in Fukushima may have inadvertently
21 changed the culture and safety precautions of
22 the Commission in a negative manner, including
23 any unnecessary and burdensome regulations
24 that were promulgated due to such nuclear acci-
25 dent.

1 (BB) How to make the budget and fee
2 processes of the Commission more transparent.

3 (CC) Whether the Commission is taking
4 appropriate actions to hire highly skilled, tech-
5 nical individuals to prepare for the future influx
6 of licensing new nuclear reactors.

7 (DD) Whether the Federal Government
8 should standardize the definition of nuclear
9 waste.

10 (EE) The effectiveness of topical reports in
11 the licensing process, how topical reports im-
12 prove the efficiency of the licensing process, any
13 challenges that are involved with topical re-
14 ports, and suggestions on how to improve the
15 timeliness of reviewing and approving topical
16 reports.

17 (FF) In the event the use of a topic report
18 is not applicable, the effectiveness of other
19 forms of preapplication engagement, including
20 how the Commission and potential applicants
21 may reach a resolution or binding conclusions
22 on key issues in a timely manner.

23 (GG) How the Commission could navigate
24 environmental impact statements in an efficient
25 and effective manner, and any challenges that

1 arise while performing and reviewing environ-
2 mental impact statements.

3 (HH) Any lessons the Commission can
4 learn from foreign governmental agencies that
5 govern nuclear energy.

6 (II) Any other question that the inspector
7 general, in consultation with the Commissioners
8 of the Commission, determines appropriate.

9 (4) ADDITIONAL LANGUAGE.—The survey
10 drafted and distributed under paragraph (1) shall
11 include at the top of the survey a statement that—

12 (A) describes the intent of this Act in rela-
13 tion to the purpose of the survey drafted and
14 distributed under paragraph (1); and

15 (B) assures covered employees that there
16 will be no repercussions or consequences from
17 taking such survey.

18 (d) STAKEHOLDER SURVEY.—

19 (1) IN GENERAL.—Not later than 60 days after
20 the date of enactment of this Act, the inspector gen-
21 eral shall, if feasible, draft and distribute a survey
22 similar to the survey under subsection (c) to stake-
23 holders in the nuclear industry in accordance with
24 this subsection.

25 (2) PARTICIPATION.—

1 (A) STAKEHOLDER REQUEST.—If feasible,
2 in distributing a survey under paragraph (1),
3 the inspector general shall distribute such sur-
4 vey to a stakeholder in the nuclear industry
5 only upon request by such stakeholder.

6 (B) ANONYMITY.—If feasible, the inspector
7 general shall establish a process that allows
8 stakeholders in the nuclear industry to anony-
9 mously request to participate in the survey
10 under subsection (a).

11 (C) NOTIFICATION.—If stakeholders in the
12 nuclear industry are able to anonymously re-
13 quest to participate in the survey under this
14 subsection, not later than 5 days after the date
15 the Commission distributes the survey described
16 in subsection (c), the inspector general shall no-
17 tify such stakeholders that have previously en-
18 gaged with the Commission, and such stake-
19 holders that are engaged in discussions with the
20 Commission at a time after the date of enact-
21 ment of this Act, about the opportunity to par-
22 ticipate in the survey under paragraph (1).

23 (3) REPORT.—Not later than 60 days after the
24 date of distributing the survey described in para-
25 graph (1), the inspector general shall transmit to the

1 appropriate congressional committees a report, ac-
2 companying the report in subsection (c)(2), con-
3 taining—

4 (A) an unbiased cumulative summary of
5 the responses to each question of such survey;

6 (B) a document that contains each indi-
7 vidual response to each question of such survey;
8 and

9 (C) any other information the inspector
10 general determines necessary or appropriate.

11 (e) EXCLUDED ACTIVITY FROM COST-RECOVERY RE-
12 QUIREMENT.—Section 102(b)(1)(B) of the Nuclear En-
13 ergy Innovation and Modernization Act (Public Law 115-
14 439; 132 Stat. 5565) is amended by adding at the end
15 the following:

16 “(iv) Costs for activities related to
17 drafting and distributing surveys under the
18 Nuclear Regulatory Commission Survey
19 Act.”.

20 (f) DEFINITIONS.—In this section:

21 (1) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term “appropriate congressional com-
23 mittees” means—

1 (A) the Committee on Energy and Com-
2 merce and the Committee on Oversight and Re-
3 form of the House of Representatives; and

4 (B) the Committee on Energy and Natural
5 Resources and the Committee on Environment
6 and Public Works of the Senate.

7 (2) COMMISSION.—The term “Commission”
8 means the Nuclear Regulatory Commission.

9 (3) COVERED EMPLOYEE.—The term “covered
10 employee” means any applicable employee of the
11 Commission.

12 (4) INSPECTOR GENERAL.—The term “inspec-
13 tor general” means the inspector general of the
14 Commission.

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