

**As Adopted by the House**

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**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, Landis, Carfagna, Ginter, Hagan, Miller, Patton, Sprague**

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**A R E S O L U T I O N**

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 uses of atomic energy; and

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

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

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

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

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

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

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