



Comments of the Regulatory Action Center

Re: Development of Nuclear Energy Technologies and Collaboration with States on Nuclear Development

Docket ID: DOE_FRDOC_0001-4147

March 4, 2021

The Regulatory Action Center at FreedomWorks Foundation is dedicated to educating Americans about the impact of government regulations on economic prosperity and individual liberty. FreedomWorks Foundation is committed to lowering the barrier between millions of FreedomWorks citizen activists and the rule-making process of government bureaus to which they are entitled to contribute.

On behalf of over 5.7 million activists nationwide, FreedomWorks Foundation appreciates the opportunity to offer these comments regarding the notice and request for comments on Development of Nuclear Energy Technologies and Collaboration with States on Nuclear Development (DOE_FRDOC_0001-4147). This notice seeks comment on the petition from Mr. Ken Kay requesting the the Department of Energy (DOE) promulgate rules to allow States and their agents to collaborate with DOE on development of new nuclear technologies, including small nuclear reactors.

The DOE has long held a stranglehold over the development of nuclear technology and nuclear energy production. While states have their own development programs for other energy sources like wind, solar, natural gas, and oil, they have been prevented from engaging in meaningful nuclear development. As an industry that already provides nearly half a million jobs and a significant portion of the nation's energy production, the DOE should extend more opportunities to states to collaborate on development of new nuclear technology. More importantly, in light of the Biden administration's stated goal of achieving "a carbon pollution-free electricity sector no later than 2035," granting this petition presents the Department with an opportunity to support the development of the largest source of emissions-free energy in the country.¹

Nuclear energy generation, which had been sharply increasing since 1970, began to plateau in 2000.² While, according to the Department, nuclear energy currently provides "more

¹ Exec. Order 14008. *Tackling the Climate Crisis at Home and Abroad*. 86 FR 7619. January 27, 2021.

<https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>

² U.S. Energy Information Administration. *Monthly Energy Review*. February 23, 2021.

<https://www.eia.gov/totalenergy/data/monthly/>



than half of the nation’s emissions-free electricity,” many note that closures and lack of public support will lead to stark declines in nuclear production in the future.³ For example, the International Energy Agency (IEA) has repeatedly warned that a “nuclear fade case” would have dramatic, international implications for energy security and reliability.⁴ In light of this, the DOE should support the continued development of nuclear production in America. Increasing coordination and collaboration with states and their agents is one way the Department should support this effort.

As a significant source of emissions-free energy, nuclear production is often overlooked in discussion surrounding the so-called “green energy transition.” According to the IEA, “Over the past 50 years, the use of nuclear power has reduced CO2 emissions by over 60 gigatonnes – nearly two years’ worth of global energy-related emissions.”⁵ Yet, the United States is currently dedicating itself to building out other, less reliable sources of renewable energy.

One of the main benefits of nuclear production over other renewable sources is reliability. While nuclear plants can produce around-the-clock for months or years at a time, alternative renewable sources like wind and solar are renowned for their unreliability. Solar panels are far less efficient on cloudy days, not to mention nighttime. While efficiency for wind turbines has dramatically increased in recent years, their production is also subject to the weather. Nuclear plants, on the other hand, are a source of reliable, efficient, and emissions free energy year round. The recent collapse of the electrical grid in Texas is a testament to the importance of reliable energy sources.

As Texas was hit with a “once in a generation” winter storm in February 2021, energy loads soared while several production plants went offline due to both weather and management decisions by the Electric Reliability Council of Texas (ERCOT). A significant portion of the production drop came from wind turbines that were not producing while the grid was overloading. While the lack of weatherization certainly had a large impact on the grid, the reliance on unreliable sources, coupled with a lack of reserve margin production, left millions of Texans without power as temperatures plummeted.⁶ This is one situation where the reliability and flexibility of nuclear generation would have been incredibly useful in preserving the Texas

³ Office of Nuclear Energy. *Advantages and Challenges of Nuclear Energy*. January 26, 2021. <https://www.energy.gov/ne/articles/advantages-and-challenges-nuclear-energy>

⁴ International Energy Agency. *Nuclear Power in a Clean Energy System*. May 2019. <https://www.iea.org/reports/nuclear-power-in-a-clean-energy-system>

⁵ Ibid.

⁶ Jason Issac, Brent Bennett, and Katie Tahuahua. “The Texas Power Outage Started With Bad Policy.” *Texas Public Policy Foundation*. February 17, 2021. <https://www.texaspolicy.com/the-texas-power-outage-started-with-bad-policy/>



grid. As the International Atomic Energy Agency explains, “Nuclear power plants can also operate flexibly to meet fluctuations in energy demand and provide stability to electrical grids, particularly those with high shares of variable renewable sources.”⁷

Unfortunately, while interest in unreliable sources of renewable energy like wind and solar has skyrocketed, support for nuclear production has waned. Images in popular culture of nuclear meltdown at Chernobyl, Three Mile Island, and Fukushima have terrified the world, in spite of their relative rarity. The DOE notes that “licensing and regulation approvals, coupled with long lead times and construction delays, have also deterred public interest.”⁸ By collaborating with states on nuclear technology, DOE could simultaneously ease the licensing and regulatory issues that delay development and encourage increased nuclear production nationwide. Given the astronomical amount both the federal and state governments are spending to subsidize development on unreliable sources of renewable energy, the DOE should seriously consider increasing their support for reliable, renewable energy in the form of nuclear power.

Although there are very serious safety, national security, and environmental concerns that warrant strict government control of nuclear energy production, these issues should not preclude the DOE from collaborating with states that wish to develop nuclear production. Granting this petition and promulgating rules that allow greater collaboration on the development of nuclear production and technology would support the transition to renewable energy. Furthermore, it would provide states with a more reliable source of alternative energy. Hopefully, DOE will accept this petition and take immediate action to reverse the apparent decline in nuclear production.

Respectfully submitted,

Luke Hogg
Policy Analyst
FreedomWorks Foundation

⁷ Nicole Jawerth. “What is the Clean Energy Transition and How Does Nuclear Power Fit In?” *IAEA Bulletin*. Vol. 61-3. September 2020.
<https://www.iaea.org/nuclear-power-and-the-clean-energy-transition/what-is-the-clean-energy-transition-and-how-does-nuclear-power-fit-in>

⁸ Office of Nuclear Energy. *Advantages and Challenges of Nuclear Energy*. January 26, 2021.
<https://www.energy.gov/ne/articles/advantages-and-challenges-nuclear-energy>