

117TH CONGRESS
1ST SESSION

H. R. 4394

To ensure the continued operation of the Diablo Canyon power plant, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2021

Mr. NUNES (for himself, Mr. MCCARTHY, Mr. CALVERT, Mr. LAMALFA, Mr. GARCIA of California, Mr. VALADAO, Mr. OBERNOLTE, Mr. MCCLINTOCK, Mr. ISSA, Mrs. STEEL, and Mrs. KIM of California) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To ensure the continued operation of the Diablo Canyon
power plant, 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 “Clean Energy Protec-
5 tion Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Between 2010 and 2020, California’s elec-
2 tricity prices jumped by 39.5 percent, which was the
3 biggest increase of any State in the United States.

4 (2) In 2020, electricity prices increased by 7.5
5 percent in California, and electricity prices were the
6 third highest in the continental United States.

7 (3) Higher electricity prices affect the poor the
8 most, including those who are aging, ill, and on fixed
9 incomes.

10 (4) More than 800,000 homes and businesses in
11 California lost power in August 2020.

12 (5) One third of California’s energy is imported
13 from other States, and such States may choose to
14 serve their own citizens first as was the case in
15 2020, leaving Californians in the dark.

16 (6) State regulators in 2013 closed the San
17 Onofre nuclear power plant that supplied electricity
18 to 1.4 million households.

19 (7) Following the closure of the San Onofre nu-
20 clear power plant, CO₂ from California-based elec-
21 tricity greenhouse gas generation started increasing.

22 (8) In 2018, former California Governor Jerry
23 Brown issued Executive Order B–55–18, mandating
24 that California achieve carbon neutrality no later
25 than 2045.

1 (9) In 2018, California regulators approved the
2 request to shut down both of Diablo Canyon’s nu-
3 clear reactors, totaling 2,240 megawatts, when their
4 operating licenses expire in 2024 and 2025. Cali-
5 fornia regulators also made a commitment to pre-
6 vent an increase in global warming emissions due to
7 Diablo Canyon’s closure, which was codified into law
8 by the State legislature in 2018.

9 (10) Diablo Canyon produces about 18,000
10 gigawatt-hours of electricity annually, which ac-
11 counts for nearly 10 percent of California’s electric
12 generation.

13 (11) Based on the California Association of
14 Independent Operators modeling assessment of the
15 California Public Utilities Commission’s 38 million
16 metric ton greenhouse gas target portfolio, the 2025
17 closure of Diablo Canyon power plant would con-
18 tribute to a significant resource deficiency totaling
19 3,493 megawatts in effective capacity in 2026.

20 (12) Nuclear energy generates nearly 20 per-
21 cent of the electricity in the United States, providing
22 more than 50 percent of the carbon-free electricity
23 in the United States.

24 (13) A report by the Brattle Group found that
25 the nuclear energy industry annually avoids more

1 than 471 million metric tons of carbon emissions,
2 which amounts to over \$24 billion in annual savings.

3 (14) The closure of Diablo Canyon power plant
4 comes at the very time when solar panel prices have
5 already increased 18 percent this year, after years of
6 falling prices.

7 (15) California's plans to electrify vehicles could
8 raise demand for electricity by 25 percent.

9 **SEC. 3. CONTINUED OPERATION OF DIABLO CANYON**
10 **POWER PLANT.**

11 (a) STATE PERMITS.—Notwithstanding any other
12 provision of law, California shall issue any permits, li-
13 censes, or other authorizations to the owner or operator
14 of the Diablo Canyon power plant that are necessary for
15 the continued operation of the plant.

16 (b) FEDERAL LICENSING.—Notwithstanding any
17 other provision of law, the Nuclear Regulatory Commis-
18 sion shall issue to the owner or operator of the Diablo
19 Canyon power plant a license to expand the plant's gener-
20 ating capacity by 8,000 megawatts.

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